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שיעורים על ערב פסח שחל להיות בשבת, מצה

עשירה וספירת העומר

מאת מרן רבנו יוסף דוב הלוי סולובייציק זצלה"ה

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INTRODUCTION.

This *Shiur* analyzes the opinions set forth in the *Gemara* and the *Rishonim* as to the proper method of disposing of *chametz* whenever *Erev Pesach* occurs on *Shabbos*. It will focus on the question of whether *chametz* may be discarded on *Shabbos* with methods that do not violate any of the *מלאכות* of *Shabbos*. It contains a discussion of the permissibility of eating egg *matzah* on *Erev Pesach* and concludes by explaining the controversy in *Kabblistic* terms. Since the *Shiur* presupposes familiarity with numerous facets of *תשבינו* (such as *ביטול*, burning *chametz*, and the like), I have included extensive footnotes detailing these subjects. These can be reviewed independently or in conjunction with the text.

THE DIVERGENT OPINIONS OF THE CORRECT PROTOCOL WHENEVER *EREV PESACH* OCCURS ON *SHABBOS*.

(1) The *Mishnah*¹ posits three different opinions as to the correct procedure for disposing of *chametz* whenever *Erev Pesach* occurs on *Shabbos*. It writes:

ארבעה עשר שחל להיות בשבת מבערין את הכל מלפני השבת,
דברי רבי מאיר.
וחכמים אומרים בזמנו.

רבי אלעזר ב"ר צדוק אומר תרומה מלפני השבת וחולין בזמנו.
Whenever the fourteenth day of Nissan occurs on Shabbos, one must discard all chametz from his house on Friday (i.e. on the thirteenth day of Nissan). This is the opinion of R' Meir.

The Chachamim maintain that one should dispose of his chametz at the appropriate time (i.e. on the fourteenth day of Nissan, even though it occurs on Shabbos).

R' Elazar Ben R' Tzadok maintains that one should discard chametz comprising תרומה on Friday. He should discard all other chametz items on Shabbos.

(2) The *mitzvah* of *תשבינו* requires that one remove all *chametz* from his possession. Technically, the *mitzvah* of *תשבינו* commences at *חצות*, *midday*,² on

¹ מסכת פסחים דף מ"ט ע"א.

² The *mitzvah* of *תשבינו* is derived from the *Passuk*, (י"ב, ט"ו). The *Gemara* (מסכת פסחים דף ה' ע"א) explains that *ביום הראשון* refers to *Erev Pesach*, but that the word *אך* implies that the *mitzvah* is imposed only upon a portion of the day. *Chazal*, therefore, inferred that *Erev Pesach* is divided into two units. The first unit ends at *חצות* (i.e. at the commencement of the

Erev Pesach. From and after חצות, one may not own any *chametz* and must, therefore, dispose of it at that time. That disposition of *chametz* is referred to as ביעור.³ *Chazal*, however, instituted that *chametz* may not be eaten after the conclusion

seventh hour); the second unit commences after חצות. Thus, during the morning of *Erev Pesach* (i.e. until חצות), *chametz* may be eaten (מדאורייתא). Thereafter, *chametz* must be discarded.

The precise nature of the injunction against eating *chametz* on *Erev Pesach* from חצות until nightfall is the subject of a controversy between *R' Yehuda* and *R' Shimon* (מסכת פסחים דף כ"ח ע"ב) as well as among the *Rishonim*. The *Rambam* (פ"א מהלכות חמץ ומצה הי"ח) rules that *chametz* may not be eaten after חצות based upon the לא of חמץ. This לא stipulates that *chametz* may not be eaten from and after the time that the *Karbon Pesach* is offered. Unlike the לא of חמץ, which enjoins the consumption of (or the derival of pleasure from) *chametz* on *Pesach*, per se, and is penalized by כרת, this לא is penalized by מלקות.

In other *Shiurim*, the *Rav* noted that this view is inconsistent with the *Rambam's* ruling (פ"א) that the *Karbon Pesach* was not offered until the seventh and one half hour. He responded that the *Passuk* of ביום הראשון תשביתו (אך refers to *Erev Pesach* (and not to the first day of *Pesach*). It divides *Erev Pesach* into two equal units and imposes the obligation of תשביתו upon the second unit. Since the two units must be equal, the second unit must, by definition, commence at חצות. Accordingly, the לא of חמץ, which relates to both the *Karbon Pesach* and to תשביתו must, therefore, commence at חצות even though, technically, the *Karbon Pesach* may not be slaughtered until one half hour later. The *Rav* emphasized that he was uncomfortable with this proposal.

The *Ravad* (רמב"ד שם), *Tosfos* (רבי שמעון) and other *Rishonim* (מסכת פסחים דף כ"ח ע"ב ד"ה רבי שמעון) does not apply except to one who owns *chametz* at the time that his *Karbon* is offered. Nonetheless, *chametz* may not be eaten after חצות insofar as the עשה of תשביתו, which mandates the disposal of *chametz*, automatically restricts the consumption of *chametz* at that time as well. [Editor's Note]

³ The *Ramban* (חדושים למס' פסחים דף ד' ע"ב) discusses the validity of reciting the *bracha* of ביעור when burning the *chametz* prior to חצות, given that the *mitzvah* of ביעור חמץ actually commences at חצות and not prior thereto. He responds that the *mitzvah* of ביעור חמץ essentially consists of ensuring that no *chametz* be located in one's possession as of חצות. Thus, every action taken in furtherance thereof constitutes a מעשה מצוה. This answer is the subject of exhaustive discussion. See, e.g., מנחת חינוך (מצוה ט"א אות א'); חידושי רבינו דוד למס' פסחים דף י"ב ע"ב (עמ' ע"ה הערה 9); מסורה חוברת ח' עמוד י"ב ועמוד י"ט.

The *Rav* added that the *Ramban* concedes that the operative act of burning the *chametz* (or engaging in ביטול) must be performed prior to חצות; however, the קיום מצוה, the realization of the imperative of תשביתו, is obtained if one's *chametz* is already disposed of as of חצות. The *Rav* noted that all actions taken to dispose of one's *chametz* prior to חצות are classified as a מעשה מצוה inasmuch as the *Torah* formulates that the *mitzvah* of תשביתו be performed on חצות, during the entire *Erev Pesach*. Although, as noted, the word אך limits that *mitzvah*, the limitation merely restricts the קיום מצוה and stipulates that the קיום מצוה is realized only during the latter portion of the day. The מעשה מצוה, on the other hand, is not similarly restricted. Any action taken to dispose of *chametz* is accordingly regarded as a מעשה מצוה on which a *bracha* may be recited. See מסורה חוברת ח' עמוד י"ב.

In other *Shiurim*, the *Rav* quoted the *Rama* (סימן תל"ד סעיף ב') who writes that ביטול should not be performed until after the *chametz* is burnt. If one would perform ביטול prior to burning the *chametz*, he would no longer own the *chametz* being burnt, and, thus, burning the *chametz* would serve no purpose.

He noted, however, that the custom in *Brisk* was to throw the *chametz* into the fire to comply with those who maintain that תשביתו must take the form of incineration. Immediately thereafter they recited the paragraph of חמירא to effect ביטול, in compliance with *Rashi's* view that the primary *mitzvah* of תשביתו is effected through ביטול (see, *infra*, Footnote 51).

This custom is seemingly problematic. According to *Tosfos* (ד"ה ע"ב ד"ה) (מסכת פסחים דף ד' ע"ב), the concept of ביטול is identical with הפקר. Thus, as soon as the people in *Brisk* engaged

of the fourth hour.⁴ They also prescribed that *chametz* should be burnt during the sixth hour⁵ in order to ensure that all *chametz* be disposed of by חצות.

R' MEIR REQUIRES THAT CHAMETZ BE DISCARDED ON FRIDAY.

(3) According to *R' Meir*, whenever *Erev Pesach* occurs on *Shabbos*, the *mitzvah* of תשביתו is advanced to Friday.⁶ According to the *Chachamim*, the *mitzvah* of תשביתו is not advanced; ביעור חמץ is implemented on *Erev Pesach*, even though that day is *Shabbos*. The *Chachamim* concede that בדיקת חמץ (which may be performed only at night, by the illumination of a candle) should be performed on Thursday night. ביעור חמץ should, however, be performed on *Shabbos*. Naturally, this presupposes that ביעור חמץ may be effectuated by any means and not merely through incineration.⁷ Thus, on *Shabbos* ביעור חמץ is implemented by other methods

in ביטול, the *chametz* was no longer owned by them. Yet, they performed ביטול immediately after throwing the *chametz* into the fire, even though the *chametz* was not yet reduced to ashes. How, then, did they comply with the *mitzvah* of תשביתו which presupposes that the *chametz* be completely destroyed?

The *Rav* explained that *Tosfos* concedes that the act of throwing *chametz* into the fire, in and of itself, discharges the *mitzvah* of תשביתו even before the *chametz* is completely burnt. This is based upon the view of *R' Yosef* (מסכת פסחים דף כ"ח ע"א) that *chametz* thrown into the ocean need not be reduced to crumbs, even though it will become dissolved only much later. The act of throwing *chametz* into the ocean, in and of itself, constitutes a realization of the *mitzvah* of תשביתו. See:

מסורה חוברת ח' עמוד י"ט; משנת יעבץ חא"י ס' ס' חזון איש א"ח ס' ס' ק"י ס' ס'.

[Editor's Note]

⁴ מסכת פסחים דף כ"ח ע"א. The *Rav* explains that institution as follows. At the commencement of the sixth hour, leavened foods are classified as *chametz* סופרים and are subject to the same proscription as is *chametz* on *Pesach* (i.e. it obtains an אסור חפצא). Violators are, therefore, punished with מכות מרדות. During the fifth hour, however, one may not derive benefit from leavened food; however, the food is not yet classified as *chametz* (i.e. it is only an אסור גברא). Violators will, therefore, not be penalized with מכות מרדות.

See [Editor's Note] חידושי מרן ר"צ הלוי פ"א מחו"מ ה"ט

⁵ See מסכת פסחים דף כ"ח ע"א.

⁶ This advance is a Rabbinic institution and is not Pentateuchal. The *Rav* noted that a custom arose to burn the *chametz* on Friday during the same hours as *chametz* is ordinarily burnt on *Erev Pesach* (ש"ע). This custom seemingly is not predicated upon *R' Meir's* opinion since, as noted, *R' Meir* maintains that the *mitzvah* of תשביתו may be implemented at any time on Friday. Likewise, בדיקת חמץ is performed on Thursday night (i.e. ליל י"ג) according to *R' Meir*.

⁷ The *Mishnah* (פסחים דף כ"א ע"א) cites the differing views of *R' Yehuda* and the *Rabbanan* as to whether *chametz* must be burnt, or may be discarded or disposed of in any manner. There arose an extensive discussion among the *Rishonim* whether this pertains solely to the מצות ביעור חמץ

such as placing it in the garbage.⁸ Interestingly, even *R' Yehuda*, who proposes that *ביעור חמץ* may be effected solely through actual incineration concedes that one who is unable to light a fire may, as a last resort, dispose of his *chametz* in any other fashion.⁹

The *Chachamim* formulate their ruling as מבערין את הכל בזמן, *the chametz should be discarded at the appropriate time*, as opposed to מבערין את הכל בשבת, *the chametz should be discarded on Shabbos*, in order to underscore that the time

implemented prior to חצות on *Erev Pesach*, or if it applies thereafter. See עייב דייה אימתי תוספות מסכת פסחים דף י"ב.

Some *Achronim* (see, e.g. סימן ב' explain that the controversy between the *Rabbanan* and *R' Yehuda* is predicated upon their differing views of the *mitzvah* of תשבייתו. According to the *Rabbanan*, the *mitzvah* of תשבייתו is a passive *mitzvah*. It does not require the performance of an overt act. It merely requires that one ensure that he not own any *chametz*. One who does not own any *chametz* foods need not acquire *chametz* particles in order to perform the *mitzvah* of תשבייתו by discarding them. Likewise, the act of disposing of *chametz* has no independent significance other than serving as a means of not having *chametz* in one's possession. Thus, the act of disposition is only a הכשר מצוה. Accordingly, all actions taken to dispose of *chametz* are equally efficacious. *R' Yehuda* disagrees. One is obligated to burn *chametz* (prior to חצות on *Erev Pesach*). If he does not own any *chametz*, he must acquire *chametz* in order to burn it. Burning *chametz* is, thus, the equivalent of the *mitzvah* of burning קדשים טמאים. The act of שריפה has *halachic* significance for both *mitzvos*. Other methods are not acceptable.

Other *Achronim* (See, e.g. סימן י' אות א-ג; חזון איש או"ח סימן קי"ח ס"ק (בי דייה ואפשר) theorize that the requirement of שריפה is an incremental obligation derived by *R' Yehuda* from the equation of חמץ with נותר. (פסחים שם). It is, therefore, unrelated to the *mitzvah* of תשבייתו. This additional requirement is governed by the rules affecting נותר generally. For example, unlike the *mitzvah* of תשבייתו, it may only be performed during the daytime, and not during the nighttime. (See, e.g. ביאור הגר"א סימן תמ"ה ס"ק ה'). Thus, both the *Rabbanan* and *R' Yehuda* concede that the *mitzvah* of ביעור may be implemented with any method or in any fashion. The point of departure between *R' Yehuda* and the *Rabbanan* is that *R' Yehuda* compares *chametz* to נותר, and, therefore, imposes an additional *mitzvah* to burn *chametz*.

The מקור חיים סימן תל"א (הקדמה) expounds on this theme at length and concludes that, after ביטול, *chametz* retains the same status as other items of הנאה. איסורי הנאה must be burnt, even though איסורי הנאה, by definition, is not deemed to be owned by that person. The (סימן תל"ד) infers from the commentary of the (שם דייה וזה) that, according to those who maintain that ביטול is not governed by principles of הפקר and is a *kiyum* of תשבייתו, one may, nonetheless, satisfy the *mitzvah* of שריפת חמץ even after performing ביטול. He reasons that שריפת חמץ is an additive obligation superimposed upon the *mitzvah* of תשבייתו. It is, therefore, no different than the *mitzvah* to burn איסורי הנאה which, by definition, is not owned by anybody. [Editor's Note]

⁸ The (משבצות זהב סימן תמ"ד ס"ק ו' וסימן תמ"ו ס"ק ג') cautions against using more exotic methods of ביעור. [Editor's Note]

⁹ מסכת פסחים דף כ"ז ע"ב.

restraints of תשביתו have not been altered. תשביתו must be performed on *Shabbos* during the sixth hour just as it is performed on any other *Erev Pesach*.

(4) *Rashi* and many other *Rishonim* explain that *R' Meir* concedes that, although the *mitzvah* of תשביתו requires that the *chametz* be disposed of prior to *Shabbos*, nonetheless one should retain a sufficient quantity of *chametz* for the *Shabbos* meals. Only *chametz* in excess of what is required for the *Shabbos* meals must be disposed of on Friday.¹⁰

ACCORDING TO R' MEIR THE MITZVAH OF תשביתו IS BIFURCATED.

(5) What is startling is that *R' Meir's* opinion seemingly runs counter to the prevailing assumption advanced by many *Rishonim*¹¹ that the *mitzvah* of תשביתו comprises two components: i) ביעור חמץ; and ii) איסור אכילה. The obligation to dispose of *chametz* on *Erev Pesach* automatically engenders an איסור אכילה (i.e. it enjoins the consumption of *chametz* from and after the time that the *mitzvah* commences).¹² Thus, on an ordinary *Pesach*, the *mitzvah* of תשביתו enjoins one from eating *chametz* from and after the fourth hour even though מדאורייתא, the לא of לא לא יאכל חמץ commences only on nightfall. The *Rishonim* reason that it would not be plausible, on the one hand, to propose that the *mitzvah* of תשביתו requires that *chametz* be discarded by a certain hour but, on the other hand, assert that *chametz* may nonetheless be eaten after that time. Once the *mitzvah* of תשביתו commences and one

¹⁰ Interestingly, the *Tosefta* (מסכת פסחים פ"ג ה"ט) advises that one bake *matzah* on Friday for use on *Shabbos*. It, therefore, maintains that all *chametz* must be disposed of on Friday. This view is adopted by some *Rishonim*. The (20 הערה) דף י"ג ע"א (הערה 20) reinterprets the phrase בזמן to conform with this view. [Editor's Note]

¹¹ See תוספת מסכת פסחים דף כ"ח ע"ב, ד"ה רבי שמעון.

See, however, בעל המאור דף ג' ע"א מדפי הר"ף, who maintains that תשביתו does not precipitate an איסור אכילה (except מדרבנן). On the contrary, אין לך השבתה גדולה מזו.

See מסורה חוברת ח' עמוד ט"ז for an explanation of his view. [Editor's Note]

¹² As noted, the *mitzvah* was advanced, מדרבנן, to the sixth hour.

is obligated to remove all *chametz* from his house, he should likewise not be permitted to eat any *chametz*.¹³

In other words, תשביתו generally requires that one simultaneously dispose of his *chametz* (i.e. a קום ועשה) as well as refrain from eating *chametz* (i.e. an איסור עשה).

Nonetheless, *R' Meir* maintains that whenever *Erev Pesach* occurs on *Shabbos*, the קום ועשה component of תשביתו is bifurcated from the איסור עשה component of תשביתו. The איסור עשה is deferred such that *chametz* may be eaten until the fourth hour on *Shabbos*; however, all other *chametz* must be disposed of on Friday.

THE RAMBAM RULES THAT ביעור חמץ MAY NOT BE PERFORMED ON SHABBOS.

(6) The *Rambam*¹⁴ accepts *R' Meir*'s opinion. He rules that *chametz* must be disposed of on Friday even though he also rules¹⁵ that, in general, *chametz* may be disposed of through any means and not necessarily through incineration. Apparently,

¹³ There is a distinction between an איסור עשה and a קום ועשה. A קום ועשה exhausts itself in the performance of specific actions. An איסור עשה enjoins the performance of certain actions. Some *mitzvos* comprise both elements. The *Rav* provided the example of the *mitzvah* of שבת as a *mitzvah* which comprises both a קום ועשה and an איסור עשה. One who rests on *Shabbos*, discharges the קום ועשה component of this *mitzvah*. However, the איסור עשה facet of the *mitzvah* also enjoins the performance of certain activities which would prevent one from resting on *Shabbos* (e.g. שבותים).

The (62) מבורא לבראשית עמוד explains that the *mitzvah* of שבת entails not so much refraining from the performance of work as in creating a day of rest, and altering one's weekday work-pursuing mindset. He employs the term "מעל מנוחה". This explains the מכילתא's comment on the phrase את השבת לעשות, that the *mitzvah* of *Shabbos* requires לעשות, that one take affirmative steps to establish a day of rest.

Likewise, the *mitzvah* of תשביתו is an עשה which contains both קום ועשה as well as איסור עשה components. [Editor's Note]

¹⁴ פייג מהלכות חמץ ומצה הי"ג. This is more extensively discussed, *infra*, Paragraph 21.

¹⁵ פייג מהלכות חמץ ומצה הי"א.

the *Rambam* maintains that ביעור חמץ may not be implemented on *Shabbos* even if the disposal does not otherwise violate a מלאכה.

The rationale for this injunction is unclear.¹⁶ The *Rav* noted, by way of illustration and not by way of explanation, that *Rashi*¹⁷ proposes a similar injunction against the disposal on *Yom Tov* of items which one is required to discard, even though the disposal would not, per se, violate any of the מלאכות of *Yom Tov*. The example provided by *Rashi* concerns תרומה טמאה. According to *Rashi*, the *Torah* requires that תרומה טמאה be disposed of by any means; it need not be burnt.¹⁸ *Rashi*, however, writes that תרומה טמאה may not be disposed of on *Yom Tov* even with a method which does not constitute חילול יום טוב. He writes (*ibid.*):

לתנו לכלבו אסור דאין מבערין קדשים טמאים ביום טוב... דרומא אחשבה להבערתן הלכך מלאכה הוא.
Since תרומה טמאה must be disposed of, it may not be fed to one's dog on Yom Tov. Even though feeding one's dog does not violate any of the מלאכות of Yom Tov, nonetheless, since the dog's consumption effectively removes the item from use,

¹⁶ In other *Shiurim* (See מסורה חוברת ג' עמוד ט"ז) the *Rav* explained that *R' Meir* posits an איסור דרבנן prohibiting one from disposing of his *chametz* on *Shabbos*. This איסור דרבנן may be based upon the *Ramban's* theory (מלחמות ה' למסכת פסחים דף ה' ע"א מדפי הרי"ף) that *R' Meir* advised that *chametz* be disposed of on Friday since he was concerned that people may mistakenly burn *chametz* on *Shabbos*. In any event, *Chazal* instituted an איסור ביעור on *Shabbos*. The *Rambam* maintains that the איסור ביעור applies even to the *chametz* which one retains for the Friday night and *Shabbos* morning meals. He, therefore, rules that any uneaten *chametz* may not be disposed of in any fashion. It must be covered with a dish and burnt after *Yom Tov*.

Interestingly, the *Rishonim* debate whether one is permitted to burn *chametz* on *Yom Tov* based upon the principle of מתוך שהותרה לצורך הותרה שלא לצורך. The question would be whether the עשה of תשביתו is continuous, so that one violates the *mitzvah* of תשביתו every second that the *chametz* remains undiscarded or is a one time *mitzvah*. Additionally, many *Rishonim* argue that the *mitzvah* of תשביתו may only be implemented on the fourteenth day of *Nissan*; it does not apply to any of the other days of *Pesach*. They, therefore, rule that *chametz* may not be burnt until *Chol Hamoed*. See, e.g. שאלות ותשובות נודע ביהודה חא"י מהדו"ק סימן כ'; מג"א סימן תמ"ז ס"ק ג'; אשל אברהם שם, ומשפחות זהב שם ס"ק ג'; מנחת חינוך מצוה ט' (אות א-ד); ספ"ר מקור חיים סימן תל"א (הקדמה).

[Editor's Note]

¹⁷ מסכת ביצה דף כ"ז ע"ב.

¹⁸ *Rashi* maintains both that תרומה טמאה must be disposed of מן התורה and that it may be disposed of in any manner. The *Ramban* (חידושי הרמב"ן למסכת שבת דף כ"ד ע"א) and *Tosfos* (תוספת מסכת שבת דף תוספת מסכת שבת דף) maintain that disposing of תרומה טמאה is מדרבנן and that such disposal must take the form of incineration. The *Ramban*, however, does not dismiss *Rashi's* view entirely.

such consumption is halachically classified as ביעור and is prohibited on Yom Tov.

Likewise, כלאי הכרם may not be disposed of on *Shabbos* or *Yom Tov* even by methods that would not otherwise constitute a מלאכה. *Rashi* reasons that since the disposal of כלאי הכרם is classified as ביעור, the disposal is halachically deemed to constitute a מלאכה for *Yom Tov* purposes.¹⁹

Similarly, it may be posited that *R' Meir* advances the *mitzvah* of ביעור חמץ to Friday since disposing of *chametz* on *Shabbos* is deemed to constitute a prohibited מלאכה. The הבערה of מלאכה is imputed to that otherwise acceptable act.²⁰

¹⁹ The rationale for *Rashi's* ruling is the subject of exhaustive discussion. *Prima facie*, it is unclear how the innocuous act of feeding one's animals can be classified as a violation of the הבערה of מלאכה (and presumably penalized in the same fashion). The *Achronim* offer many possible explanations. See, e.g.

שו"ת בית הלוי ח"א סימן ל"ג; שו"ת עונג יו"ט סימן כ"ז; שו"ת חתם סופר חאו"ח סימן ק"ד וסימן קמ"א; שו"ת אבני נזר או"ח סימן ש"כ; הגהות הרש"י למסכת פסחים דף כ"א ע"א; ספר מלאכת מחשבת (לר"י גרינשפאן) ח"א סימן ב'; משנת יעבץ חאו"ח סימן י"א אות ג'.

In other *Shiurim*, the *Rav* took a different approach to this concept. He explained that *Rashi* does not equate feeding תרומה טמאה to one's animals on *Yom Tov* with the הבערה of מלאכה, igniting a fire on *Yom Tov*. The two are entirely incongruous. Rather, *Rashi* reasons that the *Gemara* (מסכת שבת) cites various *Passukim* to enjoin burning קדשים פסולים (such as נותר and the like) on *Yom Tov* even though burning קדשים פסולים is a מצות עשה. Likewise, תרומה טמאה may not be burnt on *Yom Tov* (albeit מדרבנן according to many *Rishonim*). This איסור is not predicated upon proscriptions unique to *Yom Tov*. Rather the איסור reflects that *Yom Tov* is not the appropriate time for burning קדשים פסולים. Thus, one who burns קדשים פסולים on *Yom Tov* deprives himself from realizing the עשה of burning קדשים פסולים in an appropriate manner. Moreover, the *Yerushalmi* (פרק ב' מסכת שבת הלכה א') quotes *R' Chisda* who rules that one may not burn קדשים פסולים even on *Erev Yom Tov* if the same will continue to burn on *Yom Tov*. Apparently, the *Yerushalmi* maintains that the עשה of burning קדשים פסולים also dictates that such disposal take place during the weekday, and not on *Yom Tov*. Thus, whenever קדשים פסולים or שמן שרפה are disposed of on *Yom Tov*, the disposal is not in compliance with the עשה. Any action taken to dispose of such items which is not in furtherance of the עשה, in and of itself, constitutes an איסור, inasmuch as the action irrevocably deprives the עשה from being realized. See מסורה חוברת ג' עמוד י"ב.

Since this concept is quite novel, I have collected the views of many *Achronim* in Appendix A following this *Shiur*. [Editor's Note]

²⁰ I am advised that *Rabbi Chaim Ilsen*, one of the *Rav's* prominent students, pointed out to the *Rav* that the *Tosefta* (מסכת שבת פ"ב ה"א) equates the injunction against burning תרומה טמאה on *Yom Tov* with the prohibition against burning *chametz* on *Yom Tov*. The חסדי דוד adds that this injunction may be דאורייתא.

I note, however, that the foregoing may be predicated upon the controversy whether one may derive benefit from the *chametz* while it is being burnt (e.g. by cooking over that flame). If one may not derive benefit from the burning *chametz*, then burning the *chametz* constitutes הבערה שלא לצורך and is enjoined for that reason. The שו"ע (או"ח סימן תמ"ה סעיף ב') concludes that one may not cook with the flame generated by ביעור חמץ after the sixth hour on *Erev Pesach*.

THE BAAL HAMAOR ENJOINS THE CONSUMPTION OF CHAMETZ ON SHABBOS EREV PESACH.

(7) The *Baal Hamaor*²¹ explains *R' Meir*'s opinion differently. He reasons that *R' Meir* concurs with the view of *R' Yehuda*²² that *chametz* may be disposed of only through incendiary methods. Since one is not permitted to ignite a fire on *Shabbos*, *R' Meir* was compelled to advance the *mitzvah* of ביעור חמץ to Friday, at which time fire may be ignited. He writes:

עשו לו שעת שתים עשרה ביום י"ג שהוא ערב שבת, כשעה ששית
ביום י"ד ברוב השנים.
*The twelfth hour on Friday is treated as the sixth hour of Erev
Pesach (with respect to the mitzvah of תשביתו).*

According to the *Baal Hamaor*, Friday, the 13th day of *Nissan*, is *halachically* classified as *Erev Pesach* with respect to the *mitzvah* of תשביתו. The *Baal Hamaor* adds that the *mitzvah* of תשביתו is not bifurcated between the איסור עשה and קום ועשה components. Rather, both components of תשביתו are advanced to and performed on Friday (i.e. the 13th day of *Nissan*). Accordingly, *chametz* may not be eaten on Friday after the conclusion of the fourth hour and must be burnt on Friday during the sixth hour.

In a word, *R' Meir* advances the *mitzvah* of ביעור חמץ as well as the איסור אכילת חמץ for 24 hours.²³

Interestingly, the *Yerushalmi* (מסכת שבת פ"ב הי"א) also equates *chametz* with קדשים in this regard and rules that *chametz* and תרומה טמאה may not be allowed to continue to burn on *Yom Tov* even though they were placed on the fire prior to *Yom Tov*. That thesis was seemingly rejected by most *Rishonim* (See הרמב"ן למסי שבת שם). See, however, חק יעקב סימן תמ"ו ס"ק ב'; משבצות זהב סימן תמ"ו ס"ק ג' (ד"ה שאלה).

[Editor's Note]

²¹ המאור הקטן פרק ג' דמסכת פסחים דף ט"ו ע"ב מדפי הרי"ף.

²² מסכת פסחים דף כ"א ע"א.

²³ Likewise, one may not sell *chametz* to a non Jew on Friday after the fifth hour.

(8) The *Baal Hamaor* explains that the *Chachamim* who disagree with *R' Meir*, and permit one to eat *chametz* on *Shabbos Erev Pesach*, maintain that ביעור חמץ may be implemented through any method. Thus, the *mitzvah* of ביעור חמץ may, and therefore, should be implemented on *Shabbos* through other methods which do not violate *Shabbos*, such as throwing it into the wind.

(9) In other words, according to the *Baal Hamaor*, the controversy between *R' Meir* and the *Chachamim* whether or not *chametz* may be eaten on *Shabbos Erev Pesach* is predicated upon the controversy of whether ביעור חמץ may be discharged through any method or only by actually burning the *chametz*.²⁴

THE BAAL HAMAOR SUGGESTS THAT ONE MAY EAT MATZAH ON SHABBOS EREV PESACH.

(10) The practical question which confronts the *Baal Hamaor* is what foods *R' Meir* would suggest that one eat on *Shabbos* to enable the recital of ברכת המזון, given that he maintains that *chametz* may not be eaten after Friday. The *Baal Hamaor* advances the novel suggestion that one eat *matzah* on Friday night and on *Shabbos* (up to the fifth hour).

The *Baal Hamaor's* suggestion was criticized as inconsistent with the *Yerushalmi*²⁵ which states:

האוכל מצה בערב פסח כאילו בא על ארוסתו בבית חמיו.

²⁴ Even though the *Rambam* maintains that ביעור חמץ may be implemented through any method, he concurs with the *Baal Hamaor* that *chametz* may not be discarded on *Shabbos* though for different reasons. The *Rambam*, apparently, classifies any form of ביעור as a prohibited מלאכה. This view is similar to the view of *Rashi* cited *supra*.

The point of departure between them is that, according to the *Rambam*, one may eat *chametz* on *Shabbos*, while, according to the *Baal Hamaor*, one may not. According to the *Rambam*, תשביתו is bifurcated between the *mitzvah* of ביעור חמץ and the איסור אכילת חמץ. The קום ועשה component of the *mitzvah* of תשביתו requires that the *chametz* be disposed of on Friday; however, the איסור עשה component does not take effect until the fourth hour on *Shabbos*.

²⁵ מסכת פסחים פ"י ה"א.

Eating matzah on Erev Pesach is the equivalent of having pre-marital relations with one's bride.

Most *Rishonim* infer that the *Yerushalmi* enjoins the consumption of *matzah* at any time on *Erev Pesach*. The *Baal Hamaor*, however, interprets the *Yerushalmi* differently. He suggests that the injunction against eating *matzah* on *Erev Pesach* commences only after the sixth hour of *Erev Pesach*, since at that time *chametz* may no longer be eaten (מדאורייתא). *Matzah* may, however, be eaten prior to the end of the sixth hour on *Erev Pesach*.

(11) The *Baal Hamaor's* view is subject to the difficulty in that if the *mitzvah* of תשביתו enjoins the consumption of *chametz* on Friday, why then may *matzah* be eaten until the sixth hour on *Shabbos* morning, *Erev Pesach*?

Apparently, according to the *Baal Hamaor* the injunction against eating *matzah* is predicated upon *Erev Pesach*, as opposed to the איסור חמץ.²⁶ For example, had *chametz* been enjoined from and after *Rosh Chodesh Nissan*, *matzah* could still be eaten until the 13th day of *Nissan*. Since Friday is not *Erev Pesach*, the prohibition against eating *matzah* is not imposed even though the איסור אכילה precipitated by תשביתו is advanced to Friday. Accordingly, *matzah* may still be eaten until חצות of *Erev Pesach*.²⁷

²⁶ The *Rav* did not clarify this point. Apparently, the *Rav* maintained that the איסור אכילת מצה is triggered by both (i) איסור אכילת חמץ, and (ii) *Erev Pesach*. One without the other, does not trigger the injunction. More likely, the *Rav* reasoned that only an איסור חמץ דאורייתא precipitates an injunction against eating *matzah*. Since *R' Meir* concedes that the איסור אכילת חמץ on Friday is only מדרבנן, he agrees that the injunction against eating *matzah* will not commence until חצות on *Erev Pesach*, at which time the איסור אכילת חמץ is דאורייתא.

²⁷ Interestingly, the *Baal Hamaor* (דף ג' ע"א מדפי הרי"ף) maintains that in all other years, *chametz* may be eaten (מן התורה) on *Erev Pesach* until nightfall. He stresses that although the *mitzvah* of תשביתו requires that *chametz* be disposed, such disposition may take the form of eating, since אין לך השבתה מו, גדולה מזו, *eating chametz is the most effective method of discarding it*.

THE RAMBAN ENJOINS THE CONSUMPTION OF MATZAH ON EREV PESACH.

(12) The *Ramban*²⁸ disagrees with the *Baal Hamaor* on this issue. First, the *Ramban* disputes the *Baal Hamaor*'s rationale that the performance of ביעור חמץ on Friday automatically precipitates an injunction against eating *chametz* as well. According to the *Ramban*, the two are independent. Second, the *Ramban* rules that *matzah* may not be eaten at any time on *Erev Pesach*. He concludes:

שכיון שביעור חמץ בלילה נעשית לו מצה כארוסה בבית חמיו.²⁹
Since the mitzvah to search and dispose of chametz commences on the night of Erev Pesach (i.e. on the night immediately prior to the 14th day), matzah is classified as one's betrothed at that time and may thereafter not be eaten.

MATZAH IS CLASSIFIED AS AN ארוסה TO DENOTE THAT IT REQUIRES A מתיר.

(13) What is the rationale for the *Ramban*'s opinion that *matzah* may not be eaten as soon as the *mitzvah* of ביעור חמץ commences? In truth, the entire phrase כבא על ארוסתו בבית חמיו is perplexing. Apparently, *Chazal* reasoned that קדושין forms the basis of the injunction prohibiting a bride from having marital relations with anybody, including her groom. She is permitted to consummate the marriage with the groom only after entering the *chuppah*. In the lexicon of the *Rav*, קדושין is an אוסר, while *chuppah* constitutes a היתר לבעלה.³⁰ Since the *Yerushalmi* equates *matzah* with an ארוסה, apparently, *matzah* also requires a מתיר. Just as a bride requires the מתיר of *chuppah*, so, too, *matzah* requires a מתיר. The מתיר of *matzah* is the realization of the *mitzvah* of תאכלו מצות. That is, one may eat *matzah* only if he is in

²⁸ מלחמות ה' שם.

²⁹ The *Ramban* further deduces this from the fact that the *Rif* cites this ruling of the *Yerushalmi* immediately after citing the opinion of R' Elazar Ben R' Tzadok that *chametz* need be disposed of only on *Shabbos*.

³⁰ Whether this injunction is דאורייתא or מדרבנן is subject to controversy. See *Rambam* פרק י' מהלכות פסח. [Editor's Note] פסקי הלכות (יד דוד) פ"י אות א'; שו"ת יביע אומר ח"ב חאה"ע סימן י' אישות ה"א.

compliance with the *mitzvah* of *בערב תאכלו מצות*. Thus, one who eats *matzah* on the *Seder* night with the specific intent of not discharging the *mitzvah* through such consumption also violates this special ארוסה aspect of *matzah* since that consumption is not accompanied by the *היתר* of *בערב תאכלו מצות*.

THE BAAL HAMAOR AND RAMBAN DISAGREE WHETHER THE איסור חמץ OR THE MITZVAH OF תשביתו PRECIPITATES MATZAH'S ארוסה STATUS.

(14) The *Baal Hamaor* and the *Ramban* disagree as to the exact time that *matzah* is labeled as an ארוסה.

The *Baal Hamaor* maintains that the ארוסה injunction of *matzah* commences only at such time as *chametz* may not be eaten. There is no prohibition against eating *matzah* on any of the other days of the year, even though the *mitzvah* of *בערב תאכלו מצות* does not apply. The reason for this is that the איסור חמץ also does not apply during the year. Likewise, *matzah* obtains the status of an ארוסה only at such time as the איסור חמץ prevails. Accordingly, *matzah* may be eaten until the fifth hour on *Erev Pesach*, at which time the *mitzvah* of תשביתו commences. There should be no difference between eating *matzah* on *Chanukah* and eating it on *Erev Pesach* prior to the time that *chametz* may no longer be eaten.

(15) The *Ramban* disagrees. *Matzah* is labeled as an ארוסה on *Erev Pesach* in the morning even though *chametz* may still be eaten.³¹ The *Ramban* reasons that the status of an ארוסה is obtained from and after ליל י"ד (i.e. the night immediately preceding *Erev Pesach*) inasmuch as the *mitzvah* of בדיקת חמץ commences on that night. The *mitzvah* of בדיקת חמץ automatically entails the classification of food particles into *chametz* and non *chametz* items. Only *chametz*

³¹ Apparently, the ארוסה aspect was not imposed until *Erev Pesach* proper, and not during the prior evening of בדיקת חמץ for the same rationale as discussed in Footnote 26 on behalf of the *Baal Hamaor* (i.e. that the injunction is based upon *Erev Pesach* as well).

particles must be removed from the house; all other foods may be retained. The consequence of that classification is that *matzah* is invested with a new identity. Unleavened bread which is not *chametz* obtains new *halachic* significance at that time. Accordingly, *matzah* at that time is automatically labeled as an ארוסה and may not be eaten until the *Seder* night. The *Rav* referred to this classification of *chametz* and non-*chametz* as חילוק שמות. The investiture of a שם חמץ, automatically precipitates a concomitant שם מצה. This duality commences on בדיקת חמץ night, at which point *chametz* and non-*chametz* items must be distinguished and the *chametz* items removed.³²

(16) In conclusion, according to the *Baal Hamaor*, *matzah* is classified as an ארוסה only at such time as the איסור חמץ prevails. According to the *Ramban*, *matzah* is classified as an ארוסה at such time as a שם חמץ prevails, even in the absence of an איסור חמץ.³³

THE VARIOUS EXPLANATIONS OF THE OPINION OF R' ELAZAR ISH BARTUSAH.

(17) In another chapter, the *Gemara* concludes that the correct procedure for disposing of *chametz* whenever *Erev Pesach* occurs on *Shabbos* is that espoused by R' Elazar Ish Bartusah. R' Elazar Ish Bartusah maintains that:

ארבעה עשר שחל להיות בשבת מבערין את הכל מלפני השבת,
ושורפין תרומות טמאות תלויות וטהורות, ומשיירין מן הטהורות
מזון שתי סעודות כדי לאכול עד ד' שעות. דברי ר' אלעזר בן
יהודה איש ברתותא (מסכת פסחים דף י"ג ע"א).

³² See 41 עמ' where the *Rav* took this one step further to explain the views of those *Rishonim* who maintain that *matzah* should be baked after חצות on *Erev Pesach*. He theorized that *matzah* is deemed to have been baked לשמה only after the איסור חמץ commences. [Editor's Note]

³³ The *Rav* noted that some *Rishonim* (See, e.g. (עמוד קל"ט)) write that *matzah* must be preceded by seven *brachos*. They reason that just as a כלה must undergo both חופה and שבע ברכות, so, too, *matzah* must undergo the equivalent of חופה and שבע ברכות. Likewise, the *Gaon* kept the *matzah* covered until the recital of the *bracha* of מצה, just as a כלה must be covered with a veil (הינומה). The seven *brachos* are the two *brachos* of *kiddush*, גאל ישראל, the בפה"י recited on the second cup, על נטיי, and המוציא. This is in contradistinction to the *Baal Hamaor* and the *Ramban* who assert that the *mitzvah* of בערב וטאכלו מצות serves as the מתיר.

Whenever the fourteenth day of Nissan occurs on Shabbos, all chametz must be discarded prior to Shabbos. All תרומה items which are chametz must likewise be burnt. One should, however, segregate a sufficient quantity of chametz for the Friday night and Shabbos morning meals and must complete those meals prior to the fourth hour. This is the opinion of R' Elazar Ish Bartusah.

(18) The *Rishonim* disagree as to which of the three views listed in the *Mishnah* was accepted by R' Elazar Ish Bartusah. The *Rambam* maintains that R' Elazar Ish Bartusah concurs with R' Meir. The *Ravad*, *Rif*³⁴ and *Rosh* disagree. They maintain that R' Elazar Ish Bartusah's view is consistent with that of R' Elazar Ben R' Tzadok, the final view listed in the *Mishnah*.

(19) The controversy among the *Rishonim* centers on the phrase מבערין את הכל מלפני השבת employed by R' Elazar Ish Bartusah. The *Rambam* interprets it as referring to both תרומה and non-תרומה items. Thus, R' Elazar Ish Bartusah concurs with R' Meir and, in fact, employs the identical terminology. The *Rif* and *Ravad* maintain that R' Elazar Ish Bartusah disagrees with R' Meir and concurs with the opinion of R' Elazar Ben R' Tzadok who requires that only תרומה chametz need be discarded prior to *Shabbos*. They therefore interpret the phrase מבערין את הכל מלפני השבת as referring exclusively to תרומה and not to חולין (i.e. regular food). According to them, the succeeding phrase, ושורפין תרומות טמאות, modifies the preceding phrase, מבערין את הכל מלפני השבת, and stipulates that chametz consisting of תרומה must be burnt prior to *Shabbos*. Regular food, however, need not be discarded until the sixth hour on *Shabbos*. The *Rif*, therefore, concludes that תרומה

³⁴ מסכת פסחים, דף ה' ע"א ודף ט"ז ע"א מדפי הרי"ף; מלחמות ה' שם; חידושי רבינו דוד למסכת פסחים דף י"ג ע"א. [Editor's Note]

must be discarded prior to *Shabbos*; regular *chametz* may be disposed of on *Shabbos*.³⁵

(20) Some *Rishonim* go so far as to reinterpret *R' Meir's* opinion so that it conform with the *Rif's* interpretation of *R' Elazar Ish Bartusah's* opinion (i.e. that regular *chametz* may be disposed of on *Shabbos*). They write that the phrase מבערין employed by *R' Meir* merely expresses his preference that regular *chametz* be discarded prior to *Shabbos*. However, *chametz* may also be discarded on *Shabbos*. Thus, *R' Meir* concedes that, even though the *mitzvah* of תשבינו commences on Friday, nonetheless, the *mitzvah* of תשבינו may also be performed on *Shabbos* (in a manner not violative of any of the מלאכות of *Shabbos*).

THE RAMBAM POSITS AN איסור ביעור ON SHABBOS.

(21) The *Rambam* rejects that interpretation of *R' Meir's* opinion. The *Rambam* writes as follows:³⁶

חל ארבעה עשר להיות בשבת, בודקין את החמץ בלילי ערב שבת, שהוא ליל שלשה עשר.
ומניח מן החמץ כדי לאכול ממנו עד ארבע שעות ביום השבת.
ומניחו במקום מוצנע. והשאר מבערו מלפני השבת.
ואם נשאר מן החמץ ביום השבת אחר ארבע שעות, מבטלו וכופה עליו כלי עד מוצאי יום טוב הראשון ומבערו.

Whenever the fourteenth day of Nissan occurs on Shabbos, one must search for chametz on Thursday night (i.e. the night prior to the thirteenth day of Nissan).

He must remove all chametz from his possession at that time except for a sufficient quantity of chametz for the Friday night and Shabbos morning meals. The latter meal must be concluded by the fourth hour of the day on Shabbos. He should place the contemplated food in a segregated area and dispose of all other chametz prior to Shabbos.

If any chametz remains uneaten after the fourth hour on the day of Shabbos, one must perform ביטול (i.e. he must mentally

³⁵ The rationale for this distinction is further analyzed, *infra*, Paragraph 23.

³⁶ פ"ג מהלכות חמץ ומצה ה"ג.

disassociate himself from it), place a dish over it (so that no one mistakenly eats it) and dispose of it immediately after Yom Tov (i.e. on Monday night in the diaspora).

The *Rambam* writes in the final sentence that one must perform ביטול on *chametz* which remains uneaten after the conclusion of the fourth hour of *Shabbos* and burn it after *Yom Tov*. Had the *Rambam* concurred with the foregoing explanation, he would have ruled that the *chametz* should be disposed of in a permissible fashion on *Shabbos* proper.³⁷ Clearly, then, the *Rambam* maintains that ביעור חמץ may not be performed on *Shabbos* under any circumstances.

It must be stressed that the *Rambam*'s reliance on ביטול with respect to the uneaten *chametz* is consistent with his view that ביטול is the preferred method of discharging the *mitzvah* of תשביתו under all circumstances, even in ordinary years. Generally speaking, the *Rambam* does not require ביטול merely to avoid a violation of the לאו of ימצא ובל יראה. Rather, the *Rambam* maintains that ביטול is the primary method required by the *mitzvah* of תשביתו.³⁸ Thus, the *Rambam* writes:³⁹

ומה היא השבתה זו האמורה בתורה? היא שיבטל החמץ בלבו ויחשוב אותו כעפר וישים בלבו שאין ברשותו חמץ כלל, ושכל חמץ שברשותו הרי הוא כעפר וכדבר שאין בו צורך כלל.
The mitzvah of תשביתו requires that one mentally nullify and totally disassociate himself from all chametz items to such an extent that he regard the chametz as worthless dirt from which he will not derive any benefit.

The *Rambam* maintains that ביטול is not only a means to circumvent the לאו of ימצא ובל יראה. It is much more than that. ביטול constitutes a מצוה of קיום תשביתו. Accordingly, the *Rambam* is consistent in his conclusion that the ביטול component of

³⁷ This is especially true since the *Rambam* rules that, generally, the *mitzvah* of ביעור חמץ may be performed by any method. Incineration is not required. See מחור"מ הי"א.

³⁸ This is also the position of אונקלוס, who translates the word תשביתו as תבטלון. *Rashi* (מסכת פסחים) concurs with this opinion as well.

³⁹ פ"ב מהלכות חמץ ומצה הי"ב.

the *mitzvah* of תשביתו may be discharged on *Shabbos* even though the הבערה component of the *mitzvah* of תשביתו may not be implemented on *Shabbos*.

(22) The *Ravad*, *Rif* and *Rosh* reject the views of both *R' Meir* and the *Chachamim*. They accept the opinion of *R' Elazar Ben R' Tzadok*, and interpret *R' Elazar Ish Bartusah's* opinion accordingly. *R' Elazar Ben R' Tzadok* rules:⁴⁰

[מבערין] תרומה מלפני השבת וחולין בזמן.
Chametz which consists of תרומה must be disposed of prior to Shabbos; all other forms of chametz may be disposed of on Shabbos proper.

R' Elazar Ben R' Tzadok differentiates between *chametz* comprising תרומה and all other forms of *chametz*. תרומה must be disposed of prior to *Shabbos*; all other forms of *chametz* need not be disposed of prior to *Shabbos*.

(23) *R' Elazar Ben R' Tzadok's* opinion is puzzling. On the one hand, he concurs with *R' Meir* and imposes an איסור ביעור on *Shabbos* with respect to תרומה. He requires that תרומה be discarded prior to *Shabbos*. On the other hand, he does not impose a similar requirement with respect to non-תרומה *chametz*.⁴¹

The *Rav* offered two possible explanations of *R' Elazar Ben R' Tzadok's* position.

THE CONTROVERSY AS TO WHETHER *R' ELAZAR BEN R' TZADOK* ALSO IMPOSES AN איסור ביעור ON *SHABBOS*.

(24) In commenting on *R' Elazar Ben R' Tzadok's* ruling, *Rashi* explains that, unlike regular *chametz*, תרומה must be discarded prior to *Shabbos*. He writes (*ibid.*):

שאינה יכול להאכילה לבהמת זרים, ולהשהותה אי אפשר.

⁴⁰ מסכת פסחים דף מ"ט ע"א. According to these *Rishonim*, *R' Elazar Ish Bartusah* accepts the view of *R' Elazar Ben R' Tzadok*.

⁴¹ The problem is compounded in that the *Rishonim* do not expound on *R' Elazar Ben R' Tzadok's* rationale, making it difficult to extract clear *halachic* guidelines from it.

It is prohibited on Shabbos to feed תרומה chametz to animals owned by others nor allow it to remain uneaten (prior to Shabbos).

The phrase ולהשהותה אי אפשר is puzzling. *Rashi* writes that תרומה chametz must be discarded prior to *Shabbos*. If it remains uneaten, it cannot be disposed of until after *Yom Tov*. Why is this so? Why can't one simply dispose of uneaten תרומה chametz with other methods, such as feeding it to animals?

Apparently, *Rashi* alludes to his view⁴² that one may not dispose of *chametz* even in other fashions (which would not ordinarily constitute a מלאכה) whenever such disposition is in furtherance of a *mitzvah* of ביעור. As he explains, רחמנא הבערה, the disposition is halachically classified as a מלאכה of חבירה. *Rashi*, therefore, posits that *R' Elazar Bar Tzadok* also imposes an איסור ביעור which enjoins the disposition of *chametz* on *Shabbos*. He, therefore, rules that תרומה must be discarded prior to *Shabbos*.

(25) Despite the איסור ביעור, *R' Elazar Bar Tzadok* does not require that חולין be discarded prior to *Shabbos*. *Rashi* explains that *R' Elazar Ben R' Tzadok* distinguishes between תרומה and חולין based upon the relative degree of probability of it remaining uneaten prior to *Shabbos*. *R' Elazar Ben R' Tzadok* speculates that guests will most likely arrive and consume all of the non-תרומה chametz on *Shabbos*; nothing will remain uneaten. However, it is unlikely that *Kohanim* will arrive unannounced and consume all of the תרומה chametz on *Shabbos*. He, therefore, rules that תרומה must be discarded prior to *Shabbos* even though regular *chametz* need not be discarded at that time.

⁴² Articulated in חלה דף כ"ז ע"ב ד"ה חלה, *supra*, Paragraph 6.

In other words, according to *Rashi*, *R' Elazar Bar R' Tzadok* imposes an איסור ביעור on *Shabbos*. Thus, any *chametz* חולין which remains uneaten may not be disposed of on *Shabbos*. However, since there is a strong probability that the חולין *chametz* will be completely consumed prior to the fourth hour on *Shabbos*, one is not required to dispose of it prior to *Shabbos*. Such likelihood does not exist with respect to תרומה *chametz*; it must, therefore, be discarded prior to *Shabbos*.

(26) The *Rav* stressed that he would not have arrived at this interpretation had *Rashi* not stated ולהשהותה אי אפשר. That phrase implies that had there not been an issue of *halachically* imputed ביעור, *R' Elazar Ben R' Tzadok* would not have ruled as *R' Meir* and would not have required that תרומה be discarded prior to *Shabbos*. Instead, he would have ruled as the *Chachamim* that any תרומה which remains uneaten on *Shabbos* should be disposed of on *Shabbos* by other methods. However, since *R' Elazar Bar Tzadok* imposes an איסור ביעור, he advises that תרומה should be discarded prior to *Shabbos* inasmuch as it will most probably remain uneaten on *Shabbos*. It is not advisable to keep *chametz* in the house until after *Yom Tov*. During such a long period, the possibility of it being mistakenly eaten is compounded.⁴³

(27) The *Chachamim* disagree with both *R' Meir* and *R' Elazar Ben R' Tzadok*. They suggest that *chametz* may be disposed of on *Shabbos*. They do not impose an איסור ביעור on *Shabbos*, and reject the application of the concept of רחמנא אחשבה להבערתן.

⁴³ According to this interpretation, the phrase "אי אפשר" means that it is not advisable to allow *chametz* to linger for such an extended period of time. Interestingly, the *Rishonim* debate whether such *chametz* may be burnt on *Yom Tov*. See

טושו"ע סימן תמ"ו סעיף א'; מג"א שם ס"ק ג'; וביאור הגר"א שם ס"ק ג'. Those who rule that one must defer its disposition until *Chol Hamoed* offer numerous rationale, such as צורך היום (קצת). See, e.g. פמ"ג שם, משבצות זהב ס"ק ג', ואשל אברהם ס"ק ג'.

[Editor's Note]

(28) The *Rav* noted, however, that the *Rif*, *Ravad* and most other *Rishonim* probably explain *R' Elazar Ben R' Tzadok's* ruling differently.⁴⁴ They assert that *R' Elazar Ben R' Tzadok* concurs with the *Chachamim* that ביעור may be performed on *Shabbos*. The point of contention between the *Chachamim* and *R' Elazar Ben R' Tzadok* is whether תרומה טמאה must be burnt with fire or whether it may be disposed of by other methods.⁴⁵ *R' Elazar Ben R' Tzadok* maintains that תרומה טמאה must be burnt. Thus, he advises that *chametz* constituting תרומה טמאה must be burnt prior to *Shabbos* (i.e. תרומה לפני השבת). He was concerned that if the תרומה will not be eaten prior to the fourth hour on *Shabbos*, it will not be burnt until after *Shabbos*. It is not advisable to allow *chametz* to remain in one's house until *Chol Hamoed*. Moreover, since people may mistakenly confuse תרומה טמאה and תרומה טהורה, he rules that all forms of חמץ must be burnt prior to *Shabbos* (even if it is טהור).

In other words, according to *R' Elazar Ben R' Tzadok*, ביעור חמץ may be performed on *Shabbos* in permissible fashions with respect to other forms of *chametz* insofar as *chametz* need not necessarily be burnt.⁴⁶ However, תרומה טמאה must be burnt because of the unique prescriptions governing תרומה. This incineration must, therefore, be performed prior to *Shabbos* in order to comply with the *mitzvah* of ביעור תרומה טמאה. This ruling was applied to תרומה טהורה as well.

⁴⁴ A similar explanation is also advanced in ספר מקור חיים סימן תמ"ד ס"ק א'. He, however, writes that even *R' Elazar Ben R' Tzadok* concedes that one may retain a small quantity of תרומה for the *Shabbos* meals. He concludes that the *Chachamim* maintain that whenever *Erev Pesach* occurs on *Shabbos*, the requirement that תרומה טמאה be burnt was relaxed. This is in contradistinction to the *Rav's* thesis that the *Chachamim* maintain that תרומה טמאה need never be burnt. [Editor's Note].

⁴⁵ As noted, *supra*, Footnote 18, there is a disagreement between *Rashi* and *Tosfos* on this issue as well. Most *Rishonim* concur with *Tosfos* that תרומה טמאה requires שריפה. See, e.g. מב"ם פ"ג מהלכות רמב"ם; ספר המצות עשה צ'. תרומות הי"ד;

⁴⁶ *R' Elazar Ben R' Tzadok* presumably accepts the majority opinion that מסכת פסחים השבתו בכל דבר (מסכת פסחים) דף כ"ח ע"א.

(29) In conclusion, the *Rambam* rules as *R' Meir* that ביעור may not be performed in any fashion on *Shabbos*. Most other *Rishonim* rule as *R' Elazar Ben R' Tzadok* and distinguish between חולין and תרומה. They, therefore, would permit איסורי חמץ to be performed on *Shabbos* with any method not violative of מלאכה.

The *Rav* added that the commonly accepted ruling by many *Achronim*,⁴⁷ namely, that one should flush down the toilet any *chametz* which remains uneaten as of the fourth hour on *Shabbos*, is inconsistent with the *Rambam*'s injunction against engaging in ביעור חמץ on *Shabbos* (even through otherwise permissible methods).⁴⁸ Those *Achronim* who do recommend that *chametz* be flushed down the toilet do not concur with the *Rambam*. These *Achronim* accept the opinion of most *Rishonim* who rule as *R' Elazar Ben R' Tzadok* and permit ביעור חמץ to be performed on *Shabbos* by methods which do not violate *Shabbos*.

THE RAV DID NOT DISCARD CHAMETZ ON SHABBOS EREV PESACH.

(30) The *Rav*'s practice (and that of the גר"ח) was not to discard *chametz* on *Shabbos* in deference to the *Rambam*'s ruling. If *chametz* remained uneaten after the *Shabbos* morning meal, the *Rav* would place it in a garbage container.⁴⁹ He would perform ביטול (thereby disassociating himself from the *chametz*) by reciting the כל חמירא paragraph⁵⁰ and burn it on *Chol Hamoed*. In such instances so as to

⁴⁷ See, e.g. חידושי רע"א לאו"ח סימן תמ"ד אות ב'.

⁴⁸ Flushing *chametz* down the toilet is the equivalent of (פסחים דף כ"א ע"א) מפרר וזורה לרוח או מטיל לים.

⁴⁹ Whether *chametz* is placed in the garbage pail in the backyard or in the kitchen is immaterial, inasmuch as the violation of ימצא ובל יראה is predicated upon one's ownership of *chametz* and not upon the location of the *chametz*. Placing it in the garbage merely serves to ensure that no one will accidentally eat it (i.e. כופה עליו כלי).

⁵⁰ The *Rav* remarked that in such instances the כל חמירא paragraph must be recited with solemnity, so as to effect an appropriate ביטול.

accommodate the views of the different *Rishonim*, the *Rav* utilized both texts of the כל ליבטל paragraph. He recited on *Shabbos* after the fourth hour, both the text of ליבטל in conformance with the view of *Rabbeinu Tam* as well as the text of ליבטל in compliance with the view of *Rashi*.⁵¹

It must be stressed that, according to some *Rishonim*, ביטול generally does not serve as a *kiyum mitzvah* of תשביתו. Rather, one who disassociates himself from *chametz* by engaging in ביטול avoids the לאו of יראה since the לאו applies only to *chametz* which the person is interested in preserving.⁵² In order to accommodate this view, the practice has arisen to burn the *chametz* as well. However, whenever *Erev Pesach* occurs on *Shabbos*, some *chametz* will invariably remain uneaten. The *kiyum mitzvah* of תשביתו will not be realized according to those *Rishonim* since the *chametz* can not be disposed of on *Shabbos*. Thus, תשביתו may be realized (according to other *Rishonim*) and the לאו of יראה avoided (according to all *Rishonim*) solely by

⁵¹ *Rashi* (מסכת פסחים דף ב' ע"א) and *Rabbeinu Tam* (מסכת פסחים דף ב' ע"ב) disagree whether ביטול is the equivalent of הפקר or whether it operates under principles peculiar to *chametz* (אינו הפקר). According to *Rabbeinu Tam*, ביטול operates under הפקר principles. Once the *chametz* becomes הפקר, the *mitzvah* of תשביתו can no longer be performed since תשביתו applies only to *chametz* owned by an individual (שלא רואה ואי אתה רואה של אחרים). According to *Rashi* and the *Rambam*, ביטול is a *kiyum mitzvah* of תשביתו and is one of the methods by which the *mitzvah* is realized. ביטול means that one must disassociate himself from the *chametz* and regard it as a worthless item. Thus, ביטול does not sever one's proprietary interest in the *chametz*. Moreover, because ביטול reflects one's attitude and state of mind vis a vis *chametz*, one who does not perform ביטול may violate the לאו of יראה if other people's *chametz* are in his possession. The only exception to this will be if the *chametz* is owned by הקדש, a gentile or anyone else who is not subject to the violation of יראה (e.g. שבט כהונה as a collective body).

The *Achronim* discuss whether *Rashi* concedes that *chametz* must be burnt (or disposed of) even if its owner previously engaged in ביטול. They also debate whether such disposal would constitute a *kiyum mitzvah* of תשביתו or be required simply because of the general principles regarding איסורי הנאה (i.e. חשש תקלה).

See the extensive discussion in:

מקור חיים פתיחה לסימן תל"א ד"ה לכן; ביאור הגר"א לסימן תל"ד ס"ק י'; קהילות יעקב למסכת פסחים סימן א'; משנת יעבץ חא"י סימן י'; ספר בד קודש חלק ג' סימן י"א; חידושי רבינו דוד למס' פסחים דף ב' ע"א ודף ו' ע"ב; ספר מלאכת מחשבת ח"א סימן ב"ד; מסורה ח"ג עמוד ז'.

[Editor's Note]

⁵² This is the view of the *Ramban* who interprets the *mitzvah* of תשביתו as requiring ביעור and בדיקה. In the *Ramban's* opinion, ביטול is a mere technique to circumvent the לאו of יראה. According to the *Rambam*, *Rashi* and *Targum Onkelos*, the *mitzvah* of תשביתו encompasses ביטול as well.

performing ביטול and disassociating oneself from the remaining *chametz*. The כל paragraph recited after placing the remaining *chametz* in the garbage on *Shabbos*, effects the final ביטול and must, therefore, be appropriately understood by those reciting it.

(31) In ordinary years, most people who perform ביטול have already removed all *chametz* from their possession and have segregated the *chametz* which they will eat the next morning and those that will be burnt at ביעור חמץ. They have, therefore, discharged the primary *mitzvah* of ביעור חמץ.⁵³ The purpose of the כל paragraph recited after the בדיקה is to effect ביטול with respect to *chametz* of which one is not aware (and thereby avoid a violation of בל יראה). This ביטול is predicated upon *Rava*'s statement that הבידוק צריך שיבטל.⁵⁴ The text states that ביטול is effected with respect to *chametz* ולא בערתיה ולא (i.e. the *chametz* of which he is not aware and which he has thus not discarded). This ביטול does not apply to the remaining *chametz* (i.e. of which he is aware) since that will be burnt on *Erev Pesach* at ביעור חמץ. Technically, that ביטול is all that is required. The כל ביטול recited after ביעור חמץ is a *minhag* adopted to reinforce the prior ביטול and relates to all other possible *chametz* for which one may be held culpable. It thus effects ביטול with respect both to *chametz* ולא בערתיה ולא (i.e. *chametz* which

See the lengthy exposition of the *Ramban*'s view in עיי'א דף 46 (הערה 46) ודף ו' עיי'ב [Editor's Note]

⁵³ The crumbs burnt on *Erev Pesach* are merely to comply with *R' Yehuda*'s opinion that ביעור חמץ requires an act of שריפה. See, *supra*, Footnote 8.

⁵⁴ *The Rambam* and *Tosfos* disagree as to whether the *mitzvah* of תשבייתו commences with חצות or may be realized even prior to חצות. According to *Tosfos*, the *mitzvah* of תשבייתו commences from and after חצות and requires that one remove all *chametz* of which he is aware. According to the *Rambam*, the *mitzvah* of תשבייתו is to dispose of the *chametz* prior to חצות so that with the entry of חצות the person no longer owns any *chametz*. He writes: מצות עשה להשביית החמץ קודם זמן איסור אכילתו (פרק ב' מהלכות חיימ' הי"א).

This is extensively discussed by the *Rav* in עמוד י"ב מסורה חוברת ח' [Editor's Note].

he has burnt, as well as that which he has not burnt) together with דחזיתיה ודלא (i.e. *chametz* of which he is aware as well as that of which he is not aware).

Whenever *Erev Pesach* occurs on *Shabbos*, however, the כל חמירא paragraph recited following בדיקת חמץ effects ביטול solely with respect to *chametz* of which he is not aware. He must, therefore, recite דחזיתיה ודלא to effect such ביטול with regard to *chametz* of which he is not aware. He can not, however, effect ביטול with respect to the *chametz* which he has reserved for the *Shabbos* meals. That would be inconsistent with his intentions. Following the *Shabbos* meal, he must again engage in ביטול and disassociate himself from the uneaten *chametz*. That *chametz* will not be burnt nor discarded prior to *Chol Hamoed*. He must therefore emphasize in the כל חמירא paragraph recited after the meal, דחזיתיה ודלא as well as דבערתיה to embrace the remaining *chametz* which he is unable to discard on *Shabbos*. He must, therefore, understand the meaning of the כל חמירא statement.

(32) The *Rav* noted that the *Rambam's* ruling that one retain *chametz* sufficient for the two *Shabbos* meals, was practiced by the גר"א, the *Yeshiva* in *Volozhin* and the *Rav*.⁵⁵

חמץ נוקשה THE CONTROVERSY WHETHER EGG MATZAH CONSTITUTES

(33) The *Rav* cautioned that eating egg *matzah* on *Erev Pesach* (and even on *Pesach*) is *halachically* problematic. He explained that the *Gemara* states:⁵⁶

עיסה שנילושה בין שמן ודבש אין חייבין על חימוצה כרת.
Batter prepared with wine, oil or honey is not subject to the penalty of כרת.

⁵⁵ Most *Rishonim* do not accept the *Baal Hamaor's* view that one may eat *matzah* on *Erev Pesach* as long as he is permitted to eat *chametz*.

⁵⁶ מסכת פסחים דף ל"ה עמוד א'. This topic is discussed in greater detail in the second *Shiur* contained in this volume.

Rashi and the *Ravad*⁵⁷ explain that dough prepared with any liquid (other than water) is classified as חמץ נוקשה⁵⁸ if it rises. They also point out that dough mixed with other liquids rises even more rapidly than dough mixed with water and so should not be eaten on *Pesach*. They are, therefore, certain תנאים who enjoined its use on *Pesach* for fear that it will not be adequately supervised.⁵⁹ Likewise, egg *matzah* baked from dough and eggs is treated as חמץ נוקשה if it rises. It should, therefore, not be eaten on *Pesach* even if it did not rise.

The *Rambam* disagrees. He rules that batter prepared from liquids which do not contain any water can never rise and become *chametz*. It may, therefore, be eaten on *Pesach*. He writes:⁶⁰

חמשת מיני דגן אלו אם לשון במי פירות בלבד בלא שום מים,
לעולם אינם באים לידי חמוץ. אלא אפילו הניחן כל היום עד
שנתפח הבצק, הרי זה מותר באכילה, שאין מי פירות מחמיצין
אלא מסריחין.

*Bread baked from fruit juices which are not mixed with water,
as chametz and may be eaten. Liquids, other than water, do
not cause the bread to leaven; they only cause it to rot.*⁶¹

Rabbeinu Tam concurs with the *Rambam* that *matzah* prepared without water cannot become *chametz* and may be eaten on *Pesach*.

⁵⁷ See השגות, פי"ה מחוייב הי"ב.

⁵⁸ חמץ נוקשה is defined as *chametz* which is generally not suitable for human consumption. It is enjoined because of the לאו of תאכלו לא, but is not penalized with כרת. Regular *chametz* is enjoined by the לאו of חמץ לא יאכל and is penalized with כרת.

Most *Achronim* assume that, according to *Rashi*, this form of חמץ נוקשה (constituted from flour mixed with other liquids which then rises) is only enjoined מדרבנן. See, e.g. פרי חדש לסימן תס"ב ס"ק א'.

[Editor's Note]

⁵⁹ See פ"ה ע"א which cites the view of the חכמים that *matzah* baked with other liquids should be immediately burnt.

⁶⁰ פי"ה מחוייב הי"ב.

⁶¹ The *Rambam's* opinion was concurred with by *Rabbeinu Tam*, the *Rif* and many prominent *Rishonim*.

(34) The *Rama* rules that egg *matzah* should not be eaten on *Erev Pesach* or on *Pesach* except by those who are ill.⁶² In so ruling, the *Rama* apparently concurs with the opinion of most *Rishonim* that egg *matzah* can never be classified as *chametz* and, conversely, can not constitute מצת מצוה (even if it does not rise).⁶³ However, in deference to *Rashi* and the *Ravad* who classify egg *matzah* which does leaven as חמץ נוקשה, he enjoins its use on *Pesach*.

(35) A controversy arose among the *Achronim* whether *Rashi*, who rules that bread prepared with other liquids constitutes חמץ נוקשה if it rises, would nonetheless permit the consumption of such bread on *Erev Pesach* inasmuch as חמץ נוקשה may be eaten on *Erev Pesach*.

The נודע ביהודה⁶⁴ maintains that egg *matzah* may be eaten on *Erev Pesach* (even if it does rise) since all forms of חמץ נוקשה may be eaten prior to nightfall.

(36) This latter controversy is, in turn, predicated upon another controversy between *Rashi* and *Tosfos*, namely, whether חמץ נוקשה is subject to the לאו of בל יראה and the *mitzvah* of תשבתו.⁶⁵ According to *Rashi*, the לאו of בל יראה and the *mitzvah* of תשבתו apply to חמץ נוקשה. This accordingly precipitates an איסור אכילה on *Erev Pesach* after חצות. However, *Rabbeinu Tam* rules that חמץ נוקשה is not subject to the לאו of בל יראה and therefore is not subject to the איסור אכילה of תשבתו. If so, egg *matzah* would be permitted on *Erev Pesach*.

⁶² סימן תסי"ב סעיף ג'. The *Rav* pointed out that this refers even to one who is מצטער and not necessarily חולה שאין בו סכנה.

⁶³ As noted, *supra*, Paragraph 13, *matzah* may not be eaten on *Erev Pesach* since it is classified as an ארוסה. This injunction applies only to *matzah* which could theoretically be utilized on the *Seder* night as מצת מצוה. That, in turn, entails that the *matzah* would have risen and become *chametz* had it not been supervised. In the instant case, since egg *matzah* can not rise, it may not be used for מצת מצוה. It is, therefore, not labeled as an ארוסה and may be eaten on *Erev Pesach*. [Editor's Note]

⁶⁴ שו"ת נב"ק חאו"ח סימן כ"ב ועב"ת חאו"ח סימן נ"ז; שערי תשובה: תסי"ב, ז'.

⁶⁵ See also (תמ"ב, י"י) ספר חק יעקב. תוספות מסכת פסחים דף ב' ע"א ד"ה אור ודף מ"ד ע"א ד"ה ואלו.

(even if it does rise). Nonetheless, the *minhag* in Lithuania was to avoid eating egg *matzah* on *Erev Pesach*.

ACCORDING TO THE RAMBAM, EGG MATZAH MAY BE EATEN FOR מצת מצוה.

(37) The *Rav* noted that eating egg *matzah* on *Erev Pesach* is also precluded according to the *Rambam*. The rationale is as follows. The *Rambam* rules⁶⁶ that מצה עשירה is disqualified for use on the *Seder* night only if baked with wine, oil, milk or honey. *Matzah* baked from any other liquid, including eggs, may be used on the *Seder* night for מצת מצוה⁶⁷ (if it was mixed with water). Accordingly, since one may discharge the *mitzvah* of *matzah* by eating egg *matzah* on the *seder* night, it is classified as an ארוסה and may not be eaten on *Erev Pesach*.⁶⁸

(38) Eating egg *matzos* on *Erev Pesach* involves another issue as well. There is a controversy among the *Achronim* whether an המוציא and a ברכת המזון must be recited on cake containing juices in lieu of water. The *Gaon's* opinion is that המוציא is generally not required in such cases.⁶⁹ Most *Achronim*, however, require the recital of המוציא only if one eats a quantity equivalent to three or four eggs.⁷⁰ The precise standard measure of four eggs is unknown.⁷¹ However, the *Rav* noted

⁶⁶ פרק ו' מהלכות חמץ ומצה הי"ה.

⁶⁷ See, however, רבינו מנוח פ"ה מהלכות חו"מ הי"ב who is uncomfortable with this conclusion. [Editor's Note].

⁶⁸ Those *Achronim* who sanction egg *matzah* on *Erev Pesach* accept the opinions of the other *Rishonim* that *matzah* prepared with any liquid (including eggs) is classified as מצה עשירה, and may not be used for מצת מצוה (even if mixed with water). See שו"ע או"ח: תסי"ב, א' *Tosfos* (דף ל"ה ע"ב) relates that *Rabbeinu Tam* ate egg *matzah* on *Erev Pesach* for that reason.

⁶⁹ ביאור הגר"א לאו"ח סימן קס"ח סעיף ו'. The *Gaon* and many *Achronim* maintain that an המוציא would be recited only if one ate an amount equal to the quantity of food normally consumed at breakfast or at dinner. See משנה ברורה שם ס"ק כ"ד.

⁷⁰ This is the standard size סעודה for עירובי תחומין purposes. See שו"ע או"ח סימן שס"ה סעיף ג'.

⁷¹ The חו"א estimated that it is equal to the amount of cake which can be contained in a standard six ounce cup. See שיעורין של תורה אות כ"ח. [Editor's Note]

that, based on a measurement performed at his request it is equivalent to two and a half standard size square *matzos*. Thus, one who wishes to eat egg *matzos* on *Erev Pesach* for the *Shabbos* meals, must eat two and a half *matzos* in order to be able to recite המוציא and a ברכת המזון.⁷²

ביעור חמץ SIGNIFIES THE WAR AGAINST EVIL.

(39) The view of the *Rambam* and *Rashi* that ביעור חמץ may not be performed on *Shabbos* may be explained in *Kabbalistic* terms as representing two different approaches on confronting רע, *evil*.

The *Passuk* describes the creation of light and darkness:⁷³

ויקרא אלוקים לאור יום ולחשך קרא לילה.
And G-d called the light day, and the dark He called night.

The *Medrash* infers from the *Passuk*, וירא אלוקים את האור כי טוב, that אור represents good, while חשך is identified with evil. The *Passuk* writes:⁷⁴

ויבדל אלוקים בין האור ובין החשך
G-d differentiated between the light and the dark.

G-d did not illuminate the darkness. He did not transform the darkness into light. He merely distinguished between the two. The *Medrash* explains that לעתיד לבא, in the eschatological era, the darkness will be illuminated and there will be only אור. Today, however, both dark and light, אור and חשך, coexist. G-d did not correct that defect. The *Gemara*⁷⁵ relates that *Dovid Hamelech* accidentally removed the stone which covers the תהום, the *subterranean lakes*. The תהום automatically erupted and

⁷² It must be noted, however, that sponge cake is not classified as לחם since it is made from a soft batter (בלילתה רכה). Pies, and egg *matzah*, on the other hand, are made from a thick batter (בלילתו עבה). They are therefore classified as לחם and require the recital of המוציא if one eats a sufficient quantity of קביעות.

⁷³ בראשית: א, ה'.

⁷⁴ בראשית: א, ד'.

⁷⁵ מסכת סוכה דף נ"ג, ע"א.

flooded the earth. It subsided only after *Dovid* threw in a plate on which was inscribed the name of G-d. The meaning behind this story is that G-d did not totally extinguish רע; He merely obscured it. Man, through his evil plans and designs, has the ability to open the gates to רע.

In a word, G-d created טוב and רע, and ויבדל, He distinguished between the two. G-d did not, however, extinguish רע, *evil*.

Shabbos is the יום שכולו שבת.⁷⁶ The ultimate *Shabbos* is that of the מנוחה. At that point the רע will be converted to the טוב and the prophecy of *Yeshayahu*, ומחה הי' אלוקים דמעה מעל כל פנים, will be realized.

(40) *Yahadus* advocates two methods of dealing with רע. The first method is portrayed by the *Passuk* מלחמה לה' בעמלק מדור לדור.⁷⁷ Man must wage constant battle against his evil inclinations and desires. Likewise, man must battle illness since illness is also derived from רע. The *Passuk* states: ורפוא ירפא,⁷⁸ *he shall be healed*. *Chazal* interpret this *Passuk*:

מכאן שניתן רשות לרופא לרפאות.⁷⁹
We derive that G-d provided the physician with the permission to heal the sick.

Illness is a manifestation of רע, and man must take all steps to cure it. Man's challenge is to overcome evil in all of its many permutations.⁸⁰ *Amalek* represents the

⁷⁶ The גרי"ח often commented that when the *Leviim* in the *Bais Hamikdash* sang the paragraph מזמור שיר של יום שבת for the *Shabbos*, they would conclude that sentence with the phrase מזמור שיר לעתיד לבוא ליום שכולו שבת ומנוחה לחיי עולמים.

⁷⁷ שמות: י"ז, ט"ז.

⁷⁸ שמות: כ"א, כ"ב.

⁷⁹ מסכת בבא קמא דף פ"ה ע"א.

⁸⁰ This theme was also elaborated on by the ג' (ט"ז) who cites the *Gemara's* statement (בבא בתרא דף ט"ז ע"א) that the מלאך המות and the שטן are one and the same. He explains that, prior to *Adam's* sin, evil was extraneous to the person. Though man certainly had the option of choosing between bad and good, nonetheless, his selection of evil would not corrupt his

generations of תוהו ובוהו, of evil. מלחמה לה' בעמלק מדור דור; man must wage a constant and vigilant war against that evil. The *Passuk* exhorts us ובערת הרע מקרבך. Man cannot be passive when confronted with רע, but must continuously and strenuously battle against evil.

SHABBOS SYMBOLIZES TESHUVA.

(41) On the other hand, *Yahadus* also advances the methodology of *Teshuva*. Man need not totally extinguish evil. He need merely convert it to good. No matter how depraved a Jew is, no matter how lost he is, he still retains in him an incorruptible nucleus of purity which is capable of being rejuvenated.⁸¹ This is referred to as תקון הרע or העלאת הרע. At times, Jews must wage war against *Amalek*; at other times Jews must convert the רע.

(42) There are certain evils which can never be converted to good. Someone as depraved as Adolf Hitler cannot be transformed. His persona was too saturated with evil. The *Rambam* notes that a person loses his בחירה when evil invades every kernel of his existence.⁸² When confronted with such situations,

persona. Similarly, man would not die because his body would not be able to produce any physical imperfections and debilitating cells. After *Adam* sinned, רע became an intrinsic component of man's spiritual persona. Man is intrinsically affected by רע, which corrupts his very essence. Likewise, he is susceptible to death because illness also became an innate component of man's physical body. Man's body became capable of producing unhealthy and debilitating cells which eventually lead to his demise. Prior to *Adam's* sin, man's body would not produce cancerous cells since evil and all of its physical manifestations were extrinsic to the human body. After *Adam's* sin, evil became an innate component in the human personality. Likewise, unhealthy cells and debilitating sickness also became intrinsic to the human body per se.

Similarly, the פייט דברכות explains the *Yerushalmi* (על התורה פרשת וישב: לייט, ב) which contrasts *Avraham*, who converted his *Yetzer Hara* into a *Yetzer Tov*, with *Dovid* who killed his *Yetzer Hara*. *Avraham* transformed the *Yetzer Hara* into a *Yetzer Tov* by purging its impure qualities. *Dovid Hamelech* merely extinguished his *Yetzer Hara*; he was unable to transform it into a *Yetzer Tov*. This may be the basis of the controversy whether *Baalei Teshuva* are of a higher caliber than *Tzaddikim*. A *Baal Teshuva* converts his *Yetzer Hara* to a *Yetzer Tov* and is, therefore, able to harness all of the energy which his *Yetzer Hara* possessed. A *Tzaddik*, or one who merely extinguishes his *Yetzer Hara*, is unable to utilize that energy. See also 185-183 עמוד [Editor's Note]

⁸¹ This spark of light which resides deep within the human personality is referred to as נהורא סתימאה. See 70 ספר נוראות הרב חייג עמי' [Editor's Note]

⁸² ספר נוראות הרב חייג עמי' 130. פיו מהלכות תשובה הייג.

Yahadus exhorts us to wage battle against evil, מלחמה לה' בעמלק מדור דור. *Yahadus* also teaches that, at other times, when evil is only extrinsic to the sinner's personality, when it has not corrupted his entire essence, the evil inclinations may be transformed into good and the person reformed.

(43) *Shabbos* and *Pesach* represent these two opposing ideologies. *Pesach* represents השחתת הרע, the constant battle against evil. The חכמי דרוש⁸³ write that יציאת מצרים recurs in each generation. Every Jew is enslaved to his own internal Pharaoh, to his corrupt inclinations. On every *Pesach*, each Jew hears the voice of G-d, ואשלחך אל פרעה להוציא את עמו ישראל ממצרים, and is challenged to free himself of his רע. The חג גאולה, not only celebrates the historical exodus from Egypt, but also exhorts each Jew to free himself from the shackles of evil and rekindle his divine spark. This challenge is represented by ביעור חמץ, whether through שריפה or other methods. *Pesach* symbolizes ביעור הרע, *Moshe Rabbeinu* fought against Pharaoh long ago in the original exodus, and every Jew battles his *Yetzer Hara* each year in a reenactment of that Exodus.

(44) *Shabbos*, on the other hand, represents *Teshuva*, העלאת הרע. *Kayin* met *Adam* after he killed *Hevel* and performed *Teshuva*. He told *Adam* עשיתי תשובה, ונתפשרתי עם קוני⁸⁴, *I repented and became reconciled (with G-d)*. *Adam* was unaware that one could convert רע. He thought that the sinner would be forever unable to redeem himself. The *Medrash* concludes that he was so moved by this novelty that he recited מזמור שיר ליום השבת. *Shabbos* symbolizes the concept that

⁸³ This theme was also developed by the לקוטי תורה and succeeding *Chabad* scholars. See also ספר נוראות הרב ח"ט עמוד 54 (הערה 112).

⁸⁴ See מדרש רבה פרשת בראשית פרשה כ"ב אות כ"ח.

man will not have to extinguish the רע; he will be able to convert ה to good.

(45) Accordingly, whenever *Erev Pesach* occurs on *Shabbos*, ביעור חמץ may not be performed on *Shabbos*, since the two represent mutually exclusive approaches. *Shabbos* represents העלאת הרע; *Pesach* represents ביעור הרע.

תושלבי"ע