

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Pesach Shiur 14

Mareh Makomos for this shiur

Pesachim Mishna 42a

Gemora 43a ור"א עירובו בלאו until הרי אלו באזהרה

Siman 442 Tur, Bais Yosef,

Taz 1

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This Series is dedicated to the memory of Mr. Moshe Baruch Sheffey

– R' Moshe Baruch ben Dovid Sheffey z'l

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Ta'aruvos Chametz



Siman 442:1 – Part 1

1 1) (1) (One who owns) **ta'aruvos chametz transgresses the prohibition of “ba'al yira'eh ba'al yimatze”**. For example, (this applies to) **morais,¹ kutach habavli,² and beer from Madai³, and similar types (of mixtures) which are edible. However, if something that has chametz mixed in 2) and is aino ra'ui l'achila (unfit to eat) it is permissible to keep it (stored) during Pesach. For example aravos ha'avdanim (a tanning solution) that flour and skins were added an hour before zman biur ⁴ it is permitted to keep. (However), if the skins were not added, but the flour was added more than three days before shas biur, the tanning solution is mutar to keep because it became spoiled and moldy. (If the flour was added) within three days of zman biur it must be destroyed. Similarly “collyr” (eye-salve), “ratiya” (plaster for a wound), “isplanis” (compress) or “tiryakha” (a type of remedy) that chametz was added to are permitted to keep because all form of that chametz has been destroyed.**

Ta'aruvos Chametz verses Chametz Nukshe

Ta'aruvos chametz is edible food which has *chametz* mixed into it. *Chametz nukshe* is *chametz* that is inedible. The *Mishna* in *Pesachim* 42a lists seven items. The first four are *ta'aruvos chametz* and the last three are *chametz nukshe*.

¹ A type of food mixed with lightly roasted flour and water.

² A dip made from salt, *mai chalar* (the liquid left over after the solids have been removed separated from milk) and bread crumbs.

³ Which had water that barley was cooked in added to it, however beer made entirely from barley is *chametz gamur* (Rosh).

⁴ The time *chametz* becomes forbidden.

Mishna 42A *Ailu ovrin* (these products are forbidden) on *Pesach*: *keutach habanli*, beer from Madai, vinegar from Edom (barley was added to it), *zisum* from Mitzraim (made partially of either barley or wheat), bran water of dyers, dough of cooks (made from wheat that only grew a third of its growth and used to cover the pots), paste of scribes (made of flour). **Rabbi Eliezer** says even cosmetics of women. The general rule is: Anything that is made of grain is forbidden during *Pesach*. These are forbidden to eat but not punishable by *kares*.

The Meaning of Ailu Ovrin

According to **Rashi** “*ailu ovrin*” means that one must burn the *chametz* because of the transgression *bal yira'eh bal yimatzeb*.

According to **Rabbainu Tam**⁵ “*ailu ovrin*” means to remove the food from the table because it is *assur* to eat, but one need not burn the *chametz* because ownership of these items does not transgress *bal yira'eh bal yimatzeb*.

The Tana of Our Mishna

Gemora 43A The *Gemora* asks ⁶ who is the *Tana* of our *Mishna* that holds that one receives *malkos* for eating both *ta'aruvos chametz* and *chametz nükshe*?

Rav Yehuda says in the name of **Rav** it is **R' Meir**. **R' Meir** holds that *sai'ar* is when the surface of the dough becomes white and one who eats it receives *malkos*. We see that **R' Meir** holds that there is *malkos* for eating *chametz nükshe* so certainly there will be *malkos* for *ta'aruvos chametz*.

R' Nachman says that it is **R' Eliezer**. In says in a *Braisa* **R' Eliezer** holds that for eating *chametz gamur* (plain *chametz*, not part of a *ta'aruvos*) one receives *kares* and for eating *ta'aruvos chametz* one receives *malkos*. The **Chachamim** say that for eating *ta'aruvos chametz* one does not receive *malkos*. Since **R' Eliezer** holds that there is *malkos* for *ta'aruvos chametz* all the more so ⁷ he will hold that there is *malkos* for *chametz nükshe*.

Rashi explains that according to **Rav Yehuda** *ta'aruvos chametz* is more stringent than *chametz nükshe* and according to **Rav Nachman** *chametz nükshe* is more stringent than *ta'aruvos chametz*.

⁵ First *Tosefos* in the *perek*.

⁶ Seventeen lines down.

⁷ This is according to the text of our *Gemora*, However, the **Bais Yosef** had the text *וְהוּא שָׂוִי* (it is equal).

Tana Kavasai

The Talmud continues: *Tanya kavasai D'Raw Yehudah*: (it was taught as a support to **R' Yehudah**), “The *pasuk* states “כל מהמצת לא תאכלו” All *chametz* is forbidden to eat.’ It (the word כל) is extra to teach us that this includes *kutach habavli*, *shachar hamadi*, *chometz ba'adomi*, and *zisum ha'mitzri*. I might think that on these the punishment is *kares*? We are taught, “All who eat *chametz* receive *kares*.” On *chametz dagan tabor* (pure grain *chametz*) the punishment is *kares* (divine punishment by premature death) and on *ta'aruvos* of *chametz* one transgresses a *lav*. Who is the one who says that a *ta'aruvos* of *chametz* transgresses a *lav*? This is according to **R' Eliezer**⁸ who says that a *ta'aruvos* *chametz* is forbidden. However, he never said that *chametz nukshbe* was *assur*. We see from this that he holds *chametz nukshbe* is not prohibited.

The Tur

Even though **R' Eliezer** did not speak about *chametz nukshbe*, the **Tur** holds that according to **R' Eliezer** just as one is *chayiv* on *ta'aruvos chametz* so too *chametz nukshbe* is forbidden. However, the **Bais Yosef** asks a question on the **Tur**, “It is clear from the words “*tana kavasai*” in the *Gemora* that the *Mishna* is like **R' Yehudah** who holds that **R' Eliezer** does not prohibit *chametz nukshbe*.”

The **Bais Yosef** answers that the “*tana kavasai*” is only if you say like **R' Yehudah** that *ta'aruvos chametz* is more stringent than *chametz nukshbe*. Therefore we see from the *braissa* that only mentions *ta'aruvos chametz* that **R' Eliezer** holds that *chametz nukshbe* is *mutar*. However, according to **R' Nachman** *chametz nukshbe* is more stringent than *ta'aruvos chametz* so the reason that the *braissa* which follows **R' Eliezer** does not mention *chametz nukshbe* is because it is a *kol shecain*. Therefore, there is no proof against **R' Nachman**.

Do Not Make a Three-Way Machlokes

The **Taz** (1) has a different answer to explain the *Tur*. Once we say that **R' Meir** holds that for both *chametz nukshbe* and *ta'aruvos chametz* one receives a *lav*, logically we say that **R' Eliezer** holds that *chametz nukshbe* is *assur*.

The reason is that otherwise we would have a three way argument:

- 1) **R' Meir** holds that both *chametz nukshbe* and *ta'aruvos chametz* are *assur*.
- 2) The **Rabbanan** hold that both *chametz nukshbe* and *ta'aruvos chametz* are *mutar*.

⁸ Note that the *Mishna* and *Braisa* both quote **R' Eliezer**. According to *Tosefos'* commentary on the *Mishna* we must say that one of the sources must be **R' Elazar** and not **R' Eliezer**.

- 3) **R' Eliezer** holds by *ta'aruvos chametz* like R' Meir and by the Rabbanan in cases of *chametz nukeshe*.

The **Taz** adds that the above three-way argument cannot be true because the *Gemora* would state the argument between **R' Meir** and **R' Eliezer**. Since the *Gemora* does not state such an argument, it must be that **R' Meir** and **R' Eliezer** agree that both *chametz nukeshe* and *ta'aruvos chametz* are *assur*. The reason why the *Gemora* said that our *Mishna* is like **R' Meir** is because it is not explicitly stated that **R' Eliezer** holds that *chametz nukeshe* is *mutar*.

R' Shimon

We will learn in *Simon* 447:11 that according to **R' Shimon** *chametz* which was owned by a Jew on *Pesach* is *mutar* after *Pesach* if it gets mixed in a *ta'aruvos*.

The **Tur** says that even though we hold like R' Shimon if it got mixed into a *ta'aruvos* after *Pesach*, this is only if it got mixed up after *Pesach* but if the *chametz* is *b'ain* it is *assur*.

The **Bais Yosef** explains the **Tur** that although **R' Shimon** permits *chametz* that got mixed up after *Pesach* nonetheless *chametz* that got mixed up before *Pesach* is *assur* on *Pesach*. The **Tur** is telling us that we can not learn from the *din* of *ta'aruvos chametz* after *Pesach* to *ta'aruvos chametz* on *Pesach*. The **Bais Yosef** then brings those that differentiate that if the *chametz* was intentionally added, the *ta'aruvos* is *assur b'sh'biya* (to keep on *Pesach*) but if it accidentally fell in the *ta'aruvos* even before *Pesach* it is *mutar b'sh'biya*.

The **Taz** explains the **Tur** by first explaining the *machlokes* **R' Eliezer** and the **Chachamim**. According to the **Chachamim** if there is *chametz* in a *ta'aruvos* and the *chametz* does not give taste and there is not a *k'zaiyis b'kdai achilas pras*⁹ the mixture is only *assur* to eat *mid'rabbanan*. Since there is no *issur d'oraisa* to eat it one may keep it on *Pesach*. According to **R' Eliezer**, even if there is no taste, if the *chametz* is added as a *keiyuba* -- for example by *kutach habavli* -- there is an *issur* to eat it *mid'oraisa*. Therefore, there is also an *issur* to keep it on *Pesach*. The **Tur** is coming to tell us that although **R' Shimon** permits *chametz* that got mixed up after *Pesach*, nonetheless according to **R' Eliezer** even a *ta'aruvos chametz* that is *assur* because of a *keiyuba* is *assur* after *Pesach* since it was *assur* on *Pesach* and it is still in the state that it was on *Pesach*.

Summary

The **Bais Yosef** learns that the **Tur** is speaking about on *Pesach* and the **Taz** learns that he is telling us the *din* of after *Pesach*.

⁹ We will learn about this in the next shiur.

Sh'hiyas Chametz

The **Tur** states that according to **R' Eliezer** *ta'aruvos chametz* and *chametz nuk'she* are *assur b'sb'hiya* and according to the **Rabbanan** both are *assur* to eat but *mutar b'sb'hiya*. The **Bais Yosef** explains that even according to the **Rabbanan** it is *assur* to eat *mid'oraisa*. Therefore, he asks, "According to the **Rabbanan**, how can a *ta'aruvos chametz* be *mutar b'sb'hiya* if it is *assur* to eat?"

In order to answer this question we must clarify what is the reason that we may not have *chametz* in our property.

Although *mid'oraisa* one who does *bitul* (nullifies his *chametz* by declaring it ownerless) does not transgress that *issur* of *ba'al yir'eb*, nevertheless the **Rabbanan** said that *chametz* must be removed from one's property. There are two reasons that the **Rabbanan** were stricter by *chametz* than by other *issurim*.

Two Reasons to Destroy Chametz

The **Rosh** asks, according to **Rabbainu Tam** that there is no *ba'al yir'eb* on *ta'aruvos chametz*, once the food is removed from the table, is it *mutar* to leave it in the house (*sb'hiya*)? He says that it depends on the reason that *chametz* must be removed from one's property.

1) בל יראה בל ימצא

Since there is a *lav* from the *Torah* of *Ba'al Yir'eb* in a case that one does not do *bitul*, therefore the **Rabbanan** say that one must remove *chametz* from one's property. According to this reason, since according to **Rabbainu Tam** there is no *ba'al yir'eb* on *ta'aruvos chametz*, therefore one would be permitted to leave it in one's house.

2) דלא בדילי אינש מיניה

Since people are not removed from eating *chametz* during the year, we are afraid that people will come to eat *chametz* and therefore it must be removed from one's property even if *bitul* was done. According to this reason even **Rabbainu Tam** should agree that *ta'aruvos chametz* must be removed from one's property. Therefore, we must say that **Rabbainu Tam** holds like the first reason.

The **Bais Yosef** concludes that the **Tur** holds that the reason of *biur chametz* is connected to the *issur* of *ba'al yir'eb*. Therefore, since the **Rabbanan** hold that there is no *issur* of *ba'al yir'eb* on a *ta'aruvos chametz*, it is *mutar b'sb'hiya*. This is true even though a *ta'aruvos chametz* is *assur* to eat.

The **Bais Yosef** argues. He holds that since there is a *gezaira* to prevent someone from accidentally eating a *ta'aruvos chametz* therefore even according to the **Rabbanan** one can not keep *ta'aruvos chametz* in one's property.

The **Taz** asks 5 questions on the **Bais Yosef**:

1. The **Tur** in *Siman* 431 holds that the reason one must remove *chametz* from one's property is because people are used to eating *chametz* and if it is not removed one might come to eat *chametz*. We see that the *Tur* holds like the second reason.
2. From where do the **Rabbanan** learn that there is an *issur mid'oraisa* to eat *ta'aruvos chametz* if they do not hold of the *limud* of **R' Eliezer** from כל מהמצת?
3. If the **Rabbanan** hold that there is an *issur d'oraisa* why can't we say that the *Mishna* is going according to the **Rabbanan**?
4. **Tosefos** say that those that hold that there is not *malkos* hold that there is no *issur (d'oraisa)* at all.
5. The **Tur** is this *siman* brings (in the name of the **Rif**) that according to the **Rabbanan** there is only an *issur d'rabbanan*.

Therefore, the **Taz** holds that according to the **Rabbanan** there is only an *issur d'rabbanan* to eat *ta'aruvos chametz*, and the *issur* is on eating only -- it is *mutar* to keep it.

Summary

The **Bais Yosef** holds that according to the **Rabbanan** eating a *ta'aruvos chametz* is *assur d'oraisa* and there is a *gezaira* to do *biur* because *dlo bdilai inshei minei* even though there is no *issur* of *bal yirae*. The **Taz** holds that according to the **Rabbanan** eating *ta'aruvos chametz* is only *assur mid'rabbanan* and there is no *issur* to keep it.

Review Questions

- 1) Define: **a)** *ta'aruvos chametz* **b)** *chametz nükshe*.
- 2) What is the definition of *ailu ovrin*? (**Rashi, Rabbainu Tam**)
- 3) According to the *Tannaim*, is *ta'aruvos chametz* more stringent than *chametz nükshe*? Explain.
- 4) Is *chametz nükshe mutar b'shiya*? (**Tur, Bais Yosef**)
- 5) Is *ta'aruvos chametz mutar b'shiya* if the *chametz* was accidentally added to the *ta'aruvos* in a way that it is only a *kizuba b'alma*? (**Bais Yosef, Taz**)
- 6) What are the two reasons that *chametz* must be destroyed and what is the practical difference between the reasons?