

פרק שני – כל שעה Introduction to

Once we have established the parameters of *בדיקת חמץ*, the *איסורי חמץ דאורייתא* – of *אכילה* and *הנאה* must be addressed; our chapter begins with an inquiry into the source for *איסור הנאה* from *חמץ*, along the way, we will survey a number of *אכילה* and see how they fit with the consideration of *איסור הנאה*. The rest of the chapter will focus on specific grains – which are susceptible to *חמץ* and, concomitantly, may be used for *מצה*. Subsequently, we will discuss which types of vegetables are legitimate for use as *מרור*.

4.2.1

21a (משנה א) → 22a (לאו דאורייתא היא)

Note: the first significant section of our *פרק* deals with the source of *איסור הנאה* for *איסורי אכילה*; the essential question being pursued is whether *איסור הנאה* is an organic extension of *איסור אכילה* or if it operates as a separate *איסור*

Note: the *תורה*, in allowing us to slaughter *חולין* meat outside of the *מקדש*, implies a prohibition of slaughtering *חולין* in the *ערבה*; *ר"מ* maintains that this *איסור* is *דאורייתא* and *יהודה* disagrees

(1) ויאמר משה אל העם זכור את היום הזה אשר יצאתם ממצרים מבית עבדים כי בחזק יד הוציא ה' אתכם מזה ולא יאכל חמץ: שמות יג, ג
 (2) לא תאכלו כל נבלה לגר אשר בשעריך ותננה ואכלה או מכר לנכרי כי עם קדוש אתה לה' אלהיך לא תבשל גדי בחלב אמו: דברים יד, כא
 (3) ואנשי קדש תהיו לי ובשר בשדה טרפה לא תאכלו לכלב תשליכון אותו: שמות כב, ז

I. חמץ (איסור הנאה) from משנה א'

- a. As long as: he may eat חמץ, he may feed I to his בהמה and עופות, sell to a non-Jew and otherwise benefit from it
 - i. Authorship: cannot be ר' יהודה – since there is an hour when he may not eat, but may benefit (5th hour)
 1. Cannot be: ר"מ – since the wording should be “כל שעה שאוכל מאכיל”
 2. Must be: ר"ג (א:ה) – meaning – as long as כהן may eat תרומה, all may benefit
 - ii. Justification: for בהמה and חיה
 1. If taught: בהמה, we would think that חיה is prohibited, as they are likely to hide it
 2. And if taught: חיה, we would think that בהמה is prohibited as they are likely to leave it around (בל יראה/יימצא)
 - a) (אשיגרת לישנא) are mentioned as “familiar rhythm”
 - iii. Justification: for permit to sell to non-Jew; contra ר"ב who forbid unless it will be consumed before פסח
 - iv. Justification: for permit of any הנאה; even after 6 hours, if it was singed before שש שעות (רבא)
- b. When: he may no longer eat, he may not get benefit – even using as fuel in a fire
 - i. Even: in the 6th hour (שעות דרבנן) – per ruling that if someone gave חמץ as קידושין at 6 hours - invalid
 - ii. Justification: even according to ר' יהודה, who requires burning (see below) – still may not get benefit from חמץ
- c. Destruction: ר' יהודה insists that burning is the only proper method of השבתה; חכמים allow any disposal

II. Source for the prohibition of benefiting from חמץ (איסור הנאה): ר' אבהו v. חזקיה

- a. איסור הנאה → (v. 1) “it shall not be eaten” → לא יאכל חמץ חזקיה
- b. any prohibition of benefiting from חמץ (איסור הנאה) → אכילה unless specified otherwise (as is the case for נבילה – v. 2)
 - i. Note: in ספרי (interpreting v. 2), dispute ר' יהודה if specifically giving to גר or selling to נכרי (ר' יהודה) נכרי (ר' יהודה)
 1. Or: is either form of gifting allowed to either “outsider” (ר"מ)
 - ii. Arguments: promoting each position
 1. use of (as disjunct) in middle of פסוק discourages cross-adaptation
 - a) ר"מ is used to give preference to לגר נתינה over לכרי מכירה
 - b) ר"ג: there is no need; we are commanded to sustain the (תושב) גר → obvious that he comes first
 - iii. Note: according to ר"מ, who permits either gift to either גר/נכרי, the inference that other איסורים are אסור בהנאה
 1. But: according to ר' יהודה, how can we infer that other איסורי אכילה inhere הנאה?
 2. Answer: from v. 3 – לכלב תשליכון אותו (referring to a נבילה) → other איסורי אכילה may not be given to a dog (הנאה)
 - a) ר"מ reads אותו as excluding בעזרה שנסחטו (may not be thrown to dogs)
 - b) ר' יהודה rejects this read, as he holds that חולין שנסחטו בעזרה are not אסורי אכילה