

In honor of Shabbat HaGadol, I will address this week a halakhic text, namely a Tosafot, on the question of whether one may begin the seder meal before darkness if one has already accepted Yom Tov. This topic has been the subject of active discussion in various contexts this year, and my intent is not to address the halakhic issue, but rather to provide a model reading of a Tosafot and raise the question of how that should play out halakhically. My thanks are due to Rabbi Ethan Tucker for his own analysis and for sending me to the analysis of Rav Ovadiah Yosef Shlita in Chazon Ovadiah 1:1.

The Tamudic text that Tosafot comments on and the Tosafot itself are translated below, and I've also included, but not translated, the relevant parallel Tosafot of Rabbeinu Yehudah HaChassid.

Tosafot's question is straight forward: Once the Mishnah has listed a starting point for the prohibition against eating on Passover Eve, why must it mention the endpoint of "after darkness"? No other endpoint is reasonable, as the apparent purpose of the prohibition, enabling us to eat the Yom Tov meal with appetite, would be undercut if we ended the prohibition earlier, and there is no reason to delay the Yom Tov meal at all? He adds that this cannot simply be a stylistic flourish, as the parallel text regarding Shabbat and other Yamim Tovim does not mention the end time.

Tosafot then cites the Ri MiKorbil's response. He suggests that the requirement of waiting until darkness is unique to Passover Eve, owing to the mitzvah of eating matzah, because, as he cites a Tosefta to demonstrate, the mitzvot of consuming the Pesach, matzah, and maror all begin after darkness. He then roots this Tosefta via Midrash Halakhah, noting that the Pesach is explicitly required to be eaten "on that night", and the laws of matzah and maror by means of Midrash Halakhah are parallel to those of the Pesach. However, on Yom Tov and Shabbat Eves one may start the meal while it is still day, as we learn in Berakhot that one may pray the Shabbat amidah and say Shabbat Kiddush while it is still day.

RY MiKorbil is of course aware that the Beraita in Pesachim forbids eating on Shabbat and Yom Tov Ever after minchah. Accordingly his position must be that on those evenings the prohibition is only against eating anything other than the Shabbat/Yom Tov meal, whereas on Pesach one may not eat even the Yom Tov meal until darkness.

Tosafot then cites Rabbeinu Yechiel. The content of his contribution is that when the Talmud asked why the Mishnah refers specifically to Passover Eve, it could not have answered that this was because regarding Passover Eve there was a need to mention the endpoint, "until darkness", as that endpoint was already taught in Zevachim regarding the Pesach, and here is merely mentions it briefly and in passing.

How does Rabbeinu Yechiel relate to the line of Tosafot's argument? While literarily he follows RY MiKorbil, his comments formally relate directly to the Talmud. He also seems incompatible with Tosafot's opening question, as Tosafot assumed that "until darkness" was obvious for all Yamim Tovim and Shabbat, whereas he assumes that "until darkness" teaches a rule specific to Passover. It is therefore plausible to read him as

responding to a potential problem reading the Talmud that arises specifically out of RiMiKorbil's suggestion, as follows: RY MiKorbil suggested that "until darkness" applies exclusively to Passover Eve. If so, why can't the Talmud resolve its opening question simply by stating that while the prohibitions beginning point is common to all festivals, its end point is unique to Passover? This problem does not arise prior to RY MiKorbil, at which point the assumption was that "until darkness" conveyed no significant halakhic information.

In this reading, Rabbeinu Yechiel's structural role is to refute a possible objection to RY MiKorbil before it is raised.

Tosafot then cites Rabbeinu Yehudah as providing a resolution. In the standard Vilna Shas edition, the content of his resolution is as follows. There is a need to mention the endpoint "until darkness" regarding Passover Eve specifically even if there is no halakhic difference between Passover Eve and other Yom Tov Eves with regard to the prohibition against eating, as one might have thought that Passover would be more lenient, as one would expect the Pesach to follow the general pattern that one may begin eating sacrifices on the day they are slaughtered, rather than waiting for the following evening.

The question is – a resolution to what? There are two literary possibilities:

A) The attack Rabbeinu Yechiel sought to forestall, in which case, following the argument above, he would be providing an alternate defense for RY MiKorbil,

B) Tosafot's opening question, in which case he would be providing an alternative to RY MiKorbil.

However, substantively it seems that A is impossible. Rabbeinu Yechiel tries to explain why the Talmud could not answer that the Mishnah in Pesachim distinguished Passover from other Yamim Tovim for the sake of "until darkness", but Rabbeinu Yehudah's opening premise is that there is no such distinction, so the question doesn't arise!

Therefore B must be correct. In that case, Rabbeinu Yehudah is saying that while one might have thought, like RY MiKorbil, that "until darkness" is taught regarding Passover Eve specifically because it references a stringency that applies specifically to Passover Eve, the real reason is to prevent us from distinguishing Passover Eve for leniency.

Tosafot concludes by citing a Yerushalmi in support of Rabbeinu Yehudah. The Yerushalmi in fact explicitly requires waiting to eat from Minchah-time "until darkness" on all Yom Tov and Shabbat Eves, and thus supports Rabbeinu Yehudah's halakhic position.

However, the Yerushalmi seems to undercut Rabbeinu Yehudah's literary position! Rabbeinu Yehudah argued that it was necessary to teach "until darkness" regarding Passover specifically, but it turns out that "until darkness" is taught about every Yom Tov!

But actually, the Yerushalmi undermines the entire Tosafot. Every previous element of the Tosafot is intended to explain why it was necessary to teach “until darkness” specifically regarding Passover! The Yerushalmi fits better with Rabbeinu Yehudah than with either RY MiKorbil or with Rabbeinu Yechiel, however, as at least it supports the claim that whatever the reason “until darkness” is taught in the Mishnah specifically regarding Passover, it is not because there is a halakhic difference between Passover and other Eves.

At the close of Tosafot, then, we have no reason to believe that anyone thinks that one may eat before darkness on Passover Eve even if one is beginning the Seder.

However, Rav Ovadiah Yosef points out that Dikdukei Soferim records an alternate text of the Tosafot, which also seems to have been in front of Maharshah when he wrote his commentary Chokhmot Shlomo on Tosafot, which reads as follows:

And Rabbeinu Yehudah resolved it by saying that it comes to teach us that even though the Pesach is slaughtered while it is still day, it cannot be eaten while it is still day like other sacrifices.

The Yerushalmi is then introduced by “but” rather than by “and similarly”.

In this version, there is no explicit evidence as to whether Rabbeinu Yehudah equates Passover with other Yamim Tovim lechumra, i.e. banning early Yom Tov meals, or lekula, i.e. allowing early Yom Tov meals. Whichever text he refers to – the Mishnah in Pesachim, the Mishnah in Zevachim, or the Tosefta – is not coming to teach us that Pesach has a stringency, in opposition to other Yamim Tovim, but rather that it does not have a leniency, in opposition to other sacrifices – other Yamim Tovim are simply irrelevant to the text under discussion.

What is the role of the Yerushalmi in this version? The Yerushalmi cannot be opposed to Rabbeinu Yehudah substantively, as by virtue of applying the same language of “until darkness” to Yamim Tovim that the two Mishnahs apply to Passover, it must perforce agree that the law is the same for all, whatever the law turns out to be. So on that understanding it can only be making a literary point, namely that all attempts to explain why it is necessary to teach “until darkness” specifically regarding Passover are incorrect, as in fact “until darkness” is taught about all Yamim Tovim. But this is unconvincing, as the attempts may be explaining not why “until darkness” is said about Passover specifically, but rather why it is said about Passover additionally, why there is a separate text to tell us about Passover what we already knew about other Yamim Tovim.

The Yerushalmi thus can be understood as opposing Rabbeinu Yehudah only as follows: Rabbeinu Yehudah suggested that the words “until darkness” were taught by Passover, despite their apparent obviousness, because they taught us that the Pesach does not have the leniency of other sacrifices. But sacrifice-eating times are not relevant to Shabbat and Yom Tov, and yet a beraita uses the same language regarding them!

On this reading there is no evidence in the Tosafot whatever as to whether Rabbeinu Yehudah equates Passover with other Yamim Tovim lechumra or rather lekula.

Tosafot Rabbeinu Yehudah HaChassid (presumably the Rabbeinu Yehudah of our Tosafot) to Berakhot 27a does not cite the Yerushalmi (or Rabbeinu Yechiel), but instead follows the RY MiKorbil by saying:

"ומיהו שמא הזכיר משתחשך לאשמעינן שאע"פ ששחיטת פסח מבעוד יום, אינו נאכל מבעוד יום כמו שאר קדשים, ולעולם אין לחלק לענין תוספת, כדאמרינן"

"However, perhaps it only mentioned "from the time of darkness" to teach us that even though the Pesach is slaughtered while it is still day, it is not eaten while it is still day like other sacrifices, and thus in reality one should not distinguish with regard to the time added onto Shabbat or Yom Tov, as we have said."

Here the final comma is critical - does he mean to argue

A) "as 'we' previously said, one should not distinguish between Passover and other Yamim Tovim",

or rather

B) "one should not, as we previously said, distinguish between Passover and other Yamim tovim"?

The difficulty with A is that RY MiKorbil is the only position previously mentioned on the issue of whether Passover should be different from all other nights, and thus there is no "previously said" that one should not distinguish.

If one adopts B, then the last line comes to reject RY MiKorbil's distinction, apparently without making clear whether the rejection leads us to equate all Yamim Tovim lechumra or rather lekula.

However: In this version the language that Rabbeinu Yehudah explains as relevant only to sacrifices is *עד שתחשך* rather than *משתחשך*. That language is taken from the Tosefta that RY MiKorbil uses to support his claim that one cannot start early on Pesach, not from the Mishnah. One might therefore argue that in this version Rabbeinu Yehudah is taking on not the RY MiKorbil's explanation of the Mishnah, but rather his claim that the Seder cannot be started earlier, and therefore he must conclude that all Yom Tov meals can be begun early. This reading is apparently endorsed by Rav Ovadiah.

However, it seems to me unlikely that RY MiKorbil's position was predicated on the Tosefta. As our Tosafot makes clear, he sees the Tosefta as simply recording a ruling derived from the verse "and they must eat the flesh (of the Pesach sacrifice) on that night", and that verse is used to that effect on Pesachim 41b. I therefore see it as unlikely that Rabbeinu Yehudah would reject RY MiKorbil and allow eating the Pesach early simply because the Tosefta could be read otherwise.

Bottom line, then, there is no compelling evidence as to which way Rabbeinu Yehudah held. The issue may therefore come down to which position it seems more likely that a scholar in his time and place would have held. There is an I think legitimate bias toward saying that an ambiguous position should be read as reflecting a position attested elsewhere; the position equating Pesach with other Yamim Tovim lechumra is cited in the name of “yesh min haGeonim” in Rashba Pesachim, whereas the position equating them lekula is so far as I know viable only here.

Shabbat Shalom vchag kahser vesameiach!

Mishnah:

On Passover Eves near the Minchah-time, a person must not eat until darkness .

Talmud:

What is the specific relevance of “Passover Eves”?! The same is true of Shabbat Eves and other Yom Tov Eves,

as we learned in a beraita: A Person must not eat on Shabbat and Yom Tov Eves from the Minchah-time and past, so that he will enter Shabbat with an appetite, in the opinion of Rabbi Yehudah.

But Rabbi Yose said: He may go on eating until darkness!?

Said Rav Huna: It was necessary for the Mishnah to specifically mention Passover Eves only according to Rabbi Yose, who said “He may go on eating until darkness”, so that you will learn that his words apply only on Shabbat and Yom Tov Eves, but on Passover Eve, because of the obligation to eat matzah that night, he concedes that one must not eat until darkness.

### **Tosafot**

“Until darkness” –

It is widely asked:

Why must the Mishnah write “until darkness”?! It is too obvious to bother mentioning that a ban on eating in advance of Yom Tavs extends until darkness!?

Furthermore,

the beraita cited in the Talmud which records the prohibition against eating on Shabbat or Yom Tov Eve does *not* mention that the ban extends until darkness!?

The Ri MiKorbil says

that the Mishnah writes “until darkness” because it is specifically because of matzah that we require waiting until dark to eat, as we learn in Tosefta:

The Passover sacrifice, the matzah, and the maror become commandments only after darkness.

But Shabbat and Yom Tov meals may be eaten while it is still day,

as we learn on Berakhot 27b: “A person may pray the Shabbat amidah on Shabbat Eve, and say the blessing “Mekadesh haShabbat” while it is still day.”

And Moreinu Horav Yechiel says

That then the Talmud challenges: “What is the specific relevance of “Passover Eves”” etc., it could not have answered that it selected Passover Eve because it needed to teach “until darkness”, because that we already learned from Mishnah Zevachim 56b that “the Pesach sacrifice may not be eaten other than at night”,

as we learned in Tosefta: “The Pesach sacrifice, matzah, and maror – their mitzvah time is after darkness”,

and here it simply teaches this briefly and by the way.

And Rabbeinu Yehudah resolved it:

Even if we require waiting until darkness on Shabbat and Yom Tov Eves, it is necessary to teach “until darkness” here regarding Passover Eve, because it comes to teach us that even though the Pesach is slaughtered while it is still day, it cannot be eaten while it is still day like other sacrifices, and similarly in the Yerushalmi at the beginning of our chapter there a beraita which says: Shabbat Eve, from minchah and on, he must not tase anything until darkness.

## פסחים צט:

משנה:

ערבי פסחים סמוך למנחה לא יאכל אדם עד שתחשך . . .

גמרא:

מאי איריא ערבי פסחים?! אפילו ערבי שבתות וימים טובים נמי,

דתניא: לא יאכל אדם בערבי שבתות וימים טובים מן המנחה ולמעלה, כדי שיכנס לשבת כשהוא

תאוה, דברי רבי יהודה;

רבי יוסי אומר: אוכל והולך עד שתחשך.

אמר רב הונא: לא צריכא אלא לרבי יוסי, דאמר "אוכל והולך עד שתחשך" - הגי מילי בערבי שבתות וימים

טובים, אבל בערב הפסח, משום חיובא דמצה, מודה.

## תוספות מסכת פסחים דף צט עמוד ב

עד שתחשך –

מקשי:

אמאי איצטריך עד שתחשך?! פשיטא?!

ועוד, דבגמרא גבי שבתות וימים טובים לא קתני ליה?!

ואומר הר"י מקורב"ל:

דגבי מצה דווקא בעינן עד שתחשך,

כדתניא בתוספתא: הפסח ומצה ומרור מצותן משתחשך,

וטעמא משום דכתיב (שמות יב) ואכלו את הבשר בלילה הזה, ומצה ומרור איתקשו לפסח,

אבל סעודת שבת וימים טובים, מצי אכיל להו מבעוד יום,

כדאמר בפרק תפלת השחר (ברכות דף כז:): מתפלל אדם של שבת בערב שבת ואומר קידוש

היום מבעוד יום.

ואומר מהר"י יחיאל:

דכי פריך בגמרא מאי איריא ערבי פסחים כו', לא מצי לשנויי דנקט ערבי פסחים משום דבעי למיתני

עד שתחשך, דכבר אשמעינן באיזהו מקומן (זבחים ד' נו:): דקתני הפסח אינו נאכל אלא בלילה,

והכא אגב אורחיה תנייה בקוצר.

ורבינו יהודה תירץ:

(אפילו אי בעינן גבי שבתות וימים טובים עד שתחשך, הכא איצטריך למיתני,

דאתא לאשמעינן דאע"ג דשחיטת פסחים מבעוד יום, אינו נאכל מבעוד יום כשאר קדשים,

(וכן) [מיהו] יש בירושלמי בריש פירקין תני ערב שבת מן המנחה ולמעלה לא יטעום כלום

עד שתחשך.

תוספות מסכת פסחים דף צט עמוד ב

עד שתחשך –  
מקשי':

אמאי איצטריך עד שתחשך?! פשיטא?!  
ועוד, דבגמרא גבי שבתות וימים טובים לא קתני ליה?  
ואומר הר"י מקורבי"ל:

דגבי מצה דווקא בעינן עד שתחשך,  
כדתניא בתוספתא: הפסח ומצה ומרור מצותן משתחשך,  
וטעמא משום דכתיב (שמות יב) ואכלו את הבשר בלילה הזה, ומצה ומרור איתקשו לפסח,  
אבל סעודת שבת וימים טובים, מצי אכיל להו מבעוד יום,  
כדאמר בפרק תפלת השחר (ברכות דף כז:) מתפלל אדם של שבת בערב שבת ואומר קידוש  
היום מבעוד יום.

ואומר מהר"י יחיאל:

דכי פריך בגמרא מאי איריא ערבי פסחים כו', לא מצי לשנויי דנקט ערבי פסחים משום דבעי למיתני  
עד שתחשך, דכבר אשמעינן באיזהו מקומן (זבחים ד' נו:) דקתני הפסח אינו נאכל אלא בלילה,  
והכא אגב אורחיה תנייה בקוצר.

ורבינו יהודה תירץ:

דאתא לאשמעינן דאע"ג דשחיטת פסחים מבעוד יום, אינו נאכל מבעוד יום כשאר קדשים,  
יש בירושלמי בריש פירקין תני ערב שבת מן המנחה ולמעלה לא יטעום כלום עד שתחשך.

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דרב צלי של שבת בערב שבת –  
והיה מקבל עליו שבת מבעוד יום...  
ומיהו נראה לומר דאע"ג דס"ל כר' יהודה לענין תפלת הערב שהוא שעה ורביע שעה קודם הלילה,  
לענין תוספת שבת ויו"ט ויום הכפורים,  
דקיי"ל שהוא מן התורה בפ"ק דר"ה ובכמה דוכתי,  
לא משמע שכל כך צריך שיעור גדול לתוספת,  
ואף על פי שלפי הענין צריך שיעור,  
מדאמרינן בביצה פרק המביא ובשבת פ' השואל.

ולא היא –

דהא תוספת יום הכפורים דאורייתא היא, והני נשי דידן אכלו ושתו עד אורתא ולא מחינן בידיהו, וע"כ אינן יכולות לצמצם אלא פורשות מבעוד יום, וא"כ קודם אותו השיעור יש זמן תוספת דאורייתא?!  
ולא נתברר לרבינו איזה שיעור יש בה.  
מיהו,

גבי מצה היה אומר רבינו יעקב מקורבאל שאין לאכול מצה עד שתחשך,  
מדאמר בתוספתא דפסחים אמרו עליו על הלל שהיה כורך פסח ומצה ומרור, ואימתי אוכלין?  
משתחשך,

ואין כאן תוספת דאורייתא

ושאני פסח דכתיב ביה ואכלו את הבשר בלילה הזה,

דלילה בעינן דוקא,

ומצה אתקשאי לפסח,

אבל אם אכלן מבעוד יום לא יצא ידי חובתו,

אע"פ שיכול לקדש ולהתפלל של שבת כדאמרינן הכא,

לענין פסח ומצה בעינו ממש לילה,

ומיהו שמא הזכיר משתחשך לאשמעינן שאע"פ ששחיטת פסח מבעוד יום, אינו נאכל מבעוד יום כמו שאר קדשים,

ולעולם אין לחלק לענין תוספת כדאמרינן.