

”לא תזבח על חמץ דם זבחי”

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The Mishna in *פסחים סג* states that one who *shechts* the Korban Pesach while still owning *chometz* has violated a *Lo Saseh*. The *posuk* for this *lav* is in our *parsha*, (שמות כג, יח) לא תזבח על חמץ דם זבחי. The *gemora* cites a *memra* from Reish Lakish who says that not only is the *aveira* transgressed when the *shochet* owns *chometz* when the korban is *shechted*, but even if any member of that *chabura* owns *chometz* the *lav* will be violated.

Tosafos explains that the *lav* only goes on the *shochet*. This means that he and any member of the *chabura* can trigger his violation of this *issur* if any of them own *chometz*. However, the Rambam in *Sefer Hamitzvos* (לא תעשה קטו) clearly disagrees with Tosafos' *peshat*. Rambam writes that no member of the *chabura* is allowed to have *chometz* at the time of *shechitas haPesach*, but adds that anyone who does indeed have *chometz* at that time- receives *malkus*. We can see quite well that Rambam holds it is not the *shochet* who is responsible for any and all *chometz*, rather each individual member of the *chabura* has their own personal *issur* of לא תזבח.

Perhaps we can explain the *machlokes* Tosafos-Rambam as follows: Tosafos understands the *posuk* literally. If anyone in the *chabura* owns *chometz*, then it is the *shochet* who violates the *issur* of *shechting* while having *chometz*. The Torah does not allow *shechitas haPesach* while someone in the *chabura* has *chometz* still in their possession. The whole *issur* is on the *shochet*.

However, Rambam understands that the Torah's *hakpoda* is in owning *chometz bishas hashechitah*. It isn't specifically on the *shochet*, rather no one in the *chabura* should own *chometz*. We can illustrate this with the following case: If one was performing a *melacha* on Friday and then was *mekabel Shabbos* in middle of the *melacha*, the *issur* is not in being *mekabel Shabbos* rather it is in continuing to perform a *melacha* once Shabbos started. So too by Korban Pesach, the *issur* is not in the *shechitah* of the korban, rather it is still being in possession of *chometz* at that time. This is how Rambam learns the *issur* of לא תזבח על חמץ דם זבחי.

I believe we can bring a *rayuh* to this *peshat* in the Rambam from what he writes in *Mishnah Torah*, הלכות חמץ ומצה פרק ב' הלכה א'. He brings down the mitzvah of *Tashbisu* as one completely ridding himself of *chometz* before the time that Pesach begins. Later, however, he says that a *rayuh* to the mitzvah of *Tashbisu* is our *posuk*, ”לא תזבח על חמץ דם זבחי”. Clearly, Rambam understands that just as there is a mitzvah of *Tashbisu* to dispose of all *chometz* before Pesach, so too there is a requirement of *Tashbisu* to dispose of all *chometz* before one's Korban Pesach becomes *shechted*.

