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Pesachim Daf 95

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MISHNAH: What is the difference between the first pesach and the second? The first is subject to the prohibition of [chametz] shall not be seen and [chametz] shall not be found; while at the second [a man may have] chametz and matzah in the house with him. The first requires [the reciting of] hallel when it [the pesach-offering] is eaten, when the second does not require hallel when it is eaten. But both require [the reciting of] hallel when they are sacrificed, and they are eaten roasted with matzah and marror, and they override the Shabbos. (95a1)

GEMARA: Our Rabbis taught: According to all the statute of the Pesach they shall keep it: the Torah refers to the ordinance[s] pertaining to itself.¹ How do we know the ordinance[s] indirectly connected with itself?² Because it is said, they shall eat it with matzah and marror. You might think that regulations which are not even indirectly connected with itself [are included too]; therefore it is stated, nor shall they break a bone of it: just as the breaking of a bone stands out as an ordinance pertaining to itself, so is every ordinance pertaining to itself [included].³ Issi ben Yehudah said: ‘they shall keep it’ [implies that] the Torah treats of regulations pertaining to itself.⁴ (95a1)

The Master said: ‘You might think that regulations which are not even indirectly connected with itself [are included too]’

¹ E.g., how the sacrifice shall be prepared, that it is to be eaten roasted etc.; but regulations not directly pertaining to itself, e.g., the removing of chametz, are not included.

² E.g., that it is to be eaten with matzah and marror.

³ But not others.

⁴ So that ‘nor shall they break a bone of it’ is unnecessary for that purpose.

⁵ ‘It’ might imply that only the regulations directly bearing on the sacrifice itself are meant, and therefore exclude the eating of matzah and marror.

⁶ This is a general principle of exegesis that if a law is first stated in a particular instance and then in a general form, the former does not limit the latter but on

— But surely you have said that the Torah refers to ordinance[s] pertaining to itself?—This is what he means: now that you have quoted. ‘they shall eat it with matzah and marror, which proves that ‘they shall keep it’⁵ is not exact, then say that it is like a particularization and a general proposition, whereby the general proposition is accounted as adding to the particularization, so that even all regulations [are included]:⁶ hence he informs us [that It is not so]. Now Issi ben Yehudah, how does he utilize this [law concerning a] bone?—He requires it for [teaching that] both a bone which contains marrow and a bone which does not contain marrow [are meant]. And the Rabbis: how do they utilize this [verse] ‘they shall keep it’?—They require it to teach that one may not slaughter the Pesach-offering on behalf of a single person, so that as far as it is possible to procure [another tamei person] we do so.⁷ (95a1 – 95a2)

Our Rabbis taught: ‘According to all the statute of the Pesach they shall keep it’: you might think, just as the first is subject to the prohibition of [chametz] ‘shall not be seen’ and ‘shall not be found’, so is the second subject to the prohibition of [chametz] shall not be seen and shall not be found: therefore it is stated, they shall eat it with matzah and marror.⁸ Again,

the contrary the latter generalizes the former, so that all instances are included. Here a particular instance of similarity between the first pesach and the second is stated in v. 11 while in v. 12 a general law is stated that the two are alike in all respects.

⁷ Even if we have to defile a person at the first pesach, so that there may be at least two at the second.

⁸ They are alike only in respect of the regulations pertaining to or connected with itself, just like the particular case which is stated.

I know it only of positive mitzvos;⁹ how do we know it of negative mitzvos? Because It is stated, They shall leave none of it unto the morning. Also, I know it only of a negative mitzvah modified to a positive mitzvah;¹⁰ how do we know it of an absolute negative mitzvah? Because it is stated, ‘and they shall not break a bone of it’: [hence] just as the particularization is explicitly stated as a positive mitzvah, and a negative mitzvah modified to a positive mitzvah, and an absolute negative mitzvah, so every positive mitzvah, and a negative mitzvah modified to a positive mitzvah, and complete negative mitzvah [are included].¹¹

What is included in the general proposition as applied to ‘[they shall eat it] with matzah and marror’?- Roasted with fire. What does it exclude in its particularization?¹² -The putting away of chametz. May I [not] reverse it? — [The inclusion of] a mitzvah pertaining to itself is preferable. What is included in the general proposition as bearing on ‘they shall leave none of it unto the morning’?- you shall not carry forth nothing [of the flesh abroad out of the house], (which is similar to it, since the one is disqualified through being nossar, while the other is disqualified through going out [of its permitted boundary]). What does it exclude by its particularization?-[Chametz] ‘shall not be seen and ‘shall not be found,’ (which is similar to it, for the one does not involve lashes, since it is a negative mitzvah modified to a positive mitzvah, while the other does not involve lashes, since It is a negative mitzvah modified to a positive mitzvah.)¹³ May I [not] reverse it?- [The inclusion of] a mitzvah pertaining to itself is preferable. What is included in the general proposition as bearing on ‘they shall not break a bone of it? — Do not eat of it half-roasted. By its particularization what does it exclude? You shall not offer the blood of My sacrifice

with chametz. May I [not] reverse it?- [The inclusion of] a mitzvah pertaining to itself is preferable. (95a2 – 95b1)

The first requires [the reciting of] Hallel when it is eaten etc. From where do we know it?-Said Rabbi Yochanan on the authority of Rabbi Shimon ben Yehotzadak: Scripture said, You shall have a song as in the night when a feast is hallowed: the night that is hallowed for a feast [Festival] requires [the reciting of] Hallel [‘Song’], while the night which is not hallowed for a feast does not require [the reciting of] Hallel. (95b1)

But both require [the reciting of] Hallel when they are sacrificed etc. What is the reason?-I can either say, [Scripture] excludes the night, but not the day; or alternatively, is it possible that Israel sacrifice their pesach-offerings or take their lulavim¹⁴ without reciting Hallel! (95b1)

And they are eaten roasted etc. Only the Shabbos [do they override], but not tumah:¹⁵ our Mishnah does not agree with Rabbi Yehudah, for it was taught: It [the second Pesach] overrides the Shabbos, but it does not override tumah; Rabbi Yehudah maintained: It overrides tumah too. What is the reason of the first Tanna?-Seeing that I have suspended him [from the first Pesach] on account of tumah, shall he after all keep it in tumah?¹⁶ And Rabbi Yehudah? — The Torah sought [means] for him to keep it in taharah; yet if he was not privileged [thus], he must keep it in tumah. (95b2 – 95b3)

Our Rabbis taught: The first Pesach overrides the Shabbos, [and] the second Pesach overrides the Shabbos; the first Pesach overrides tumah, [and] the second Pesach overrides

⁹ ‘They shall eat it’ etc. is a positive mitzvah, and therefore teaches that all the positive mitzvos applicable to the first pesach are also binding upon the second, e.g., the mitzvah to eat it roasted.

¹⁰ A prohibition which if violated must be repaired by a positive act. Thus ‘and you shall let nothing of it remain until the morning’ is followed by ‘but that which remains of it until the morning you shall burn with fire’. Technically such an injunction is less stringent than an ordinary negative mitzvah and does not involve lashes.

¹¹ Hence the general proposition, ‘according to all the statute etc., is applied separately to each of these three particular laws, teaching that all laws which partake of their nature are included.

¹² For just as the general proposition includes laws unstated, so the particularization teaches that some laws are excluded, as otherwise the former alone would suffice.

¹³ If meat of the pesach-sacrifice is left over, it must be burnt, while if chametz is not completely removed before Pesach, so that it is ‘seen’ or ‘found’, it must be destroyed whenever discovered. Hence both of these negative mitzvos are modified to positive mitzvos, and he who violates them does not incur lashes.

¹⁴ On Sukkos.

¹⁵ If the majority of those who should keep the second Pesach are tamei, the sacrifice is not brought.

¹⁶ Certainly not!

tumah; the first Pesach requires the spending of the night [in Jerusalem], [and] the second Pesach requires the spending of the night [in Jerusalem]. '[The second Pesach] overrides tumah. With whom [does this agree]? — With Rabbi Yehudah. But according to Rabbi Yehudah, does it require the spending of the night [in Jerusalem]? Surely it was taught, Rabbi Yehudah said: How do we know that the second Pesach does not require the spending of the night [in Jerusalem]? Because it is said, and you shall turn in the morning, and go to your tents;¹⁷ and it is written, six days you shall eat matzah: that which is eaten six [days] requires the spending of the night [in Jerusalem], but that which is not eaten six [days] does not require the spending of the night [in Jerusalem]?'¹⁸ -There is [a controversy of] two Tannaim as to Rabbi Yehudah's opinion. (95b2)

MISHNAH: [With regard to] the pesach-offering which comes in tumah, zavim and zavo, niddos and women after childbirth must not eat of it, yet if they did eat they are exempt from kares;¹⁹ but Rabbi Eliezer exempts [them] even [of the kares normally incurred] for entering the sanctuary. (95b2 – 95b3)

GEMARA: Our Rabbis taught: If zavim and zavo, niddos and women after childbirth ate of the pesach-offering which was sacrificed in tumah, you might think that they are culpable, therefore it is stated, Every one that is tahor may eat meat [of sacrifices]. But the soul that eats of the meat of the sacrifice of shelamim-offerings, that pertain to Hashem, having his tumah upon him, that soul shall be cut off: with regard to that which is eaten by tahor people, you are culpable on its account on the score of tumah, but as to that

which is not eaten by tahor people, you are not culpable on its account on the score of tumah.²⁰ — Rabbi Eliezer said: If zavim and metzoraim forced their way through and entered the Temple Court at a pesach-offering which came in tumah, you might think that they are culpable; therefore it is stated , [command the children of Israel,] that they send out of the camp every metzora, and every zav, and whoever,- is tamei by a corpse: when those who are tamei by corpse are sent out, zavim and metzoraim are sent out; when those who are tamei by corpse are not sent out, zavim and metzoraim are not sent out. (95b3)

Rav Yosef asked: What if people who were tamei through a corpse forced their way in and entered the Temple [Heichal]²¹ at a pesach-offering which came in tumah? [Do we say,] since the tumah of the Temple Court was permitted, the tumah of the Temple [Heichal] too was permitted;²² or perhaps, what was permitted was permitted, while what was not permitted was not permitted? Said Raba: Scripture said, 'that they send out of the camp,' [implying] even from part of the camp.²³ Others maintain. Rava said: Scripture said, outside [mi-chutz] the camp shall you send them: only where 'outside the camp shall you send them,' is applicable, is 'that they send out of the camp' applicable.²⁴ (95b3 – 95b4)

Rav Yosef asked: What if persons tamei by a corpse forced their way through [to the altar] and ate the eimurim of a pesach-offering which came in tumah?²⁵ [Do we say,] since the tumah of the meat was permitted, the tumah of the eimurim too was permitted;²⁶ or perhaps, what was permitted was permitted, and what was not permitted was not permitted? Said Rava, Consider: from where is the tumah

¹⁷ 'Your tents' is understood to refer to tents pitched outside of Jerusalem; but it cannot mean home, firstly because one might not travel on a Festival, and secondly because the pilgrimage olah-offering was yet to be offered. The phrase 'in the morning' teaches that the night was to be spent in Jerusalem, even after the pesach-sacrifice was consumed.

¹⁸ I.e., only the pesach-offering which necessitates the eating of matzah six days (actually seven;), and prohibits chametz necessitates the spending of the night in Jerusalem; the first Pesach alone fulfills this condition, but not the second. — Thus Rabbi Yehudah is self-contradictory.

¹⁹ The usual penalty for eating sacred flesh in a state of personal tumah. But if they actually entered the Temple too, they are liable to kares on that account.

²⁰ Hence when the pesach-offering comes in tumah, though zavim etc. may not eat of it, they nevertheless do not incur kares.

²¹ The hall containing the golden altar; the Temple proper, as opposed to the Temple court. Even Kohanim might enter it only when necessary; here entry was unnecessary, since the offering was sacrificed in the Temple Court.

²² I.e., no penalty is incurred on account of tumah.

²³ Even when they are not sent out of the entire camp, as here, they are sent out of the part where their presence is not necessary; hence if they enter it they incur kares.

²⁴ Hence, since he is not sent out of the whole camp, he is not liable.

²⁵ The eimurim were burnt on the altar, and were therefore forbidden.

²⁶ So that liability on eating is not incurred on the grounds of their tumah, although there still remains the liability for the eating of eimurim which are reserved for the altar.



of eimurim included?²⁷ From the tumah of the meat, for it is written, That pertain to Hashem, which includes eimurim: [hence] wherever the tumah prohibition of the meat is in force, the prohibition of the tumah of the eimurim is in force: while wherever [the prohibition of] the tumah of the meat is absent, [the prohibition of] the tumah of the eimurim is absent. (95b4 – 96a1)

INSIGHTS TO THE DAF

CAN ONE EAT THE PESACH SHEINI WITH CHAMETZ?

The Minchas Chinuch (Mitzva #381:3) says that it was always obvious to him that it was permitted not only to own chametz while bringing the pesach sheini, but even to eat the pesach sheini with chametz. Of course, he says, one must eat one kzayis of the pesach sheini without any bread for the simple reason that we say that the bread takes away the taste of the pesach (see Gemara later 115a). Otherwise, he says, one can eat the korban pesach on pesach sheini together with chametz.

However, he notes that he was surprised to see that Rashi in Chumash (Bamidbar 9:10) says that the only prohibition of chametz on pesach sheini is “with him in his eating.” This clearly implies that Rashi holds one cannot eat the pesach sheini with bread at all. He says he really does not know what Rashi’s source for this statement could be, and that it requires great study in depth.

The Meshech Chochmah writes (Bamidbar 9:11) that the source is, quite simply, the verse, “on matza and maror you should eat it.” This implies that only on matza and maror, not with its known opposite, bread.

Chametz on Pesach Sheini

Continued: by Meoros HaDaf HaYomi

In his commentary on Chumash (Bamidbar 9:10), Rashi writes, “On Pesach Sheini one may keep both chametz and matza in his home. There is no prohibition against chametz except for eating it with the Korban Pesach.” The classical interpretation of Rashi is that one may eat chametz on Pesach Sheini, provided that he does not eat it with the Korban Pesach.

The Minchas Chinuch (381:3) asks against this that there is no basis in Shas for this ruling. Nowhere do we find that chametz may not be eaten with the Pesach Sheini korban. He finds no answer to his question and concludes by writing, “This question is utterly baffling to me, yet I have not found any commentary that asks it. Many years ago I wrote this question in the margin of my Chumash, and I am still puzzled by it.”

The Meshech Chochma (9:11) also followed this interpretation of Rashi, and finds support for Rashi from Chazal. The Mishna states that Pesach Sheini should be eaten roasted and with matzos – implying that it should not be eaten with chametz. A similar support can be found in the Tosefta.

Reinterpreting Rashi: In answer to the Minchas Chinuch’s question, Rav Shach offered a novel interpretation of Rashi (Avi Ezri, Hilchos Korban Pesach 10:15). The Hebrew word אלא, which we translated above to mean “except for,” he interprets to mean “rather.” Thus Rashi means to say, “There is no prohibition against chametz, rather it may be eaten together with the Korban Pesach.”

Hallel in Shul on Seder Night

In many communities it is customary to say Hallel twice on Seder night: once in shul after Maariv, and again during the Pesach Seder. The source for saying Hallel during the Seder is found in our Gemara; it corresponds to the Hallel that was

²⁷ From where do we learn that for eating eimurim in a tumah state liability is incurred? — Actually only the tumah of the meat is explicitly mentioned.

once said while eating the Korban Pesach. What is the source for the custom to say Hallel in shul after Maariv?

In Maseches Sofrim (20:9) we find that it is a mitzva to say Hallel in shul on both Seder nights; furthermore, a beracha should be recited, and Hallel should be sung in a melodious voice. Some Rishonim explain that the two Hallel's we say on Seder night correspond to the two Hallel's that were said when the Beis HaMikdash stood. The first Hallel was said while offering the Korban Pesach, and the second after eating it. Therefore, we say Hallel once in shul after Maariv, and again after our Seder meal. This being the source for the custom, it would seem more appropriate to say the first Hallel on erev Pesach in the afternoon, when the Korban Pesach was actually offered. In fact, the Meiri (117b) writes that this was once the custom. Hallel was read between Mincha and Maariv, as opposed to after Maariv (Sefer HaMichtam 116b). Others simply mention the custom to say Hallel in shul, without detailing when it should be said (see Rashba, Berachos 11a). Still others stress that Hallel in shul should be said specifically after Maariv (Ohel Moed 105a).

Coming back to shul in the middle of the Seder: Another source for the custom to say Hallel after Maariv is found in the Tosefta (Pesachim 10:5), which states that if the people in a city are illiterate, they should begin with the first paragraph of Hallel in shul, then go home to eat and drink, and then return to shul to conclude Hallel. From this the custom developed to say Hallel twice, once in shul and once at home (see Shiblei HaLeket 218, p. 197; Avudraham p. 231).

Differing customs: The custom to recite Hallel after Maariv was not unanimously accepted among the various communities of Klal Yisrael. The Rif and Rambam make no mention of it at all; apparently there was no such custom in their times. Only in the latter part of the era of Rishonim did the custom begin to spread among Sephardic communities (see Ohel Moed, *ibid*; Tashbatz III 276). Years later, the Shulchan Aruch (O.C. 487:4) decided the issue by ruling that Hallel should be recited with a beracha after Maariv, and the

custom was then accepted throughout the Sephardic world. According to the Rema (*ibid*), the Ashkenazim did not accept this custom, and do not recite Hallel at all in shul after Maariv (see also Aruch HaShulchan and Mishna Berura, *ibid*). Nevertheless, in Chassidic communities throughout Europe, as well as certain other communities in Hungary and Galicia, the custom was accepted to say Hallel (see Shoreshei Minhag Ashkenaz I, p. 271; Tzafnas Panei'ach II, 8 cites a definitive split incustom among Chassidic and non-Chassidic Ashkenazic custom).

Why not say Hallel? Some explain that the Ashkenazi Poskim had reason to reject the custom to say Hallel after Maariv. There is a mitzva to say Hallel on Seder night, and one should preferably say it after his Seder meal. By saying Hallel before the Seder, one prematurely fulfills his obligation, not in the optimal manner (see Meishiv Davar I, 13). This is comparable to eating maror before matza. Although one fulfills the obligation of maror even before matza, it is preferable to eat maror after matza, in the appropriate order (Ha'Emek Sh'eilah, 26:8).

DAILY MASHAL

The Vilna Gaon's opinion: When students of the Vilna Gaon came to Eretz Yisrael many years ago, they began to say Hallel after Maariv, according to the custom of the Sephardic community, which was prevalent in Eretz Yisrael at the time (Moadim U'Zmanim III, 260). Some say that this was in fact the opinion of the Vilna Gaon himself (see Igros Moshe O.C. II, 94). In Lithuania, many of the Vilna Gaon's students followed the custom of their community rather than the Gaon's rulings. Only after they established their own community in Eretz Yisrael, did they begin practicing according to the Gaon. Some Ashkenazic Torah leaders in Eretz Yisrael made a compromise by reciting Hallel after Maariv, but without a beracha (see Shoreshei Minhag Ashkenaz I, p. 277 in regard to the custom of R' Shmuel Salant and the Chazon Ish. See also Tel Talpious journal 5766, in the article by R' Y. Uberland).