

**ואי אשמעינן חיה משום<sup>1</sup> דמצנעא לה – And if the משנה would inform us concerning an animal; it is because she hides it**

### Overview

The גמרא discusses the need for the משנה to teach us the rule that one may feed both his בהמות and חיות (during the החמישית שעה). The גמרא explains that if the משנה would have taught this ruling only by a חיה, we may have thought that this permission is only concerning a חיה, since a חיה hides (some of) the food given to it. However concerning a בהמה which does not hide any food and leaves it in the open it would be forbidden (for he will transgress the איסור of יראה of בל יראה). Our תוספות addresses the question, that by a חיה (even if it hides the food, nevertheless) the owner should be עובר on ימצא בל ימצא. תוספות resolves this issue (as well as the problem of לאכלו).

ואין עובר משום בל יטמין<sup>2</sup> –

**בל** (if the חיה hides the חמץ) he will not transgress the prohibition of **בל יטמין** (not to hide חמץ). תוספות continues to explain why indeed he will not be עובר on בל יטמין –

**דבל יטמין נפקא לן מלא ימצא<sup>3</sup> ואין זה מצוי כיון שאין ידוע היכן הוא –**

**For, we derive the prohibition of בל יטמין from the פסוק of לא ימצא, and this חמץ which the animal is hiding is not considered available, since the person does not know where it is.**

תוספות offers supporting proof for this contention that if one is not aware of the חמץ; he is not עובר on ימצא בל ימצא:

**וכן משמע בפרק קמא (דף ו,ב) דפריך וכי משכחת לה ליבטלה –**

**And so it seems (also) in the first פרק where the גמרא challenges (the ruling of רב ר"י אמר רב that this ביטול is not necessary, for) he can be מבטל the חמץ when he finds the גלוסקא יפה (it is not necessary to be מבטל at the time of the בדיקה). This –**

**משמע דכל כמה דלא משכחת לא עבר בבל יראה –**

<sup>1</sup> In our גמרא the text reads מצנעא.

<sup>2</sup> See 'Overview'. The ברייתא (ה,ב) on ברייתא taught that if one is מטמין (hides) חמץ he is עובר on ימצא בל ימצא. However in our case where the חיה is מטמין he will not be עובר on ימצא בל ימצא.

<sup>3</sup> שמות (בא) יב, יט. If the תורה would have only written יראה תורה, we may have thought that only חמץ which can be seen is prohibited; however if one hides his חמץ, since it cannot be seen it is permitted. The תורה therefore writes ימצא בל ימצא, that the חמץ should not be found (in your possession) to include a prohibition against hiding חמץ. However this prohibition is limited to a case where the person hides the חמץ, for then the חמץ can be found (it is accessible to him). It does not however apply to a case where the animal hides the חמץ.

indicates that as long as he does not find the חמץ he did not transgress<sup>4</sup> the prohibition of בל יראה<sup>5</sup>.

תוספות asks a question:

הקשה רבנו שמשון בן אברהם היכי שרי להאכיל לחיה שדרכה להטמין –

The רשב"א asked; how do we permit feeding animals whose nature it is to hide (their food) -

הא תנן בפרק קמא (דף ט, ב') מה שמשיר<sup>7</sup> יניחנו בצינעא –

For we learnt in a משנה in the first פרק; 'and what he leaves over he should place it in a secure place -

כדי שלא תטול חולדה בפניו ויהא צריך בדיקה אחריו -

In order that a חולדה should not take it in his presence and he will be required to check after it.<sup>7</sup> This concludes the citing of the משנה. It is evident that if a חולדה takes חמץ on פסח one is required to check where this חמץ is. תוספות continues with the question.

וכל שכן שאסור ליתן בפניהם –

And it should certainly be forbidden to place חמץ in front of them.<sup>8</sup> If we are to make sure not to place חמץ where it is accessible to animals, we certainly should not be permitted to give it to them directly!

תוספות answers:

ויש לחלק בין חיה לחולדה<sup>9</sup> המגדלים<sup>10</sup> בבתים –

And one can differentiate between an animal and a חולדה which are raised domestically; we cannot compare a חיה to a חולדה -

דהיא<sup>11</sup> לא מצנעא כולי האי כמו חולדה הטומנת בחורים ובסדקין<sup>12</sup>:

<sup>4</sup> If he is עובר even before he finds the חמץ, then how can the גמרא ask that לבטליה ליה משכחת ליה; it is necessary for him to be מבטל by the בדיקה in order that he should not be עובר until he finds the חמץ.

<sup>5</sup> The term בל יראה should be understood in a general manner to include בל ימצא as well. The discussion in תוספות centers on the איסור of לא ימצא. See 'Thinking it over'.

<sup>6</sup> The משנה is actually on י, ב. (It was however cited on ט, ב' as well.)

<sup>7</sup> This is referring to the חמץ one leaves over after the בדיקה, to eat on the morning of י"ד.

<sup>8</sup> The concern is that maybe this חמץ will be found on פסח and (he will be בב"י or) he will eat it.

<sup>9</sup> חולדה (ונמיה וחתול) חיה who explains חיה to mean a חיה (ונמיה וחתול).

<sup>10</sup> Others amend this to read חולדה להחיה המגדלת בבתים; while others read חולדה להגדילה בבתים.

<sup>11</sup> Others amend this to read דחיה.

<sup>12</sup> A חולדה lives in tunnels under the house; therefore it is more likely that she stores food there. However a חיה lives in the open and does not set aside (that often) food that she receives. The צריכותא (according to תוספות) would be as follows: If the משנה would only teach only בהמה we would think that since a בהמה does not hide its leftovers, there is no problem (the owner will dispose of it), however by a חיה which (occasionally) hides its leftovers it should not be permitted, for perhaps it will (hide the food and it will) be found on פסח and he will either be עובר בב"י (if he was not מבטל) or שמא יבא לאוכלו; and if the משנה would only teach us חיה we would think that only by a חיה is it permissible since she at least hides it and there is no

**for the animal does not hide to such an extent as does the חולדה, which hides food in holes and crevices.** Therefore there is no (great) concern of ("ב"י וב"י") if it is found, or) שמא יבא לאכלו by חיה (as there is by a חולדה).

## Summary

There is no חזק (strong) for איסור (prohibition). A חיה is less prone to be חזק than a חולדה.

## Thinking it over

1. If one is certain that an animal will hide חמץ in his possession; is he required to take necessary measures to prevent it from happening?<sup>13</sup>
2. Is there a connection between קושיית הרשב"א and what precedes it in this תוספות?
3. The רשב"א poses a contradiction between our משנה which allows feeding of animals on ע"פ and the משנה that requires us to keep the leftover חמץ away from a חולדה. Seemingly there is no contradiction. Firstly, nothing is lost by requiring one to keep the חמץ במקום צנוע; however there is a loss to the owner if he cannot feed חמץ to the animals (for he will have to burn this חמץ). Secondly the cases are not the same. By a חולדה the concern is that she will snatch it away (in the house); this will (automatically) trigger a חיוב בדיקה (since there is חמץ around the house); however here when he is feeding the animals, it is possible they will leave nothing over and even if they do leave it over it is possible that it will never be found and therefore it should be permitted!<sup>14</sup>

ב"י וב"י on עובר בהמה there is a possibility of being (as תוספות explained), however by a שמא יבא לאכלו (even teaches us that in both cases it is permitted. There is however no real concern of (חולדה) since it is rare for a חיה to set aside its food (as opposed to a חיה).

<sup>13</sup> See ברכת אברהם and מהרש"ל, פנ"י.

<sup>14</sup> See ה"ב אות קכט (בכת"י) and פנ"י.