

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

For easy printing, go to:
www.vbm-torah.org/archive/metho66/12metho.htm

Shiur #12:
Defending the Rambam's Position Regarding *Bittul Chametz*

A previous shiur addressed the efficacy of *bittul chametz* in resolving the issue of "*Bal yeira'eh.*" Conceptually, the prohibition to possess *chametz* on Pesach should only be solved by actual physical removal. Yet the Gemara (Pesachim 4b) asserts that from a biblical standpoint a mere verbal declaration of disinterest, known as *bittul*, is sufficient. The rabbis require actual *bedika* and subsequent physical destruction for a range of different reasons and concerns; however, fundamentally, *bittul* is sufficient to evade any issue of possession.

Tosafot adopt a monetary view of *bittul*, rendering it a form of *hefker*, a legal repudiation of ownership. After *bittul*, the *chametz* is no longer in one's possession, and therefore no prohibition applies. Many other Rishonim – most notably the Rambam — believe that a *bittul* declaration subjectively reconfigures *chametz* as 'dust' or as inconsequential. Halakha empowers a person to create a virtual reality concerning *chametz*. Though objectively the food may be edible or even tasty, if the owner's perspective is one of disinterest, the food loses its status of *chametz*.

Unlike Tosafot, who define *bittul* in classical *hefker* terminology, the Rambam expounds an entirely new category: that *chametz* and its identity is not just a matter of ingredients and edibility, but of context and personal perspective. From where did he draw this novel idea?

Rashi (4a) appears to agree with the Rambam and in a subsequent comment traces the notion of *bittul* as "the degradation of *chametz*" to an actual verse. When describing the prohibition of possessing *chametz* and the manner of disposal, the Torah employs an unconventional and almost flimsy verb. Instead of instructing us to burn or destroy (*teva'aru* or *tashmidu*) the Torah demands that we abate the *chametz*: "*tashbitu*". This unorthodox articulation indicates that the status of *chametz* is flexible and that subjective demotion can diminish its status as *chametz*. In fact, in the second chapter of Hilchot Chametz

U-matza, when the Rambam describes his 'demotion theory' of *bittul* he alludes to the syntax of "*Tashbitu*" as a possible source for his theory.

In truth, the "demotion theory" of *bittul* may already be latent in several gemarot in Pesachim. For example Pesachim 31b allows that *chametz* trapped underneath the rubble of a collapsed building does not require actual removal. Even if the *chametz* per se is preserved, encased in some impermeable container, its 'context' - compromised by its location underneath rubble — may render it "demoted *chametz*", which poses no "*Bal yeira'eh*" problem. To be sure, the ensuing gemara does demand *bittul* even for this *chametz*, suggesting that the demoted status of this *chametz* may not be sufficient to avoid "*Bal yeira'eh*." However, many positions see this *bittul* as secondary, implemented to solve peripheral concerns; fundamentally, the collapsed state of the building covering the *chametz* renders it insignificant and innocuous.

An even more tantalizing possibility emerges from a gemara (21b) which asserts that *chametz* which has been burnt before Pesach may be utilized on Pesach proper. Tosafot claim that the *chametz* was entirely burnt to coal, and therefore it is no longer physically or chemically considered bread. However, some Rishonim disagree, questioning the need for the Gemara to reveal an idea which should seem obvious. Instead, these Rishonim describe a scenario in which the *chametz* is singed by inserting it momentarily into a fire, thereby scorching the outer layers. This charred *chametz*, though completely edible on the inside, poses no "*Bal yeira'eh*" threat. Perhaps the same demotion process is underway; by inserting *chametz* into a flame, its owner displays dismissiveness toward the *chametz*, resolving any "*Bal yeira'eh*" issue despite its objective edibility. These two gemarot elucidate the theory of the Rambam. Indeed, in these two instances, actual physical conditions contribute to the trivialization of the *chametz* (rubble or scorching), but the model of edible *chametz* which has been demoted certainly underlies these two scenarios.

A third possible precedent for the Rambam's theory may stem from another fascinating gemara (45b). This gemara first asserts that moldy bread must still be attended to, as it constitutes a "*Bal yeira'eh*" threat. As it can be utilized to leaven other fresh bread, it must be reckoned as *chametz*. Rabbi Shimon ben Elazar discriminates between typical stale bread and a large mass of hardened yeast which a person designated as a chair or other seating item. As this person renders this block of yeast a chair, it loses its status as *chametz* and can be ignored. Once again, *chametz* is depicted as more than just chemical ingredients; once again, context and personal perspective demote the *chametz* and evade "*Bal yeira'eh*." Of course, this situation is far less novel than the Rambam's innovation; the gemara refers to stale bread or hardened yeast blocks, and as these substances are only marginal *chametz*, they may be redirected and reconfigured as alternate substances. Can the same be said about intact and edible *chametz*, which was not redirected for alternate utility but verbally demoted? Indeed, Rabbeinu Yonatan of Lunel, in his commentary to

this gemara, does associate *bittul* with this precedent, perhaps justifying the possibility that the Rambam employed this gemara as his model as well.

Though the Rambam's *bittul* theory appears unique, it may have textual sources and may already possess ample precedent in several situations already found in the gemara. The status of *chametz* may be dependent on context and attitude, not just chemical composition.