

TALMUDIC METHODOLOGY

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Shiur #08: The Prohibition of *Chametz* on Erev Pesach

The *gemara* (*Pesachim* 4b) cites a dispute about the timing of the *chametz* prohibition on Erev Pesach. Various *chumrot* are suggested regarding both consumption and possession of *chametz* in the early hours of the morning of Erev Pesach. However, all opinions agree that as of the sixth hour of the day, *chametz* may no longer be eaten. In this *shiur*, we will assess the status of *chametz* during the latter half of Erev Pesach. Does the onset of these prohibitions during the latter half of Erev Pesach indicate that, in fact, Pesach has partially begun on Erev Pesach? Or are these prohibitions independent of the experience of Pesach?

This question must be explored through the prism of a fundamental dispute between R. Shimon and R. Yehuda (*Pesachim* 28b), who debate the status of *chametz* on Erev Pesach after midday (*chatzot*). R. Shimon maintains that no actual biblical prohibition exists, whereas R. Yehuda holds that *chametz* is biblically forbidden already during the latter half of Erev Pesach.

Obviously, the possibility that Pesach already begins at midday of Erev Pesach seems more likely according to R. Yehuda, who acknowledges an actual *lav* for eating *chametz* on Erev Pesach. The presence of a *lav* indicates that midday of Erev Pesach can be seen as an extension of Pesach – just without the severity of *karet*.

If the prohibition to eat *chametz* on Erev Pesach reflects the stretching of Pesach to midday on the fourteenth, we would expect additional components of the *chametz* prohibition to be similarly extended backward to this period. In fact, the Rambam (*Hilkhot Chametz* 3:8) and probably *Rashi* (4b) assert that according to R. Yehuda, the prohibition of possessing *chametz* - *bal yeraieh* applies during this period as well. The applicability of *bal yeirae* on *Erev Pesach* indicates that the prohibition of eating *chametz* is not an additional, extrinsic prohibition, but rather an extension of the Pesach prohibition. Additionally, the Ran (*Pesachim* 6b) claims that *chametz* on Erev Pesach is *assur be-hana'ah* after *chatzot*. The presence of an *issur hana'ah* further indicates that full blown “Pesach-based” *chametz* prohibitions have already begun at *chatzot*, even though the punishment of *karet* is delayed until the fifteenth.

If the prohibition of *chametz* on Erev Pesach is an extension of the Pesach-based prohibitions of *chametz*, we would expect the two time periods of Pesach and Erev Pesach to be condensed into one *mitzva* in the list of 613. Surprisingly, however, the Rambam, who applies *bal yeirae* to *chametz* on Erev Pesach - presumably because he views Erev Pesach as an extension of Pesach - divides the *issurim* into two separate *mitzvot* (*Javim* 197 and 199). Perhaps the discrepancy in the liability for *karet*, which applies during Pesach but not on Erev Pesach, renders the prohibitions sufficiently disparate that they are classified as separate *mitzvot*.

The question of whether *chametz* on Erev Pesach is prohibited as an extension of Pesach or as an autonomous prohibition may impact the severity with which *chametz* is treated on Erev Pesach. Most forbidden foods become permissible when they become mixed with overwhelming volumes of permissible foods. However, this effect, known as *bitul be-ta'aroves*, does not apply to *chametz*, which is *asur be-mashehu*. Even if miniscule quantities of *chametz* are embedded in the mixture, the entire mixture is banned. Does this stringency apply to a mixture of *chametz* that occurs on Erev Pesach? Has Pesach actually begun, such that the stringencies of *chametz* also begin? Or is the prohibition against eating *chametz* on Erev Pesach completely extrinsic, such that although *chametz* is forbidden, it would not impose an *issur* upon the entire mixture?

The Shulchan Arukh (447:2) rules that this stringency only begins with nightfall of the fifteenth, indicating that Pesach has not really begun until the fifteenth, despite the actual prohibition to consume *chametz* of Erev Pesach. If Pesach has already begun, the stringency of *chametz* banning the entire mixture should presumably set in even during this period. Many *Rishonim* do contend that the stringency of *asur be-mashehu* commences already on Erev Pesach, but many attribute this to a completely different factor pertaining to the reason that *chametz* on Erev Pesach is treated so stringently to begin with (namely the status of *devar sheyeish lo matitin*).

Having explored the nature of the *issur* of *chametz* on Erev Pesach according to R. Yehuda, who applies an actual *lav* and *malkot* for eating *chametz*, we will now explore the question according to R. Shimon, who denies any *lav*-based prohibition for *chametz* consumption on Erev Pesach. At first glance, it appears that according to R. Shimon, all *chametz*-related prohibitions begin only at nightfall of the fifteenth. However, the *gemara* in *Pesachim* (4b) explores the *mitzva* of *tashibtu*, which requires that *chametz* be completely eliminated once midday of Erev Pesach arrives - a *mitzva* that presumably is accepted even according to R. Shimon. Does this *mitzva* to eliminate *chametz* after midday of the fourteenth indicate that Pesach has already begun from this moment? Perhaps R. Shimon maintains that even though a formal, *lav*-based prohibition against eating *chametz* does not apply on the fourteenth, the independent *mitzva*

of eliminating *chametz* does obtain, indicating a partial extension of Pesach back to midday of the fourteenth.

Alternatively, since, according to R. Shimon, the status of *chametz* on Erev Pesach is derived from a completely different *pasuk* – one that does not include a *lav*, but rather a positive *mitzva* to eliminate *chametz* – perhaps Pesach has not commenced yet, while a completely independent *mitzva* to destroy *chametz* applies to the fourteenth. How are we to interpret the *mitzva* of *tashbitu* – as an independent *mitzva* to eliminate *chametz* or as an indication that Pesach is extended to Erev Pesach even according to R. Shimon, despite the fact that the formal prohibition of eating *chametz* punishable by *malkot* begins only at nightfall of the fifteenth. To a certain degree, this question is influenced by our understanding of the *mitzva* of *tashbitu* and whether it is an independent *mitzva* or linked to *bal yeiraeah*.

The possibility that *chametz* on Erev Pesach remains “permissible” with an extrinsic *mitzva* of elimination/*tashbitu* is underlined by the Ba’al Ha-Ma’or, who claims that according to R. Shimon, the goal of *tashbitu* can be achieved by consuming *chametz* on Erev Pesach. The prohibitions of *chametz* have not yet begun and will only commence at nightfall of the fifteenth. The independent *mitzva* of *tashbitu* requires *chametz* disposal from midday, and eating *chametz* can accomplish this task.

The Ramban and Tosafot disagrees with the Ba’al Ha-Ma’or and prohibits eating *chametz* as a form of *tashbitu* execution. Perhaps they maintain that *tashbitu* after midday is not a separate *mitzva* of disposal, but rather an indication that Pesach has begun and *chametz* is forbidden to eat. As an expression of this “start” of Pesach, *chametz* must be disposed of – namely, *tashbitu*. Although the actual *lav* prohibition of eating *chametz* begins only at night when Pesach intensifies, there is a less intense prohibition of ingesting *chametz* that begins at midday and is signaled by the start of the *tashbitu* obligation.

Perhaps the nature of *tashbitu* – and by extension the nature of *chametz* on the fourteenth – can be discerned by exploring the *derasha* cited by R. Shimon. The Torah writes that on the first day, “*yom ha-rishon*,” *chametz* should be eliminated (*tashbitu*). The *gemara* debates how the term “*yom ha-rishon*” is translated into the fourteenth, Erev Pesach. Some (*Tanna De-Bei Rebbi Yishma’el*) claim that the term “*ha-rishon*” connotes the day BEFORE some event, rather than the FIRST day of the event. This would yield a *pasuk* that directly tags the fourteenth with a possibly independent *mitzva* of *chametz* elimination. Others claim that fundamentally, the term “*yom ha-rishon*” indicates the first day of Pesach. Theoretically, the *mitzva* of *tashbitu* applies to Pesach itself and starts on the first day. However, technical difficulties prevent this reading and force a readjustment of the timing of this *mitzva* to the fourteenth. Abaye claims (at least according to Rashi’s reading) that *tashbitu* cannot be performed on the fifteenth because the prohibition of *bal yeiraeah* will have already begun at the onset of Pesach. Thus,

by performing *tashbitu* on the fifteenth, *bal yeiraeah* will inevitably be violated. Tashbitu must be rescheduled from the fifteenth to the fourteenth. Similarly, R. Akiva maintains that *tashbitu* cannot be fulfilled on the fifteenth because burning *chametz* (the preferred method of eliminating *chametz* according to R. Yehuda) will violate the prohibition against burning non-edibles on Yom Tov. Hence, purely technical limitations of the fifteenth force the schedule of *tashbitu* to be assigned to the fourteenth, even though the Torah employs the term “*ha-rishon*.” Essentially, *tashbitu* is a Pesach-based *mitzva* that for technical reasons must be scheduled (by the Torah) prior to Pesach. This view would strongly suggest that *tashbitu* is not an isolated and extrinsic non-Pesach *mitzva* on the fourteenth, but rather a *mitzva* that effectively extends Pesach backward to midday of the fourteenth.

In fact the Ra'avad (in his commentary on the Rif) claims that according to R. Shimon, not only is it forbidden to eat *chametz* on Erev Pesach, but it is also prohibited to possess due to the onset of *bal yeiraeah*. Even R. Shimon, who does not apply a formal *lav* to *chametz* on Erev Pesach, maintains that Pesach has already begun and multiple laws of *chametz* (elimination, prohibition to eat, *bal yeiraeah*) all begin, even though the *lav*-based prohibition only commences at night.