

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

Eating the Korban Pesach

Many Rishonim who wrote sefarim detailing the 613 mitzvot allot two separate mitzvot for the korban Pesach. They primarily distinguish between the mitzva of sacrificing the animal and the mitzva of eating the animal (see, for example, the Rambam mitzva 55 and 56, the Semag mitzva 223 and 225, the Chinukh mitzva 5,6 and the Yerei'im mitzva 90 and 405). This is discrepant with the standard counting system as it applies to other sacrifices. In all other cases, a sacrifice is only counted as ONE of the 613 mitzvot. That mitzva encompasses the ritual service as well as the subsequent eating (when applicable). Yet, in the case of korban Pesach, eating the animal is listed as a separate mitzva. This article will explore the difference between the eating of korban Pesach and the eating of a standard korban.

The Beit Halevi addresses this issue in two separate locations. In the first instance (vol. I chapter 2) he differentiates between the size of meat which one is required to eat of each korban. When it comes to a standard korban even less than a kezayit may be eaten (see Pesachim 3: where a kohen mentioned that he only received lechem ha-panim the size of a bean) while in the case of korban Pesach each person must eat at least a kezayit. According to the Beit Halevi, each Jew is personally obligated to consume a kezayit of korban Pesach as generally, halakhic eating demands a minimum ingestion of kezayit. In the case of a standard korban, however, there is no personal obligation to eat the meat; rather, part of the sacrificial process demands that the meat BE EATEN and not discarded. Even if I defer the eating to someone else, my korban is complete since I have assured that the meat will be eaten. Hence, no one individual must consume a kezayit worth. The Beit Halevi contends that this disparity might also explain the extra mitzva allotted to eating the korban Pesach within the list of 613. Eating any other korban is not a separate mitzva but part of the entire process; hence, it doesn't warrant its own mitzva. Eating the Pesach, however, transcends the standard role of eating and is counted as a separate mitzva.

The Beit Halevi (vol. III chapter 51 part 4) applies this principle in another context. He cites a gemara in Menachot (99) which allows eating meat from a korban which is still raw. Raw meat is generally considered eino ra'ui la-akhila (inedible) and does not classify as a halakhically valid 'eating.' For example, if one were to eat raw meat of neveila he would not receive a punishment since this is a non-standard form of eating. Yet, in the case of korban this form of eating appears to be valid. The Beit Halevi uses this gemara to confirm his point that with a standard korban the eating is not an

obligatory act for any specific person; the meat of the korban has to be devoured but no one person has to perform an act of eating. Just as each person may eat less than a kezayit similarly the meat may be eaten raw. These same laws would not apply to korban Pesach which demands a ma'aseh akhila - a halakhic eating as a separate mitzva. The same distinction between eating a korban Pesach and eating standard korbanot was drawn by the Or Same'ach in his commentary to the Rambam Hilkhos Chametz U-matza 6;1.

[Based on this Beit Halevi, we might view the laws of eating a korban Pesach as models of halakhic acts of eating. Anything which is valid for Pesach purposes would be defined as akhila. For example, the gemara in Pesachim (82b) suggests that one may fulfill the mitzva of eating the korban Pesach by eating the nerves of the animal rather than the meat itself. Evidently, the gemara considers eating nerves as equivalent to eating meat. This would appear slightly contradictory to the gemara in Chullin (117b) which maintains that nerves do not contain the tum'a which is usually associated with neveila (dead animals which were not properly slaughtered). Evidently, we must assume from the gemara in Pesachim that nerves are considered meat but for some reason do not confer this form of tum'a.]

Possibly the Beit Halevi's statement is reflected in the location of the korban Pesach laws in the Torah. The main segment describing these laws is found in parashat Bo – before the concepts of mishkan and korbanot in general were conceived. It would appear that the korban Pesach in general, and specifically the eating thereof, can be understood independently of the standard korban model. Indeed, the Torah repeats the laws of korban Pesach in parashat Re'eh (Devarim 16) but noticeably omits korban Pesach from the list of korbanot in Sefer Vayikra.

In addition we might consent to the Beit Halevi's position regarding a mitzva of akhila independent of shechita based upon the distinct time frames allotted for each mitzva. The shechita of the korban Pesach must occur during the afternoon of the 14th but not during the evening. By stark contrast, the eating CAN ONLY BEGIN after sunset. In general, the eating of a korban can commence immediately after the sacrifice. Of course, it may continue during the ensuing evening but does not have to be delayed until then. [This distinction, especially in reflecting the difference between Pesach and korbanot in general, was first addressed by the Yere'im (a list of mitzvot authored by R. Eliezer from Metz) in mitzva 405]. In fact, the gemara in Berakhot (9a) cites a machloket between R. Eliezer and R. Yehoshua whether the Pesach may be eaten until sunrise (as a standard korban which may be eaten during the day of the sacrifice and the ensuing evening) or must be consumed by midnight. Clearly, R. Eliezer's position which limits the eating until midnight further indicates the gap which exists between eating a regular korban and eating a Pesach. (For further elaboration of this point see Rav Breuer in his sefer 'Pirkei Mo'adot' vol. I pg. 165-170.)

Another factor which might highlight the differences between the two eatings is the punishment of karet for not eating the Pesach. It is unclear

from the gemara whether karet applies only to someone who does not sacrifice a Pesach or even to someone who sacrifices but doesn't eat. From Rashi's commentary to the gemara in Zevachim (100b) it would appear that karet applies even if one did not eat the Pesach. Again, the unique onesh might confirm the independent role which eating the Pesach plays, unlike the secondary one which eating plays in general korbanot.

Though he distinguishes between Pesach and general korbanot, the Beit Halevi admits that the Pesach, alongside its unique akhila, still retains the general kodashim element of eating. Basically, there are two different facets to eating the Pesach - the general obligation to assure that the meat of a korban is consumed and the special Pesach mitzva that each person should eat a kezayit of meat.

Support for this view might be generated from a gemara in Zevachim (77) which discusses the rule of *asei docheh lo ta'aseh*. In general, if a person can only fulfill an obligation by violating a prohibition, we rule that he must fulfill the obligation (assuming there is no way to fulfill without violating). The gemara in Zevachim questions whether this rule applies in the mikdash as well. The gemara attempts to prove that it does not from a rule governing korban Pesach. One is not allowed to break any bones of the Pesach (see Shemot 12:46). The gemara rules that this applies to all bones – even those which contain edible marrow. Evidently, the gemara continues, the mitzva of eating the Pesach does not take precedence to the prohibition of breaking bones. From this fact, the gemara induces that regarding Mikdash laws positive commandments (eating korban Pesach) do not take precedence to prohibitions (breaking bones).

From this gemara we might induce that not only must a kezayit of meat be eaten but that ALL EDIBLE MEAT must be consumed. If eating one kezayit would suffice, the scenario of obligation vs. prohibition (eating bone marrow vs. not breaking bones) would never arise; why not fulfill the mitzva of eating by consuming the meat itself without getting involved with the bones? Evidently, not only must a kezayit be eaten but, at a certain level, there exists a mitzva to consume all edible flesh. Regarding this mitzva the gemara probes the issue of breaking bones. This mitzva of eating ALL flesh does seem to reflect the standard korban mitzva. Evidently, Pesach has two facets - a special mitzva for each person to eat a kezayit and the general mitzva of assuring the korban meat is consumed.

Though it makes sense to view Pesach as at least a standard korban and subject to the same guidelines, the text does not necessarily support this position. As mentioned earlier, the laws of korban Pesach described in parashat Bo are clearly stated in a vacuum since other korbanot were not yet prescribed. Indeed, the Torah repeats the laws in parashat Re'eh after korbanot were mandated. Yet, we still might question the omission of korban Pesach from Sefer Vayikra in which the korbanot are listed. This question - the relationship between korban Pesach and the general world of kodashim - has ramifications beyond the definition of the eating. This broader issue, however, will not be addressed in this article.

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