

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## 208 - EREV PESACH ON SHABBAT OU ISRAEL CENTER - SPRING 2021

This year - 5781/2021 - Erev Pesach falls out on Shabbat. This happens on average 11.5% of the time and, while it can occur as often as three times in a decade, it can also be 20 years between two instances. During the 20th century, Erev Pesach on Shabbat occurred 12 times: in 1903, 1910, 1923, 1927, 1930, 1947, 1950, 1954, 1974, 1977, 1981, and 1994. In the 21st century, it has occurred so far three times: in 2001, 2005, and 2008. After this year, it will occur next in 2025 before a 20 year gap to 2045. Then 2048, 2052, 2072, 2075, 2079, and 2099.

### A] HALACHIC ISSUES ARISING

In this unusual situation, a number of halachic issues, sometimes challenges, arise. These include<sup>1</sup>:

- The timing of the Shabbat HaGadol drasha<sup>2</sup>.
- Bringing forward Ta'anit Bechorot to 12 Nissan (Thurs).
- Whether a siyum works on that accelerated fast day.
- Bedikat chametz and bitul chametz is brought forward to the night of 13 Nissan (Thurs night).
- How mechirat chametz is structures in such a year.
- Whether work can be done on the Friday (13 Nissan).
- Biur chametz by burning is done symbolically on 13 Nissan (Fri) by a certain time.
- Some of the preparations for seder on Motzei Shabbat must be done on Friday.
- The final biur chametz is done on Shabbat morning (14 Nissan) but by a process other than burning. The final bitul chametz is also on Shabbat morning.
- Eating on Shabbat requires careful planning, both in terms of which pots to use (chametz or Pesach) and especially for the halachic requirement of lechem mishne. On Friday night and Shabbat early morning there are chametz options. After the time when chametz cannot be eaten on Erev Pesach, options for lechem mishne are more limited. Is matza ashira one of the options?
- Issues of kitniyot on Shabbat Erev Pesach.
- The timing of Shacharit on Shabbat Erev Pesach.
- How to arrange seuda shelishit on Shabbat Erev Pesach.
- Preparations for the seder may not be done on Shabbat.
- Special additions in Maariv Amida for Yom Tov on Motzash.
- At the seder on Motzash, Kiddush/Havdala is Yaknehaz. There are a number of differences to havdala since it is also Yom Tov.
- Certain changes are made to the wording of the haggada on Motzash.

### B] TA'ANIT BECHOROT

#### B1] THE DAY

Ta'anit Bechorot<sup>3</sup> normally falls on 14 Nissan. Since this is a Shabbat, and fasting is prohibited, the choices are: (i) fast on Friday; (ii) fast on Thursday; (iii) cancel the fast.

1. .... ותשעה באב .... מאחרין ולא מקדימין. תשעה באב - אקדומי פורענות לא מקדמי ...

מגילה ה.

*Fast days which commemorate calamities are never brought forwards. However, fasts which are not connected to the churban - eg Ta'anit Esther and Ta'anit Bechorot can be brought forwards<sup>4</sup>.*

1. Unusual coincidences of other halachic issues include Biur Ma'aser which is done on Erev Pesach in year 4 and 7 of the Shemita cycle. When this falls on Shabbat (as in 2001 and 2008) it has to be done on Friday. This will occur again in 2075 and 2099. Many people will remember the Erev Pesach of 2009 which was Bircat HaChama. This always falls on a Wednesday so cannot be on Erev Pesach/Shabbat. However Bircat HaChama 2021 will be on Yom Tov - 7th Day Pesach. It will actually fall in Adar in 2233!
2. This is given on the Shabbat before Erev Pesach so that preparations can be made in time (Maharil). Aruch Hashulchan (430:5) writes that, if the drasha is aggadic rather than halachic, it can be given on Erev Pesach. But see MB 229:2
3. We looked in depth at Ta'anit Bechorot in previous years - see <http://rabbimanning.com/wp-content/uploads/2019/04/Taanit-Bechorot.pdf>
4. See Shu't Maharil 110.

2. ... ואם חל שלשה עשר באדר להיות בשבת מקדימין ומתענין בחמישי שהוא אחד עשר ...

רמב"ם הלכות תעניות פרק ה הלכה ה

*The model for Ta'anit Esther is to bring the fast forward to Thursday.*

- Why not Friday? 2 reasons are given: (i) to honor Shabbat<sup>5</sup>; (ii) to allow time for selichot<sup>6</sup>.
- On Ta'anit Bechorot there are no selichot, so reason (ii) should not apply. Also we DO fast on Friday for 10 Tevet!

3. וכתוב בתרומת הדשן (ח"א סי' קכו) שאם חל ערב פסח צשצת מתענין הצבורות ציום חמישי שלפני השבת. וכן כתב הרוקח (סי' ע"ב) וכ"כ האגור (סי' תשע"א) צשם מהר"י מולין. וכתב אכן אבי מורי לא הנהיג כן אלא שלא להתענות כל עיקר – הואיל ונדחה ידחה מאחר שאינו אלא מנהג.

בית יוסף אורח חיים סימן תע

*The Beit Yosef brings two views - (i) to fast on Thursday; and (ii) not to fast at all<sup>7</sup>.*

- The Meiri<sup>8</sup> rules that the fast can be on Friday without concern for the effect on Shabbat, especially since Ta'anit Bechorot is usually on erev Chag!

4. אם חל ערב פסח בשבת, יש אומרים שמתענים הבכורות ביום ה', ויש אומרים שאינם מתענים כלל. הגה: אצל יש לנוח כסדרה הראשונה. ....

שולחן ערוך אורח חיים הלכות פסח סימן תע סעיף ב

*When the Shulchan Aruch rules this halacha, the Mechaber brings two opinions, both as 'yesh omrim' - (i) Thursday; (ii) no fast. The Rema rules that the Ashkenazi custom is to fast on Thursday. The general principle in psak is that when the Mechaber brings two opinions as 'yesh omrim' he intends to follow the second. On that basis, Sefardim are more likely to rule that the fast should be cancelled. Many Sefardi poskim<sup>9</sup> nevertheless recommend attending a siyum.*

## B2] THE SIYUM

- The normal custom is for first-borns to be exempted from the fast by attending a seudat mitzva, usually a siyum<sup>10</sup>.
- When Erev Pesach falls on Shabbat, there are 4 approaches:
  - (i) It works the same way as a regular year;
  - (ii) We should be stricter since the fast will not weaken someone before the seder and one can eat immediately at nightfall, unlike in a regular year<sup>11</sup>.
  - (iii) We should be more lenient since some rule that there is no fast at all!<sup>12</sup>
  - (iv) The siyum works on Thursday but, since this may simply push off the fast to Friday, one should go to a siyum on Friday too<sup>13</sup>.
- Most poskim rule that a siyum on Thursday works in the normal manner.
- A siyum on Zoom also works for Ta'anit Bechorot<sup>14</sup>.

## C] BEDIKAT CHAMETZ & BITUL CHAMETZ #1

5. י"ד שחל להיות בשבת, בודקין ליל שלשה עשר ומבערים הכל לפני השבת, ומשיירין מזון שתי סעודות לצורך השבת. ...

שולחן ערוך אורח חיים הלכות פסח סימן תמז סעיף א

*When Erev Pesach falls on Shabbat, the Shulchan Aruch rules that bedikat chametz should be done on Thursday night, and any chametz food needed for Shabbat should be kept separate.*

- The regular beracha (*al biyur chametz*) is made before the search and the regular bitul chametz is said after.<sup>15</sup>

5. Sheiltot 67 and Maggid Mishne ibid.

6. Tur OC 686.

7. Different reasons are suggested for this approach: (i) the minhag of Ta'anit Bechorot was only on 14 Nissan and once it is not possible to fast on that day, there is no alternative minhag (see MB 470:7); (ii) the purpose of the fast is for the first-borns to mark their elevation to the 'kehuna' (like a chatan/kalla fasting before the wedding) and this is only relevant the day before makat bechorot; (iii) the kedusha of Shabbat achieves the same for the bechorot as the fast.

8. Magen Avot 23. He also quotes this as the ruling of the Ra'avad.

9. See Shu't Yechave Da'at 1:91 and Ben Ish Chai Year 1 Tzav 1.

10. Some poskim were against this practice (Noda Biyehuda, Tinyana, Kuntrus Acharon 354; Chatam Sofer, Rav Kook). Most rule leniently (MB 470:10); Igrot Moshe, OC 1:157 and many others.

11. Rav Tzvi Pesach Frank (Mikra'ei Kodesh, Pesach 2:23)

12. Igrot Moshe OC 4:69; Yechave Da'at 1:91.

13. This is based on the psak of the Rema (OC 686:2) concerning a brit on Ta'anit Esther which is pushed forward to Thursday. He rules that the ba'alei simcha may eat on Thursday but must fast instead on Friday.

14. R. Shlomo Zalman Auerbach ruled that one could join a siyum on the phone. Most poskim ruled this way last Pesach. Some poskim are concerned that people may try to take advantage of this to eat meat during the 9 days, but most recognize that the specific circumstances of the current pandemic are quite unique - see <https://www.yutorah.org/lectures/lecture.cfm/951385/rabbi-yoni-levin/daily-dose-of-halacha-siyum-masechtas-on-zoom/>

15. MB 444:1

- We prefer not to do the bedika by day (Friday morning) in sunlight<sup>16</sup>, but why not perform the bedika at the regular time on Friday night?
- One obvious answer is that the candle/flashlight would be muktze<sup>17</sup>. But it is not so simple ....

6. וזש"ה כתב דיו"א החמץ ע"י עכו"ם דאחי עשה דרצון דתשציתו ודחי ל"ת דרצון דאמירה לעכו"ם

מגן אברהם סימן תמו ס'ק ב

*On the question of what to do if one finds chametz on Yom Tov (when the chametz will be muktze), the Magen Avraham asks why one cannot ask a non-Jew to move it. He applies the principle of 'aseh doche lo ta'aseh' to mitzvot derabbanan. In this case, the rabbinic<sup>18</sup> obligation to remove the chametz should override the rabbinic prohibition to ask a non-Jew to do something on Shabbat. On that basis, one might even ask - why can't the Jew move the candle themselves in order to do the rabbinic mitzva of bedika!?*

- In practice, this is not permitted for a number of reasons: (i) moving the candle will normally occur BEFORE the mitzva of bedika begins; (ii) the prohibition of moving a candle on Shabbat is a very serious category of muktze which may not be overridden.<sup>19</sup>
- If a person forgot to do the bedika and bitul before Shabbat, one can check on Friday night using the electric lights in the house<sup>20</sup>.

## D] BIYUR CHAMETZ & BITUL CHAMETZ #2

7. ארבעה עשר שחל להיות בשבת מבערים את הכל מלפני השבת - דברי רבי מאיר. וחכמים אומרים בזמנך. רבי אלעזר בר צדוק אומר תרומה מלפני השבת וחולין בזמנך.

משנה מסכת פסחים פרק ג משנה ו

*The Mishna discussed how to destroy the chametz when Erev Pesach falls on Shabbat. R. Meir (who rules that chametz MUST be burnt) requires biyur chametz on Friday. The Chachamim (who permit chametz to be destroyed in any manner, not only by burning) rule that biyur chametz should be done on Shabbat.*

8. א י"ד שחל להיות בשבת, בודקין ליל שלשה עשר ומבערים הכל לפני השבת ....

ב טוב לבער בערב שבת קודם חצות, כדי שלא יבואו לטעות בשאר שנים לבער אחר חצות (וציוס השצת יצטלנו).

שולחן ערוך אורח חיים הלכות פסח סימן תמד

*The Shulchan Aruch rules that burning the chametz should be done on Friday (13 Nissan), preferably before noon. Even though there is no strict time limit for destroying the chametz on 13 Nissan, it is better to do it in the usual zman<sup>21</sup> so that there will be no confusion in future years, where the timing is strict.*

- Normally, the burning of chametz is followed by the second bitul, nullifying ALL chametz - even that which is known.

9. ... ואינו לריך לצטל צע"ש צשעת ציעורו דסוף סוף יהיה לריך לצטל ציוס מחר. שהרי חוזר וזוכה צפת שמשיר ללורך השצת, ויש לחוש שמא ישאר מהם מעט.

משנה ברורה סימן תמד ס'ק י

*The Mishna Berura explains that, since most people will knowingly leave over some Chametz for Shabbat, there is no point in doing the second bitul on Friday<sup>22</sup>.*

- Therefore, the second bitul is said on Shabbat in the fifth hour<sup>23</sup>. Nevertheless, one does not HAVE to hold onto chametz for Shabbat, and if someone is confident that they will not now use any chametz after Friday morning (for instance if they will be using matza ashira for Shabbat - see below), they can say the bitul on Friday morning instead of Shabbat.
- Any chametz left over for use after the burning on Friday should be kept in a safe place where it will not be moved around and lost.

10. אצל בחולין אינו מצער כלום אלא צזמנו כר' אלעזר איש צרתותא וקר' אלעזר צר' דוק דתרוויבו ס"ל דהדי וכן עיקר

ראב"ד על רמב"ם הלכות חמץ ומצה פרק ג הלכה ג

*The Ra'avad rules that the chametz used on Shabbat should be destroyed on Shabbat. Clearly, this cannot be done by burning. A number of options remain.*

16. MB 444:2. If one did forget on Thursday night one should do the bedika on Friday morning with a beracha.

17. See Shulchan Aruch HaRav 435:3.

18. Assuming that the bitul chametz was done on time. If not, there would be a Torah obligation to remove it.

19. See Sedei Chemed (Ma'arechet Chametz U'matza 5:14).

20. See *Erev Pesach Shechal BeShabbat*, R. Yosef Tzi Rimon p38.

21. Most Acharonim rule that this should be up to the end of the fifth hour, as in a normal year. Some are lenient in this case to allow the burning in the sixth hour. Nevertheless utensils may be kashered all through Friday.

22. Other poskim add the reason that we do not want people do the bitul when they are knowingly holding onto some chametz, in case they do this in a regular year.

23. The Yehi Ratzon that many people say at the chametz burning can be said on Friday.

11. ... וכן מותר לטלטלו ולהשליכו לזיה"כ אם יש לו זיה"כ בחליו. ואם נשתכח עד שעה ששית דלא אסור צהנאה ואסור צטלטול אפ"ה שרי ע"י עכו"ם שיזרקו צנהר או לזיה"כ.

משנה ברורה סימן תמד ס'ק כא

*The Mishna Berura suggests flushing the chametz down the toilet. After the sixth hour it becomes prohibited to benefit from and will become muktze. One could then ask a non-Jew to throw it down the toilet or into a river.*

- Other options on Shabbat - (i) pour detergent/bleach over the food to render it totally inedible; (ii) throw it into the public garbage bins in the street<sup>24</sup>.
- Hilchot Shabbat issues: - carrying (if there is no Eruv).  
- crumbling the chametz is permitted - *ain tochen achar tochen*.  
- throwing crumbs into the wind is problematic.

12. הגה: הרוקק צרוח צשצת והרוח מפזר הרוק, חייב משום זורה. (מהרי"ל צשס ח"ז וירושלמי פרק כלל גדול).

רמ"א שולחן ערוך אורח חיים הלכות שבת סימן שיט ס' ז

*The Rema rules in Shulchan Aruch that using the wind on Shabbat to scatter something is a Torah prohibition of zoreh - winnowing. This follows the psak of the Yerushalmi (Shabbat 7:2).*

13. ... אצל לזרות לרוח אפשר דהוי מלאכה דאורייתא כמ"ש בס"י שי"ט

מגן אברהם סימן תמו ס'ק ב

*On the issue of forgotten chametz which is found on Yom Tov, the Shulchan Aruch rules that one should cover it with a pot until motzei Yom Tov. But if one had not done bitul, and keeping the Chametz in the house would violate a Torah prohibition, the chametz must be removed immediately. The Magen Avraham rules that it should not be thrown into the wind because of concern for the melacha of zoreh.*

- Many Acharonim are surprised that the Rema rules like the Yerushalmi since the Bavli does NOT rule in this way and applies zoreh only in a case where one is actually separating using the power of the wind (as in winnowing). Furthermore, the classic Rishonim - Rif, Rambam, Rosh, Tur do NOT follow this approach of the Yerushalmi, which understands that zoreh includes any use of the wind to scatter items on Shabbat, even without separation.
- Some Acharonim are concerned for the psak<sup>25</sup>, some understand it to be a rabbinic prohibition<sup>26</sup> (akin to zoreh), and others rule that it is permitted<sup>27</sup>. Some poskim apply the prohibition when one intends to use the wind to disperse something (eg shaking a tablecloth in the wind), but not when one is simply throwing something away (eg spitting in the wind).
- In our case, where disposal of chametz is on Shabbat morning BEFORE the prohibited zman, there is no concern of bal yirae and one should therefore avoid throwing crumbs into the wind to disperse them.

## E] MECHIRAT CHAMETZ

- In a regular year, the sale of chametz is effected on the morning of Erev Pesach. This year that will be Shabbat. Is this a problem?
- There are 3 approaches in the poskim:
  - (i) The sale should be done on Friday morning (13 Nissan) at the usual time, ie before the normal time the chametz is prohibited on Erev Pesach. This is to avoid confusion in other years<sup>28</sup>. The bill of sale can exclude<sup>29</sup> the chametz which will eaten for the rest of Friday and Shabbat morning<sup>30</sup>.
  - (ii) The sale can be effected any time on Friday<sup>31</sup>. There is no concern of confusion in other years since the sale is always conducted by experts and not lay-people. Again, the bill of sale will exclude chametz to be eaten on Shabbat.
  - (iii) The sale can be signed on Friday but effected on Shabbat. Since the Jew is not doing an act of sale on Shabbat, this is permitted by some poskim<sup>32</sup>.

24. In the public garbage bins (even if Jewish owned) the chametz will be hefker. In locales where householders have their own private bins outside their homes, it will be necessary to ascertain if these belong to the householder or to the local authority. If the former, throwing chametz into them may not be enough to remove it from one's possession. In this case the chametz should be ruined before being thrown out.

25. See Magen Avraham above.

26. Chayei Adam 15:1, Nishmat Adam, Shulchan Aruch HaRav 446:5 and MB Sha'ar haTziun 446:7. Since it is only a rabbinic prohibition, these poskim permit disposal of crumbs in the wind on Yom Tov where no bitul was done and there would be a Torah prohibition of bal yirae.

27. The Aruch Shulchan is so shocked by the Rema's psak that he claims there must a printer's error and it should have read 'zorek' instead of 'zoreh'!

28. Shu't Maharam Shik (OC120) and Shu't Sho'el Umeishiv (Mahadura 6:55).

29. One halachic challenge is how to define this food. If the definition is too vague, this may affect the validity of the sale. In practice the sale can exclude specific chametz needed for Shabbat and anything left over can be destroyed on Shabbat.

30. Maharam Shik (ibid) and Shu't Har Tzvi (OC 126).

31. Hagahot Maharsham (444:2), shu't Imrei Yosher (1:146).

32. Igrot Moshe OC 3:44. Many poskim are unhappy with this approach, but some permit it. This will have significant implications today for Jewish-owned businesses which transact sales automatically on line with non-Jews on Shabbat.

**F] WORKING ON FRIDAY 13 NISSAN**

14. העושה מלאכה בערב פסח מחצות ולמעלה, היו משמתין אותו. ואפילו לעשות בחנם אסור. ...

יולחן ערוך אורח חיים הלכות פסח סימן תסח סעיף א

*In a regular year, it is prohibited to do work (meaning the kind of work that would be prohibited on Chol HaMoed) after noon on Erev Pesach.*

- 2 reasons are given for this: (i) in case a person forgets to prepare and perform the special mitzvot of the day - removing chametz, baking matza, korban Pesach (Rashi); (ii) because it is inappropriate to work when the korban Pesach is being brought (Yerushalmi).
- What is the position this year? Reason (i) would in theory apply to the preparations needed before Shabbat/Chag. Reason (ii) could not apply since the korban Pesach was always brought on 14 Nissan, even on Shabbat.

15. מחצות ולמעלה - עיין מ"ב והוא ע"פ הירושלמי שהציווהו הפוסקים דהטעם משום שחיטת הפסח. ולפ"ז אם חל פסח צמ"ט מותר במלאכה מעיקר הדין עד המנחה כיון דשחיטת הפסח הוא למחר בשבת, וכמו שכתב המהרי"ל. ורש"י פירש עוד טעם כדי שלא יהא טרוד במלאכה וישכח ציעור חמלו וכו' ותיקון מלא ללורך הלילה וכו'. ולפי טעם זה אפי' כשחל פסח צמ"ט ג"כ יש ליזכר שלא לעשות מלאכה מחצות, שהרי טרוד ציעור חמץ ותיקון המלא ללורך מחר. אלא דרוז הפוסקים תופסין טעם הירושלמי וא"כ אפשר דאין להחמיר.

ביאור הלכה סימן תסח סעיף א ד"ה \* מחצות ולמעלה

*The Biur Halacha rules that most poskim follow the reasoning of the Yerushalmi, so working on Friday 13 Nissan is permitted as on any regular Friday<sup>33</sup>.*

**G] MEALS ON SHABBAT EREV PESACH**

- On a regular Shabbat we eat bread for Friday night dinner and Shabbat lunch. For seuda shelishit, it is preferable to eat bread, but permitted to use other foods (see below).
- On Shabbat Erev Pesach, bread is permitted until the end of the fourth hour on Shabbat morning<sup>34</sup>. The only difficulty is practical - ensuring that chametz is not left in the house.
- Eating matza on Erev Pesach is a prohibited.

**G1] MATZA ON EREV PESACH**

16. א"ר לוי - האוכל מצה בערב הפסח כבא על ארוסתו בבית חמיו. והבא על ארוסתו בבית חמיו לוקה!

תלמוד ירושלמי (וילנא) מסכת פסחים פרק י הלכה א

*The Yerushalmi rules that eating matza on Erev Pesach is akin to sleeping with one's betrothed before the wedding<sup>35</sup>!*

17. אסרו חכמים לאכול מצה בערב הפסח כדי שיהיה הכר לאכילתה בערב. ומי שאכל מצה בערב הפסח מכין אותו מכת מרדות עד שתצא נפשו.

רמב"ם הלכות חמץ ומצה פרק ו הלכה יב

*The Rambam rules this halacha<sup>36</sup> and understands that the reason<sup>37</sup> is to make the mitzva of eating matza in the evening more distinctive.*

- When does this prohibition begin? There are 3 opinions:
  - (i) At night on the 14 Nissan (ie Friday night)<sup>38</sup>.
  - (ii) At dawn on the 14 Nissan (ie Shabbat morning)<sup>39</sup>.
  - (iii) At the time that chametz is prohibited on the morning of 14 Nissan<sup>40</sup>.

33. On a regular Friday one can work until mincha ketana (9.5 hours into the day) and after that should not engage in work other than preparations for Shabbat.

34. This year (5781) the latest time to eat chametz on Shabbat (according to the Gra - some follow the earlier time of the Magen Avraham) is: Jerusalem: 10.41am; London: 9.59am; New York: 10.56am. In the UK this year, the clocks change on the night of Yom Tov. Changing a digital clock or watch is obviously prohibited on Shabbat or Yom Tov. With regards to analogue clocks and watches, winding them will be prohibited as the Torah melacha of *make bepatish* - making them useable. On the issue of moving the hands of a working analogue clock or watch there is a disagreement between the poskim. Some prohibit this as *make bepatish*. Others permit this since the watch is useable without this action (by mentally adding/subtracting the hour). See *The 39 Melachot*, R. Dovid Ribiat p1144 and footnotes. Even if it is not permitted to change the clock, it should be permitted to announce in shul that 'the clocks are changing'. In practice, many shuls are recommending that people move their clocks forward before Shabbat.

35. A number of mefarshim explain that, just as the betrothed bride requires sheva berachot before the marriage can be consummated, so too does the matza - 'hagefen', 'mekadesh Yisrael vehazemanim', 'shehechyanu', 'ha'adama' (karpas), 'al netilat yadayim', 'hamotzi' and 'al achilat matza' (see shu't Mahari Weil 193).

36. As does the Shulchan Aruch (OC 471).

37. Other reasons are given: Meiri (Pesachim 13a) - so that we eat the matza at night with an appetite; Rokeach (Pesach 280) - like korban Pesach which could only be eaten at night.

38. Orchos Chaim (Chametz U'matza 114). Rav Chayim Brisker brings a proof *against* this from the Ma Nishtana in the Mishna, which states 'on all other nights we eat chametz and matza', implying that matza is permitted on the night of 14 Nissan. Nevertheless many poskim rule that it is certainly better not to eat matza that evening (Igrot Moshe OC 1:155).

39. Ramban (Pesachim 50a).

40. Ba'al Hama'or (Rif Pesachim 15a) and many other Rishonim.

18. הגה: אבל מצה שיוצאין בה בלילה אסורים לאכול כל יום ארבעה עשר .... [משנה צורר ס"ק יז - היינו מעמוד השחר. ויש נוכחים שלא לאכול מצה מראש חודש].

רמ"א שולחן ערוך אורח חיים הלכות פסח סימן תע"א סעיף ב

*The Rema rules that matza is prohibited from dawn on 14 Nissan and the Mishna Berura mentions the minhag of some not to eat matza from Rosh Chodesh.*

## G2] MATZA ASHIRA (EGG MATZA) ON EREV PESACH

- Matza ashira is matza baked with liquids other than water eg fruit juice, wine or egg. The Gemara (Pesachim 35a-36a) discusses this at length. Is this acceptable for Pesach?
  - Matza for the seder night must be *lechem oni* - poor bread, which is made only with flour and water. So matza ashira is NOT suitable for the mitzva of matza at seder.
  - As for the rest of Pesach, there is a fundamental machloket between the Rishonim:
- Lenient: Rabbeinu Tam<sup>41</sup>, the Rosh<sup>42</sup>, the Rambam<sup>43</sup>, and others rule that fruit juice without water does NOT make the dough chametz at all. Even if the dough rises, it may still be eaten.
- Strict: Rashi<sup>44</sup>, Ra'avad<sup>45</sup> and others rule that fruit juice WILL make the dough chametz<sup>46</sup> EVEN if baked in less than 18 minutes, and therefore matza kneaded with juice is prohibited.

19. מי פירות בלא מים אין מחמיצין כלל. ומותר לאכול בפסח מצה שנלושה במי פירות אפילו שהתה כל היום. אבל אין יוצא בה ידי חובתו מפני שהיא מצה עשירה וקרא כתיב לחם עוני (דברים ט"ז:ג).

שולחן ערוך אורח חיים הלכות פסח סימן תס"ב סעיף א

*The Mechaber permits matza ashira on Pesach, other than for the mitzva of matza at the seder.*

20. הגה: וצמדינות אלו אין נוכחין ללוש צמי פירות ... ואין לשנות אם לא צשעת כדחק ללרכי חולה או זקן הריך לזה.

רמ"א שולחן ערוך אורח חיים הלכות פסח סימן תס"ב סעיף ד

*The Rema rules that Ashkenazim should NOT to eat matza ashira, unless there is a serious need for the elderly or sick.*

- What is the halacha concerning matza ashira on EREV Pesach?
- Before the time that chametz is prohibited, all opinions will permit it since (a) even real chametz is permitted; and (b) only matza which can be used for the mitzva is prohibited on Erev Pesach.
- After chametz is prohibited, Sefardim will permit it<sup>47</sup> but Ashkenazim will permit it only in time of need for the elderly etc.
- However, some Ashkenazi poskim<sup>48</sup> permitted matza ashira on Erev Pesach even AFTER the time that chametz is prohibited<sup>49</sup>.

21. י"ד שחל להיות בשבת ... ומשיירין מזון שתי סעודות לצורך השבת, דסעודה שלישית זמנה אחר המנחה ואז אינו יכול לעשותה לא במצה ולא בחמץ אלא במצה עשירה. וצריך לעשותה קודם שעה עשירית. הגה: וצמדינות אלו שאין נוכחין לאכול מצה עשירה ... יקיים סעודה שלישית צמיני פירות או צשור ודגים ...

שולחן ערוך אורח חיים הלכות פסח סימן תמ"ד

*The Mechaber presents matza ashira as an option for all three meals on Shabbat. The Rema rejects it as an option for seuda shelishit but implies that it will be fine for the first two meals.*

- The Ashkenazi poskim understand this Rema in 3 ways:
- (i) Matza ashira is only permitted to Ashkenazim until the fifth hour. So if they wish to use it, lunch will have to be very early<sup>50</sup>.
- (ii) Matza ashira is permitted to Ashkenazim until noon. So if they wish to use it, hamotzi will need to be before noon<sup>51</sup>.
- (iii) Matza ashira is permitted to Ashkenazim until the 10th hour and can even be used in theory for seuda shelishit. The Rema only rejected this on technical grounds since he expected that Ashkenazim would not have matza ashira available<sup>52</sup>.

41. Pesachim 35b.

42. Pesachim 35b.

43. Hil. Chametz U'matza 5:2

44. Pesachim 36a, s.v. ein lashin.

45. On Rambam ad loc.

46. There is a debate as to whether this is chametz gamur or chametz nükshe - a lesser form of chametz which is still prohibited (potentially min HaTorah but without karet). See Tur and Bet Yosef, OC 462.

47. There is a side halachic issue for Sefardim which is the correct beracha on matza ashira. Ashkenazim customarily make hamotzi on regular matza and also on sweet challa. On Erev Pesach, if matza ashira is used as a bread substitute AND eaten as a fixed meal AND together with other foods, Ashkenazim will certainly make hamotzi. However, Sefardim normally treat matza during the year as *pat haba'ah bekisnin* and make mezonot on it (although they make hamotzi on Pesach). Sefardim also make mezonot on sweet challa. On that basis, sweet matza ashira on erev Pesach presents a halachic challenge. Some Sefardi poskim rule that one says mezonot on this even on Erev Pesach (Yechave Da'at 1:91), unless one eats at each meal an amount which is *kovea seuda* - 4 kebeitzim (around 4 machine matzot). Other Sefardi poskim are lenient on the basis that the Shabbat meal is itself *kovea seuda*.

48. Noda Biyehuda (Kama OC 21); Avnei Nezer (OC 2:377). Since matza ashira will only be chametz nükshe, they understand that this will not be prohibited on erev Pesach and permit it at least until noon.

49. This is only permitted until the tenth hour on Erev Pesach so as to maintain an appetite at the seder.

50. Shulchan Aruch HaRav 444:3; Igrot Moshe OC 1:155.

51. Noda Biyehuda ad loc.

52. Aruch Hashulchan 444:5.

G3] PRACTICAL OPTIONS FOR THE FIRST TWO MEALS ON SHABBAT EREV PESACHTHE CHAMETZ OPTION

- Use chametz challot for Friday night<sup>53</sup> and Shabbat morning and be careful not to make crumbs. Use small challot (but each person should eat at least one kebeitza) or pitot (which are less crumbly).
- Chametz must be eaten before 10.41<sup>54</sup>. This will usually mean an early tefilla<sup>55</sup> for Shabbat and an early meal.
- Eat Pesach food off Pesach plates or disposables, being careful that the bread does not touch any Pesach utensils. The bread can be eaten first on a disposable plastic cloth and then the table cleared for the Pesach food<sup>56</sup>. Alternatively, the bread could be eaten outside, after which one can shake off any crumbs, take a drink of water and eat something hard to remove all chametz from one's mouth<sup>57</sup>, and then come inside to eat the rest of the meal. If no bread is eaten inside, bentching should be back outside where one made hamotzi, or at least inside where the original place can be seen.
- Leftover bread or crumbs should be swept<sup>58</sup> and gathered together, then disposed of (as described above) before the time deadline.
- Using chametz dishes is possible, but difficult for a number of reasons - (i) heating them up on a Pesach plata; (ii) washing the dishes after the meal in a Pesach kitchen; (iii) washing the dishes on Shabbat in preparation for after Shabbat; (iv) pouring from Pesach pots onto chametz dishes is halachically problematic, even if they do not touch.
- Those who prefer not to make an early start or to rush the Shabbat morning meal could start a little earlier and make sure to finish the chametz part before 10.41am, clear the table etc, dispose of chametz crumbs and say the bitul chametz, and then continue the meal eating Pesach food. This solution however causes other halachic challenges in hilchot berachot<sup>59</sup>.

THE MATZA ASHIRA OPTION<sup>60</sup>

- Use matza ashira for Friday night and Shabbat morning and eat Pesach food off Pesach utensils or disposables. For Ashkenazim it is preferable that the matza ashira should not touch the Pesach utensils<sup>61</sup>, and it should be put away after use to ensure that it will not be eaten by mistake on Pesach. In chutz l'Aretz, matza ashira is rarely promoted as an option for Ashkenazim.
- Sefardim are in no rush on Shabbat morning since matza ashira can be eaten most of the day. Ashkenazim should finish the matza ashira before the zman that chametz is prohibited. This will usually mean an early tefilla for Shabbat. Some Ashkenazim rely on the opinion (above) that even Ashkenazim may eat matza ashira later in the day (until noon, or even the tenth hour).

G4] SEUDA SHELISHIT

- Seuda shelishit presents a specific challenge since, ideally, it should be (i) on hamotzi; (ii) after noon; (iii) after mincha.

22.	א	יהא זהיר מאד לקיים סעודה שלישית ואף אם הוא שבע יכול לקיים אותה בכביצה, ואם א"א לו כלל לאכול אינו חייב לצער את עצמו. והחכם עיניו בראשו (קהלת ב"ד) שלא ימלא בטנו בסעודת הבורק, כדי ליתן מקום לסעודה שלישית. ....
	ב	זמנה משיגיע זמן המנחה דהיינו משש שעות ומחצה ולמעלה, ואם עשאה קודם לכן לא קיים מצות סעודה שלישית. ....
	ג	... הגה: אצל מי שידוע שאפשר לאכול אחר שיתפלל מנחה עם הצבור, לא יעשה סעודה שלישית קודם מנחה. מיכו אם עשאה, ילא. ...
	ה	צריך לעשותה בפת. וי"א שיכול לעשותה בכל מאכל העשוי מאחד מחמשת מיני דגן. וי"א שיכול לעשותה בדברים שמלפתים בהם הפת כבשר ודגים, אבל לא בפירות. וי"א דאפילו בפירות יכול לעשותה. וסברא ראשונה עיקר, שצריך לעשותה בפת א"כ הוא שבע ביותר. הגה: או במקום שא"א לו לאכול פת, כגון צערצ פסח שחל להיות בשבת שאסור לו לאכול פת לאחר מנחה ...
	ו	נשים חייבות בסעודה שלישית.

שולחן ערוך אורח חיים הלכות שבת סימן רצא דין שלש סעודות.

*On Shabbat Erev Pesach it will not be possible to keep all of the ideal requirements of seuda shelishit!*

53. A matza can be used as the second piece of lechem mishne, being careful not to let it touch chametz. Matza which will be used only for the mitzva at seder is muktze according to many poskim and cannot be moved.
54. This is the latest time for eating chametz in 5781, in Yerushalayim, according to the Vilna Gaon. Those who are stringent to follow the earlier time according to the Magen Avraham must finish chametz by 10.17am. Note that R. Mordechai Eliyahu had an even earlier time limit of 9.48am.
55. Those who wake up later than expected will have to cut short tefilla to meet the deadline, or will need to take the matza ashira option (below). The minimal Shabbat morning tefilla is bircot haTorah, baruch she'amar, ashrei, nishmat, keriat shema together with its blessings, and the amida. He/she may then say kiddush and make hamotzi. Musaf can be davened later.
56. For bentching a piece of challa in plastic can be brought back to the table.
57. People with dental braces will need to clean them thoroughly.
58. With a chametz brush which will not be used on Pesach.
59. The question here is whether this degree of clearing away the bread constitutes an *akirat hashulchan* which halachically ends the meal (see Shulchan Aruch OC 177:2 and commentaries). This would mean that all food and drink eaten after will require their own berachot. One solution would be to make berachot on other foods BEFORE the hamotzi, with a view to covering the foods after the bread. This itself creates halachic problems of *beracha sheina tzericha*. Another solution is to bentch after the bread and then start the Pesach food meal afresh without bread and with its own berachot. If this is after noon, it could even solve some of the problems of seuda shelishit - see below. For all these reasons, most people go for the early option on Shabbat Erev Pesach.
60. People in emergency situations, who have neither bread nor matza ashira, may rely on other minority opinions to eat regular matza on Friday night and cooked matza on Shabbat morning - see Rav Rimon's sefer for halachic options.
61. It is important to ensure that the matza ashira has a good Pesach hechsher. Matzot are often made during the year which are not suitable for Pesach.

23. (א) יהא זהיר מאד – וכדאיתא בגמרא חייב אדם לאכול ג' סעודות בשבת. ואסמכוהו אקרא דכתיב (שמות טז:טז) וַיֹּאמֶר מֹשֶׁה אֶל־כָּל־הָעָם הַיּוֹם כִּי־שֶׁבֶת הַיּוֹם לְה' הַיּוֹם לֹא תַמְלִאֲהוּ בִשְׂדֵךְ. ותלתא היום כתוב בקרא זה. ואחז"ל כל המקיים שלש סעודות בשבת נילול משלש פורעניות מחבלו של משיח ומדינה של גיהנם וממלחמת גוג ומגוג ...

משנה ברורה סימן רצא ס"ק א

*The status of seuda shelishit is stressed by Chazal, even though it is often difficult to find the room to eat more!*

#### OPTION 1 - MATZA ASHIRA

- For Sefardim, who can eat matza ashira in the afternoon<sup>62</sup>, this is the ideal option<sup>63</sup>.

#### OPTION 2 - MEZONOT

24. .... דיכול לקיים בתשיל (כגון קניידליך) אך יש נ"מ דזה אינו מותר רק קודם שעה עשירית והיכא שמקיים צפירות או צצשר ודגים יוכל לקיים אפילו אחר שעה עשירית אך צב"ז יזהר שיאכל רק מעט ולא למלא כריסו כדי שיאכל מלא לתיאצון. ....

משנה ברורה סימן תמד ס"ק ח

*The Mishna Berura rules that, even though we may not eat matza on Erev Pesach, it is permitted to eat cooked food<sup>64</sup> made with matza meal<sup>65</sup>, such as kneidlach<sup>66</sup>.*

- 'Bread rolls' which are baked from matza meal are prohibited on Erev Pesach.
- Sweet rolls or cakes baked with matza meal, even with the addition of significant sweet fillings, are prohibited according to most poskim<sup>67</sup> although some permit them<sup>68</sup> even when eaten in a quantity that would require hamotzi. In many hotels, this is the preferred option on Erev Pesach. Chametz (even in the morning) is not allowed by the hotel and matza ashira is not an option for many Ashkenazim.
- Even according to those who permit cooked mezonot on Erev Pesach, it may not be started after the 10th hour<sup>69</sup> - around 4.45pm this year in Jerusalem.

#### OPTION 3 - NON-MEZONOT - FISH/MEAT/FRUIT<sup>70</sup>

- This can even be started after the 10th hour, but one should be careful not to eat too much, so as to have an appetite for the seder.

#### OPTION 4 - SPLIT MORNING MEAL PLUS A SNACK IN THE AFTERNOON

25. ועיין באחרונים שכתבו דעוב ג"כ שיחלק סעודת שחרית של פת לשנים דהא י"א דיולא צוה ידי סעודה ג'. וכ"כ צביאור הגר"א דנכון לעשות כן. אך כ"ז אס יש לו שבות לצרך צינתים ולהפסיק איזה שבות כדי שלא יהיה ככלל צרכה שאינה צריכה.

משנה ברורה סימן תמד ס"ק ח

*The minhag of the Maharam MiRottenburg was split the morning meal into two, so as to fulfill the requirement of seuda shelishit on bread (albeit in the morning<sup>71</sup> and before mincha<sup>72</sup>), and then to have another snack in the afternoon without bread.*

- In practice, this means that one will have to make hamotzi for the morning meal, eat bread, bentch, take a short break to split the meals<sup>73</sup>, wash and make hamotzi again, eat more bread, bentch and then clear for the regular meal.
- This places even more pressure on Shabbat morning and requires even more logistic preparations for use of chametz/matza ashira at the morning meal(s).

62. We saw above that most Ashkenazim follow the position that matza ashira may not be eaten later on Erev Pesach, although there are minorities opinions that it may.

63. This is the preferred option of the Mechaber in Shulchan Aruch OC 444:1.

64. This debate hinges on whether that cooked matza could be used for the mitzva at seder. According to the Rishonim that say it cannot, it will be permitted on erev Pesach.

65. This will not work for those who do not eat gebrochts once chametz is prohibited.

66. Some poskim (Magen Avraham and Gra) were stricter and would not permit cooked matza meal products. Some however (Chayei Adam) were more lenient and even permitted matza which was broken up and fried - matza brei. (See Sha'ar Hatzion 444:1).

67. Rav Kook (Olat Re'ayah vol 2 p 243 n22), Shevet HaLevi 8:117, Chazon Ovadya Pesach 1 p 199).

68. See Sha'ar Hatzion 471:16 who rules that they are only prohibited when they have the appearance of bread.

69. Some poskim insist that mezonot must be stopped at this time. Others allow the meal to continue if it began at a permitted time.

70. This is the preferred option of the Rema in Shulchan Aruch OC 444:1. Even though the Rema there prioritizes fruit over meat/fish, most poskim attribute that to practical reasons, eg since only fruit was available for that meal, or so as not to eat too much before seder.

71. According to most poskim, seuda shelishit must be in the afternoon.

72. Some Rishonim rules that seuda shelishit MUST be after mincha, in case one became distracted by the meal and forgot to daven. However the Rema (OC 291:2) rules that this is only a minhag and one can eat seuda shelishit before mincha ketana (see MB 291:11).

73. This is necessary to avoid the halachic problem of a *beracha sheina tzericha* - making an unnecessary hamotzi. A break of a few minutes or a short walk outside will suffice.



**OPTION 5 - TORAH IN PLACE OF FOOD?!**

26. .... וזש"ל"י כ' זשס הזוהר שרשב"י הי' עוסק בתורה במקום סעודה שלישית ....

מגן אברהם סימן תמד ס"ק ב

*The Magen Avraham cites a Zohar that R. Shimon bar Yochai would learn Torah instead of eating Seuda Shelishit on Shabbat Erev Pesach.*

27. ובזוהר כתב שרשב"י היה עוסק בתורה במקום סעודה שלישית. ויש להבין אטו רשב"י לא היה יכול לקיים סעודה שלישית באיזה מהדברים שנתבארו!! ונלע"ד ברור דכל זה הוא מילתא יתירתא שהרי בשבת זו בע"כ לא נצטוונו כלל על ג' סעודות כיון שאי אפשר, מידי דהוה ליוה"כ שחל בשבת. וה"ה שבת ערב פסח לענין סעודה שלישית. דאפילו אם נאמר דאיסור אכילת מצה בערב פסח הוא מדרבנן מ"מ הא מצינו במצות עשה גמורות שנדחו בשב ואל תעשה מפני גזירות דרבנן כמו שופר ולולב בשבת, וכ"ש שנדחה מצוה דסעודה שלישית. וכיון שכן בטלה לה בשבת זו מצוה דסעודה שלישית וכיון דסעודה גמורה אי אפשר ממילא, דאין שייך למלאותה בפירות או בבשר ודגים שאין צורך כלל בזה. ועוד דוודאי גם מן התורה מצוה לאכול הכזית מצה לתיאבון וזהו טעמו של רשב"י שעסק בתורה, מפני שאין מצוה כלל בשבת זו לאכול סעודה שלישית.

ערוך השולחן אורח חיים סימן תמד סעיף ו

*The Aruch HaShulchan explains that, since there is no halachic way to make hamotzi that afternoon - bread is prohibited by the Torah and matza by the Rabbis - there is NO obligation at all to eat seuda shelishit on Shabbat Erev Pesach. This is similar to the position of Yom Kippur on Shabbat.*

- Other poskim rule<sup>74</sup> that, while this worked for Rashbi, it will not work for us! Nevertheless divrei Torah are always recommended!

**G5] KITNIYOT ON EREV PESACH?**

- Kitniyot may certainly be eaten by Ashkenazim on Shabbat Erev Pesach until the time that chametz is prohibited<sup>75</sup>.
- Some poskim imply that kitniyot<sup>76</sup> can be eaten throughout Shabbat Erev Pesach<sup>77</sup>, but most disagree.
- If kitniyot were cooked in Pesach pots, those pots remain kosher for Pesach although ideally should be left 24 hours before use. In practice it is better to use disposable utensils for kitniyot on Erev Pesach.

**H] PREPARATIONS FOR SEDER**

- It is prohibited to prepare on Shabbat for after Shabbat, even if this is Chag. As such, everything must be done before Shabbat or completed on Motzei Shabbat, where permitted on Chag.
- A 48 hour candle should be lit before Shabbat. Also, timeswitches for seder night should be set before Shabbat.
- Items for seder that should where possible be prepared on Friday (although these can be prepared on Chag in a permitted manner) include: checking lettuce, chopping/grinding horseradish, making charoset, making salt water, burning the egg and bone.
- Setting the seder table, arranging Yom Tov candles and heating food for Chag may NOT be done on Shabbat, but is done on Chag.
- Sleeping on Shabbat to be more awake at seder is permitted and recommended! The poskim differ as to whether one may explicitly say on Shabbat that the sleep is for seder.<sup>78</sup>

**I] SEDER ON MOTZEI SHABBAT**

- Kiddush is 'Yaknehaz' and incorporates havdala and ner (on the Yom Tov candles<sup>79</sup>). There are no besamim.
- In the beracha at the end of Magid - Asher Ga'alenu - some have the custom to reverse the usual order of the words 'min haZevachim u'min haPesachim'<sup>80</sup>. Instead, on Motzash the wording is 'min haPesachim u'min haZevachim' since only the korban Pesach was brought on Shabbat and not the Chagiga<sup>81</sup>.
- Others argue that, since this beracha is talking about NEXT year, the order should be switched in the year BEFORE Erev Pesach on Shabbat! Some never change the wording.
- Nevertheless, many Ashkenazim DO change the order at seder on Motzash.

74. See Kaf Hachaim 444:18.

75. Shevet HaLevi 3:31 citing Chok Yaakov 471:2 and others.

76. These still have to be kosher for Pesach.

77. Pri Megadim Eshel Avraham OC 444:2.

78. Mishna Berura 290:4 prohibits this. Others permit it on the basis that it is for a mitzva and involves no melacha (see shu't Az Nidberu 4:46:2).

79. Many people brings the candles to the table but do not put the flames together since separating them may be prohibited on Yom Tov as *kibui*.

80. This is the usual order since the Korban Chagiga (zevach) was eaten at Seder before the Korban Pesach, which had to be eaten when somewhat full.

81. See Magen Avraham 473:30 and Taz 473:9, based on Shu't Mahari Weil 193.