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 www.rabbinicalcollege.edu.au/Shiurim shiurim@rabbinicalcollege.edu.au

פסחים ה' ע"ב

"של אחרים ושל גבוה"

⌘ Explanation of תוס' ח

The פסוק states "ולא יראה לך חמץ ולא יראה לך שאר בכל גבולך" – shall not be seen **to you**, and חמץ shall not be seen **to you** in all your borders. From this, the ברייתא derives the following principle: "שלך אי אתה רואה אבל אתה רואה של אחרים ושל גבוה" – **yours** you may not see, but you may see that of "others" (נכרים) or of the Most High (הקדש).

In total, the word לך is written three times in conjunction with the איסור of ימצא ובל יראה ובל ימצא; twice in the above-mentioned פסוק, and once in the פסוק of "ולא יראה לך שאר בכל גבולך שבועת ימים". The גמ' on דף כ"ג ע"א explains that each instance of לך is necessary, in order to teach the following three דינים:

1. That one may possess the חמץ of a "נכרי שלא כיבשתו" (a נכרי whom you do not dominate) or of a "אין שרוי עמך בחצר" (a נכרי who does not live with you in a courtyard), as well as the חמץ of הקדש. [As explained in Shiur 17, some ראשונים maintain that this instance of לך also permits the possession of חמץ which is הפקר, and/or the possession of חמץ which belongs to another ישראל.]
2. That one may possess even the חמץ of a "נכרי שכיבשתו" (a נכרי whom you dominate) and of a "שרוי עמך בחצר" (a נכרי who lives with you in a courtyard). [As explained in Shiur 17, the היתר to possess such חמץ cannot be derived from the first instance of לך.]
3. That the above-mentioned leniencies apply not only to שאור, but also to חמץ. [Technically, there is a difference between the two; שאור refers to inedible dough which is used as a leavening agent in other doughs, whereas חמץ refers to edible dough which is not able to leaven other doughs. The גמרא in ביצה (ז' ע"ב ח) explains that each of these substances contains a property that the other does not: On the one hand, the leavening power of שאור far exceeds that of חמץ, whereas on the other hand, חמץ is edible and שאור is not. Thus, if the תורה would have only stated that one may possess the חמץ of others, one might have thought that this leniency applies only to חמץ on account of its reduced leavening power, and not to שאור which is used as a leavening agent. Similarly, if the תורה would have only stated that one may possess the שאור of others, one might have thought that this leniency applies to שאור only because it is inedible, and not to חמץ which one is far more likely to eat. Therefore, it was necessary for the תורה to explicitly permit the possession of both the חמץ and שאור of others.]

(דף ס"ז ע"א ח) focuses on whether our סוגיא is compatible with the מנחות in גמ' (ד"ה אבל תוס'), which discusses the חלה דין in general, and which explains why the תורה stated (in במדבר ט"ז) the word "עֲרִסְתֶּכֶם" ("your dough") twice. There are two גירסאות (versions) of the סוגיא in מנחות:

1. One "עֲרֵתְתֶכֶם" excludes the dough of a נכרי from the חלה of דין; "your dough" and not the dough of a נכרי. The other "עֲרֵתְתֶכֶם" excludes the dough of הקדש from the חלה of דין; "your dough" and not the dough of a נכרי.
2. The גירסא of the "ספרים מדויקים" ("precise texts"): One "עֲרֵתְתֶכֶם" excludes the dough of a נכרי from the חלה of דין; "your dough" and not the dough of a נכרי. The other "עֲרֵתְתֶכֶם" reveals the minimum size of dough in order for it be obligated in חלה; "your dough" – the measure of מן that each individual received in the מדבר. [The size of each individual portion of מן was an "עשירית האיפה", which is equivalent to the size of 43.2 eggs.]

In our סוגיא, we see that one מיעוט (exclusion) – the word לך – is sufficient to exclude the חמץ of both a נכרי and הקדש from the איסור of ימצא ובל יראה. This can easily be reconciled with the גירסא of the "ספרים מדויקים", which does not explicitly discuss the חלה of דין. Accordingly, it is safe to assume that the instance of "עֲרֵתְתֶכֶם" which excludes the dough of a נכרי also excludes the dough of הקדש, as per our סוגיא.

However, the other גירסא of the גמ' in מנחות explicitly states that one מיעוט is **not** sufficient to exclude both a נכרי and הקדש, which is why the תורה states "עֲרֵתְתֶכֶם" twice; once to exclude the dough of a נכרי, and the other to exclude the dough of הקדש! This is contrary to our סוגיא, which indicates that one מיעוט – the word לך – is sufficient to exclude both the חמץ of a נכרי and הקדש from the איסור of ימצא ובל יראה. The ר"י דאורלייניש asks: How can these two סוגיות be reconciled?

תוס' answers (at the end of משום ד"ה) that in truth, a נכרי and הקדש are inherently different. Had the תורה stated only one מיעוט, then only one of these two would be excluded – whichever is less "yours". Thus, with regards to the חלה of דין, the תורה required two מיעוטים in order to exclude both a נכרי and הקדש. In doing so, the תורה reveals that a נכרי and הקדש are both excluded when the תורה requires something to be "yours". Therefore, when the תורה states elsewhere – even once – that the איסור of ימצא ובל יראה applies only to חמץ which is "yours", it is automatically understood that both the חמץ of both a נכרי and הקדש are excluded.

Questions on תוס'

The אחרונים note that there is a fundamental distinction between the חמץ of דין and the חלה of דין. With regards to the חמץ of דין, the איסור of ימצא ובל יראה does not apply to **any** חמץ that one does not own – even if it belongs to another ישראל. With regards to חלה however, the obligation to separate חלה certainly applies to the dough of another ישראל. In light of this distinction, both the question and answer of תוס' seem difficult to understand:

1. **The question of תוס':** The שאגת אריה notes that although a מיעוט generally excludes **one** thing only, it is still important to examine whether the מיעוט excludes one entire **category**, or just something **specific**. For example, when the תורה states that a given הלכה applies only to something which is "yours", one must examine whether the תורה is excluding **anything and everything** which is not "yours", or whether the תורה is excluding only a **specific** type of entity which is not "yours".

¹ As explained in Shiur 17, רש"י holds that the איסור of ימצא ובל יראה applies to the חמץ of another ישראל, whereas most אחרונים argue. According to רש"י then, the חמץ of דין and חלה are in fact exactly the same; they both apply to the חמץ/dough of another ישראל, but not to the חמץ/dough of a נכרי or of הקדש. If we accept this, then all of the אחרונים's questions on תוס' – detailed below – fall away. Indeed, the בית מאיר and others prove from our תוס' that they agree with רש"י. However, many אחרונים are of the opinion that תוס' argues with רש"י, and they maintain – like most ראשונים – that the איסור of ימצא ובל יראה does not apply to the חמץ of another ישראל. Accordingly, there is a distinction between חמץ and חלה, and the resulting difficulties in understanding תוס' – detailed below – must be addressed.

Now, we know that the איסור of ימצא ובל יראה does not apply to **any** חמץ which is not "yours", whether it belongs to another ישראל, to a נכרי or to הקדש. Therefore, one מיעוט suffices to exclude the entire **category** of חמץ that is not "yours"! With regards to חלה however, the תורה could not possibly have meant to exclude the entire **category** of חמץ that is not "yours", for we know that the חיוב of חלה does in fact apply to at least one entity which is not "yours" – the dough of another ישראל. Rather, each מיעוט stated with regards to חלה must only be excluding a **specific** entity which is not "yours", and a separate מיעוט is required to exclude the dough of a נכרי, and the dough of הקדש.

According to this explanation, the question of תוס' falls away! For, with regards to the איסור of ימצא ובל יראה, one מיעוט suffices to exclude both a נכרי and הקדש, being that this one מיעוט excludes **anything and everything** which is not "yours". Conversely, with regards to the דין of חלה, one מיעוט does not suffice to exclude both a נכרי and הקדש, being that each מיעוט only excludes a **specific** entity which is not "yours".

2. **The answer of תוס':** How could תוס' answer that the two מיעוטים of חלה (which exclude both a נכרי and הקדש) define the meaning of the מיעוט of חמץ (that it, too, excludes both a נכרי and הקדש)? If this is indeed the case, then why is the חמץ of another איד excluded from the איסור of ימצא ובל יראה, whereas the dough of another איד is **not** excluded from the דין of חלה? [פנ"י]

חובת הפצא OF חובת גברא

Before answering these questions, we must first examine the effect that the בעלות (ownership) of a ישראל has with regards to the דינים of ימצא ובל יראה and חלה. The מקור חיים (סי' תנ"ד in) explains that with regards to ימצא ובל יראה, the בעלות of a ישראל creates an איסור גברא (an איסור on the **person**); when a ישראל owns the חמץ, **he** may not possess it. Since the בעלות does not affect the actual חמץ, therefore, the איסור does not automatically extend to another ישראל who interacts with the חמץ. Conversely, with regards to the דין of חלה, the בעלות of a ישראל creates an איסור חפצא (an איסור on the **item**); when a ישראל owns the dough, **it** – the dough – may not be consumed before חלה is separated. Since the בעלות affects the actual dough, therefore, the איסור automatically extends to another ישראל who interacts with it.

Bearing this in mind, one could easily explain that the מיעוט of "לך" and the מיעוט of "עֲרֵסְתֶּם" **both** exclude an entire **category** – anything and everything which is not "yours". Nevertheless, there is still an important difference between חמץ and חלה: With regards to חלה, even though the תורה excludes all dough which is not "yours", nevertheless, the dough of another ישראל cannot possibly be excluded. This is because the owner's בעלות affects the actual dough, and the דין of חלה thus automatically extends to any other ישראל who interacts with the dough. Conversely, the חמץ of another ישראל can be excluded along with all the other types of חמץ which is not "yours", being that the owner's בעלות does not affect the actual חמץ, and thus, the איסור of ימצא ובל יראה does not automatically extend to any other ישראל who interacts with the חמץ.

תוס' Understanding

Accordingly, we can explain both the question and answer of תוס':

1. **The question of תוס':** One מיעוט suffices to exclude an entire category – that which is not "yours" – from the איסור of ימצא ובל יראה. From this, we derive that one is פטור for any חמץ that he does not own, be it the חמץ of another ישראל, a נכרי, or of הקדש. Accordingly, one מיעוט should also be sufficient to exclude an entire category – that which is not "yours" – from the דין of חלה! From this, we would be able to derive that one is פטור for any dough that belongs to a נכרי or to הקדש, but that one is still חייב for the dough of another ישראל, being that his בעלות affects the actual dough. If so, why are two מיעוטים required for the דין of חלה?

2. **The answer of הוסי:** With one מיעוט, one would not have automatically categorized the הקדש and a נכרי together, for they are both not “yours” in very different ways. Thus, with regards to the דין of חלה, the תורה required two מיעוטים in order to exclude the dough of a נכרי and of הקדש. In doing so, the תורה reveals that whenever it requires something to be “yours”, the belongings of הקדש and a נכרי may be lumped together and excluded simultaneously. Now, if these two diametrically opposite entities can be categorized together, then it follows that the belongings of another ישראל may also be categorized together and simultaneously excluded along with the belongings of הקדש and a נכרי. However, as explained above, we know that the dough of another ישראל **cannot** be excluded from the דין of חלה, on account of another reason; the בעלות of the other ישראל affects the actual dough, and by extension, anyone who interacts with it. Conversely, when the תורה states – even once – that the איסור of ימצא ובל יראה applies only to חמץ which is “yours”, this simultaneously excludes all חמץ which is not yours; be it the חמץ of a נכרי, of הקדש, or of another ישראל. As explained above, the חמץ of another ישראל **can** be excluded from the איסור of ימצא ובל יראה, being that the בעלות of the other ישראל does not affect the actual חמץ.