



## Rambam's Understanding of 'Tashbitu'

By Rabbi David Brofsky

### Introduction:

A brief look at the Rambam's introduction to *Hilchot Chametz U-Matzah*, where he lists the positive and negative commandments associated with *chametz*, should already indicate that the prohibition of *chametz* is certainly unique, as is our relationship towards it.

The Rambam enumerates eight *mitzvot* relating to *chametz*, including the prohibition to eat *chametz*, a separate prohibition to consume a mixture of *chametz*, the prohibition of "seeing" and "finding" *chametz*, known as *bal yeraeh* and *bal yimatze*, interpreted by the rabbis as referring to owning *chametz*, as well as a positive mitzvah to "destroy" ('*le-hashbit*') *chametz*.

While the Torah elsewhere prohibits eating, and at times even benefitting from certain foods, due either to the inherent status of the food, or to a specific time, certainly the scope of the prohibitions of *chametz* indicate that *chametz* is not to be viewed as just another prohibited food.

If so, how are we to understand the prohibitions of *chametz*, and why? In this *shiur*, we will focus upon the *mitzvah* of "*tashbitu*", first presenting the positions of the Rishonim, and then focus specifically on the Rambam's presentation of this *mitzvah*, in order to attain a deeper understanding of these prohibitions.

### The Proper Time to Fulfill "Tashbitu":

The Torah (*Shemot* 12:15) commands:

"Seven days shall ye eat unleavened bread; howbeit the first day **ye shall put away ("tashbitu") leaven out of your houses**; for whosoever eateth leavened bread from the first day until the seventh day, that soul shall be cut off from Israel."

The gemara (*Pesachim* 5a) determines that the "first day" refers to the fourteenth of the month of Nissan, upon which the Pesach offering is brought, and not the fifteenth, the first day of the festival. While the gemara offers different reasons as to why the "first day" MUST refer to the fourteenth of Nissan, partially depending upon the way in which the mitzvah is to be fulfilled, all seem to agree to this interpretation.

What remains unclear, however, is WHEN on the fourteenth is the *mitzvah* fulfilled, and how?

Seemingly, this question has already been debated by Rashi and the Tosafot.

Tosafot (*Pesachim 4b d"h mi-deorayta*) discusses the manner in which one fulfills the mitzvah of tashbitu. He asserts that "*tashbitu*" is fulfilled through burning. Firstly, he notes that Rabbi Akiva (*Pesachim 5a*) insists that "the first day" must refer to the fourteenth of Nissan, as if it were to refer to the fifteenth, i.e. the first day of the festival, it would be prohibited to burn the *chametz* on Yom Tov! Furthermore, if the nullification of chametz ("bittul") cannot be performed after noon ("*chatzot*"), *tashbitu* must refer to the burning of chametz!

Clearly, Tosafot assumes that the mitzvah of "*tashbitu*" is fulfilled AFTER "*chatzot*" on the fourteenth.

This position raises many difficulties, as one is not permitted to own *chametz* after *chatzot* on the fourteenth of Nissan! Seemingly, the Tosafot understand that the mitzvah of "*tashbitu*" can be fulfilled only when a person inadvertently retains *chametz* in his possession after noon, and thereby violates the prohibitions of "*bal yeraeh*" and "*bal yimatze*". One who follows the *halacha* precisely, according to Tosafot, may never fulfill "*tashbitu*", as it serves to "repair" the violation of owning *chametz*.

Interestingly, the Mordechai cites those who would save *chametz* and burn it on the exact hour of noon, in order to fulfill the mitzvah in its fullest! Apparently, they believe that "*tashbitu*" may be incumbent upon every individual to fulfill

Alternatively, the *Ba'al Ha-Ma'or* (*Pesachim 7a*), in an opinion outside the scope of this shiur, asserts that not only may one eat *chametz* after the sixth hour, but by eating *chametz* one actually fulfills the mitzvah of *tashbitu*!

Rashi (*Pesachim 4b*), as well as the Rambam, disagree, and claim that "*tashbitu*" is fulfilled BEFORE noon. They explain that "*tashbitu*" may be fulfilled through "*bittul*" (i.e. psychological negation), which may only be fulfilled BEFORE noon.

Does this debate, regarding the time during which one may fulfill the mitzvah of *tashbitu*, impact upon our understanding of the mitzvah?

### **Is "Tashbitu" as "Passive" or "Active" Mitzvah:**

The Minchat Chinuch (9 ) questions whether the mitzvah of "*tashbitu*" refers to an obligation to actively destroy *chametz*, i.e. a "*ma'aseh*", or to a responsibility to ensure that all *chametz* be disposed of before noon on the fourteenth, i.e. a "*totza'ah*". In other words, does one fulfill "*tashbitu*" at noon on the fourteenth of Nissan if one has no *chametz* in one's possession, or only through actively destroying the *chametz*.

Incidentally, the Ramban, in describing the mitzvah of "*tashbitu*", writes that "God intended that one's *chametz* should be destroyed or nullified by noon..." Clearly, he focuses upon the "result", i.e. that one should not have any *chametz* in one's

procession by noon, and not upon the act of destruction itself. We will return to this opinion slightly later.

In any case, the Minchat Chinuch also asserts that Rashi, who understands that one may fulfill "*tashbitu*" through "*bitul*" BEFORE noon, MUST believe that "*tashbitu*" doesn't refer to an active obligation to nullify *chametz*, but merely to a responsibility to ensure that one doesn't own any *chametz* by noon on the fourteenth. Tosafot, on the other hand, who insist that the mitzvah is fulfilled after chatzot on the fourteenth, must view the obligation as "active", i.e. one MUST burn *chametz* in one's possession after the sixth hour.

Rav Chayyim Solveitchik (*Hilchot Chametz U-Matzah* 1:3) insists that the Rambam also understands the mitzvah of "*tashbitu*" in this manner. He comments upon the Rambam's assertion that one who purchases *chametz* during the festival receives lashes for violating the prohibitions of owning *chametz* (*bal yareah and bal yimatze*). He questions why one should receive lashes, as the general principle is that a negative commandment closely associated with a positive commandment ("*lav ha-nitak le-aseh*"), intended to undo the damage done by violating the prohibition, does not incur lashes upon its violation. Therefore, how can one incur lashes for purchasing *chametz* during Pesach, if "*bal yareah*" is associated with "*tashbitu*"!

He concludes by referring to another fascinating debate. The Mishna (Pesachim 21a) cites different opinions as to whether one must destroy *chametz* through burning (Rabbi Yehuda), or through any means of destruction (Chachamim). Rav Chayyim explains that while Rabbi Yehuda, who insists that *chametz* be burned, clearly understands that that "*tashbitu*" refers to an active commandment to burn *chametz*, the Chachamim, who explain that *chametz* may be disposed of in any manner, must not view "*tashbitu*" as a mitzvah with a specific actions, but rather is a general obligation to ensure that one doesn't have any *chametz* in their possession before *chatzot*. Therefore, he explains, this type of positive commandment is NOT considered "linked to" or "associated to" a negative commandment, as its fulfillment is not mandated in an active manner. Incidentally, the Minchat Chinuch rejects this understanding of the debate between Rabbi Yehuda and Chachamim.

A close reading, however, of Rashi and the Rambam, seem to reveal a different understanding of the mitzvah.

### **The Definition of "Tashbitu":**

As we mentioned above, Tosafot understands the mitzvah of "*tashbitu*" as an obligation to destroy one's *chametz* after noon on the fourteenth. Other Rishonim concur, partially, in claiming that "*tashbitu*" refers to physical destruction, yet expand the definition of "*tashbitu*". The Maharam Chalava, and Rabbenu David, for example, explain that "*tashbitu*" refers to physically emptying one's house of *chametz*, beginning with the "*bedikat chametz*".

Rashi, and Rambam, however, disagree. Rashi (Pesachim 4b), for example, explains that one fulfills the mitzvah of *tashbitu* through *bittul*! He cites the Targum, which translates "*tashbitu*" as "*tevatlun*", i.e. "nullify", as support for his position.

And what is "*bittul*"? While according to Tosafot, "*bittul*" merely refers to the renunciation of ownership, known as "*hefker*", Rashi writes explicitly that "*bittul*" refers to "negation in the heart" ("*bittul be-lev*"). In other words, one fulfills "*tashbitu*", according to Rashi, through merely negating the importance of and relationship to *chametz*.

Rashi's position is rather difficult to comprehend. How, why, and when would psychological negation suffice?

The Ramban, incidentally, accepts the efficacy of "*bitul*" yet writes:

"There are three methods of disposing *chametz*, as the Torah says that one should not see *chametz* in our procession. Therefore, one should burn or totally destroy *chametz*, and that is the best method... and if one performs *bittul* through speech, one has also fulfilled the commandment."

In other words, according to the Ramban, while *bitul* may be a valid form of *tashbitu*, physical destruction through burning, or other methods, is preferable. However, as the Ramban already stated that *tashbitu* is not an active mitzvah, but rather the responsibility to rid one's self of *chametz* before Pesach, it seems reasonable that however one rids one's self of *chametz* is acceptable.

### **The Rambam's Understanding of "*Tashbitu*"- and His Approach to the Prohibitions of *Chametz*:**

The Rambam (Hilchot Chametz and Matzah 2: 1-2). , however, seems to offer a different interpretation. He writes:

"there is a positive commandment to "destroy" ("le-hashbit") *chametz* BEFORE the time in which it becomes prohibited to eat, as it says, 'on the first day **ye shall put away ("*tashbitu*") leaven out of your houses**', and we have learned that the 'first' refers to the fourteenth... and what is the "*hashbata*" described by to Torah? One should **nullify** *chametz* in his heart, and resolve in one's heart that he has no *chametz* in his possession at all, and that all *chametz* in his possession is like dirt, and is akin to something of no use..."

The Rambam strongly implies two points. Firstly, that THE manner of fulfilling *tashbitu* is through psychological/spiritual negation. Secondly, he implies that each person should actively fulfill this mitzvah, unlike the position of the Ramban, and unlike the Minchat Chinuch's and Rav Chayyim Soloveitchik 's understanding of the Rambam!

If so, we might question this opinion. How does "*bittul*" prevent the prohibitions of *bal yareah* and *bal yimatze*? And what does this imply about the prohibitions of *chametz*?

Seemingly, the Rambam understands that *chametz* transcends the recognized, formal prohibitions of forbidden foods. Ultimately, the Torah prohibited, according to the Rambam, having any "relationship" with *chametz*. Therefore, not only is it prohibited to EAT *chametz*, but *chametz* also may not be "seen" or "found" in one's possession, and even mixtures of *chametz* are forbidden, uniquely, on Pesach. Therefore, the most appropriate way to rid one's self of *chametz* is to separate, psychologically and spiritually.

*Chametz*, according to this theory, represents a spiritual foe, which must be battled physically, and apparently, spiritually as well. indeed, the gemara relates (*Berachot* 17a) that "Rabbi Alexandri would end his daily prayers with the following supplication: 'Master of the Universe, You know full well that it is our desire to act according to Your will; but what prevents us from doing so? - **the yeast in the dough...**'"

*Chametz* represents something so negative, beginning with the "evil inclination", and according to many, sharing characteristics of idolatrous practice, that we must rid ourselves of it, physically, and, optimally, spiritually as well. Apparently, this view of *chametz* permeates the Rambam's understanding of the prohibitions of *chametz*, and we demonstrated in his understanding of the *mitzvah* of "*tashbitu*".