

קוצרין בית השלחין – Fields that require irrigation may be reaped

OVERVIEW

The משנה in מנחות teaches that one may reap the fields of a בית השלחין, etc. even before the עומר offering was brought¹. תוספות will examine the reason that it is permitted.



פירש רש"י² ממקום שאי אתה מביא אתה קוצר וכולי –

רש"י explained the reason one is permitted to reap the grain in a בית השלחין before the harvesting of the עומר is because we derive it by reconciling a seeming contradiction in one פסוק³, that **from a place where you cannot bring** grain for the עומר⁴ **you are permitted to reap, etc.** and from a place where it is permitted to bring the עומר, you are not permitted to reap before העומר.

anticipates a difficulty:

ובית השלחין וכל הנהו –

And concerning a בית השלחין and all those which the משנה mentions that they may be reaped before the עומר -

אף על גב דתניא⁵ בפרק כל הקרבנות (מנחות דף פה,א) אם הביא כשר –

Even though we learnt [in a משנה] in פרק כל הקרבנות that if they brought the עומר from those places, **it is כשר** for the עומר, so why are we permitted to reap those fields before the עומר (for personal use) since we may use the grain from these fields בדיעבד for the עומר.

responds:

כיון דלכתחלה לא יביא חשבינן ליה ממקום שאי אתה מביא –

Since however initially one should not bring from those places, therefore we **consider** those places as if they are **from a place where you cannot bring** grain for the עומר, and are permitted to be reaped.

¹ The מנחת העומר was brought (from barely flour) on the second day of פסח. This allowed all the 'new grains' (that took root after the previous year's עומר was brought) to be eaten.

² See מנחות עא,א where רש"י (merely) cites the גמרא there in בד"ה ושל.

³ The פסוק (ויקרא [אמור] כג,י) begins by saying עמר והבאתם את קצירה and וקצרתם את קצירת העמר, indicating that קצירה may be taking place even before bringing the עומר, and the פסוק concludes עמר ראשית קצירכם, indicating that the עומר is the ראשית קצירכם and no קצירה is permitted before העמר.

⁴ A בית השלחין is one of the places from where the עומר is not brought. The reason is because its produce was of an inferior quality. See 'Thinking it over' # 3.

⁵ This is amended to read דתנן.

anticipates an additional difficulty:

ואין לתמוה מי איכא מידי דמדאורייתא⁶ לכתחלה אסור וביעבד שרי –

And one should not wonder, is there indeed such a thing that it is initially forbidden but if it was done already it is permitted⁷ –

replies:

דאיכא מילי טובא דבעינן שיסנה הכתוב עליו לעבד כגון⁸ קדשים⁹:

For there any many instances where it is required that the verse repeat itself in order to prevent it from being acceptable; for instance by קדשים.

SUMMARY

It is initially to bring the עומר from a בית השלחין (and other places). Therefore (even though בדיעבד it is כשר if the עומר was brought from a בית השלחין קצירת העומר. There are other instances, such as by קדשים, where we find even in דאורייתא a difference between (where it is required) לכתחלה and בדיעבד (it does not matter).

THINKING IT OVER

1. Is the concept of לעבד הכתוב עליו שיסנה limited to קדשים or does it apply to other areas as well?¹⁰

2. states that since לכתחלה it is אסור to bring from a בית השלחין it is considered a משם (even though בדיעבד it is מותר). However תוספות previously¹¹ stated that since בדיעבד it is כשר if the פסח was נשחט before the תמיד (even though לכתחילה it is אסור) therefore the הפסח is considered at זמן חצות. How can we reconcile these two seemingly contradictory תוספות (where here we follow

⁶ מדאורייתא it is מותר to bring from a בית השלחין וכו' is a prohibition to bring the עומר from a בית השלחין, then how can we derive from the פסוקים that it is מותר to be קוצר in a בית השלחין before the עומר.

⁷ The concept of לכתחלה and בדיעבד is generally associated with laws מדרבנן (that initially they are required however if it was not done so it is acceptable), however concerning תורה laws they are (generally) a requirement even בדיעבד.

⁸ See לקח טוב כלל ה' אות ב' who comments that the word כגון is seemingly inappropriate, for עומר is קדשים.

⁹ The rule by קדשים is, if the תורה mentions a certain requirement only once, we assume that it is למצוה (this is the optimum way to perform the מצוה, however if it was not done, nevertheless the קרבן is valid); we see a difference between לכתחלה and בדיעבד. However if the פסוק repeats the requirement (שיסנה עליו הכתוב), this indicates that this requirement is necessary and if it is not fulfilled the קרבן is invalid בדיעבד.

¹⁰ See הערה 7

¹¹ ה,א ד"ה לא.

¹²?! (בדיעבד and there we follow the לכתחלה the

3. Seemingly the reason why we do not bring from a בית השלחין is because it is not מהודר.¹³ Why then is תוספות surprised that it is אסור לכתחלה and מותר בדיעבד (this is how it is by every מצוה)?!¹⁴

¹² See דבר שמואל and קובץ שיעורים (לעיל ה,א אות י').

¹³ See footnote # 4.

¹⁴ See ברכת אברהם.