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Pesachim Daf 91

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: regarding an onein,<sup>1</sup> and one who is removing a heap [of rubble],<sup>2</sup> and likewise one who has received a promise to be released from prison, and an invalid, and an aged person who can eat as much as an olive, one slaughters on their behalf.<sup>3</sup> [Yet in the case of] all these, one may not slaughter for them alone, lest they bring the pesach-offering to disqualification.<sup>4</sup> Therefore, if a disqualification occurs to them, they are exempt from making the second pesach,<sup>5</sup> except one who was removing debris, because he was tamei from the beginning.<sup>6</sup> (90b5 – 91a1)

GEMARA: Rabbah son of Rav Huna said in Rabbi Yochanan's name: They learned this only of a prison of idolaters; but [if he is incarcerated in] a Jewish prison, one slaughters for him separately; since he was promised, he will [definitely] be released, as it is written: The remnant of Israel shall not do iniquity, nor speak lies. Rav Chisda observed: As to what you say, [If he is in] a prison of idolaters [one may] not [slaughter on his behalf alone]; that was said only [when the prison is] outside the walls of

Beis Pagi; but [if it is] within the walls of Beis Pagi,<sup>7</sup> one slaughters on his behalf alone. What is the reason? It is possible to convey it [the meat] to him and he will eat it. (91a2)

Therefore, if a disqualification occurs etc. Rabbah bar Bar Chanah said in Rabbi Yochanan's name: They learned [this] only of a round heap;<sup>8</sup> but [if it was] a long heap, he is exempt from making the second pesach, [for] perhaps he was tahor at the time of the shechitah.<sup>9</sup> It was also taught likewise: Rabbi Shimon the son of Rabbi Yochanan ben Berokah said: One who is removing a heap [of rubble] is sometimes exempt [from the second pesach] and sometimes liable. How so? [It if was] a round heap and tumah [a corpse] was found underneath it, he is liable; a long heap, and tumah was found underneath it, he is exempt, [for] I assume [that] he was tahor at the time of shechitah. (91a2 – 91a3)

MISHNAH: One may not slaughter the pesach-offering for a single person; these are the words of Rabbi Yehudah, but

<sup>1</sup> One whose close relative passed away and has not been buried yet. Here it refers to one who became an onein after midday, so that the obligation of the pesach-offering was already incumbent upon him. But if he became an onein before midday, this obligation does not fall on him at all.

<sup>2</sup> Which had fallen upon a person, and it is unknown whether he is alive or dead.

<sup>3</sup> All these may be fit in the evening, including an onein.

<sup>4</sup> The onein may defile himself through the corpse; he who is removing the debris may find the person underneath it dead, in which case he himself is tamei; the prisoner may not be freed;

while the invalid and aged person may grow weaker. Therefore, they must be registered with others.

<sup>5</sup> Since they were actually fit when the animal was slaughtered.

<sup>6</sup> If he finds the person underneath dead, he himself was defiled through standing over the dead, and thus he was tamei when the animal was sacrificed.

<sup>7</sup> Hence in Jerusalem, where the pesach-offering is eaten.

<sup>8</sup> I.e., one just about covering the person, so that the rescuer must have been directly over the corpse from the very beginning.

<sup>9</sup> He may not have been actually over the corpse then.

Rabbi Yosi permits it, and even a company of a hundred who cannot eat as much as an olive [jointly], one may not slaughter for them. and one may not form a company of women and slaves and minors. (91a3)

GEMARA: Our Rabbis taught: How do we know that one may not slaughter the pesach-offering for a single person? Because it is said: You may not sacrifice the pesach-offering for one; these are the words of Rabbi Yehudah. But Rabbi Yosi maintained: A single person and he is able to eat it, one may slaughter on his behalf; ten who are unable to eat it, one must not slaughter on their behalf. Now Rabbi Yosi, how does he employ this 'for one'? — He requires it for Rabbi Shimon's [deduction]. For it was taught, Rabbi Shimon said: How do we know that one who sacrifices his pesach-offering at a private bamah<sup>10</sup> at the time when bamos were prohibited violates a negative command? Because it is said: 'You may not sacrifice the pesach-offering within one of your gates'. You might think that it is also thus when bamos were permitted;<sup>11</sup> therefore it is stated, 'within one of your gates': They ruled [that he violates a negative injunction] only when all Israel enter through one gate.<sup>12</sup> And how does Rabbi Yehudah know this? — You may infer two things from it.<sup>13</sup> Now according to Rabbi Yosi, from where [does he know] that its purpose is for what Rabbi Shimon said; perhaps it comes for what was stated by Rabbi Yehudah? — He can tell you: you cannot think so, for surely it is written, according to every man's eating.<sup>14</sup>

<sup>10</sup> Before the Tabernacle was erected in Shiloh, and between its destruction and the building of the Temple, sacrifices were offered at bamos (pl. of bamah), both private and public. During the existence of the Tabernacle at Shiloh, and since the Temple was built, even after it was destroyed, bamos were forbidden.

<sup>11</sup> For even then private bamos were permitted only for pledged sacrifices but not for obligatory offerings like the pesach, which were sacrificed at the public bamos.

<sup>12</sup> I.e., when there is a central sanctuary; but when bamos were permitted there was no central sanctuary. The verse is

Rav Ukva bar Chinena of Parishna pointed out a contradiction to Rava: Did then Rabbi Yehudah say: One may not slaughter the pesach-offering for a single person? But the following contradicts it: [As to] a woman; at the First [Pesach] one may slaughter for her separately, but at the second [Pesach], one makes her an addition to others; these are the words of Rabbi Yehudah. — Said he to him, Do not say, 'for her separately,' but 'for them separately.'<sup>15</sup> Yet may we form a company consisting entirely of women? Surely we learned, One may not form a company of women and slaves and minors. Does that not mean women separately and slaves separately and minors separately? — No, he replied, [it means] women and slaves and minors [together]. Women and slaves, on account of levity; minors and slaves, on account of licentiousness. (91a3 – 91b1)

[To turn to] the [main] text: [As to] a woman, at the first [Pesach] one slaughters for her separately, while at the second [Pesach], one makes her an addition to others; these are the words of Rabbi Yehudah. Rabbi Yosi said: [As to] a woman, at the second [Pesach] one slaughters for her separately, and at the first [Pesach], it goes without saying. Rabbi Shimon said: [As to] a woman, at the first [Pesach], one makes her an addition to others; at the second [Pesach] one may not slaughter for her at all. Wherein do they differ? — Rabbi Yehudah holds: according to the number of the souls [implies] even women. And should you say, if so, even at the second [Pesach] too? It is [therefore] written, that man shall bear his sin; only a man, but not a woman. Yet should you

understood thus: You may not Sacrifice the pesach-offering at a private bamah when all Israel enter through one of your gates.

<sup>13</sup> Presumably by interpreting 'one' separately and 'one of the gates' separately.

<sup>14</sup> Thus the matter depends solely on ability to eat.

<sup>15</sup> This is not an emendation, but an explanation: 'for her separately' means that one need not necessarily join a company of men.

argue: if so, she may not even be [made] an addition at the second [Pesach], [therefore is written,] according to all the statue of the [first] Pesach, which is effective in respect of [her being made] a mere addition. And Rabbi Yosi? What is his reason! — Because in connection with the first [Pesach], it is written, ‘according to the number of souls,’ [implying] even a woman. Again, in connection with the second [Pesach] it is written, that soul shall be cut off from his people, ‘soul’ [implying] even women. While what does ‘that man shall bear his sin’ exclude? It excludes a minor from kares. While Rabbi Shimon [argues]: In connection with the first [Pesach], ‘a man is written; only a man but not a woman. Yet should you say: If so, [she may] not even [be made] an addition; [therefore is written] ‘according to the number of souls’, which is effective in respect of [her being] an addition. But should you say, then even at the second [Pesach] too, — [therefore] the Divine Law excluded [her] from the second, for it is written, ‘that man shall bear his sin’; [implying] only a man, but not a woman. Now from what is she excluded? If from an obligation, [this cannot be maintained]: seeing that there is no [obligation] at the first, is there a question of the second! Hence [she is surely excluded] from [participation even as] an addition. Now, what is [this] ‘man’ which Rabbi Shimon quotes? If we say, they shall take to them every man a lamb, according to their fathers’ houses etc. Surely that is required for [the teaching] of Rabbi Yitzchak, who deduced: only a ‘man’ can acquire [on behalf of others], but a minor cannot acquire [on behalf of others]!<sup>16</sup> Rather [it is derived] from

<sup>16</sup> He deduces it from the present verse. For this person took the lamb not on his behalf alone but on behalf of ‘their fathers’ houses’, who thereby gained the right to participate in it, and Scripture specifies that a man is required for this, not a minor. Hence a minor cannot be vested with the powers of an agent.

<sup>17</sup> That the pesach-offering may not be sacrificed at a private bamah, and that this is deduced from, you may not sacrifice the pesach-offering at one of the gates, as stated above.

<sup>18</sup> That the pesach-offering may be slaughtered for a single person.

‘a man, according to his eating’. But since Rabbi Yosi agrees with Rabbi Shimon,<sup>17</sup> Rabbi Shimon too must agree with Rabbi Yosi,<sup>18</sup> and he needs that [verse to teach] that one slaughters the pesach-offering for a single person?<sup>19</sup> — He can answer you: If so,<sup>20</sup> let the Divine Law write ‘according to his eating’,<sup>21</sup> why [state] ‘a man’? Hence you infer two [laws] from it.

With whom does the following dictum of Rabbi Elozar agree? [viz.]: ‘[The observance of the pesach-offering by] a woman at the first [Pesach] is obligatory, while at the second [Pesach] it is voluntary, and it overrides the Shabbos.’ If voluntary, why does it override the Shabbos? Rather say: ‘at the second [Pesach] it is voluntary, while at the first [Pesach] it is obligatory and overrides the Shabbos.’ With whom [does it agree]? With Rabbi Yehudah. (91b1 – 91b3)

Rabbi Yaakov said in Rabbi Yochanan's name: A company must not be formed [consisting] entirely of converts, lest they be [too particular about it and bring it to disqualification].<sup>22</sup> (91b3)

Our Rabbis taught: The pesach-offering and matzah and marror are obligatory on the first [night], but voluntary from then onwards.<sup>23</sup> Rabbi Shimon said: In the case of men [it is] obligatory; in the case of women, voluntary. To what does this refer? Shall we say, to the pesach-offering is there then a pesach-offering the whole seven days! Hence [it must refer] to matzah and marror. Then consider

<sup>19</sup> For if Rabbi Shimon does not accept this view, then he should employ the verse, ‘you may not sacrifice the pesach-offering for one’ as teaching that it may not be slaughtered for a single person, as Rabbi Yehudah does, in which case his ruling on the private bamah is without foundation.

<sup>20</sup> That the verse is intended for Rabbi Yosi's teaching only.

<sup>21</sup> Which would show that the matter depends entirely on his powers of eating.

<sup>22</sup> In their ignorance of the law they may object to points which really do not matter, and thus disqualify it without cause.

<sup>23</sup> I.e., for the rest of Pesach.

the sequel: Rabbi Shimon said: In the case of men [it is] obligatory; in the case of women, voluntary. Does then Rabbi Shimon not agree with Rabbi Elozar's dictum: Women are bound to eat matzah by Scriptural law, for it is said, You shall eat no chametz with it; seven days shalt you eat matzah with it; whoever is subject to, 'you shall eat no chametz,' is subject to [the law] of 'arise, eat matzah'; and these women, since they are subject to, 'you shall eat no chametz,' are also subject to [the law], 'arise, eat matzah?' — Rather say: The pesach-offering, matzah, and marror are obligatory on the first [night]; from then onwards [the latter two] are voluntary. Rabbi Shimon said: As for the pesach-offering, in the case of men it is obligatory, in the case of women it is voluntary. (91b4)

#### INSIGHTS TO THE DAF

The Rambam (Hilchos Korban Pesach 2:2) rules like Rabbi Yosi, that we do slaughter a korban pesach, even if it is owned by an individual and not a group. However, he says that lechatchila we try not to slaughter for an individual, as the verse states, "They should do it."

The question is obvious: In our Gemora, Rabbi Yosi never mentions any problem at all regarding slaughtering a korban pesach for an individual. Why would the Rambam therefore state that this is not optimal?

The Kesef Mishna (ibid.) quotes Rabeinu Avraham, the son of the Rambam, as answering that the Rambam merely saw that it was indicated by the verse, "They should do it," that this is the best way to bring a korban pesach.

However, the Kesef Mishna asks that this answer is difficult, as Rabbi Yosi himself should have mentioned this!

The Kesef Mishna therefore answers that the Rabbanan later (95a) quote this verse as teaching that the pesach should be brought in a group, and that the Rambam

understood that they hold like Rabbi Yosi, that the korban can be brought by an individual. It therefore must be that they hold that it can be brought by an individual, but is preferably brought by a group.

#### "Al achilas matza"

Many years ago, during the Sdei Chemed's tenure as rav in Hevron, he realized that many of the people in his community recited the beracha of "*al achilas matza*," not only on Seder night, but every time they ate matza throughout Pesach. The Sdei Chemed ordered that announcements be made in every shul in the city to annul this improper practice. *Al achilas matza* should only be recited on Seder night, and it would be a beracha levatala to recite it at any other time (Sdei Chemed: Maareches Achila, 7).

Why is this so? Why don't we recite *al achilas matza* throughout Pesach? Many earlier commentators addressed this question, among them the Baal HaMeor (end of Arvei Pesachim), a Rishon, who asks what is the difference between matza and sukka? Why do we make a beracha "*leishev b'sukka*" whenever we eat in the Sukka, but *al achilas matza* we recite only on Seder night? The Baal HaMeor answers that one could forgo eating grain-products for the week of Pesach, subsisting on other foods. However, one could not forgo sleeping for the entire week of Sukkos. When he does sleep, he will be forced to enter the sukka. Therefore a beracha is recited when one eats in the sukka, and the beracha covers all his necessary daily functions performed in the Sukka, including eating and sleeping.

**Is there a mitzva to eat matza?** From the Baal HaMeor's very question of why we recite no beracha over matza, the Acharonim understood that although there is no obligation to eat matza throughout Pesach, one does fulfill a mitzva by doing so (see Avnei Nezer 377; Birkei Yosef 475 s.k. 6; Gilyonei HaShas of R' Yosef Engel, Pesachim 38a). The Chizkoni (parshas Bo, 12:18) writes so explicitly. The

Rokei'ach (291) goes so far as to say that if a person eats matza during the seven days of Pesach, he becomes like a partner with Hashem in the work of creation. The Vilna Gaon also rules that one fulfills a mitzva from the Torah every time he eats matza during Pesach. His custom was to eat a third meal on the last day of Pesach, although he did not do so on other Yomim Tovim. He did this in order to have one last opportunity to fulfill the mitzva of eating matza.

Other Rishonim reject this opinion. They hold that matza cannot be compared to sukka in this regard. On Sukkos, one is obligated to eat in a sukka on the first night, and one fulfills a mitzva by eating there for the rest of the days, although he is not obligated to do so. On Pesach, one is obligated to eat matza on Seder night, but there is no mitzva at all to eat matza for the rest of the days (Itur: Hilchos Matza; Kol-Bo, Hilchos Sukka; Rabbeinu Mano'ach: Chametz U'Matza 6:1; Maharil, Hilchos Sukka).

**Eating matza to show our objection to chametz:** R' Yaakov Zalman Lifshitz of Brisk wrote a letter to the Sdei Chemed, explaining that when we eat matza during Pesach, we show our objection to eating chametz. It is therefore a mitzvah to eat matza, but it is not connected to the *mitzvas aseh* (positive commandment) of eating matza on Seder night. Rather, it is part of the *lo sa'aseh* (prohibitive commandment) against eating chametz. No beracha is recited over *mitzvos lo sa'aseh*. The only exception to this is the first night of Pesach, of which the possuk says, "On that night you must eat matzos" (Shemos 12:18).

**Not to eat matza during Pesach:** Interestingly, the Yesod V'Shoresh Ha'Avoda (ch. 9) writes that one should eat sparingly from matza during Pesach. If the matza was baked improperly it might have become chametz, and it is best not to take chances.

#### DAILY MASHAL

A story is told of a certain *talmid chacham* who usually followed this practice. When he came to *Eretz Yisrael*, he found a terrible shortage of food, and he had nothing else to eat on Pesach besides matza. He asked the Chazon Ish if he should make *hataras nedarim*, to annul his commitment to this commendable practice and begin eating more matza on Pesach. The Chazon Ish answered that there was no need for *hataras nedarim*, since in his opinion this was not commendable practice at all. Just the opposite, it is proper to eat matza on Pesach.