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פסחים ל״ח
The Chicago Center TORAH • CHESED • REFUAH

OVERVIEW of the Daf

1) Ma'aser Sheni

R' Assi identifies three applications (challah, matzah and esrog) of the disagreement between R' Meir and Chachamim, regarding the question of whether ma'aser sheni belongs to the person himself or Hashem,

After a failed challenge to R' Assi's statement the Gemara suggests, unsuccessfully, a proof for his assertion from a Baraisa.

Reish Lakish asked whether, according to R' Akiva, a person could fulfill his matzah obligation with challah made from ma'aser sheni grain.

According to a second version, Reish Lakish inquired, according to R' Yehudah, whether a person could fulfill his matzah obligation with challah purchased with ma'aser sheni money.

Rava answers that it is logical that in both cases one fulfills his obligation.

2) Unleavened loaves of a korbon todah and wafers from the nazir's korbon

Rabbah and R' Yosef present different sources that indicate that one may not use the loaves from a korbon todah or the wafers from a nazir's korbon for the mitzvah of matzah.

A Baraisa is cited that corroborates each opinion.

The Gemara unsuccessfully challenges Rabbah and R' Yosef with an alternative source for this halachah.

A Baraisa is cited that discusses the issue of using the loaves from a korbon todah or the wafers from a nazir's korbon, for the mitzvah of matzah. ■

REVIEW and Remember

1. What is the source that one must own the matzah used for the mitzvah?

2. What are the two sources that do not permit the use of korban todah loaves for the mitzvah of matzah?

3. What are the two meanings of the phrase לחם עוני?

4. Why are korban todah loaves made to be sold I the marketplace acceptable for the mitzvah of matzah?

Distinctive INSIGHT

The loaves of Todah are disqualified for the mitzvah of matzah

רב יוסף אמר: אמר קרא שבעת ימים מצות תאכלו מצה הנאכלת לשבעת ימים יצתה זו שאינה נאכלת אלא ליום ולילה

The Gemara provides several opinions to explain the law of the Mishnah that the loaves of a Todah offering cannot be used to fulfill the mitzvah of eating matzah. Rav Yosef cites the verse which tells us that the matzah is something that is eaten for seven days—the entire duration of the holiday of Pesach. The loaves of a Todah offering (those that are matzah and not chometz) can only be eaten for a day and night following the slaughter of the animal which is brought as the offering itself. Because they cannot be eaten for the entire seven days, they would be disqualified for consideration for the mitzvah of matzah.

Minchas Chinuch (Mitzvah 10, #13) explains that this comment of Rav Yosef can only be understood according to the opinion which holds that the mitzvah of matzah is, in fact, a seven-day requirement (Pnei Yehoshua to 28b explains that this is according to R' Shimon). According to all other opinions, the mitzvah of matzah is only the first night (eating of matzah the remainder of the seven days of Pesach is an elective mitzvah, not an obligation). If the mitzvah of matzah technically only applies the first night, we cannot learn that the Torah demands that the matzah be a seven-day item.

Nonetheless, the Sifra (Emor, 151) does learn the insight of Rav Yosef even according to the opinion which understands the mitzvah of matzah to apply to the first night alone. The Sifra points out that in the verse cited by Rav Yosef (Shmos 12:15), there is a definite association (היקש) between the eating of matzah the first night, which is an obligation, and the balance of the week of Pesach, as well, which is merely an elective mitzvah. What do we learn from this association? It teaches us that the matzah of the mitzvah for the first night of Pesach must be of the type of matzah which can be consumed

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HALACHAH Highlight

Matzah must be owned "by you"

כתיב הכא [במצה] לחם עוני וכתיב התם [בהפרשת חלה] והיה באכלכם מלחם הארץ מה להלן משלכם אף כאן משלכם...

It is written here (of matzah) "lechem oni" (poor man's bread) and it says there (of taking Challah) "...when you eat from the bread of the land..." Just as there, the obligation applies when it belongs "to you," so too over here (regarding matzah) the obligation applies when it belongs "to you."

Sfas Emes[1] writes that according to this, one must be careful to use matzah which belongs to him (in order to fulfill the words "from yours"). In other words[2], one must have a degree of ownership such that he has the full legal rights even to sell it. If so, a guest at someone's home would need to attain legal ownership of the matzah (by having the owner give it to him as a legally binding present). Indeed, for the owner to give simple permission to the guest to eat from the matzah would not give the guest such all-encompassing control over the matzah. However, the common custom is not to be careful in this regard[3].

However, the Mishna Berura[4] deals with this problem and says that on the one hand, one cannot fulfill his obligation with stolen matzah. However, if one borrowed matzah, he in fact would fulfill his obligation, for he borrowed it with the full consent of the owner not to return the exact item which he borrowed. Therefore, it indeed fully belonged to the borrower. According to this understanding, a guest also has full permission to eat the matzah he is given, and it therefore belongs entirely to him[5]. See below[6] for more details. Therefore, one who follows the common practice, (of not giving matzah as a legally binding gift) has a valid opinion to rely upon. ■

1. השפ"א במסכת סוכה ל"ה א' בד"ה בגמ' אתיא
2. כ"כ שם והוכיח כן
3. ולבסוף כתב השפ"א וז"ל אכן אפשר דהעולם סומכין ע"ד הרא"ש שהתיר לקדש בטבעת שאולה דאדעתא דהכי יהיב ליה שיוכל לצאת בו. עכ"ל
4. המ"ב בסימן תנ"ד ס"ק ט"ו
5. אלא שנחלקו הראשונים מאימתי קונהו,דלרש"י בנדרים ל"ד ב' קנהו מיד שהחזיק בה. משא"כ לר"ן ורא"ש רק משעת אכילה. ומ"מ בשעת אכילה לכו"ע הוא שלו. ואפילו לט"ז באהע"ז סימן כ"ח סי"ז הסובר שאורח אינו יכול ליקח את מנתו ולקדש בו אשה, מ"מ מסתבר שהט"ז יודה לריטב"א דלהלן שע"י הלעיסה
6. ויש עוד טעם שקנאו, כריטב"א שהובא בבה"ל שם (תנ"ד ס"ד בד"ה אין) שע"י הלעיסה קנאו וכשאוכלו הוי שלו עי"ש ■

(Insight...Continued from page 1)

over the entire seven days. This is the source of the law in our Mishnah according to the explanation of Rav Yosef. This is from where we learn that we cannot use the loaves of Todah to fulfill the mitzvah, because these loaves become disqualified for use after the day and the night after the slaughter of the offering itself. ■

Distinctive INSIGHT

The Matzah-Chometz Connection

ושמרתם את המצות—מצה המשתמרת לשם מצה וכו' מצה הנאכלת לשבעת ימים

Rav Shimshon Refael Hirsch points out that the eating of matzah on the remaining seven days of Pesach (other than the first night) is an elective mitzvah, and the only obligation is not to eat leavened bread. Furthermore, matzah must be prepared and prevented from leavening for this special purpose, and with thought in mind of guarding it for the sake of the mitzvah.

The prohibition of leavened products during the seven days of the Matzah Festival is to do away with every thought of independent human assistance in the conception of our attaining our freedom. The positive eating of matzah at the beginning of the Festival of Salvation is to make us combine the thought of having attained our social freedom through God, with the thought of our belonging to God, through which, and for which, we became free men. Israel, who has become free, always stands with matzah in his hands towards God. Out of the servitude of man we have stepped into the service of God. All leaven was forever to be banned from the altar in the Sanctuary of God (Vayikra 2:11).

By these sentences, the command for matzah, and the prohibition of chometz, even apart from the Pesach offering, is made a duty for all times. ■

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