

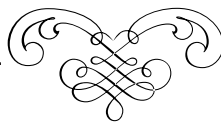


**HALOCHOS
OF
EREV PESACH**
Which Occurs on Shabbos

by
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5765 - 2005



The vagaries of the lunar calendar are such that *erev Pesach* coincides with *Shabbos* infrequently and with an irregular pattern. The occurrence of *erev Pesach* on *Shabbos* gives rise to numerous complications with regard to the eating of *chometz* and its disposal, the proper mode of fulfilling the *mitzvah* of the *Shabbos* repasts and preparations for the *seder*. The following is intended for general guidance. The individual reader's *Moro de-Asro* should be consulted with regard to any questions which may arise.



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1. The fast of the firstborn is observed on the Thursday preceding *Pesach*.

2. *Bedikas chometz* (the search for *chometz*) takes place on Thursday evening. The usual blessing (*al bi'ur chometz*) is pronounced before the search and any *chometz* which may not have been found in the search is annulled through the recitation of *kol chamiro* immediately following the conclusion of the search.

3. A firstborn fasting on Thursday should complete *bedikas chometz* before breaking his fast. However, if he feels weak or feels that he will not be able to perform the *bedikah* properly while fasting he may partake of light refreshment prior to *bedikas chometz*.

4. The burning of *chometz* takes place on Friday before the expiration of the first five hours of the day. In New York City this year *chometz* should be burned before 11:00 A.M. Eastern Daylight Saving Time. *Kol chamiro*, however, is not to be recited at this time since *chometz* may be eaten all day Friday and early *Shabbos* morning.

5. In the event that *chometz* was not burned prior to the time indicated, it may be burned at any time prior to the onset of *Shabbos*. The same provision applies to the sale of *chometz*.

6. Many authorities maintain that the bill of sale used for the transfer of *chometz* to a non-Jew should have as its date the 13th of Nisan rather than the 14th of Nisan. *Chometz* which is to be eaten on Friday afternoon and *Shabbos* should be excluded from the sale.

7. Salt water, *charoses*, the shankbone and roasted egg for the *seder* should be prepared before *Shabbos*. All other advance preparations for the *seder* should be completed on Friday before the onset of *Shabbos*.

8. Horseradish or romaine lettuce that is to be used for *moror* should not be allowed to soak for a full twenty-four hour period. Ground horseradish may be prepared before *Shabbos* and stored in a covered airtight container until the *seder*. Alternatively, the horseradish may be grated on *Yom Tov* prior to the *seder* with a *shinuy* (in an unusual manner), e.g., on a table or counter surface rather than in a bowl.

9. Those who bake twists or bread for *Shabbos* must separate "*challah*" (which is burned in lieu of being given to a *kohen*) before *Shabbos*. The part which is separated as "*challah*" should be burned immediately.

In the Diaspora, in the event that one has forgotten to do so before *Shabbos*, "*challah*" may be separated on *Shabbos*, a *kohen* less than nine years

of age should be called to the house and requested to eat the bread which has been separated as "*challah*."

10. Matzah should not be eaten either Friday evening or *Shabbos*.

11. Other than *challah* and bread, no food containing dough or flour should be prepared for this *Shabbos*.

12. *Challah* or bread should be eaten as part of the *Shabbos* meal on Friday evening and preferably *Shabbos* morning as well.

13. Since *chometz* is used at these meals, the dishes, cutlery and drinking utensils cannot be ones which will be used during *Pesach*.

14. The usual *chometz* dishes, cutlery and drinking utensils may be used. To simplify matters, disposable paper plates and plastic cutlery may be used. Preferably, high quality, festive-looking paper plates and serving dishes should be used in honor of the Sabbath.

15. Food for the *Shabbos* meals not containing *chometz* may be cooked in *Pesach* pots. Thus the cooking areas of the kitchen may be completely "*pesachdig*" before *Shabbos*.

16. Solid foods such as meat or fish may be removed from the *Pesach* pot with a *Pesach* fork and placed on *chometz* plates.

17. Hot foods or liquids should not be poured from *Pesach* pots or utensils into *chometz* utensils. However, food or liquid which is cold or lukewarm may be poured into a *chometz* utensil. This problem with regard to hot foods and liquids can be eliminated through the use of paper plates and bowls.

18. Only dishes which are to be used again on *Shabbos* may be washed on that day.

19. Leftover food may be removed from *chometz* pots and dishes with one's hand or with a paper towel and the unwashed utensils placed together with the *chometz* and stored until after *Pesach*.

20. *Chometz* may be eaten on *Shabbos* morning only prior to the expiration of the first four hours of the day. According to the opinion of R. Elijah of Vilna regarding the determination of nightfall (*tzeis ha-kochovim*) – whose view in this matter is regarded as normative by *Mishnah Berurah* and other preeminent halachic authorities – the time beyond which *chometz* may not be eaten this year in New York City is 9:43 A.M. Eastern Daylight Saving Time. According to some calculations the time beyond which *chometz* may not be eaten this year in New York City is 9:55 A.M. Eastern Daylight Saving Time. According to the most lenient opinion

chometz may not be eaten after 10:38 A.M. Eastern Daylight Saving Time.

21. It is proper to eat two meals on *Shabbos* morning before the time during which *chometz* may be eaten has elapsed. In this way the *mitzvah* of *sholosh se'udos* may be fulfilled as on every *Shabbos*. One may not, however, simply recite the Grace after Meals and then wash a second time. There should be an "interruption," between the two meals. A period of time between the two meals may be devoted to Torah study or to a *Shabbos* stroll.

22. If the second meal cannot be completed within the prescribed time, *sholosh se'udos* should be eaten after noon in the form of meat or fish (preferably) or fruit. Since many authorities maintain that *sholosh se'udos* must be eaten after mid-day, a meal in the form of meat, fish or fruit should be eaten in the afternoon even if two meals were previously eaten during the morning hours. According to some authorities, those who do not have a custom to the contrary may use *kneidlach* (matzah balls) or cake made of matzah meal and a generous amount of sugar and oil, for *sholosh se'udos*. Since matzah must be eaten at night with appetite (*le-te'avon*) care must be taken not to eat too much food at *sholosh se'udos*. [See *Mishnah Berurah* 168:59 and *Sha'ar ha-Tziyyun* 471:16. See also R. Zevi Cohen, *Erev Pesach she-chal be-Shabbat*, 6th ed. (Jerusalem, 5741), pp. 151-152.]

No foods containing matzah meal should be eaten after the beginning of the 10th hour which this year occurs in New York City at approximately 4:06 P.M. Eastern Daylight Saving Time. Other foods may be eaten in moderation after that hour.

23. If for any reason it is feared that the use of *chometz* on *Shabbos* will in any way lead to inadvertent transgression of the laws of Pesach, egg matzah should be substituted for *challah* or bread. [According to some authorities the blessing for bread is said before the meal and Grace after Meals afterwards when egg matzah is used in conjunction with the *Shabbos* meals regardless of the amount consumed. Nevertheless, in view of conflicting opinions, an effort should be made to eat an amount of egg matzah equal to at least approximately 200 grams or 7 ounces at each of the *Shabbos* meals. The weight of each matzah may be ascertained by dividing the net weight appearing on the label by the number of matzos in the box.] Even if egg matzah is used rather than *challah* or bread the meal should be completed before the period during which *chometz* may be eaten has elapsed.

24. In order that the *chometz* meal may be completed in time, *Shabbos* services should be held at a very early hour.

25. If for some reason it is impossible to complete the *chometz* meal within the prescribed time, some authorities permit the meal to be eaten at a later hour using egg matzah instead of bread. The use of egg matzah after the time during which *chometz* may be eaten has elapsed is, however, to be discouraged since egg matzah is ordinarily permitted only to the sick and infirm. Since the regulations which apply to the baking of egg matzah are even more stringent than those applying to the baking of ordinary matzah, great care should be taken with regard to the supervision of the baking of such matzos.

26. *Chometz* left over from the meal and all crumbs must be carefully removed from all dishes, tablecloths, dishtowels etc. Dishes and tablecloths may be wiped with a paper towel. These tablecloths and dishes should then be placed among the *chometz* utensils.

27. The remaining *chometz*, bread crumbs and paper towels may be disposed of in the bathroom. Indeed, according to some authorities it is preferable to leave over a bit of bread the size of an olive to be disposed of in this manner in order to fulfill the *mitzvah* of *tashbisu*.

28. *Chometz* that is left over may be given to a non-Jew. One may not expressly request a non-Jew to remove the *chometz* from the premises. Similarly, one may not hand the *chometz* to a non-Jew if it is anticipated that the latter will remove it from the premises. The *chometz* should be made accessible to a non-Jew and the latter invited to help himself to the *chometz*.

A non-Jew should not be given more *chometz* at one time than he may reasonably be able to consume. However, if a non-Jew removes the *chometz* from the premises and returns, a similar quantity of *chometz* may again be given to him. This procedure may be repeated as many times as necessary.

29. All *chometz* must be completely disposed of before five hours of the day have elapsed. According to the opinion of R. Elijah of Vilna regarding the determination of nightfall (*tzeis ha-kochovim*) – whose view in this matter is regarded as normative by *Mishnah Berurah* and other preeminent halachic authorities – all *chometz* must be disposed of before 10:59 A.M. Eastern Daylight Saving time. According to some calculations the deadline in New York City this year is 11:10 A.M. Eastern Daylight Saving Time. According to the most lenient opinion all *chometz* should be disposed of no later than 11:46 A.M. Eastern Daylight Saving Time.

30. After all *chometz* has been cleared away *kol chamiro* is recited as on every *erev Pesach*.

31. Some authorities maintain that because matzah may not be eaten on *erev Pesach* such matzah is *muktzah* on *Shabbos* which coincides with *erev Pesach* and, accordingly, may not be moved or handled.

32. *Yom Tov* candles may, of course, not be kindled until after the termination of *Shabbos*. The *seder* table should not be set on *Shabbos*. Any other preparations not completed before *Shabbos* should not be made until after the termination of *Shabbos*.



Comments on the Halakhot of Erev Pesah Which Occurs on Shabbat

The vagaries of the lunar calendar are such that *Erev Pesah* coincides with *Shabbat* infrequently but with a peculiar pattern. There are intervals of as long as twenty years during which *Erev Pesah* does not occur on *Shabbat* which are followed by the occurrence of *Erev Pesah* on *Shabbat* two or, more usually, three times within a relatively short span of time, followed by a rather long interval in which *Erev Pesah* fails to coincide with *Shabbat*. Thus, although *Erev Pesah* did not occur on *Shabbat* between 1954 and 1974, *Erev Pesah* again coincided with *Shabbat* in 1977, 1981, 1994 and 2001. *Erev Pesah* will again occur on *Shabbat* in 2008, 2011 and 2018.

The occurrence of *Erev Pesah* on *Shabbat* gives rise to various complications with regard to the eating of *hamez* (leaven) and its disposal, the proper method with regard to fulfilling the *mizvah* of the Sabbath repasts etc.

There are a number of booklets and compendia designed to deal specifically with the laws of *Erev Pesah* which occurs on *Shabbat*. Of greatest significance is *Hok le-Yisra'el*, authored by the late Rabbi Israel Veltz, formerly *Rosh Bet Din* of Budapest. A section devoted to this topic is included in the fourth edition of Rabbi Moshe Sternbuch's commentary on the Passover *Haggadah*, *Mo'adim u-Zemanim* (Jerusalem, 5734), and was also published as a separate pamphlet. Another useful work is *Erev Pesah she-Hal be-Shabbat* (B'nei Brak, 5734), authored by Rabbi Zevi Cohen.¹ English, Hebrew and Yiddish versions of a booklet on this topic by Rabbi Simcha Weissman utilize a question and answer format for the presentation of these laws and regulations. A detailed compendium entitled *A Summary of Halochoh & Procedures When Erev Pesach Occurs on Shabbos* was published by Rabbi Shimon D. Eider in 1981. A revised edition of that pamphlet appeared in 2001. *Mevakshai Torah*, vol. VI, no. 30 (Nisan, 5761), contains an extensive section devoted to this topic authored by the editor, Rabbi Shalom Eliezer Rotter. That material, was earlier published as a monograph entitled *Shalmei Eli'ezer al Inyanei ve-Dinei Erev Pesah she-Hal be-Shabbat* (Jerusalem, 5754). A volume by Rabbi Gavriel Zinner, *Nit'ei Gavri'el: Hilkhos Erev Pesah she-Hal be-Shabbat* (Brooklyn, 5741) also addresses these issues.

Housewives, quite naturally, would prefer not to have *hamez* in their

kitchens and dining rooms so close to the *Yom Tov*. The need for having available both *hamez* and Passover foods and utensils makes an already trying period even more difficult. In addition to making household chores more complex, simultaneous preparation of both *hamez* and Passover meals leads to concern over possible intermingling of utensils and food.

Shulhan Arukh, Orach Hayyim 444:4-6, states clearly that *hamez* may be eaten on *Erev Pesah* which occurs on *Shabbat* provided that it is consumed during the period in which *hamez* may yet be eaten, i.e., before four hours of the day have elapsed. The "hour" for this purpose is not sixty minutes but is one-twelfth of the daylight hours. In order to determine the precise time for the eating of *hamez*, the length of the day between sunrise and sunset or, according to some authorities, between the appearance of the "morning star" and the emergence of stars at night, must be ascertained. This period is divided by twelve in order to determine the length of a single "hour" and then multiplied by four in order to determine how long after sunrise *hamez* may be eaten. *Hamez* which remains after the meal is completed cannot be burned on *Shabbat*. Small amounts of *hamez* which are left-over may be given as a gift to a non-Jew, who may do with the *hamez* as he wishes (although it is forbidden specifically to instruct the non-Jew to remove the *hamez* from the premises), or may be covered with a pot or other utensil and nullified by means of the formula for *bittul* and burned upon the conclusion of the first two days of *Yom Tov*. *Mishnah Berurah 444:21* also permits disposal of left-over *hamez* in the bathroom.

However, because of the difficulties attendant upon preparing for Passover under these circumstances, it has been suggested that when *Erev Pesah* occurs on *Shabbat*, either ordinary *mazah* or egg *mazah* be used for the Friday evening and *Shabbat* morning meals. This would eliminate the problem of the disposal of left-over *hamez* and would also preclude the possibility of inadvertent mixture of foods and utensils. Although these proposals would greatly facilitate matters, each of them presents halakhic problems which merit detailed review.

I. *Mazah* on *Erev Pesah*

The question of whether or not it is permissible to eat ordinary Passover *mazah* on this *Shabbat* is discussed by the late Rabbi Moshe Rosen in article that appeared in the Nisan 5714 issue of *Ha-Pardes*² and was subsequently reprinted in a somewhat different form in his collected responsa, *Nezer ha-Kodesh*, no. 52.

Rabbi Rosen rules against the use of *mazah*. He asserts that scrupulous avoidance of *hamez* on the day preceding Passover is tantamount to adding an additional day to that festival and constitutes a violation of the injunction "You shall not add to the word which I command you" (Deut. 4:2). It would appear that the opposite conclusion might be deduced from *Rosh Hashanah* 28b and *Eruvin* 96a which indicate that sitting in a *sukkah* following the conclusion of the festival does not constitute a violation of this prohibition unless the individual has the explicit intention (*kavanah*) of fulfilling the commandment of dwelling in the *sukkah*. Rabbi Rosen, however, argues that we may not conclude that lack of such intention with regard to eating *mazah* is sufficient to obviate the transgression of "Thou shalt not add." It is forbidden to sit in the *sukkah* after the holiday only if there is specific intent to fulfill a commandment, because there is nothing in the act itself which indicates that it is being done for the purpose of a *mizvah*; the eating of *mazah* at both Sabbath meals coupled with scrupulous avoidance of *hamez*, argues Rabbi Rosen, is in itself an indication that one is observing that day as one of the days of Passover. Employing a similar rationale, an early authority, *Mordekhai*, rules that, although one must eat in the *sukkah* on *Shemini Azeret*, one may not sleep in the *sukkah* on that day. *Mordekhai* maintains that while partaking of food in a booth-like structure is not out of the ordinary, it is unusual for a person to sleep in a *sukkah* other than on *Sukkot*. By sleeping in a *sukkah* the individual "appears to be adding" to the biblical requirement.

An opposing point of view is expressed by Rabbi Moses Feinstein, *Iggerot Mosheh, Orah Hayyim*, I, no. 155. Taking sharp issue with this conclusion, he points out that *Ba'al ha-Ma'or*, in his commentary to *Pesachim* 49a, and *Maggid Mishneh, Hilkhos Hamez u-Mazah* 3:3, both rule that in the situation in question it is permissible to eat regular *mazah* before noon. Rabbi Feinstein concludes that the transgression "Thou shalt not add" is not applicable unless there is specific intention of fulfilling the *mizvah* of eating *mazah*.

Nevertheless, Rabbi Feinstein, in practice, rules against the eating of ordinary *mazah* on *Erev Pesah*, likening the person who does so "to one who cohabits with his betrothed in the home of his father-in-law." In order to assure that the *mazah* eaten on the eve of Passover be eaten with relish, the Sages enacted a prohibition against eating *mazah* on *Erev Pesah*. This pleasure would be considerably diminished were the taste of *mazah* to be sampled earlier in the day. Some authorities, as earlier noted, are of the

opinion that this prohibition is effective only from noon onward. Rabbi Feinstein, however, demonstrates that, in terms of definitive halakhah, the prohibition against eating *mazah* on *Erev Pesah* goes into effect at daybreak rather than at noon. He also cites and affirms the view of *Magen Avraham, Orah Hayyim* 471:6, who maintains that *mazah* is forbidden not only on the day before *Pesah* but the entire preceding evening as well. Hence, in the opinion of Rabbi Feinstein, ordinary *mazah* should be used neither for the *Shabbat* morning meal nor for the meal on Friday evening.³

II. Egg Mazah on Erev Pesah

Rabbi Feinstein does, however, permit the use of egg *mazah* on Friday evening and early in the day on the Sabbath morning. Citing *Bet Yosef, Orah Hayyim*, 444, Rabbi Feinstein indicates that the use of egg *mazah* is the optimum method of avoiding all difficulties. Even though egg *mazah* is usually deemed to be in the category of cake rather than bread, when it is used for the *Shabbat* meals one must wash, pronounce the blessing for bread, and recite the Grace after Meals. Egg *mazah*, declares Rabbi Feinstein, acquires the status of bread by virtue of being used in place of bread for the Sabbath meal.⁴

Rabbi Feinstein cautions that when egg *mazah* is used for the morning meal, this repast must be completed early in the day before the time during which *hamez* may be consumed has elapsed. He points out that such procedure is necessary because Rema, *Orah Hayyim* 462:4, records that use of egg *mazah* is to be restricted to the sick and the elderly who are incapable of chewing ordinary *mazah*. All others are not permitted to partake of egg *mazah* during *Pesah* or on *Erev Pesah* after the fourth hour (Rema. *Orah Hayyim* 444:1). The requirement that egg *mazah* be eaten early in the day necessitates that the *Shabbat* services be held at an early hour in order to afford sufficient time for the Sabbath meal to be completed before the time has elapsed during which *hamez* may be eaten. Not cited by Rabbi Feinstein is the divergent opinion of *Arukh ha-Shulhan* 444:5 who offers a different interpretation of Rema 444:1 and permits the use of egg *mazah* later in the day as well.⁵

In opposition to this view, Rabbi Rosen objects to any use of egg *mazah* on *Erev Pesah*. Halakhah stipulates that only such *mazah* which may be used for the fulfillment of the *mizvah* of eating *mazah* on Passover eve may not be eaten on *Erev Pesah*; those who permit the eating of egg *mazah* on *Erev Pesah* do so because they maintain that egg *mazah* cannot be used

for the fulfillment of the *mizvah* on Passover eve. Rabbi Rosen cites the opinion recorded in the Palestinian Talmud, *Pesahim* 2:4, which maintains that *mazah* kneaded with liquids other than water may also be utilized on Passover eve. Furthermore, Rambam, *Hilkhhot Hamez u-Mazah* 6:5, rules that only *mazah* kneaded with wine, oil or milk may not be used on Passover eve. *Mazah* kneaded with eggs or fruit juice may, in Rambam's opinion, be used for fulfillment of the *mizvah* of eating *mazah* on the first night of Passover. Rabbi Rosen therefore rules that, in accordance with these opinions, it would be forbidden to eat egg *mazah* on *Erev Pesah*.

However, other authorities assert that, even for Rambam, only *mazah* made of dough that has the potential for becoming *hamez* may be used for purposes of fulfilling the *mizvah*. Hence, since Rambam agrees that dough kneaded with fruit juice exclusively does not become *hamez*, only *mazah* made with a combination of fruit juice and water may be used in fulfilling the *mizvah*.⁶ Accordingly, it follows that *mazah* made exclusively with fruit juice and/or eggs, since it cannot be used for the purpose of fulfilling the *mizvah*, may be eaten on *Erev Pesah* even according to Rambam.

III. *Mukzah*

Another interesting point with regard to the laws of *Erev Pesah* which occurs on *Shabbat* was raised by the late Rabbi Jacob Meskin in an article which appeared in the Nisan 5710 issue of *Ha-Pardes*. Food which may not be eaten on *Shabbat* is deemed *mukzah* and may not be carried or moved from place to place on the Sabbath. Thus, after the fourth hour of *Erev Pesah* which occurs on *Shabbat*, *hamez* is to be considered *mukzah*. The *hamez* must be covered by a utensil or other covering and may not be moved. *Pri Megadim*, *Eshel Avraham* 444:1, declares that since *mazah* may not be eaten on *Erev Pesah*, the *mazah* must be deemed to be *mukzah* on *Shabbat* and may not be moved. Rabbi Meskin cites this authority and in accordance with this view rules that Passover *mazah* should not be touched on *Shabbat* which coincides with *Erev Pesah*. This decision is apparently contrary to that of *Hazon Ish*, *Iggerot Hazon Ish*, I, no. 188, who advised that a well-wrapped *mazah* be placed near the *hallah* for purposes of *lehem mishneh*.⁷ Many authorities maintain that only *mazah* intended for fulfilling the *mizvah* of eating *mazah* on the night of *Pesah* is *mukzah*.

Notes

1. This volume has been republished in various expanded editions. The most recent appeared in 5761 under the title *Piskei Halakhot*.

2. This article was republished in the Nisan 5761 issue of *Ha-Pardes* with an addendum by the author's grandson, Rabbi Hillel David Litwack.

3. Cf. *Le-Tōrah ve-Hora'ah*, no. 3 (Winter 5734), p. 21.

4. Cf. *Sha'arei Teshuvah*, *Orah Hayyim*, 168:9 and R. Moshe Feinstein's novel interpretation of the authorities cited. See also *Sha'arei Teshuvah*, *Orah Hayyim* 273:2 and 639:2; *Teshuvot ha-Radvaz* I, no. 489; R. Samuel Hubner, *Ha-Darom*, Nisan 5734; and R. Moshe Feinstein, *Le-Tōrah ve-Hora'ah*, no. 8, p. 7. See also R. Chaim Joseph David Azulai, *Birkei Yosef*, *Orah Hayyim* 168:5 and *idem.*, *Teshuvot Yosef Omez*, no. 48.

5. See also *Shulhan Arukh ha-Rav*, *Orah Hayyim* 444:2-3; *Teshuvot Noda bi-Yehudah*, *Mahadura Kamma*, *Orah Hayyim*, no. 21; and R. Moshe Binyamin Tomashoff, *Avnei Shoham*, III, no. 11. It should be noted that R. Moshe Feinstein's interpretation of Rema is consistent with the opinion of R. Akiva Eger as contained in a gloss on R. Ya'akov Emden's *Derekh ha-Hayyim* published in *Siddur Ozar Yisra'el*, II, 958.

6. See *Maggid Mishneh*, *Hilkhot Hamez u-Mazah* 6:5.

7. See also R. Moshe Sternbuch, *Erev Pesah she-Hal be-Shabbat*, p. 5, note 5; R. Israel Veltz, *Hok le-Yisra'el*, pp.126-28; and R. Zevi Cohen, *Erev Pesah she-Hal be-Shabbat*, 6th ed. (Jerusalem, 5741), pp. 106-108.

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