

# HALACHOT ON PESAH

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# BASIC HALACHOT IN PREPARATION FOR PESAH

## **Thirty Days Before Pesah**

Starting thirty days before Pesah, one must ensure not to handle Hames in such a way that it might stick to something and thus be difficult to remove before Pesah. Although one is not required to begin ridding his property of Hames thirty days before Pesah, it is proper already then to pay attention how Hames is handled in anticipation of the need to eliminate all Hames from his property. This is mentioned by the Bah (Rabbi Yoel Sirkis, Poland, 1561-1640) and the Magen Abraham (Rabbi Abraham Gombiner, Poland, 1635-1682), in Siman 436.

Likewise, starting from Purim one should avoid bringing books near food, as some small crumbs of Hames might fall into the book, and this book may then be brought to the table on Pesah. One Rabbi was of the opinion that it is worthwhile to ensure to never bring a book near food at any point during the year, and that one thereby fulfills the Misva of remembering the Exodus. Whenever a person considers bringing a book to the table and refrains from doing so because this book might be brought to the table on Pesah, he remembers the holiday of Pesah and the commemoration of the Exodus, in fulfillment of a Misva. Although this is not required according to the strict Halacha, it is an admirable practice to observe.

The Meiri (Rabbi Menahem Meiri, 1249-1310), in his commentary to Masechet Aboda Zara (5), writes that it is proper to begin making preparations for Pesah already thirty days before the holiday. This includes shopping for the materials needed for Pesah and making practical arrangements.

It is customary among many to observe the Yom Kippur Katan service on Erev Rosh Hodesh Nissan, even among those who do not observe Yom Kippur Katan on Erev Rosh Hodesh throughout the rest of the year. According to one view in the Talmud, the world was created on Rosh Hodesh Nissan (as opposed to the first of Tishri), and thus this day is a kind of "Rosh Hashanah," warranting a process of Teshuva in preparation for this day. Therefore, many have the custom to fast either the entire day or part of the day of Erev Rosh Hodesh Nissan. There is also a custom to visit cemeteries on this day.

Tahanunim and Nefilat Apayim are omitted from the prayer service starting on Rosh Hodesh Nissan.

It is customary during the first twelve days of Nissan to read the section of the offerings brought by the Nesi'im (twelve tribal leaders). On each day, the verses referring to the offering brought that day are read. This custom is mentioned by the Shela Ha'kadosh (Rabbi Yeshaya Horowitz, 1565-1630). Some have the practice of conducting this reading from a Sefer Torah, whereas the custom in our community is to read this section from a printed Humash or Siddur.

It is customary to begin the reading on the first day of Nissan from the section of Birkat Kohanim, which appears immediately preceding the section of the Nesi'im. On the 13<sup>th</sup> of Nissan, the custom is to read the opening verses of Parashat Beha'alotcha – until the words "Ken Asa Et Ha'menora" – which correspond to the tribe of Levi.

Before the daily reading of the Nesi'im section, one should give some money to charity – or pledge to give some money – in memory of all the souls from that day's tribe in need of a Tikkun (rectification). This practice is mentioned in the work Kav Ha'yashar (chapter 85). Although this custom is not commonly observed, it is a worthwhile practice to follow, as one of the important benefits of this reading is bringing merit to the deceased souls of each day's tribe.

## **Kimha De'pisha – Donating Charity to the Poor Before Pesah**

One of the customs that are observed before Pesah is called "Kimha De'pisha," which literally means, "flour of Pesah." In ancient times, everyone would donate a certain measure of flour to the poor people in the community to enable them to bake Masot, the essential component of the Pesah celebration. Nowadays, it is customary to allocate some money for charity, to assist needy members of the community in purchasing their supplies for Pesah.

The Kimha De'pisha donation is a very important Misva, and is in fact codified in the Shulhan Aruch (Orach Chaim 429:1). The Hochmat Shelomo commentary writes that if one fails to perform this Misva before Pesah, then he is guilty of falsehood, Heaven forbid. We begin the Maggid section of the Haggadah by proclaiming, "Whoever is hungry may come and eat" ("Kol Dichpin Yeteh Ve'yechul"), but if a person had not provided the poor with what they need before Pesah, then clearly this invitation is disingenuous. Speaking falsely at the Seder is an especially grave offense, for, as the Zohar (Parashat Bo 40b) teaches, God and His "entourage" descend from the heavens to hear us read the Haggadah, and certainly the Almighty will refuse to stay with somebody who speaks falsely. It is thus imperative to donate charity for the poor before Pesah.

The Mishna Berura (Rav Yisrael Meir Kagan, 1839-1933) and Kaf Ha'haim (Rav Yaakov Haim Sofer (1870-1939) note that although Torah scholars are generally exempt from mandatory communal taxes, they are included in the requirement of Kimha De'pisha. Even Torah scholars bear the obligation to ensure that the underprivileged members of the community have what they need for Pesah. The reason for this exception is the ruling of the Rambam (Rabbi Moshe Maimonides, Spain-Egypt, 1135-1204), in Hilchot Yom Tob (chapter 6), that the Misva of "Ve'samahta Be'hagecha" – rejoicing on Yom Tob – includes a requirement to give charity. A person cannot truly experience joy while he knows that there are widows, orphans and poor members of his community who are unable to properly celebrate the holiday. Thus, in order to fulfill the Misva to rejoice on Yom Tob, one must have provided assistance to the poor before the Yom Tob. As such, the requirement to give charity in advance of Yom Tob is one of the laws of Yom Tob, and not part of the standard Misva of charity. Torah scholars are exempt from ordinary charity collections, but they are included in the Kimha De'pisha requirement because this is part of the required observance of Yom Tob, which obviously applies even to Talmideh Hachamim. (Indeed, the Shulhan Aruch codifies the Kimha De'pisha obligation in the context of the laws of Pesah, and not amidst his discussion of the laws of charity in Yore De'a, proving that this requirement is part of the obligations of Pesah, and not part of the standard Misva of charity.)

The Sha'ar Ha'siyun (supplemental notes to the Mishna Berura) adds that this Misva is especially applicable to Pesah, the holiday when we celebrate our freedom. We cannot truly celebrate our status as a free people if there are impoverished members of our nation who cannot afford proper provisions. Specifically before Pesah, as part of our preparations for this holiday, we are obligated to allocate some of our Pesah expenses to assist the poor. Pesah is a costly holiday for everyone, but it is especially so for those suffering financial hardship, and it behooves us to assist them to the best of our ability.

Summary: There is a time-honored custom for communities to collect money before Pesah for distribution among the needy to help them make their purchases for Pesah, and everyone should take part in this important Misva to the best of their ability.

### **Why is the Shabbat Before Pesah Called "Shabbat Ha'gadol"?**

The Shulhan Aruch writes that the Shabbat before Pesah is called by a special name – "Shabbat Ha'gadol." The reason for this name is because this Shabbat commemorates the miracle that occurred for Beneh Yisrael on the Shabbat before they left Egypt. G-d commanded them to prepare a sheep for the Pesah sacrifice four days before the sacrifice was to be slaughtered – meaning, four days before the 14<sup>th</sup> of Nissan, the afternoon before the Exodus. Beneh Yisrael left Egypt on Thursday morning, which means that the Pesah sacrifice was offered on Wednesday, and thus they needed to prepare it four days earlier, on Shabbat, the 10<sup>th</sup> of Nissan. The Egyptians, who worshipped cattle, asked Beneh Yisrael what they were doing with the sheep, and Beneh Yisrael explained that they were preparing the animals to be sacrificed to G-d. Although they spoke openly about sacrificing the animal which the Egyptians worshipped, the Egyptians were powerless to do anything, either because of some kind of illness, or out of fear.

This was a remarkable miracle, and since it occurred on the Shabbat before Yesiat Misrayim, we commemorate it on the Shabbat before Pesah, calling that Shabbat "Shabbat Ha'gadol" – "the great Shabbat."

Additionally, the Aruch Ha'shulhan (Rav Yechiel Michel Epstein of Nevarduk, 1829-1908) writes that on this day, the firstborn Egyptians, who had heard Moshe's warning of the impending plague, took up arms against the other Egyptians who endangered their lives by continuing to refuse to allow Beneh Yisrael to leave. This is the meaning of the verse in Tehillim, "Le'makeh Misrayim Bi'bchorehem" – "To He who smote Egypt with its firstborn," meaning, G-d struck the Egyptians by instigating the nation's firstborn to wage a fierce battle against them. This, too, is celebrated on Shabbat Ha'gadol.

The question, however, arises as to why the miracles of that Shabbat are celebrated specifically on the Shabbat before Pesah, and not on the calendar date of those events – the 10<sup>th</sup> of Nissan. Whenever we observe a special day to celebrate a miracle, we do so on the calendar date on which the miracle occurred. Why are the miracles of the 10<sup>th</sup> of Nissan celebrated not on that date, but rather on the Shabbat before Pesah? While it is true that the 10<sup>th</sup> of Nissan that year fell on Shabbat, why should we not celebrate the calendar date, as we do whenever we celebrate miraculous events?

One answer is that the 10<sup>th</sup> of Nissan is the date when the prophetess Miriam, Moshe Rabbenu's sister, passed away, and it would thus be inappropriate to make this day a day of celebration. Another answer is that it was on the 10<sup>th</sup> of Nissan when the Jordan River split and Beneh Yisrael crossed into the Land of Israel. If this date were made into a special day of celebration, people would not know whether it celebrates the miracles of the 10<sup>th</sup> of Nissan in Egypt before the Exodus, or the miracle of the splitting of the Jordan River. Therefore, it was decided to celebrate on the Shabbat before Pesah, instead of the 10<sup>th</sup> of Nissan.

A much different answer is given by the Aruch Ha'shulhan, who noted that the observances of Shabbat and Pesah are strongly linked to one another, as they express the two most fundamental tenets of Jewish faith – creation and providence. Shabbat commemorates the world's creation in six days, and thus expresses the belief that the world was created by a single Divine Being, and did not come into existence on its own. Pesah, the celebration of the miracles of Yesiat Misrayim, expresses the belief in Hashgah (providence), the notion that G-d not only created the world, but continues to govern every aspect of the world. He knew exactly where the Egyptian firstborn were, who should be killed and who should be spared, showing us that He oversees everything that happens in the universe. Together, then, Shabbat and Pesah teach us the most basic principles of Judaism – that there is a Creator, and that the Creator is intimately involved in all aspects of our lives and all aspects of the world at every moment. For this reason, the Aruch Ha'shulhan suggests, we celebrate the miracles of the 10<sup>th</sup> of Nissan specifically on Shabbat – in order to underscore the integral connection between Shabbat and Pesah, between the belief in creation and the belief in providence. Both beliefs are equally crucial tents

of the Jewish faith, and cannot be separated from one another, and this is why specifically Shabbat was singled out as the time to celebrate the miracles that preceded Yesiat Misrayim.

Incidentally, it should be noted that after Yesiat Misrayim, G-d did not wait until Matan Torah at Mount Sinai to present the command of Shabbat. Already when Beneh Yisrael encamped in Marah, after the splitting of the sea, the people were told about Shabbat observance. The fundamental belief represented by Shabbat is integrally linked to the fundamental belief expressed by the Exodus, and so immediately after the miracles of the Exodus, G-d commanded the people to observe Shabbat.

Although there are no actual Halachot relevant to Shabbat Ha'gadol, the Hida (Rav Haim Yosef David Azulai, 1724-1806) writes that it is proper on this Shabbat to wish each other "Shabbat Ha'gadol Shalom," instead of the usual "Shabbat Shalom." Since the Shulhan Aruch mentioned that this Shabbat is called "Shabbat Ha'gadol," this should be the "title" given to this Shabbat when we greet one another. Additionally, it is customary for the Rabbi in every community to deliver a special lecture on Shabbat Ha'gadol to prepare the congregants for the holiday. The lecture should combine both practical Halachot relevant to the observance of Pesah, as well as words of Mussar (religious admonition) and inspiration to prepare the people mentally and emotionally for the great Yom Tov of Pesah.

### **Proper Procedures to Follow When Baking Masot**

Rav Yosef Shalom Elyashiv (contemporary) records the practice of the "Medakdekim" (those who are especially meticulous in their Halachic observance) not to rely on any Kashrut certification of Masot, and instead eat on Pesah only Masot that they baked personally (listen to audio recording for precise citation). He ruled that it is therefore preferable for people to form groups that bake Masot and personally oversee the entire process, including cleaning the utensils, to make sure that the Masot were baked properly. The reason for this custom is that Massa is the product that can most easily become Hames. Therefore, it is worthwhile for communities to form Haburot (groups) to bake Massa themselves, rather than rely on the industrial manufacturers, even those with valid Kashrut supervision, given the mistakes that could occur in the industrial manufacturing process. This would certainly be an advisable practice for synagogues, to go as a group to a Massa factory several months before Pesah to bake the Masot that they then eat on Pesah.

The Mishna Berura (459:10) writes that those baking Masot must work especially rapidly when placing the Masot into the oven. The area right outside the oven is, of course, very hot, and the intense heat could cause the dough to ferment and become Hames before the Massa has a chance to bake. It is therefore critical not to delay at all near the oven, and to place the Massa from the stick into the oven immediately.

A question was once brought to Rav Elyashiv concerning a bakery where one Massa was held on the stick for several moments before being put down in the oven, while the baker searched for a suitable spot inside the oven. This Massa was later mixed with the other Masot in that batch, and the question arose whether perhaps the entire batch should be deemed unsuitable, given the possibility that the Massa in question had become Hames due to the delay in placing it inside the oven. Rav Elyashiv ruled leniently, noting that we may rely on the possibility that the Massa had already begun to bake inside the oven, and thus did not have a chance to become Hames. In any event, the fact that the question was raised demonstrates the importance of working rapidly during the process of placing the Masot into the oven.



Rav Elyashiv ruled that when possible, each stick used for placing Masot into the oven should be used only once. The stick absorbs some of the dough, and that dough may become Hames inside the wood of the stick and then affect the Masot that are placed upon it subsequently. This is a measure of stringency that may not be feasible in an industrial system, and this is yet another reason why it is preferable, for this who are able, to bake their own Masot, as they are able to maintain the highest standards, which are not always practical in large-scale production.

The custom is to examine each Massa that comes out of the oven and discard any “Massa Kefula,” meaning, a Massa that has folded over, and is not perfectly flat. The concern is that the dough in the folded area was not fully baked and thus became Hames, and therefore any “Massa Kefula” is broken and then put to the side and considered Hames. Rav Elyashiv ruled that if a “Massa Kefula” had been placed on top of another Massa, the Massa on the bottom is permissible for use on Pesah. We do not have to go so far as to suspect that the bottom Massa became Hames from the top Massa.

Summary: It is worthwhile, when possible, to bake one’s own Masot for Pesah, rather than rely on the supervision of Massa factories. When one bakes Massa, he must ensure not to allow the Masot to stand still for even a moment right near the oven; they must be placed from the stick into the oven immediately, without any delay whatsoever. It is customary to discard Masot that doubled over during baking, and are not perfectly flat. The Masot that were underneath such a Massa are permissible for Pesah.

### **The Water Used for Baking Massa**

When baking Masot for the Misva of Massa at the Seder, one must use “Mayim She’lanu” (pronounced with a “Dagesh” in the “Lamed”) – meaning, water that has been left overnight. This means that if a person plans to bake Massa for the Misva on Tuesday, then the water that he will knead with the dough should be drawn on Monday, preferably just before sundown, when, the Rabbis teach, water is at its coldest. When drawing the water, one should verbally declare that he draws the water for the purpose of the Misva of Massa (“Hareni Sho’eb Le’shem Misvat Massa”). The water should then be placed in a special utensil where it will remain until the next day.

The Ben Ish Hai (Rav Yosef Haim of Baghdad, 1833-1909) writes (listen to audio recording for precise citation) that one should wash his hands before drawing the water for the Masot. Furthermore, he writes that the water should be drawn specifically by a Jew; one should not ask or hire a gentile to draw the water for the baking of the Masot for Pesah.

The water must be left to sit throughout the entire night, and therefore, as the Ben Ish Hai writes, one should not begin kneading the Masot until after Alot Ha’sshahar (daybreak) the next morning. If one begins the process earlier than Alot Ha’sshahar, then the water is not considered to have been left to sit throughout the entire night, and the Masot are thus invalid for the Misva. Therefore, one who bakes Masot must ensure to draw the water used for the baking the previous day before sundown, and leave it to sit throughout the night until daybreak.

Summary: The water used for baking Masot for the Misva of Massa at the Seder must be drawn the day before baking, and left to sit throughout the night until daybreak. The water should be drawn specifically by a Jew, who before drawing the water should wash his hands and announce that he draws the water for the purpose of the Misva.

### **Pesah – If the Dough is Left Unhandled During the Masa Baking Process**

Ironically, the food that can most easily become Hametz is Masa – the food that the Torah obligates us to eat on Pesah. Masa is made from wheat flour and water, the ingredients which can become Hametz, and thus extreme caution must be taken by those working in Masa production facilities to ensure that the dough does not become Hametz.

The Shulhan Aruch presents the guidelines for baking Masa in Siman 459 (Orah Haim), where he explains that as long as the dough is being handled, it cannot become Hametz. If a person kneads a piece of dough without stopping, then it cannot become Hametz, even if the person kneads it the entire day without baking it. This is why workers in Masa factories are constantly working the dough, without leaving it unhandled. However, it is practically impossible for the dough not to be left unhandled at all. For example, after the dough is kneaded and formed into a circle, it is placed on a table that has on it the machine that makes the perforations in the Masa. Sometimes, the dough remains on the table for a full minute before it is taken for the perforations to be made. And, the person standing by the oven needs a few moments to collect the raw Masot on the long stick before placing them into the oven. The Shulhan Aruch writes that dough which is left unhandled for the amount of time needed to walk a “Mil” becomes Hametz. If the dough is left unhandled for a shorter period, then it does not become Hametz. The accepted view is that this refers to a period of 18 minutes, and so as long as the dough has not been left unhandled for 18 minutes, it is permissible for consumption on Pesah.

This is why many Masa companies advertise that their product is “18-minute Masa.” This means that they stop production 18 minutes after the time the water is poured into the flour to make dough. When the bell rings – usually 16 or 17 minutes after the water is poured – the process is stopped, and all the dough which has not yet been placed in the oven is discarded. Then a new run with new dough is begun. This procedure ensures that no dough used for Masot was left unhandled for 18 minutes.

However, the Shulhan Aruch adds that if the dough is warm, it could potentially become Hametz as soon as it is left unhandled, even within 18 minutes. Usually, during the production process, the workers’ hands become warm, which causes the dough to become warm. The question thus becomes whether the Masa is permissible, given that, as mentioned, it is impossible for the dough not to be left unhandled for a few moments at various stages of the production process.

This question was addressed by Hacham Bension Abba Shaul (Jerusalem, 1924-1998), in his Or Le’sion (11:5). He draws proof from earlier sources that the Shulhan Aruch cannot mean that the dough must not remain unhandled for even a minute. For example, the Ramban (Rav Moshe Nahmanides, Spain, 1194-1270) writes that he used to knead the dough for Masa inside his home, and then bring it to his oven outside to bake. Furthermore, the Rashba (Rav Shlomo Ben Aderet of Barcelona, Spain, 1235-1310) writes explicitly that it is acceptable to knead the dough in one place and then bring it to the oven somewhere else as long as the oven is not too far away. Hacham Bension thus concludes that if the dough is left unhandled for one or two minutes, the Masa is permissible, even though the dough is warm. If the dough is left unhandled for five minutes, Hacham Bension writes, then it must be considered Hametz, and if it is left unhandled for three minutes, then it is questionably Hametz. But if it is left unhandled for just 1-2 minutes, it is permissible.

It should be noted that there is greater room for leniency nowadays, when most Masa is made very thin, which makes it less likely to ferment, and thus the dough would need more time to become Hametz. Moreover, the process today is generally done on metal tables, which remain cold and do not become warm. Nevertheless, one should purchase one’s Masa for Pesah from factories that ensure not to leave the dough unhandled during the production process for more than 1-2 minutes.

Summary: Dough which is left unhandled for even a brief period of time could potentially become Hametz. Therefore, one should purchase one’s Masa for Pesah from factories that ensure not to leave the dough unhandled during the production process for more than 1-2 minutes.

### **The Laws regarding Glass Dishes On Pesah and Throughout The Year**

Some questions were asked in regards to glass dishes. Is it permissible to use glass dishes on Pesah if they were used during the year? Is it permissible to use glass dishes for both meat and milk?

The Ashkenazim hold that glass has a status of Keli Cheres, which is to say that glass dishes are equal to that of pottery. So according to Ashkenazim, glass dishes absorb flavor just as pottery does, and therefore Ashkenazim do not allow glass dishes that were used all year long to also be used on Pesah. This is also the opinion of the Ben Ish Chai, who held that one would have to pour hot water over glass dishes in order to kosher them for Pesah use.

However, Maran is clear, and most of the Tosafot are clear, and they hold that glass dishes do not swallow and are not considered like pottery. Everything slides off glass, and therefore according to Maran and many of the Rishonim, it is permissible to use everyday clear dishes on Pesah. One must make sure the glass dishes are clean from food, but Hagalah (placing into pot of boiling water) is not required, and Irui is not required (pouring hot water onto it.) This would apply to Pyrex glass oven platters that are clear, or to any other type of glass vessel that is clear. They can be used for Pesah.

Now even though Ben Ish Chai is strict on this for Pesah, he however does allow glass dishes throughout the year to be used for both meat and milk. (Of course this is referring to using the dish for meat and milk separately and not together at the same time.) By Pesah he is strict because of the restriction of Hames. But milk and meat during the year is permissible. Even by the Ashkenazim, glass is permissible for meat and milk.

We all have separate dishes, and Halacha does advise to have separate dishes for meat and milk in order to avoid mistakes and problems. But, in a situation where we have a glass dish, or in a case where you are away from home in a hotel or condominium which has glass dishes only, it is permissible to use these glass dishes one night for meat and the next night for milk. And for Sephardim, these glass dishes can even be used for Pesah.

Again, we advise to have separate dishes in the homes, and not simply have one set of glass dishes for universal use. But Halacha Lema'ase, it is permissible to allow clear glass dishes to be used for both meat and milk, and for Sephardim to be used for Pesah even without any hot water koshering process.

### **How Long Must One Wait Before Koshering Utensils?**

When Koshering utensils such as forks, spoons and knives, one performs Ha'agalah by dipping them in a larger pot of boiling water to extract the Hames which is absorbed in them. There is a question whether one must wait twenty-four hours after their last use, before performing Ha'agalah. Waiting would serve to render all absorbed Hames "Pagum"- of compromised taste, which is a lower level of Kashrut problem.

Maran (452:1) rules that there is no need to wait, as long as the Ha'agalah is performed before the fifth hour on Erev Pesah-the beginning of the prohibition of Hames. The rationale is that when the Hames absorbed in the utensil is extracted, it is one permitted taste; then, when it mingles with the boiling water, that is a second permitted taste. This forms the Halachic condition known as "N"at B"ar N"at-Noten Ta'am Bar Noten Ta'am of permitted tastes. Even if the Hames flavoring would be reabsorbed in the utensil, it has already achieved this permitted status, and there is no problem. Even Though the Peri Hadash found contradictory sources and was strict in this matter, Hacham Ovadia is lenient.

When Ha'agalah is done before the fifth hour, there is also no reason to be concerned about koshering big vessels with small ones in the same pot. Neither is there a problem if the utensils remained in the boiling water for a long time or if the water cooled down.

All of these issues would be problematic if the Ha'agalah was performed after the fifth hour.

The Mordechi brings down that one should be careful not to dip too many utensils at the same time, so that they do not become crowded and prevent the water from reaching all the surfaces at boiling point.

### **SUMMARY**

When performing Ha'agalah before the fifth hour on Ereb Pesah, there is no need to wait twenty-four hours since their last use.

One should avoid putting many utensils at once in the vat of boiling water.

### **Dipping Meat and Dairy Utensils into Ha'agalah Together**

The Shulhan Aruch (Siman 452) rules that one may Kosher utensils for Pesah with Ha'agalah, even if they were used in the last twenty-four hours, so long as he does so before the fifth hour on Ereb Pesah. However, Maran continues (452:2) and adds that one should not dip a meat and milk utensil together into the same Ha'agalah water, if they were both used within the last twenty-four hours. The reason is that the meat and milk flavor absorbed in the spoons will be extracted in the boiling water and combine there to form a prohibited taste. If one of the utensils had a Pagum (impaired) taste, i.e. it was not used in the last day, then it is permitted to dip both utensils together. In the event one did dip both utensils together, it is permitted, B'divavad, after the fact.

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Technically, a non-Jew may dip the utensils in the Ha'agalah vat, as long as a knowledgeable Jew is supervising. However, the Yalkut Yosef cites the Kav Hayashar that according to the Kabbalah, when one purges his utensils of Hames, he is actually purging his soul from sin, and therefore it is preferable that he does it himself.

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Hacham Yishak Yosef emphasizes in Yalkut Yosef that there is no reason to be stringent and not rely on Ha'agalah. It is perfectly legitimate and restores utensils to a complete Kosher for Pesah status. Therefore, there is no reason to go out and buy new utensils for Pesah instead of Koshering the old ones.

### **SUMMARY**

1. One should not Kosher meat and milk utensils simultaneously unless at least one of them is "Eno Ben Yomo"-hasn't been used in twenty-four hours. If one did so, it is permitted B'divavad.
2. One should preferably dip his own vessels into the boiling water, and not use a non-Jew.
3. Koshering utensils with Ha'agalah is L'chathila.

### **The Procedure for Kashering Stove Grates, Oven Racks, Blechs, and Tablecloths**

The grates on a stove, which one uses throughout the year for cooking, require "kashering" before Pesah to become permissible for use on Pesah. The stove is used for pots that often contain Hames (and, on some rare occasions, one might have placed bread directly on the grates), and therefore they may not be used for Pesah unless they undergo proper kashering. This is done by thoroughly cleaning the grates and then either immersing them in boiling water, or pouring boiling water on them directly from the kettle. As long as the water is boiling, pouring the water directly onto the grates (after they have been cleaned) suffices for rendering them kosher for Pesah.

The same applies to oven grates. One must remove them from the oven, thoroughly clean them, and then either immerse them in boiling water (which is often not feasible because of their size) or pour boiling water on them. Electric hot plates and blechs can also be kashered in this fashion. They should be thoroughly cleaned, and then one pours boiling water on them directly from the kettle.

One who wishes to be stringent should purchase new stovetop grates and oven grates, and a new blech, for use on Pesah. This is certainly preferable, though it is perfectly acceptable to kasher these items in the manner described.

Tablecloths that have been used for Hames may simply be run through the washing machine, on a hot water cycle, or dry cleaned, and then used for Pesah. No further measures are necessary to kasher tablecloths for Pesah. If one has a vinyl cloth that he uses over his table, it is proper to pour boiling water on it to kasher it for Pesah.

Summary: Although it is preferable to purchase new stove and oven grates for Pesah, one may kasher them for Pesah by thoroughly cleaning them and then either immersing them in boiling water or pouring boiling water on them directly from the kettle. The same applies to electric hot plates and blechs. Tablecloths need to be simply washed in a washing machine to be rendered kosher for Pesah, but if one has a vinyl table cover, he should pour boiling water on it to kasher it for Pesah.

### **Various Halachot About Ha'agalah for Pesah**

The Shulhan Aruch rules that one must be careful when Koshering utensils with Ha'agalah that the vessels do not touch each other, so that the boiling water can have direct contact with all surfaces to extract the Hames. Therefore, one must avoid, putting in too many vessels at one time. If he is using a tong to hold the vessel, he must loosen the grip of the tong so that the waters can touch the spot where he is holding it. Similarly, if he is using a net, he must shake it, so that the waters will penetrate all sides.

Maran also brings the Halacha that one may not do Ha'agalah with the hot springs of Tiberias, because their heat source is the sun, whereas the Hames became absorbed in the pot through the heat of fire. In order to extract, the heat source of the Ha'agalah must be the same as the cooking.

According to Maran, glass vessels do not absorb, and therefore never require Ha'agalah. This includes Pyrex and Duralux, as well. Ashkenazim have a different Halacha and hold that glass is in the same category as earthenware vessels, which can never be koshered. Thus, there are two extreme positions: Sephardim hold glass is non-porous, whereas Ashkenazim hold it is ultra-porous.

Maran brings the custom from the Rambam that after the Ha'agalah the vessel is soaked in cold water. According to the Mishna Berura, the reason is to prevent the hot water with the Hames extract from being re-absorbed in the vessel. If one did not do so, it is still kosher. One should be careful with certain vessels that may crack if transferred immediately from hot to cold.

### **Do Tablets, Cosmetics, Soaps, Shampoos and Detergents Require "Kosher for Pesah" Certification?**

Pills, such as pain relievers, may be swallowed in Pesah. Even if they have Hames ingredients, these ingredients do not impart a taste, and the pills are swallowed, not chewed or sucked, and they are therefore permissible on Pesah. Moreover, the vast majority of medications nowadays do not contain Hames. Therefore, even if one does not have a serious medical condition, he may swallow pills which he requires during Pesah. One who is prescribed such medication by a doctor must take the medication during Pesah and should not refrain from doing so out of the concern of Hames. It goes without saying that one must continue taking medication if his health would otherwise be endangered.

However, medications that have a flavor, which the patient drinks, chews or sucks, require certification for use on Pesah.

Some cosmetics include ingredients made from Hames. However, these ingredients are inedible, and are not even "Ra'ui La'achilat Keleb" – suitable as food for dogs. The Shulhan Aruch (Orah Haim 442) rules that any Hames product which is not suitable as food for a dog already before Pesah is entirely permissible, and may be kept and used on Pesah. Therefore, all cosmetic products may be used on Pesah.

Hacham Yitzhak Yosef (contemporary) writes in Yalkut Yosef that all housecleaning products, soaps and shampoos may be used on Pesah, and do not require certification for use on Pesah, since these products are not “Ra’ui La’achilat Keleb.” Although some required these products to be certified kosher for Pesah, Rav Shlomo Zalman Auerbach (Jerusalem, 1910-1995) considered it a “joke” to certify such products kosher for Pesah, since they are inedible even for dogs, and thus are entirely permissible for use on Pesah.

Summary: All pills and tablets which have no taste, and are swallowed whole, may be used on Pesah, even if one’s condition is not serious, and they do not require certification for use on Pesah. Medications that have a flavor, which the patient drinks, chews or sucks, require certification for use on Pesah. All cosmetic products, soaps, shampoos, detergents and housecleaning products may be used on Pesah, and do not require “kosher for Pesah” certification.

### **Verbally Designating Meat for Pesah**

The Shulhan Aruch (Orah Haim 469) rules that one should not verbally declare regarding any animal or meat, “This is for Pesah.” If one verbally designates an animal or meat for Pesah, it may appear as though he formally consecrates the animal as a Korban Pesah, and thus when he eats the meat, he will appear as eating sacrificial meat outside Jerusalem. Therefore, when one orders meat at the butcher, for example, he should say he is ordering meat “for Yom Tob,” rather than saying “for Pesah.” The Mishna Berura (commentary by Rav Yisrael Meir Kagan of Radin, 1839-1933) writes that this applies as well to one who instructs somebody to purchase meat for him for the holiday. He should instruct the person to purchase meat “for Yom Tob,” and not “for Pesah.” Likewise, one should not instruct somebody to roast meat for him “for Pesah,” and should say instead “for Yom Tob.”

This Halacha applies even to animals that are not suitable for the Korban Pesah, such as chicken. Even though a chicken cannot be offered as the paschal sacrifice, designating a chicken for Pesah may sound as though one designates its value for the Korban Pesah, and he intends to sell it and use the funds to purchase an animal for the sacrifice. Furthermore, according to some authorities, this applies even to fish. In short, one should avoid referring to any meat, poultry or fish as designated especially “for Pesah,” and should instead refer to it as designated “for Yom Tob.”

The Sefer Ha’roke’ah (Rabbi Elazar of Worms, Germany, 1176-1238), in Siman 283, writes that one should not say, “What an inconvenience Pesah is!” As we read in the Haggadah, it is the Rasha, the wicked son, who says about the Pesah observance, “Ma Ha’aboda Ha’zot Lachem” – “What is this labor to you?” The wicked people refer to Pesah as “labor,” rather than a privilege. It is thus inappropriate to complain about the preparations for Pesah and speak of them as a burden or inconvenience.

Summary: When purchasing or ordering meat or fish for Yom Tob, or when speaking about its preparation, one should not verbally designate it “for Pesah,” and should instead say that it is “for Yom Tob.” It is inappropriate to complain about the extensive preparations required for Pesah and refer to them as a burden or inconvenience.

### **Precautions During Massa Baking**

The Rama (459) records the Halacha not to bake Massa in a room with a window exposed to the sun. This would potentially cause extra heat to the dough and expedite leavening. This is more problematic on a cloudy day, as mentioned in Masechet Ta’anit, because the rays of the sun are dispersed and will enter, even if there is no direct sunlight. Therefore, any window in the Massa bakery should be covered.

It is highly advisable that in between each batch, all workers wash their hands to prevent residual dough from sticking to their palms and fingernails. That dough would become Hames after 18 minutes and would render the subsequent rounds of dough unfit.

It is important that they dry their hands well to prevent tap water, which is not “Mayim Shelanu”-water that rested overnight-from being incorporated into the dough. There are opinions that if dough was kneaded with such water, the Massot are unfit.

All workers should remove their watches, to prevent dough from becoming stuck in the band. They should also refrain from using cell phones during the baking process. Besides for interrupting their concentration, residual dough may stick to the devices. This is also the reason the Poskim recommend that workers roll up their sleeves.

These Halachot illustrate how much caution should be exercised when baking the Massa. There is only a hairline difference between Hames and Massa. This principle is illustrated by the Hebrew spelling of the words “Massa” and “Hames.” They both share the letters “Mem” and “Sadi,” whereas Massa contains a “Heh” and Hames contains a “Het.” The form of the Heh and the “Het” are almost identical except for the small fracture in the leg of the “Het.”

This is why Hacham Ben Sion once said that the most dangerous food to eat on Pesah is Massa. It is the most likely to be Hames! Therefore, he personally limited the amount of Massa he ate on Pesah to the mandatory requirement.

#### SUMMARY

- Massa should be baked in a room without windows.
- All workers engaged in baking must wash and dry their hands in between each batch.
- All workers must roll up their sleeves, remove their watches and refrain from using cellphones during the baking process.

#### **Soaking Massa in Liquid**

Some have the custom not to eat Massa that has come in contact with water. The concern is that there may be flour that was not fully baked inside the Massa that will become Hames upon contact with water. This stringency is brought by the Mishna Berura (Rav Yisrael Meir Kagan of Radin, 1839-1933) in Siman 559, as well as by the Shaare Teshuva and the Shulhan Aruch HaRav. However, many great Ashkenazi authorities would eat soaked Massa. For example, there is testimony that the Vilna Gaon (Rav Eliyahu of Vilna, 1720-1797) ate it in front of his disciple Rabbi Haim of Volozhin. In general, Ashkenazim following the Lithuanian tradition do not adopt this custom, whereas Hassidim are stringent in this matter.

Even those who are stringent, allow soaking Massa in “Meh Perot”-fruit juice, since these liquids do not create Hames. This would also include wine and milk. However, the Steipler Rabbi Yaakov Yisrael Kanievsky, Benai Brak 1899–1985), was stringent even with regard to Meh Perot.

Hacham Bension and Hacham Ovadia state that the custom of the Sepharadim is clearly not to be stringent. Once Massa is baked, it cannot become Hames. This is especially true with regard to today’s Massa, which is baked very thin and crisp, like a cracker.

It should be noted that Hacham Ben Sion in his Ohr Le’sion adopted the stringent custom with regard to machine-made Massa. He was concerned that the cloud of pulverized flour in the air of the factories may land on the baked Massot and become Hames upon contact with water. However, the Ner Sion, written by his student in 2012, states that Hacham Ben Sion later retracted his opinion, upon re-inspecting the Massa factories.

#### SUMMARY

The custom of Sepharadim is to permit eating soaked Massa on Pesah.

### **May One Place Masa in Liquid?**

Is it permissible to take Masa on Pesah and put it in liquid, such as in soup, or a dip? And may one place sauce on one's Masa?

The Shulhan Aruch rules explicitly (Orah Haim 463:3) that one may boil fully baked Masa in water on Pesah. However, the Sha'areh Teshuba observes the custom followed by some individuals to refrain from placing Masa in liquid on Pesah. The reason for this custom is the concern that there might be some dough in the Masa that had not been fully baked, and this dough will become Hametz if it comes in contact with liquid, particularly if the liquid is hot. This custom is noted by several Poskim, including Rav Schneur Zalman of Liadi (the first Rebbe of Lubavitch, 1745-1813), and brought by the Mishna Berura (Rav Yisrael Meir Kagan of Radin, 1839-1933). A number of Ashkenazic communities follow this practice and refrain from what they call "Gebrukst" (literally, "soaked") – Masa that has come in contact with liquid.

Sepharadim, however, did not accept this stringency, and thus it is entirely permissible for Sepharadim to place Masa in liquid on Pesah. This is especially true nowadays, when our Masa is very thin, which makes it virtually impossible that there would be unbaked flour in the Masa. The Shulhan Aruch ruled leniently with regard to the Masa customarily eaten in his time, which was thick, such that there might have been a possibility of some dough being left unbaked; certainly, then, there is no reason for concern when it comes to the thin Masa that we eat.

However, Hacham Bension Abba Shaul (Jerusalem, 1924-1998), in his Or Le'sion (vol. 3, 11:13), writes that there is room to be stringent in this regard when eating machine-made Masa. He explains that in the factories which produce machine Masot, flour is spread throughout the air of the room. Hacham Bension observed that one who walks inside the factory comes out covered in white from the flour particles that fly about in the air. Now the Shulhan Aruch (Orah Haim 459:6), based on the Terumat Ha'deshen (Rav Yisrael Isserlein, 1390-1460), rules that when baking Masot, one should not add flour onto the surface of the dough after the dough has been kneaded and prepared for baking. As this added flour is not mixed into the dough, it might not be properly baked in the oven, and could then potentially become Hametz. Hacham Bension thus writes that since flour particles fly about in the factory as the machines mix the dough, some flour is likely to fall onto the surface of dough after the kneading. Therefore, he writes, those who wish to be stringent should refrain from placing machine-made Masa in liquid, because the flour which fell onto the dough before it was baked might not have been fully baked in the oven. Hacham Bension acknowledges that in all likelihood, even this additional flour becomes immediately baked in the oven, such that there is no concern. Nevertheless, he writes that although it is permissible to place machine Masa in liquid on Pesah, there is room to be stringent and refrain from placing machine Masa in warm liquid, which could cause unbaked flour to become Hametz. And if one did mix machine Masa with hot liquid, he should eat it quickly, before the unbaked flour has a chance to become Hametz.

It should be noted that Hacham Ovadia Yosef, in Hazon Ovadia, draws no distinction between hand-made Masa and machine-made Masa in this regard, indicating that it is entirely permissible to place even machine-made Masa in liquid on Pesah.

Summary: Some Ashkenazic communities have the custom not to place Masa in liquid on Pesah, due to the concern that there may be some unbaked flour in the Masa which will become Hametz if it comes in contact with liquid. Sepharadim did not accept this stringency, and may place Masa in liquid on Pesah. However, according to one opinion, it is admirable even for Sepharadim to avoid placing machine-made Masa in hot liquid, and, if some machine Masa did come in contact with hot liquid, to eat it right away. Others disagree, and maintain that there is no need for Sepharadim to be stringent in this regard at all.

### **Explaining the Requirements of Bittul Hames and Bedikat Hames**

The Torah commands in the book of Shemot, "Ach Ba'yom Ha'rishon Tashbitu Se'or Mi'batechem" – "but you shall eliminate leaven from your home on the first day." The Gemara explains that the "first day"



mentioned in this verse refers to the 14<sup>th</sup> of Nissan, Ereb Pesah, and we are commanded to “eliminate” Hames from our possession on this day. The word “Ach” (“but”), the Gemara explains, indicates that this requirement applies in the middle of the day. And thus according to Torah law, one must eliminate all Hames from his possession by midday of Ereb Pesah. However, the Sages enacted as a safeguard that one must eliminate the Hames already earlier in the day.

What exactly does the Torah requirement of “Tashbitu” – “eliminating” Hames – entail? How is this fulfilled?

Targum Onkelos translates the word “Tashbitu” as “Tebatelun,” which means “nullify.” According to Torah law, then, one fulfills the Misva of “Tashbitu” through “Bittul” – pronouncing that he disavows all ownership over Hames, and that he regards any Hames in his possession as though it is the dust of the earth.

However, most Rishonim maintain that there is also another way of fulfilling the Torah obligation of “Tashbitu” – by searching through our homes for Hames and then disposing of it. After all, if simply renouncing ownership over our Hames suffices, then certainly the physical elimination of Hames should satisfy the Torah obligation of “Tashbitu.” This is the view of the Ran (Rabbenu Nissim of Gerona, Spain, 1320-1380), who writes that even if one does not pronounce “Bittul,” he fulfills the Torah obligation through “Bedika” – by searching his home to the best of his ability and eliminating whatever Hames he finds. Even if it turns out that there was some Hames in the home which he did not find, he nevertheless fulfilled the Torah obligation because he searched thoroughly, to the best of his ability. This is also the opinion of several other Rishonim (the Ritba and the Maharam Halawa, and of the Rambam, as understood by the Aruch Ha’shulhan). This is the view accepted by the Mishna Berura (331:1) – that one fulfills the Torah obligation of “Tashbitu” through either “Bittul” or “Bedika.”

However, the Sages enacted that even if one makes the “Bittul” declaration on Ereb Pesah, he must also perform “Bedika,” searching his home the previous night for Hames, and eliminating all the Hames he finds. One reason for this enactment is that the Sages were afraid that one’s “Bittul” proclamation might not be fully sincere. In order to do a proper “Bittul,” one might wholeheartedly and unequivocally renounce his ownership over his Hames, without any hesitation, disavowing all interest in the Hames. If someone is anything less than completely sincere in renouncing his ownership over his Hames, he will not fulfill the Torah’s command, and the Sages therefore required one to also search for and eliminate the Hames in his home. Tosafot (commentaries by Medieval Ashkenazic Talmudists) add another reason, explaining that the Sages feared that one might find some Hames in his home during Pesah and eat it. Since we are accustomed to eating Hames throughout the year, the Sages were concerned that if one encountered Hames during Pesah, he might mistakenly eat it. The Sages therefore required not only renouncing one’s ownership over his Hames, but also actually ridding one’s property of Hames.

In any event, regardless of the reason, we both search our homes for Hames, and also make the “Bittul” proclamation.

Summary: On the level of Torah law, it suffices for one to simply renounce his ownership over his Hames on Erev Pesah, but the Sages enacted that we must also search our homes for Hames the night before and eliminate all the Hames that we find, and so we both eliminate our Hames we find and pronounce "Bittul Hames" on Erev Pesah.

### **Bedikat Hames After the Home Was Thoroughly Cleaned**

The Misva of Bedikat Hames – searching the house for Hames – must be performed on the night of the 14<sup>th</sup> of Nissan, which is the night before the night of the Seder. The search should preferably be done immediately at Set Ha'kochavim (nightfall). Those who generally follow the view of Rabbenu Tam regarding Set Ha'kochavim, as occurring 72 minutes after sundown, may nevertheless assume the earlier time of Set Ha'kochavim with regard to Bedikat Hames. Since Bedikat Hames was enacted by the Sages, and does not constitute a Torah obligation, one may be lenient in this regard even if one normally ensures to satisfy the view of Rabbenu Tam. Thus, one may begin the search 20 minutes after sundown, or, if one wants to be more stringent, 30 minutes after sundown.

The Hid"ra (Rav Haim Yosef David Azulai, 1724-1807), in his work Mahazik Beracha (Se'if Katan 7), and the Sha'areh Teshuva (Se'if Katan 1), observe the widespread practice not to make a thorough search of one's home for Bedikat Hames. Generally, the wives clean the home very thoroughly during the days and weeks preceding Pesah, and ensure to keep Hames away from the rooms that had been cleaned. Given the thorough cleaning that the house had already undergone, people do not bother to conduct a thorough search for Bedikat Hames, because, understandably, there is no chance of finding Hames in those areas. The Halachic authorities rule that there is a legitimate Halachic basis for this leniency. Even though the Sages required a formal search with a candle on the night of the 14<sup>th</sup> of Nissan, the search is required only in "Mekomot She'machnisim Bo Hames" – places where Hames is used and there is thus a chance of finding Hames there. Places in the home that were thoroughly cleaned and kept free of Hames have the status of places where Hames is not used at all, and thus do not, technically speaking, require Bedikat Hames. Thus, although one is certainly required to conduct a search on the night of the 14<sup>th</sup> of Nissan, there is room to justify the prevalent practice not to search thoroughly in all areas of the home, since the house had already been thoroughly cleaned. (According to some authorities, this is allowed as long as the house was cleaned three days before Pesah, which, of course, is usually the case nowadays.)

People who spend Pesah in a hotel must ensure to rid the room of Hames food that was left for them by the hotel staff. Even though one did not request or take possession of these snacks, nevertheless, it is forbidden to have these foods in the room during Pesah, given the risk that one might eat them. Therefore, if one checks into a hotel before or during Pesah and sees food in the room that is not kosher for Pesah, he must call the hotel staff and ask that it be removed.

Summary: Bedikat Hames should be performed immediately at nightfall – 20-30 minutes after sundown – on the night of the 14<sup>th</sup> of Nissan, which is the night before the night of the Seder. Many people do not search thoroughly, relying on the thorough cleaning performed by their wives in the days and weeks before Pesah, and there is Halachic basis for this leniency. If one checks into a hotel before or during Pesah and sees food that is not kosher for Pesah which was left for him by the hotel, he must call the hotel staff and ask that it be removed.

### **The Time for Bedikat Hames**

On the night before Erev Pesah, one is required to perform Bedikat Hames – the search for Hames in his home (see Shulhan Aruch, Orah Haim 431). (When Pesah falls out on Motzae Shabbat, Bedikat Hames is then moved ahead one night to Thursday night.) The time for the search begins at Set Ha'kochavim, or nightfall, on the eve of Erev Pesah. According to Hacham Ovadia Yosef, Set Ha'kochavim occurs in Israel approximately 20 minutes after sundown. In New York City, Set Ha'kochavim occurs at 35-40 minutes after sundown.

Halacha forbids performing certain activities from a half-hour before the time for the Bedika, until one completes the search. The Sages were concerned that a person who begins involving himself in these activities might forget to perform the Bedika, and they therefore forbade engaging in these activities already a half-hour prior to Set Ha'kochavim. Thus, for example, one may not perform Melacha – rigorous activity – during this period, such as fixing his car or doing work around the house. It is likewise forbidden during this period to eat bread or items requiring Mezonot (such as cake), in an amount exceeding a Ke'besa, or 2 oz. It is thus forbidden to eat a slice of pizza in this time, as a slice of pizza amounts to more than 2 oz. One may partake of lesser amounts of these foods, or of any amount of other foods, such as fruit, rice and the like.

The Shulhan Aruch also includes Torah study in his list of activities forbidden in this period. However, unlike the other activities, Torah learning is permissible within a half-hour prior to Set Ha'kochavim. Only with the advent of Set Ha'kochavim does it become forbidden to study Torah, given the possibility that one's involvement in learning will cause him to forget to search for Hames. This Halacha, however, applies only to private study. A group session, such as a Shiur delivered in the synagogue, may be held during this period, as the members of the group will undoubtedly remind each other to search for Hames after the learning session.

Summary: One must search his house for Hames on the night before Erev Pesah, anytime after Set Ha'kochavim (35-40 minutes after sundown, in the New York area). Starting a half-hour before this point, one may not perform intensive activity or eat more than 2 oz. of bread or other grain products, until he performs the search. From the time of Set Ha'kochavim, one may not study Torah in private until he performs the search.

### **The Procedure for Bedikat Hames**

On the night before Erev Pesah one is required to perform Bedikat Hames – a thorough search of his home for Hames.

The widespread custom is to have somebody disperse pieces of Hames around the home prior to the Bedika; this custom is recorded already in the Kolbo (Halachic work by Rav Aharon of Lunel, 1280-1330). There is a common misconception that this practice serves to guarantee that the head of the household will discover some Hames during the search, since otherwise the Beracha he recited before the Bedika would constitute a Beracha Le'vatala (Beracha recited in vain). As the Bet Yosef notes, however, this is incorrect. The obligation of Bedikat Hames requires searching the home for Hames and eliminating whatever Hames is found; regardless of whether or not one actually discovers Hames, he fulfills the Misva by conducting a thorough search. Hence, the Beracha is perfectly valid even if one's search does not produce any Hames, and there is therefore no need to distribute pieces of Hames before the search in order to ensure the Beracha's validity. Nevertheless, this is the widespread custom and it should be followed. The Arizal (Rabbi Yishak Luria, 1534-1572) maintained that one should distribute specifically ten pieces of Hames.

The Mishna Berura (commentary by Rabbi Yisrael Meir Kagan, 1839-1933) writes that the Hames distributed before the Bedika should be of the hard type, such that it does not leave any crumbs. The objective of the Bedika is to ensure the elimination of the Hames, and this objective is undermined if one leaves Hames crumbs around the house. Moreover, after the wife exerted great efforts to clean the house for Pesah, she might understandably feel distraught upon seeing Hames crumbs in many areas in the house. If for no other reason than Shalom Bayit (domestic harmony), then, it is proper to use hard, solid Hames that does not leave crumbs. Furthermore, the pieces left out for the search should be small – less than a Ke'zayit, so that in the event that one does not find a piece, he will not transgress the prohibition of possessing Hames. They should also be wrapped in small bags to ensure that no crumbs are left in the home.

The first Mishna in Masehet Pesachim requires that the search be conducted "Le'or Ha'ner" – by candlelight. Hacham Ovadia Yosef writes that nowadays, when our homes are flammable, one may use a flashlight in lieu of a candle. Some Rabbis advise searching for a few moments with a candle as the Mishna requires, and then switching over to a flashlight. It should be noted that the lights in the home need not be turned off for the Bedika. To the contrary, as Hacham Ovadia writes, when one searches for something he wants as much light as possible, so it is preferable to

leave the lights on during the search. The flashlight or candle is used for dark areas such as underneath or behind furniture, where the normal illumination is not sufficient.

The Ben Ish Hai (Rabbi Yosef Haim of Baghdad, 1833-1909) writes that while searching for Hames one should carry with him a bowl with salt. Salt, which is long-lasting and used as a preservative, symbolizes stability and endurance, and also has the capacity to ward off harmful spirits and the like.

It must be emphasized that Bedikat Hames is not a five-minute ritual that entails simply searching for the ten pieces of Hames that had been placed around the home. Halacha requires conducting a thorough search in all places where one reasonably suspects that Hames might be present. This includes clothe closets, pockets and the basement, not to mention the kitchen. One must also search the porch, the yard and one's automobiles. In homes with young children, the search must be especially thorough, as children often disperse food indiscriminately around the house. Of course, it is not necessary to search the area where one stores the Hames that he sells for Pesah.

If a person did not find one of the ten pieces of Hames that had been distributed around the house before the search, he is not required to persist until he finds it. As mentioned, the pieces used for this purpose should be less than a Ke'zayit, so one does not violate the prohibition of Hames if some pieces are not discovered, and they are covered by the "Bittul" – the renunciation of Hames that one declares after the search.

After the search, the Hames is stored in a safe place in preparation for the burning the following day. One then recites the "Kol Hamira" text three times, renouncing his ownership over Hames in his property of which he is unaware. One does not renounce ownership over the Hames that he plans to burn the following day.

### **Searching for Hames**

The Torah obligation to eliminate one's Hames on Ereb Pesah can be fulfilled in one of two ways – through either "Bittul," renouncing one's ownership over his Hames, or "Bedikat Hames," thoroughly searching one's home for Hames and eliminating all the Hames he finds. However, the Sages enacted that even if one makes a "Bittul" declaration, he should nevertheless perform "Bedilka" and eliminate the Hames from his property. One reason is that the Sages were concerned that one might not proclaim the "Bittul" wholeheartedly, and will not fully intend to renounce his ownership over his Hames, in which case it is invalid and the Misva is not fulfilled. The second explanation is that since we normally eat Hames all year round, we might mistakenly eat Hames that we find in our home during Pesah. To avoid this risk, the Sages enacted that besides the verbal proclamation of "Bittul," one should also search for all the Hames in his home and eliminate it.

The Mishna in the beginning of Masechet Pesachim teaches that one performs the search for Hames "Or Le'arba'a Asar," which the Gemara explains to mean on the night of the 14<sup>th</sup> of Nissan – meaning, the night before Pesah. The Shulhan Aruch (Orah Haim 431) writes that the "Bedika" should be done "Bi'thilat Ha'layla" – "at the beginning of the night." Hacham Bension Abba Shaul (Israel, 1924-1998) explains that although the Misva can be fulfilled throughout the night, one should perform the search at the beginning of the night, at Set Ha'kochavim (when the first stars can be seen), in accordance with the rule of "Zerizin Makdimin Le'misvot" (one should perform a Misva at the earliest opportunity). However, Hacham Bension adds, when the Sages said that the "Bedika" should preferably be done right at the time of Set Ha'kochavim, they took into consideration the recitation of Arbit. Following the rule of "Tadir Ve'she'eno Tadir, Tadir Kodem" – that a more frequent Misva should precede a less frequent one

– one should first pray Arvit at Set Ha'kochavim – some 20 minutes after sunset – and then immediately proceed to the "Bedika."

The Hafetz Haim (Rav Yisrael Meir Kagan of Radin, 1839-1933) writes that once the time of Bedikat Hames arrives, one should not eat even a small portion of food, such as a fruit, until after fulfilling the Misva.

As "Bedikat Hames" is performed before one makes the "Bittul" proclamation, the "Bedika" has the status of a Misva De'Orayta – the fulfillment of a Biblical Misva. It is thus a very precious opportunity, and one should not at all minimize the great value and importance of the search for Hames on the night before Pesah.

Summary: On the night before Pesah, one should pray Arvit right at the time of Set Ha'kochavim (approximately 20 minutes after sundown) and then immediately proceed to perform "Bedikat Hames." One should not eat even a small snack from the time of Set Ha'kochavim until after completing the search for Hames.

### **When & How To Conduct Bedikat Hames**

The Halacha requires performing Bedikat Hames, searching for Hames, the night before Pesah. Any place prone to having Hames must be searched. In a house with little children, the entire house is considered prone to Hames, since the children are likely to bring Hames all over the house. Pockets, under the beds and school bags must be checked. This includes all closets, coats and cars. This includes all residences in which a person lived within thirty days of Pesah, including one's office. Therefore, even if one will not be at home for Pesah, he must perform Bedikat Hames the night before he leaves. This is done without a Beracha, unless it is done the night before Pesah.

The prevalent custom, according to the Arizal (Rav Yishak Luria of Safed, 1534-1572), is to take ten small pieces of bread (less than a Kezayit), wrap them in foil or paper, so that there will not be any crumbs, and place them around the house to be found. It is best to wrap the bread in paper, as opposed to foil, so that it can be easily burned the next morning. It is highly recommended to record where each piece is placed, so as not to lose it.

Bedikat Hames should be performed using a candle. However, today, homes are more flammable than in previous generations, and using a candle may pose a fire hazard or, conversely, compromise the checking, since a person is hesitant to bring the candle too close to many areas. In such situations, Hacham Ovadia permits using a flashlight. Ideally, one should begin the search with a candle, which is the preferred method, and then switch to using a flashlight.

Many people have the unusual custom of turning off the lights for Bedikat Hames. Apparently, the basis for this is the Gemara's statement that a candle is ineffective in daylight. However, clearly, even if the house lights are on, the candle is useful in searching in corners and remote places such as under the beds, where the regular light does not reach. If someone lost a watch at home, he does not turn off all the lights and only then begin to search. Therefore, it is proper to keep the lights on and use the candle.

### **The Beracha Recited Before Bedikat Hames**

Amidst his discussion of Bedikat Hames (the search for Hames that one conducts the night before Erev Pesah), the Shulhan Aruch (Orah Haim 432) writes that before one begins the search, he recites the Beracha, "Asher Kideshanu

Be'misvotav Ve'sivanu Al Bi'ur Hames." The text of this Beracha makes reference to the "Bi'ur," the elimination of the Hames, rather than the search for Hames, because the search functions merely as the means whereby we begin to fulfill the Misva of Bi'ur. In order to eliminate the Hames in our home, we must first thoroughly search the home and collect all the Hames. Needless to say, if a person only searched his home but did not destroy the Hames he discovered, the search was futile. Therefore, since the search merely facilitates the Bi'ur, the Beracha we recite before beginning the search makes reference to the Bi'ur, which is the ultimate purpose and goal of the search. The reason why we recite the Beracha prior to beginning the search, rather than prior to the Bi'ur, is because the search constitutes the beginning of the Bi'ur process, thus warranting the recitation of a Beracha.

If a person owns multiple properties that he must search for Hames, such as if he owns a summer home or a store, he recites a single Beracha and then searches all the properties. Even if they are at a distance from one another, he nevertheless recites a single Beracha, searches the first property, and then immediately proceeds to search the second property. If, however, the two properties are very distant from one another – such as if a person owns a home in Brooklyn and another in Deal – then it is preferable to have in mind when reciting the Beracha that it applies only to the first property he searches. He then recites a new Beracha before beginning the search in the second property.

If one's family members or guests will be assisting in the search, they do not each need to recite an individual Beracha. Rather, they should all assemble before the search and the head of the household recites the Beracha on their behalf. If they did not hear the Beracha, they may nevertheless participate in the search and do not recite individual Berachot. If the head of the household commissions somebody else to search the home, and he does not participate at all, then the person performing the search should recite the Beracha. It should be noted, however, that it is preferable to personally involve oneself in the search, at least to some extent, given the Halachic principle of "Misva Bo Yoter Mi'bashluho," meaning, that it is a greater Misva to personally perform a Misva than to commission somebody else to do so on one's behalf.

One should not speak from the moment he recites the Beracha until after he completes the search, except in matters related to the search. For example, when the need arises one may ask somebody during the search to bring him new batteries for the flashlight. Speaking in other matters, however, is forbidden throughout the search. It is therefore advisable to disconnect one's telephone and turn off his cellular phone during the search. If after reciting the Beracha but before beginning the search one spoke in matters unrelated to the search, he must repeat the Beracha. If he spoke after he had begun the search, he does not repeat the Beracha.

Summary: Before one begins the search for Hames he recites the Beracha "Asher Kideshanu Be'misvotav Ve'sivanu Al Bi'ur Hames." A single Beracha suffices for all properties a person searches on that night, unless one home is very far away from the first, in which case he recites a separate Beracha on the second home. If several people search the home together, only one person recites the Beracha. If a person commissions somebody else to search his home, and he does not participate at all, the person who performs the search recites the Beracha. One should not speak in matters unrelated to the search from the moment he recites the Beracha until he completes the search.

### **Does One Recite "She'he'heyenu" Before Searching for Hames?**

Hacham Ovadia Yosef, in his work Hazon Ovadia, cites a debate among the authorities as to whether one recites the Beracha of "She'he'heyenu" before performing the Misva of Bedikat Hames – searching his home for Hames on the night before Erev Pesah. Bedikat Hames is a Misva that one performs only once a year, and thus it should seemingly warrant the recitation of "She'he'heyenu." Just as we recite this Beracha when performing other infrequent Mismvot, it would seem, we should similarly recite "She'he'heyenu" when searching our homes for Hames. This is indeed the position taken by the Peri Hadash (commentary to the Shulhan Aruch by Rav Hizkiya Da Silva, 1659-1698).

However, the Rosh (Rabbi Asher Ben Yehiel, 1250-1327) and others maintained that one does not recite "She'he'heyenu" before performing Bedikat Hames, because this Misva is incorporated into the broader framework of the celebration of Pesah. According to this view, the Beracha of "She'he'heyenu" recited on the night of Yom Tov

covers all the Misvot associated with the holiday. Thus, for example, a person does not recite "She'he'heyenu" upon completing the construction of his Sukka before Sukkot, since the "She'he'heyenu" recitation on the first night of Sukkot covers all the Misvot relevant to the festival, including the building of the Sukka. Similarly, then, one should not recite "She'he'heyenu" when searching the home for Hames, as this Misva is part of the general framework of the Pesah celebration.

As for the final Halacha, Hacham Ovadia rules (listen to audio recording for precise citation) in accordance with the Rosh's view, that "She'he'heyenu" is not recited before Bedikat Hames. Nevertheless, he recommends satisfying all opinions by preparing a new fruit before beginning the search for Hames. After beginning the search, he should look at the fruit, recite "She'he'heyenu," and then resume the search. Upon completing the Bedika, he should recite the proper Beracha over the fruit and then eat it. Alternatively, one can ensure to wear a new suit or sport jacket at the time of the Bedika, and recite "She'he'heyenu" over the new garment after he begins the search.

Hacham Ovadia emphasizes that this recommendation applies only on the level of "Midat Hasidut" – an added level of piety. According to the strict Halacha, one does not recite "She'he'heyenu" and is not required to satisfy the minority view of the Peri Hadash.

Summary: One does not recite "She'he'heyenu" before performing Bedikat Hames. Nevertheless, given the difference of opinion on this matter, as an added level of piety it is preferable to arrange to have either a new fruit or new garment at the time of Bedikat Hames and recite "She'he'heyenu" over the fruit or garment.

### **Bedikat Hames in a Hotel Room**

If a person spends Pesah in a hotel, is he obligated to perform Bedikat Hames (the search for Hames on the night of Erev Pesah), and, if so, does this Bedika follow the same format as the standard Bedika performed in one's home?

The Gemara in Masechet Pesachim establishes that a tenant must perform Bedikat Hames in the rented property. Even though he does not own the property, it is he – as opposed to the landlord – who bears the obligation of Bedikat Hames. The Gemara further establishes that if the tenant's lease begins on the day of Erev Pesah, then the landlord bears the obligation to search the property for Hames, since it is in his possession on the night of Erev Pesah, when the obligation takes effect. Nevertheless, the tenant must, if possible, approach the landlord and inquire as to whether he had searched the facility for Hames the night before. If the landlord had not performed Bedikat Hames, then the tenant must search the home on Erev Pesah, though without a Beracha.

When it comes to a hotel, then, if a person checks into a hotel on or before the evening before Erev Pesah, such that the room is in his possession when the obligation of Bedikat Hames takes effect, he must search the room for Hames. This Bedika is performed in the precise same manner as a regular Bedika – with a flashlight and with the recitation of a Beracha. If a person checks in during the day of Erev Pesah, then he is exempt from searching the room only if he can reasonably assume that the owner of the hotel (or somebody he hired) searched the room for Hames. Generally, the hotel is owned either by gentiles or non-observant Jews, and thus the guest is required to search the room for Hames on Erev Pesah. Even though the hotel staff cleans the room before the guest arrives, the cleaning is not performed with the aim of searching for Hames. Therefore, in such a case, one must conduct a regular search for Hames, though no Beracha is recited, since the Bedika is performed after the normal time for Bedikat Hames.

This ruling is codified in the work Hag Be'hag by Rav Moshe Mordechai Karp, a disciple of Rav Yosef Shalom Elyashiv (contemporary scholar in Israel).

Summary: A person who moves into a hotel room on or before the night of Erev Pesah must perform Bedikat Hames in the room, in the same manner as he does at home. If he moves into a hotel room on the day of Erev Pesah, he searches the room for Hames without a Beracha, unless he can reasonably assume that the room was properly searched for Hames the night before.

### **Is It Required To Make Bedikat (Searching For) Hames in One's Vehicle**

Just as one must search his home for Hames by candlelight on the night before Erev Pesah, so must he search his car for Hames on this night. Even if one brought his car to the carwash beforehand and had it thoroughly cleaned, he must nevertheless search it for Hames on the night of the 14th of Nissan by candlelight, just as he searches his home. This means that after one finishes searching through his house, he must take the candle outside into the garage and search through his car. If a person owns two cars, he must search both. This applies even to vehicles that he does not plan on using during Pesah; since they are his property, they require a Bedika just like his home.

Bedikat Hames is likewise required in all other kinds of vehicles, such as private jets and yachts. In fact, Jewish-owned airlines, i.e. El-Al and Israir, are responsible for performing Bedikat Hames on their entire fleet of aircraft on the night before Erev Pesah. All vehicles that one owns require a proper, formal Bedikat Hames by candlelight on the night of the 14th of Nissan.

### **Bringing Books to the Table, Using Tablecloths**

Rav Yosef Shalom Elyashiv (contemporary) writes (listen to audio recording for precise citation) that it is proper during Pesah to use different books for Pizmonim and Birkat Ha'mazon. The Pizmonim and Birkat Ha'mazon books and cards used during the year often have food on them, as they are frequently brought to the table, and it is therefore proper to put them away for Pesah and use different books during the holiday. It may be too costly for some to purchase new Pizmonim books for Pesah, in which case they should be thoroughly cleaned and checked for Hames, and may then be used during Pesah.

Books that are not normally brought to the table do not have to be checked before Pesah for Hames. However, if a person has books that he occasionally brings to the table, he should ensure not to bring them to his table on Pesah, because there might be a crumb in the book that could fall onto his plate. Hames on Pesah is not subject to "Bittul" ("nullification"), meaning, it is forbidden even in the smallest proportion, and one should therefore ensure not to bring to the table books that might have Hames crumbs in them. If he wishes, he can put down a towel or some other material on the table and then place the book on the towel.

One should ensure to use a tablecloth to cover his table whenever he eats on Pesah. Even if the table has been cleaned and one eats cold food, he should nevertheless make sure the table is covered. Rav Elyashiv even advises using a second covering in addition to the tablecloth, but one should at very least ensure to have a tablecloth so he does not eat directly on the table.

Summary: Birkat Ha'mazon and Pizmonim books used at the table during the year should not be used on Pesah. Books in general do not need to be checked for Hames before Pesah, but a book that has occasionally been brought to the table should not be placed directly on the table during Pesah. One should use a tablecloth anytime he eats during Pesah, rather than eat directly on the table, even if it was thoroughly cleaned.

### **Must One Search for Hames in the Areas Containing the Hames That He Sells?**

The accepted practice is to arrange before Pesah for the sale of the Hames in one's home which he does not wish to destroy before Pesah. The Hames is stored in certain locations in the home that one closes off before the holiday, and on Erev Pesah the Hames' sale to a gentile takes effect, such that the Hames is not in the Jew's ownership during Pesah.

The question arises as to whether the obligation of Bedikat Hames – searching one's home for Hames on the night before Erev Pesah – applies to these areas. Since one knows that these areas will contain Hames, and that Hames will in any event be sold the following day, it would appear unnecessary to search these areas for Hames. Indeed, the



Hatam Sofer (Rabbi Moshe Sofer of Pressburg, 1762-1839) ruled that one who sells his Hames does not need to search through the areas of the house where the sold Hames is stored. The Hayei Adam (Rabbi Avraham Danzig of Vilna, 1748-1820), however, disagreed. He argued that since the sale of the Hames takes effect only the following day, on the morning of Erev Pesah, it does not impact upon the obligation of Bedikat Hames, which applies the previous night. At the time of Bedikat Hames, no Hames has been sold, and therefore the obligation to search for Hames applies to the entirety of one's home, including those areas where he will store the Hames that will be sold the following day.

As for the final Halacha, Hacham Ovadia Yosef follows the position of the Hatam Sofer, who held that one need not search the areas in the home where he will store the Hames that he plans to sell to a gentile. Thus, although the obligation of Bedikat Hames requires a thorough search of one's home, it does not apply to those areas which contain the Hames to be sold to a gentile, and which will be closed off throughout the holiday of Pesah.

### **Bittul Hames, Preparing the Hames for Burning**

When one completes Bedikat Hames (the search for Hames conducted on the night before Erev Pesah), he must recite the text of "Bittul Hames" – the renunciation of ownership over Hames. This declaration, which is customarily recited in Aramaic ("Kol Hamira Va'hami'a De'ika Be'reshuti..."), means, "All Hames and leavening agents that are in my possession that I did not see and did not burn are hereby nullified and should be like the dust of the earth." One must recite this declaration given the possibility that there is some Hames in his possession that he did not discover during his search. In order to avoid violating the prohibition against owning Hames during Pesah, one must recite the "Bittul" and renounce ownership over any remaining Hames.

One must recite this declaration in a language he understands. Thus, the Aramaic text should be recited only if the individual understands the words. If he does not understand the Aramaic, he must recite it in a different language, which he understands. (Interestingly, the Talmud Yerushalmi, which was composed in Eres Yisrael, presents a Hebrew text of the Bittul declaration, as opposed to Aramaic.) If one did not understand the text he recited, the Bittul is not valid and must be repeated in a language the person understands.

The declaration should be recited three times, and in one of the three times the person should add the word "Ke'hefker" in the final clause – "Lihavei Hefker Ke'afra De'ar'a" ("It should be ownerless like the dust of the earth").

Hacham Ovadia Yosef writes that if a person appoints somebody else to search his home on his behalf, the homeowner should nevertheless recite the Bittul declaration. Even though he does not personally perform the Bedika (search), it is still his responsibility to recite the Bittul. It should be noted that one can recite the Bittul wherever he is; even if he is far away from home, he may (and must) still declare the Bittul in order to renounce his ownership over the Hames.

If a person is away and his wife suspects that he may not remember to declare the Bittul, she may recite the declaration on his behalf, even though he did not commission her to do so. In such a case, she recites, "Kol Hamira...De'ika Be'reshut Ba'ali..." ("All Hames...that is in my husband's possession...").

After one completes the search and recites the Bittul, he should store in a safe place all the Hames that he will eat or burn the following morning. It should be kept somewhere high, out of the reach of children, and should be covered, such that rodents cannot access it, in order to ensure that it will not be spread around the home.

On the morning of Erev Pesah, of course, one may eat as much of the Hames as he wishes, and the rest must be destroyed.

## **Selling Hames**

Even if one performs Bedikat Hames (the search for Hames) and declares the Bittul (renunciation of ownership over Hames), he should still arrange for the sale of all his Hames to a gentile. Even after the Bedika and Bittul, he might have in his possession items such as vitamins and cosmetics that may contain Hames; these should be stored away and sold to a gentile.

Rabbi Yosef Shalom Elyashiv (contemporary Halachic authority in Jerusalem) holds that one should preferably specify when selling his Hames where precisely in his home the Hames will be situated. One should mention in very specific terms in which rooms and in which pieces of furniture in those rooms he is storing the Hames. Some people even have the practice of giving a key to the gentile, or at least informing him where the key is kept; since one transfers ownership over the Hames to the gentile, the gentile must be given access to that Hames.

According to the Rambam, one need not make a Kinyan (formal act confirming an agreement, such as shaking hands) when authorizing the Rabbi to sell his Hames. Therefore, strictly speaking, so long as one makes it clear to the Rabbi that he sells his Hames to the gentile, either in person or by phone or fax, the Rabbi is empowered to sell the Hames. Many people have the practice to nevertheless perform a Kinyan – usually by taking a handkerchief – and this is a worthwhile practice, but strictly speaking, the sale is effective even without a Kinyan. (Rav Elyashiv)

Preferably, one should not keep in his home "Hames Gamur," actual Hames such as bread and cereals, on Pesah. These items should be removed from one's home, rather than sold. The sale of Hames is intended mainly for items of questionable status or that consist of Hames mixed with other ingredients. Actual Hames, however, should be removed from the home. Nevertheless, if one did sell actual Hames, the sale is valid and the Hames is permissible for use after the holiday.

One who lives in a rented residence may sell the property to a gentile for Pesah, and need not ask permission from the landlord.

Owners of factories, supermarkets and stores – including drugstores and variety stores – must sell their Hames to a gentile before Pesah. They may not retain ownership over any Hames in their store during Pesah, as they would then violate the prohibition of Bal Yera'eh U'bal Yimatzei (owning Hames on Pesah).

Summary:

- 1) One must sell his Hames to a gentile even if he searches for Hames and makes the Bittul declaration.
- 2) One should preferably specify precisely where in the home the Hames is situated.
- 3) Strictly speaking, it suffices to make it clear to the Rabbi that he authorizes him to sell his Hames to a gentile on his behalf, and no symbolic act is required. Nevertheless, many have the custom to pick up a handkerchief.
- 4) One should preferably remove from the house before Pesah all actual Hames items, such as bread, cakes, cereals and the like, rather than sell them to a gentile.
- 5) One may sell his Hames even if he lives in a rented residence, without asking the landlord for permission.
- 6) Storeowners must sell all the Hames in their stores before Pesah.

## **Selling Hames in a Different Time Zone**

Hames which remained in a Jew's possession over Pesah becomes forbidden to benefit from. However, if one sold his Hames to a non-Jew before the holiday, there is no problem benefiting from it when it is bought back after Pesah.

The question is how to manage selling Hames when the owner is located in a different time zone from the Hames he owns. For example, if someone who traveled to Eretz Yisrael for the holiday signed up to have his Hames sold in America. If the rabbi sells his Hames at 10AM on Erev Pesah in New York, it will already be after the deadline for possessing Hames in Eretz Yisrael, where he is currently located. Does the violation follow the location of the Hames,

which is in America, and therefore it is permitted, or does the location of the owner determine the violation, in which case the Hames will be forbidden after Pesah?

There is a disagreement between the Poskim on this question. Hacham Ovadia rules that since the issue really is whether the sale was valid to prevent the Hames from becoming forbidden after Pesah, and that prohibition is only a Rabbinic penalty, it is permissible to be lenient. Of course, if a person can be stringent and have the rabbi sell it in New York before the deadline in Israel, it is praiseworthy. This is the conclusion of Yakut Yosef (Hilchos Pesah, Vol. 2. p. 294).

#### SUMMARY

If one sold his Hames in America while he was in Israel, the Hames does not become forbidden after Pesah, even though it was sold after the deadline Israel time.

#### **Selling an Entire Room That Contains Hames**

If a person sold an entire room containing Hames to a non-Jew, according to Rav Elyashiv, he must re-affix the Mezuzah when he buys it back after Pesah. Even though the Jew acquired the room with the Mezuzah in place, this is a problem called “Ta’aseh V’lo Min Ha’asuy”-i.e. the Jew must actively place a Mezuzah and not have it come to him passively. Therefore, the contract of sale specifies that the room itself is not sold, but rented to the non-Jew.

If a person included wines in his sale to the non-Jew, there is a question whether they become forbidden as “Yayin Nesech.” If they were totally sealed, there is no problem. Even if they were opened, Yalkut Yosef states that there is no problem if the wine remained in the Jew’s house and the non-Jew did not have access to it.

If someone is Chas V’shalom hospitalized unconscious or comatose and cannot sell his Hames or appoint an agent, Hacham Yishak Yosef rules that it is proper for a family member to do the sale for him. Even though he did not give explicit permission, it is a valid sale, since it is his benefit that his Hames not become forbidden after Pesah, analogous to Hashevat Aveda-returning lost property.

#### **The Status of Hames That Is Left Until After Pesah**

The Shulhan Aruch, in Siman 458, records the Halacha of “Hames She’avar Alav Ha’Pesah”-Hames which was left in one’s possession over Pesah. Not only does leaving Hames entail a violation of the Torah prohibition of “Bal Yeraheh U’val Yimaseh,” but the Hachamim also instituted a Knas (penalty) that such Hames becomes Assur B’Hana’ah-forbidden to benefit from.

The question is to what extent the Hachamim instituted this penalty. The Shulhan Aruch rules that even Hames left “B’shogeg” (unintentionally) or “B’ones” (accidentally) is forbidden. The Mishna Berura explains that this refers to a case where a person performed the “Bitul Hames” (annulment) by proclaiming “Kol Hamira...” before the holiday. In such a case, he will not violate the Torah prohibition of possessing Hames, since he annulled it and rendered it ownerless. Nevertheless, one is required to search out and burn even Hames which he annulled. If for whatever reason, a person did not burn or otherwise destroy his Hames, it still becomes forbidden after Pesah, even though he did not violate the Torah prohibition of owning Hames. Although there are lenient opinions, this is the Be’ur Halacha’s ruling (458:3), except in a case of Hefsed Merubah (significant loss), in which there is room to be lenient.

Therefore, a person must be scrupulous when buying new Hames after Pesah not to buy from a Jewishly owned store that did not sell its Hames. Even if the owner is totally non-observant, he is still a Jew-no matter what. As the Hachamim said, “a Jew that sins is still a Jew.” Conversely, one may not sell his Hames to such a Jew before Pesah. He is not equivalent to a non-Jew, and doing so is a violation of “Lifneh Iver”-placing a stumbling block in front of the blind, as he will now own more forbidden Hames on Pesah than he would have.

## SUMMARY

Even if one did Bitul Hames, he must still destroy all Hames in his possession. If he did not, that Hames is forbidden from benefit after Pesah, unless it is a Hefsed Merubah.

One may not buy new Hames after Pesah from Jewish owned stores that did not sell their Hames before Pesah, even if the owner is totally non-observant.

### **Selling Hames in a Case Where One Spends Pesah in a Different Time Zone**

If a person who lives in the United States will be spending Pesah in Israel, what is the proper procedure for selling Hames? If he appoints his local Rabbi to sell his Hames, as is customarily done, his Hames will be not be sold until after he had begun Pesah. After all, the Rabbi in New York, for example, sells the Hames on Ereb Pesah morning in New York, when it is already late afternoon for the individual in Israel, well after the time the Hames prohibition has taken effect. Is the Mechirat Hames valid in such a case? Essentially, the question is whether the point of focus is the individual's location, or the location of the Hames. If the determining factor in Mechirat Hames is the Hames, then the sale in this case is certainly valid, since the Hames left the Jew's possession during the time of the prohibition. If, however, the determining factor is the individual's location, then he violates the prohibition during the time when the prohibition had set in where he is spending Pesah, but the Hames had not yet been sold by his Rabbi back home.

Optimally, a person should certainly sell his Hames in the time zone where he will be spending Pesah, in order to avoid this question. If, however, a person sold his Hames in his place of residence, and not in the time zone where he is spending Pesah, then the Hames does not become forbidden after Pesah. The prohibition of "Hames She'abar Alav Ha'Pesah," which forbids deriving benefit from Hames that was owned by a Jew during Pesah, is Rabbinic in origin, and is not a Biblical prohibition. As such, we may rule leniently after the fact and allow deriving benefit from Hames that had been sold in this fashion. Optimally, however, as mentioned, one should sell his Hames in the time zone where he will be spending Pesah.

There was once a case of a husband and wife who were spending Pesah on different continents. One was spending Pesah in the United States, whereas the other was in Europe for the holiday. In this case, they had to make two different sales. The one who remained in America for Pesah sold the Hames according to the time zone in their residence in America, and the one who traveled to Europe arranged for the sale of Hames in that time zone in Europe.

Summary: If a person is spending Pesah in a different time zone from his place of residence, he should have his Hames sold in the place where he will be spending Pesah. If, however, he mistakenly had his Hames sold in his place of residence, the Hames is permissible after Pesah.

### **If The Appointed Rabbi in America Sold One's Hames After Pesah Began For Him Israel**

Hames which remained in a Jew's possession over Pesah becomes forbidden to benefit from. However, if one sold his Hames to a non-Jew before the holiday, there is no problem benefiting from it when it is bought back after Pesah.

The question is how to manage selling Hames when the owner is located in a different time zone from the Hames he owns. For example, if someone who traveled to Eretz Yisrael for the holiday signed up to have his Hames sold in America. If the rabbi sells his Hames at 10AM on Ereb Pesah in New York, it will already be after the deadline for possessing Hames in Eretz Yisrael, where he is currently located. Does the violation follow the location of the Hames, which is in America, and therefore it is permitted, or does the location of the owner determine the violation, in which case the Hames will be forbidden after Pesah?

There is a disagreement between the Poskim on this question. Hacham Ovadia rules that since the issue really is whether the sale was valid to prevent the Hames from becoming forbidden after Pesah, and that prohibition is only a

Rabbinic penalty, it is permissible to be lenient. Of course, if a person can be stringent and have the rabbi sell it in New York before the deadline in Israel, it is praiseworthy. This is the conclusion of Yakut Yosef (Hilchot Pesah, Vol. 2. p. 294).

## SUMMARY

If one sold his Hames in America while he was in Israel, the Hames does not become forbidden after Pesah, even though it was sold after the deadline Israel time.

### **Must One Own the Massa to Fulfill the Misva?**

The Halacha requires one to own the Massa used to fulfill the Misva on the Seder night. The Hachamim derived this from a Gezerah Shavah between the Pasuk dealing with separating Halla- “Reshit Arisotechem” (YOUR first dough) and the Pasuk describing Massa as “Hallat Massa.” Just as one must own the dough in order to separate Halla, so too he must own his Massa. Accordingly, stolen Massa may not be used for the Misva, as it does not belong to him.

Nevertheless, the Shulhan Aruch at the end of Siman 454, rules that if the stolen Massa underwent a Shinui (change), the thief then acquires the stolen Massa, and merely has to repay monetary compensation and not return the original item. The Gemara brings the example of one who stole wheat and then ground it to make flour. He fulfils his obligation with Massa made from that flour since it underwent a Shinui Ma’aseh-a physical transformation. That is, it is no longer the same object he stole. However, he does not recite the Beracha on such Massa, since, as the Gemara says, it is not a blessing but “Mina’es”-despicable.

The Be’ur Halacha brings the question of Rabbi Akiva Eger, based on the Ritva: Every time one eats stolen Massa, he first chews it before swallowing. Shouldn’t that change in consistency constitute a Shinui Ma’aseh, enabling the thief to gain ownership of the Massa before he fulfils the Misva by swallowing? He answers that, indeed, according to the Ritva, he does fulfil the Misva with stolen Massa. Although the Shulhan Aruch does not rule in accordance with this opinion, and he must eat another piece of Massa which he legitimately owns, it does carry enough weight to create a “Safek Berachot,” so that he should not make a new Beracha on the second Massa.

The Be’ur Halacha also cites the Machloket between the Poskim whether this Halacha requiring ownership of Massa also applies to the Maror. Some Poskim hold that it does not, and one fulfils the Misva with stolen Maror. Others hold that Maror is equated to the Massa in the Pasuk, and it also must be legitimately owned. The Be’ur Halacha asks, according to the opinion that there is no requirement to own the Maror, still, how he can fulfil the Misva with stolen Maror. Doesn’t eating stolen Maror constitute a Misva Haba’ah Ba’Averah-a Misva performed via a transgression, which is invalid? He answers, based on Maran’s ruling in Hilchot Lulav. There Maran rules that on the subsequent days of Succot one fulfils the Misva using a stolen Lulav, since after the first day there is no longer a requirement for ownership, and it is not a Misva Haba’ah Ba’averah, since it is only a Misva M’drahanan. So too, Maror is only a Rabbinic Misva and is not subject to the restriction of Misva Habah Ba’Averah.

### **Paying for Massa**

The Shulhan Aruch (Siman 554) records the Halacha that one cannot fulfil the Misva of Massa with stolen Massa. One must properly own the Massa for the Misva. Therefore, the Poskim write that one should pay for his Massa before Pesah to insure that he has a made bona fide Kinyan D’oraita-act of acquisition recognized by the Torah.

The question is whether one may pay for the Massa with a check. If the check clears before the holiday, there is certainly no problem; that is the same as cash. However, if he pays right before the holiday, it is better to add some cash to the payment, since the check does not have the status of Halachic money. Even though it is not the full amount, it is still considered a Kinyan D’oraita. If the seller does not want to receive payment before the holiday, taking the Massa home is considered a Kinyan Haser (courtyard) which is also D’oraita.

Hacham Bension rules that if someone is a guest for the Seder, he does not have to perform a specific Kinyan to acquire the Massa of his host. It is assumed that when the host allows him to partake of his Massa that he is granting him full possession. It is preferable for the host to declare to himself before the Seder that the Massa he is dispensing to his guests is a gift and this constitutes Da'at Makneh-intent to give.

### **Laws and Customs of Ereb Pesah**

Some people observe a custom mentioned by the Shela Ha'kadosh (Rav Yeshaya Horowitz, 1558-1630) to immerse in a Mikveh in the afternoon of Ereb Pesah, with the intention of making oneself pure for the holiday. One should also have in mind at the time of the immersion that he wishes to bring upon himself the sanctity of the holiday with joy and enthusiasm. This practice is mentioned in other sources, as well, including the Kaf Ha'haim (Rav Yaakov Haim Sofer, Baghdad-Israel, 1870-1939) and the Hid"ra (Rav Haim Yosef David Azulai, 1724-1806), in his work Moreh Be'esba (204).

There is a special Misva to wear fine garments on Pesah, even more so than on other holidays. The Torah tells that before Beneh Yisrael left Egypt, they asked their Egyptian neighbors for their fine clothing, and thus when they left Egypt on Pesah, they wore fancy clothing for the first time after over two centuries of poverty and subjugation. To commemorate this aspect of the Exodus, it is proper to wear especially nice clothing during the holiday of Pesah. Likewise, it is proper to ensure that one's home is neat and to decorate it in honor of Pesah.

One should open the packages of Masot and the bottles of wine before the onset of the holiday, to ensure that he has enough for everyone who will be at the Seder. One should likewise check to make sure he has enough utensils for everyone, and that all the wine cups are the required size for the Misva.

The Kaf Ha'haim (454:41) writes that before Pesah one must make a point of paying for the Masot that will be used for the Misva at the Seder. According to some authorities, one does not fulfill the Misva if he eats Massa for which he had not yet paid. Acquisition through Meshicha (taking physical possession) is effective only Mi'de'rabbanan (by force of Rabbinic enactment), whereas acquisition through the transfer of money is effective on the level of Torah law. Thus, according to this view, when it comes to the Torah obligation of eating Massa on Pesah, one should ensure that he has acquired the Massa on the level of Torah law, and therefore one must pay for the Massa before the onset of the holiday. It is proper to do so in order to fulfill the Misva according to all opinions. Special care must be taken in this regard when purchasing Massa that was baked on Ereb Pesah, as some people have the custom of doing. People are normally rushed on Ereb Pesah, and it can often happen that the buyer will take the Massa on credit to save time. One should ensure to pay for the Massa before the holiday begins, rather than delay payment.

Summary: Some have the custom to immerse in a Mikveh on Ereb Pesah. There is a Misva to don especially fine clothing on Pesah, even more so than on other holidays. One should also make sure the home has a festive appearance. One must ensure before the onset of the Yom Tob to pay for the Massa that will be used at the Seder for the Misva, and not delay the payment until after Yom Tob.

### **Must Women Recite the Full Hallel Before the Seder?**

The custom of the Sepharadim is to recite the entire Hallel after Arvit on the first night of Pesah (as well as on the second night in the Diaspora). The introductory Beracha of "Asher Kideshanu Be'misvotav...Li'g'mor Et Ha'hallel" is recited before Hallel, and the concluding Beracha of "Yehalelucha" is recited afterward. It thus turns out that we recite Hallel three times over the course of the first day of Pesah: once after Arvit in the synagogue, once at the Seder – the first two paragraphs before the meal, and the rest after the meal – and then a third time the following morning at Shaharit. The Tikkuneh Zohar comments that these recitations are alluded to by the three Masot at the Seder. The

two whole Masot represent the complete Hallel recitations after Arbit and Shaharit, and the broken Massa symbolizes the Hallel recited at the Seder, which is done in two separate stages.

Hacham Ovadia Yosef, both in Yehaveh Da'at (5:34) and in Hazon Ovadia (p. 230), writes that as women are included in all the Misvot of Pesah, they must also read the full Hallel before the Seder. They may recite the Hallel either in the synagogue or at home, but either way they must ensure to recite the full text just as they are obligated to fulfill all the other Misvot that apply on the night of the Seder.

### **Erev Pesah – If One Mistakenly Ate Massa; Eating Massa Meal Products; Eating Marror and Eggs**

It is forbidden to eat Massa on Erev Pesah (14 Nissan). The primary reason for this prohibition is that one should eat Massa on the night of Pesah with a hearty appetite.

If one mistakenly ate Massa on Erev Pesah, he recites Birkat Ha'mazon after eating. Even though a person who ate non-kosher food does not recite a Beracha Aharona or Birkat Ha'mazon after eating, one who eats Massa on Erev Pesah recites Birkat Ha'mazon. This is the ruling of Hacham Ovadia Yosef, in Hazon Ovadia – Pesah (p. 196). He explains that unlike non-kosher food, which is intrinsically forbidden, Massa on Erev Pesah is intrinsically permissible, and it is only due to the time-period that eating it is prohibited. Therefore, it requires Birkat Ha'mazon despite the prohibition that was mistakenly violated.

It is permissible to eat egg Massa on Erev Pesah, because it cannot be used to fulfill the Misva of Massa at the Seder. However, products made from Massa meal, such as Massa meal cakes, may not be eaten on Erev Pesah. Even though these cakes contain sugar, honey and other ingredients, and are obviously not plain Massa, they nevertheless may not be eaten on Erev Pesah. Massa meal products differ from egg Massa, which is kneaded with fruit juice instead of water and is thus not considered Massa. Massa meal, however, is actual Massa that was ground into flour. This flour may not be eaten on Erev Pesah, even after it has been mixed with other ingredients and baked.

It goes without saying the products made from potato flour may be eaten on Erev Pesah. Potato flour cakes, for example, do not contain any Massa meal, and in fact the Beracha over such foods is "She'hakol," and they are certainly permissible on Erev Pesah.

May one feed Massa to children on Erev Pesah?

Hacham Ovadia (Yalkut Yosef – Pesah, p. 238) writes that children who are old enough to understand the story of the Exodus, and regarding whom the Misva of telling the story of the Exodus ("Ve'higadeta Le'bincha") applies, should not be fed Massa on Erev Pesah. However, a very young child, who is not yet old enough to understand the concepts of Pesah, such as a two- or three-year-old child, may be fed Massa on Erev Pesah. A child's status in this regard depends on his or her level of maturity and understanding.

Is it permissible to eat Marror on Erev Pesah? For example, if a person is eating a salad, and he wants to include Romaine lettuce – which is what Sepharadim use for Marror – is this permissible?

Hacham Ovadia Yosef records a custom to refrain from eating Marror on Erev Pesah, but adds that this is not the accepted practice, and it is thus permissible to eat Marror on Erev Pesah. He also records a custom not to eat eggs on Erev Pesah, since eggs are eaten at the Seder in commemoration of the Hagiga sacrifice that was offered on Erev Pesah during the times of the Temple. However, Hacham Ovadia notes that there is no source for this custom, and it is therefore entirely permissible to eat eggs on Erev Pesah. The Sages already forbade eating Massa on Erev Pesah, and there is no reason to add new customs forbidding even more foods on this day.

Summary: One who mistakenly eats Massa on Erev Pesah nevertheless recites Birkat Ha'mazon. Egg Massa may be eaten on Erev Pesah, but Massa meal products are forbidden. Children who are old enough to understand the story

of the Exodus should not be fed Massa on Ereb Pesah, but young children who have yet to reach that stage may be given Massa. It is permissible to eat Marror and eggs on Ereb Pesah.

### **How to Take Halla from Massa?**

The Halacha states (Shulhan Aruch 456) states that Massa dough should be kneaded in small batches of less than the amount that requires taking Halla (approximately 3.5 lbs.). The Rabbis were concerned that if one would use a larger batch, it may be too big to handle at one time, and part of the dough would be left aside and become Hames.

Nevertheless, it is still possible to fulfill the Misva of separating Halla from Massa. The individual small batches of dough can be connected so that, together, they reach the requisite measure necessary to take Halla. This method is often not practical because the Massa baking process is so rushed. The preferred solution is to first bake all of the Massot and then to gather them all in a single bin. Together, they form the requisite measure, and one Massa can be taken as Halla for all of the Massot.

It should be noted that on Yom Tob, it is prohibited to take Halla from Massot that were baked before Yom Tob. Therefore, all proper Hashgachot of Massot indicate that Halla has already been taken.

Taking Halla from Massot baked on Yom Tob presents a special challenge as to what to do with the separated dough. It cannot be given to a Kohen, since our dough is all Tameh (ritually impure). It cannot be burnt, as is usually done, since it is prohibited to burn holy items, which will not be eaten on Yom Tob. Letting the dough sit until after Yom Tob would allow the dough to become Hames on Pesah. While theoretically, the dough could be immersed in very cold water to suspend the leavening, this is not recommended. Rather, Maran says that the best option is to take Halla after the Massot are already baked. That way, the Halla can be set aside until after Yom Tob and burned.

#### **SUMMARY:**

- Massa should be kneaded in small batches of under 3.5 lbs.
- Halla should be taken from the Massa after it is already baked.

### **What are the practical applications of “Stolen Massa?”**

The Shulhan Aruch rules (454:4) that one who eats Massa Gezula (Stolen Massa) on Pesah does not fulfill his obligation. One cannot do a Misva with an item obtained illicitly. The Be'ur Halacha poses the question whether this principle also applies to the transgression of carrying on Shabbat, in a place where there is no Eruv. For example, this year the Seder Night is on Shabbat. If one brought a package of Massot to the Seder from the public domain into his house, he has violated the Shabbat. Can one fulfill the obligation of Massa by eating those Massot? The Be'ur Halacha concludes that one does, in fact, fulfill the Misva. He explains that in the case of stolen Massa, the Massa itself was obtained via a transgression, whereas in this case, the Massa itself is permissible; it was merely transported in violation of the Halacha.

Hacham Ben Sion discusses a related question, posed by the Sefat Emmet (Rav Yehuda Aryeh Leib Alter of Ger, 1847-1905) . Must the head of the household formally make a Kinyan (Transaction) to give the Massot to his guests at the Seder? Is the Halacha of Massa comparable to the Halacha of Lulav, in which a person must give his Lulav as a gift to his friend who wants to use it on the first day of Succot? He answers that with regard to Massa, the very fact that he lets his guests eat the Massa indicates that he intends for it to be theirs. There is no possibility of merely borrowing food items. On the other hand, letting someone use a Lulav without formally transferring ownership, may merely indicate lending and not a gift.

The Mishna Berura points out that if one bought Massa and did not yet remit payment, it is considered Massa Gezula from the point the seller demands his money and the buyer dodges payment. Therefore, one must be careful to pay for the Massa in full before Pesah, to avoid any issue of Massa Gezula.



## SUMMARY:

- One can fulfill the obligation of Massa with Massa that was carried on Shabbat without an Eruv.
- One does not have to formally give the Massot to his guest at the Seder.
- One should pay for his Massa in full at the time of purchase.

## Egg Massa

The Poskim discuss the Halachic status of “Massa Ashira,” literally “Rich Massa,” which is commonly referred to as Egg Massa. The Gemara clearly states that “Meh Perot”-fruit juice does not cause leavening. This is in contrast with water, which causes dough to become Hames after 18 minutes. Therefore, if one kneaded dough with “Meh Perot,” which include pure fruit juice, wine, eggs, honey and oil, it will not become Hames, even if left all day. Even if the dough would begin to rise, it is not considered Hames. This is the understanding of the Rambam, Rif, Rosh and Rabbenu Tam, as well as Maran in Siman 462. The Hida (Rav Haim Yosef David Azoulay, 1724-1807) cites his grandfather, Rabbi Avraham Azulai who attests that the custom of Sepharadim is to eat “Massa Ashira” on Pesah. Ashkenazim have the custom that only elderly or infirm eat this Massa.

Even according to the Sepharadic custom, “Massa Ashira” may not be used to fulfill the Misva of Massa on the Seder night. Only the basic Massa, comprised of flour and water alone, is considered “Lehem Oni”-the bread of affliction. The richer “Massa Ashira” does not meet this requirement. Since it is not fit for the Massa of the Misva, it would be permitted to eat on Ereb Pesah. The prohibition to eat Massa on Ereb Pesah only applies to Massa suitable for use on the Seder Night.

Massa Ashira presents a challenge with regard to proper supervision. “Meh Perot” do not engender Hames, only when the dough is kneaded exclusively with them. If they are combined with even a minute amount of water, on the contrary, they expedite the leavening process, and the dough will become Hames in even less than 18 minutes. Therefore, the Hashgacha supervision must be exceedingly strict and cautious.

There is also a question as to whether the water present in wine constitutes a problem. The Mishna Berura (Rav Yisrael Meir Kagan of Radin, 1839-1933) rules that water added during the fermentation process is considered an integral part of the wine and does not cause Hames, whereas, water added later will expedite the leavening process.

## SUMMARY

Sepharadim may eat Massa Ashira on Pesah, if it has proper Kosher for Pesah supervision. It may not be used to fulfill the Misva of Massa on the Seder night.

## Habdala When the Seder is Held on Mosa'eh Shabbat

When the Pesah Seder is held on Mosa'eh Shabbat (as it is on the second night of Pesah this year, 5775), a special Kiddush is recited, one which incorporates Habdala. The sequence of this Kiddush is known by the acrostic “Yaknehaz,” which stands for:

- 1) Yayin – the Beracha over the wine (“Boreh Peri Ha’gefen”);
- 2) Kiddush – the regular Beracha of Kiddush (“Asher Bahar Banu”);
- 3) Ner – the Beracha over the candle (“Boreh Me’oreh Ha’esh”);
- 4) Habdala – the Beracha of “Ha’mabdil,” concluding with “Ha’mabdil Ben Kodesh Le’kodesh”;
- 5) Zeman – the Beracha of “She’hehiyanu.”

Maran (Rav Yosef Karo, author of the Shulhan Aruch), in his Bet Yosef (Orah Haim 473), tells that one of the Rishonim, the Orhot Haim, once mistakenly recited the standard Kiddush on the night of the Seder, forgetting that it was Mosa'eh Shabbat, and so he did not recite Habdala. He did not realize his mistake until the middle of the Maggid section. The Bet Yosef rules that in such a case, one should complete Maggid, through the recitation of the Beracha of "Ga'al Yisrael," and then recite Habdala. He should not interrupt Maggid to recite Habdala, and should instead recite it after "Ga'al Yisrael."

The Bet Yosef does not clarify, however, how precisely the Habdala is recited, whether it is recited over the same cup of wine as the cup over which one recites "Ga'al Yisrael." Hacham Ovadia Yosef, in his Teshubot Hazon Ovadia, writes that there are two options. One possibility is to use two cups, which might, at first glance, be preferable, in order to avoid the Halacha of "En Osin Misvot Hailot Hailot" – we do not combine Misvot into a single "bundle." Seemingly, using a single cup of wine for two distinct Misvot – the second of the four cups at the Seder, and Habdala – violates this rule. If so, Hacham Ovadia writes, then one should recite "Ga'al Yisrael" over one cup, put it down, and then pick up a second cup for Habdala, over which he recites the Beracha over the candle and "Ha'mabdil" (concluding "Ha'madil Ben Kodesh Le'kodesh"). He does not have to recite "Boreh Peri Ha'gefen," as this Beracha had been recited at Kiddush. At this point he drinks a Rebi'it from the Habdala cup, and then drinks a second Rebi'it from the other cup.

However, Hacham Ovadia rules that this is not necessary, as it is permissible to recite "Ga'al Yisrael" and Habdala over the same cup of wine. The Rambam (Rav Moshe Maimonides, Spain-Egypt, 1135-1204), in Hilchot Shabbat (29), rules that the principle of "En Osin Misvot Hailot Hailot" applies only when one seeks to combine two Torah obligations together. In the case under discussion, both the requirement of reciting Habdala over a cup of wine and the obligation of the four cups at the Seder were enacted by the Sages, and do not constitute Torah obligations. As such, the rule of "En Osin Misvot Hailot Hailot" does not apply. Therefore, one may simply recite "Ga'al Yisrael" and then Habdala over the same cup of wine, and then drink.

Hacham Ovadia further notes that one should recite "Boreh Me'oreh Ha'esh" over a flame as soon as he realizes his mistake, during Maggid, rather than waiting until after Maggid to recite this Beracha with Habdala.

If one remembered his mistake before eating Karpas, then he should recite Habdala at that point. Since one may not eat on Mosa'eh Shabbat before reciting Habdala, one who neglected to recite Habdala with Kiddush and remembers afterward should recite Habdala before eating the Karpas. Even though one will then be drinking an additional cup of wine, this is what he must do in order to recite Habdala before eating.

The Hafetz Haim (Rav Yisrael Meir Kagan of Radin, 1839-1933), in Be'ur Halacha, rules that if one remembered his mistake after he poured the second cup of wine, but before he began reading Maggid, he should wait until after "Ga'al Yisrael" before reciting Habdala. In his view, pouring the wine before Maggid effectively begins Maggid, and thus one may not recite Habdala from that point until after Maggid. Hacham Ovadia, however, disagrees, and maintains that as long as one had not yet begun reading Maggid, he may recite Habdala and does not have to wait until after Maggid.

If one realized his mistake during the meal, he of course may recite Habdala right there and then. If he realized his mistake during the recitation of Birkat Ha'mazon, then he recites Habdala after Birkat Ha'mazon. If he realized during Hallel, then he recites Habdala after Hallel.

Summary: When the Seder is held on Mosa'eh Shabbat, one must recite Habdala in conjunction with Kiddush, following the proper sequence. If one realized after Kiddush, but before Karpas, that he had not recited Habdala at Kiddush, then he must recite Habdala over a cup of wine at that point. If he realized his mistake during Maggid, he should recite the Beracha over the candle at that point, and recite the Beracha of Habdala at the end of Maggid, right after the Beracha of "Ga'al Yisrael," over the same cup of wine over which he recites "Ga'al Yisrael." If he realizes during the meal, he should recite Habdala at that point, and if he realizes during Hallel, then he should recite Habdala after Hallel.

### **Do We Eat a Hardboiled Egg at the Seder If Pesah Falls Out On Mosa'e Shabbat**

There is a widespread custom to eat a hardboiled egg at the Pesah Seder, in order to commemorate the Korban Hagiga (the "festival sacrifice"). During the times of the Bet Ha'mikdash, the Hagiga offering was brought together with the Korban Pesah (paschal offering) on Erev Pesah, and one would partake of its meat prior to eating the meat of the Korban Pesah. We commemorate this practice by eating an egg, the traditional food of mourning, in order to express our sorrow over the absence of the Mikdash, on account of which we are unable to fulfill the Misvot of the holiday as we should.

An interesting question arises regarding this Halacha in a case where Erev Pesah occurs on Shabbat, such that the Seder is held on Mosa'e Shabbat. During the times of the Mikdash, when Erev Pesah fell on Shabbat the Korban Hagiga was not offered on that day. Although the offering of the Korban Pesah overrides the Shabbat restrictions, this is not true of the Korban Hagigah, and thus when Erev Pesah fell on Shabbat the Korban Hagigah was not brought together with the Korban Pesah. Perhaps, then, in such a case we should not partake of an egg at the Seder in commemoration of the Hagiga sacrifice.

Tosefot address this question in Masechet Pesachim, and they conclude that one must, in fact, eat an egg at the Seder even on Mosa'e Shabbat. They cite Rabbenu Peretz (France, 13th century) as explaining that if we would not eat an egg in this case, we would give the impression that in other years we actually partake of the Hagiga sacrifice, rather than a symbolic commemoration. This impression was especially likely in communities that would eat meat – rather than an egg – to commemorate the Korban Hagiga. In order to avoid giving this impression, we eat the egg at the Seder even in situations where the Korban Hagiga would not be offered, thus making it clear that the egg serves merely as a symbolic commemoration.

The Rosh (Rabbi Asher Ben Yehiel, Germany-Spain, 1250-1327) cites a different theory in the name of Rabbi Yishak of Courbeil (the "Samak," France, 13th century). He suggested that one should eat an egg at the Seder even on Mosa'e Shabbat because when Erev Pesah occurred on Shabbat the Hagiga was offered on Friday. Since the Hagiga was brought even in years when Erev Pesah fell on Shabbat – albeit on the previous day – it is appropriate to include a commemoration of this sacrifice at the Seder. The Rosh, however, rejects this theory, noting that when the Hagiga was brought on Friday, its meat would no longer be permissible for consumption on Mosa'e Shabbat. Seemingly, then, there should be no reason to commemorate the Hagiga at the Seder on Mosa'e Shabbat.

In any event, in light of the comments of Tosefot cited above, Halacha requires partaking of a hardboiled egg at the Seder even on Mosa'e Shabbat. This is indeed the ruling of the Ben Ish Hai (Rabbi Yosef Haim of Baghdad, 1833-1909), the Kaf Hachayim, and the Mishna Berura (commentary to the Shulhan Aruch by Rabbi Yisrael Meir Kagan, 1839-1933).

Summary: One should eat a hardboiled egg at the Seder to commemorate the Hagiga sacrifice, even when the Seder is held on Mosa'e Shabbat.

### **What Massa Must be Used for the Seder Night?**

There is a positive commandment to eat Massa on the night of the Seder. The Halacha requires that this Massa be "Massa Shemura," literally meaning Massa that was watched. The Rambam and Maran understand this to mean that the Massa must be watched and protected from becoming Hames. There is a debate among the Rishonim (Early Authorities) regarding from what point the Massot requires watching. Maran writes that it is "good" to watch the wheat for the Massot "MiSha'at Kesira"-from the time of reaping. Although the word "good" implies that it is not mandatory, Hacham Ben Sion and Hacham Ovadia both recommend that one fulfill the Misva with such Massa. Massa watched from the reaping is generally the Massa commonly sold under the label of "Massa Shemura." Nevertheless, even if the watching of the Massa began later, from the time of the grinding or even the kneading, it is also considered Massa Shemura. This means that if one cannot obtain Massa Shemura watched from the reaping, any

Massa bearing a seal of kosher supervision could be considered Massa Shemura, since it was protected from becoming Hames, at least from the time of kneading.

However, there is another element required for the Massa of the Misva. It must be prepared with specific intention for the sake of the Misva. This is the basis for the ruling of Maran in Siman 460 that non-Jews, the mentally incompetent and minors are not permitted to knead or bake the Massa for the misva. These people are not capable of such intent. Hacham Ben Sion clearly adopts this ruling and renders Massa not baked for the sake of the Misva unfit. He goes so far as to say that, in principle, such Massa would be permitted to eat on Ereb Pesah. Even though it is prohibited to eat Massa on Ereb Pesah, nonetheless, since one cannot fulfill his obligation with this Massa, theoretically, it could be eaten. Nevertheless, he concludes, for other reasons, that it should not be eaten.

Rav Haim Palachi (Turkey, 1788-1869 ) in his Moed L'kol Hai (3:19) writes that one should make the effort and be willing to pay more money for the opportunity to use Massa Shemura MiSha'at Kesira, guarded from the time of reaping. When it comes to the Massot, the highlight of the Seder, one should not look for a bargain, as Hashem spared no expense when he took us out of Egypt.

Hacham Ben Sion recommends that one eat Massa Shemura all Pesah long, in order to fulfill the opinion of the Rambam and the Rif.

#### SUMMARY

One should use Massa Shemura that was watched from the time of reaping and was made for the sake of the Misva to fulfill the Misva on the Seder Night.

## BASIC HALACHOT OF THE SEDER

### Using Specifically "Matza Shemura" at the Seder

The Shulhan Aruch writes (453:4) that the Matzot one uses to fulfill the obligation to eat Matza at the Pesah Seder should be produced from wheat that had been carefully watched "Mi'she'at Ketzira," from the time it was harvested. This means that from the moment the wheat was harvested from the ground somebody had guarded it to ensure that it did not come in contact with water, which would cause it to become Hames. Matza produced from this kind of wheat, that had been carefully watched since it was harvested, is called "Matza Shemura" ("guarded Matza"), or "Matza Shemura Mi'she'at Ketzira."

The Peri Chadash (Rabbi Chizkiya Da Silva, 1659-1698) was of the opinion that this provision is "Me'akeiv," meaning, indispensable for the fulfillment of the Misva. If wheat had not been carefully guarded since the moment it was harvested, then one cannot fulfill his obligation at the Seder with Matza produced from this wheat, even if we have no reason to suspect that it had come in contact with water. Indeed, the Chid"i (Rabbi Chayim Yosef David Azulai, 1724-1806), in his work Machazik Beracha (460:3), records the ancient practice observed in Jerusalem to insist upon Matza Shemura for the Seder, adding that most respected communities likewise followed this practice.

Nowadays, Matza Shemura is readily available and one should therefore make a point of purchasing specifically this kind of Matza for fulfilling the obligation to eat Matza on the first two nights on Pesah.

Nevertheless, the Shulhan Aruch held that one who does not have Matza Shemura may fulfill his obligation with regular Matza. Preferably, he rules, one who does not have access to Matza Shemura should use Matza made from grain that had been guarded from the time it was ground. If even such Matza is unavailable, then one may even purchase ordinary flour from the market and use Matza produced from that flour. This is, indeed, the accepted Halacha.

In such a case, when one has access only to Matza that is not Shemura, should he recite the Beracha of "Al Achilat Matza" before eating this Matza?

Instinctively, we might apply here the famous principle of "Safeik Berachot Le'hakel," that we do not recite a Beracha in a situation where its obligation is subject to uncertainty. As we saw, the Peri Chadash held that one does not fulfill his obligation of Matza at the Seder with Matza that is not Shemura, and hence a Beracha recited over this Matza would constitute a Beracha Le'vatala ("wasted Beracha"). Seemingly, then, even though the Shulhan Aruch does not follow this view, we should require omitting the Beracha in such a case given the controversy surrounding this issue.

Hacham Ovadia Yosef, however, in his work Chazon Ovadia (Laws of Pesah, p. 76), rules that one indeed recites the Beracha of "Al Achilat Matza" when eating Matza that is not Shemura. He explains that the rule of "Safeik Berachot Le'hakel" applies only when the authorities disagree directly regarding the recitation of the given Beracha. Here, however, the dispute relates not to the issue of the Beracha, but rather to the question of whether Matza that is not Shemura is suitable for the performance of this Misva. The question surrounding the Beracha is merely a natural outgrowth of this debate. Therefore, since the Shulhan Aruch rules that such Matza indeed qualifies for use for the Misva, one who uses Matza that is not Shemura indeed recites a Beracha, in accordance with the Shulhan Aruch's ruling.

A similar example concerns the famous debate between Rashi and Rabbenu Tam regarding the proper sequence for writing the text inside the Tefillin. Even though this issue is subject to a debate among the authorities, we nevertheless recite a Beracha when wearing Rashi Tefillin, despite the fact that according to Rabbenu Tam we do not fulfill the Misva with such Tefillin. Once again, the debate among the authorities relates to the issue of whether a given item qualifies for the performance of the Misva, and does not directly address the question of the Beracha. Therefore, since the Shulhan Aruch accepts Rashi's position, we wear Rashi Tefillin and recite the Beracha, despite the controversy surrounding this issue.

Summary: It is preferable to use for the Misva of eating Matza on the first two nights of Pesah Matza made from wheat that had been carefully watched since being harvested. Nowadays, such Matza is readily available and one should therefore purchase specifically this kind of Matza. Nevertheless, one who does not have access to this kind of Matza may use Matza made from regular wheat, and may even recite the Beracha of "Al Achilat Matza."

### **Use Your Best Dishes & The Proper Time for Kiddush**

Maran (Siman 472) writes that one should begin the Seder immediately after Arbit, so that the children should not fall asleep. Therefore, the Seder table should be set in advance, on Ereb Pesah. Even if someone was sitting and learning Torah, he should stop and get up to begin the Seder.

Nevertheless, one may not recite the Kiddush before dark, as is sometimes done on Shabbat. Since the Kiddush is one of the four cups, it must be done at the time fit for the rest of the Seder. The earliest one may make Kiddush is approximately half an hour after sunset.

Maran continues that one should use his finest dishes for the Seder. Unfortunately, people tend to do the opposite and use their lesser dishes for Pesah.

One should prepare his seat to be comfortable for reclining, to show our freedom.

### **The Keara**

The Halacha requires using a Ke'arah (platter) to serve the various foods for the Misvot of the Seder. While the Ke'arah does not have to be specially designed for the Seder, it is not sufficient to place each item separately in its own bowl on the table.

Rabbenu Ha'Arizal (Rav Yishak Luria of Safed, 1534-1572) revealed as special order in which to lay out the various foods on the Ke'arah. This can usually be found as an illustration in the beginning of the Hagaddah. Rabbi Mazuz taught a simple way to remember this order, by merely remembering two words: "SeMaH ZeVaHeCHa"-literally meaning, "Be happy with your Korban Pesah." It is an acronym for the order of the various foods starting from the top of the Ke'arah. 'S' is for 'Shalosh"-three, hinting to the three Massot. 'M' is for Maror, and "H" is for "Hazeret"-the endives. That is the first word "SeMaCH." Now, proceeding from right to left: 'Z' is for "Zeroa"-the shank bone. On the left is "Vet" for the "Besa"-egg, on the right bottom is "H" for Haroset and left bottom is the "Kaf" for "Karpas."

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Hacham Bension holds that the measure of a Kezayit (olive's bulk) for the round hand-baked Massot equals 20 grams. Before the Seder, one should weigh his Massot to determine how much of the Massa is a Kesayit. Some people eat the soft Massot which have a different density than the "cracker" Massot. Rabbi Mazuz as well as Hacham Bension and Rabbi Ben Moshe, hold that 35-38 grams of these Massot equal one Kezayit. Even though the Kezayit is a larger amount, this does not create a problem to consume in the requisite time of "Kedeh Ahilat Peras," since it is easier to eat them. Two Kezayits are eaten for Mosi Massa, One for Koreh and one (preferably two) for the Afikoman.

The proper measure of a Kezayit of Maror is 30 grams, although those who are lenient to use 20 grams have upon what to rely, since Maror is M'Drabanan.

### **The Pesah Seder – Using a Seder Plate, Kissing the Massa, the Procedure For Pouring Out Wine While Listing the Ten Plagues**

The Ben Ish Hai (Rav Yosef Haim of Baghdad, 1833-1909; listen to audio recording for precise citation) observes that there are those who place the Massa and the other "Simanim" at the Seder – the Zero'a, Karpas, Maror, and so on – directly on the table, rather than on a separate plate. He writes that this is incorrect. The Ke'ara, or Seder plate, is one of the sacred utensils that must be used at the Seder, and, according to Kabbalistic teaching, it corresponds to the concept of "Malchut." One must therefore ensure to use a Seder plate, rather than placing the special foods directly on the table.

The Ben Ish Hai records the custom among the "Hasidim Ve'ansheh Ma'aseh" (exceptionally pious Jews) to kiss the two "Ke'zetim" of Massa with which they fulfill the Misva of Massa at the Seder, and the Massa eaten for the Afikoman. This custom, he explains, serves to demonstrate our love for the Misva, similar to the custom of the Shela (Rabbi Yeshayahu Horowitz, 1565-1630) to kiss one's Sisit. After one recites the Berachot of "Ha'mosi" and "Al Achilat Massa" at the Seder, he should first immediately eat some of the Massa, so as not to make any interruption in between the Beracha and the eating, and then kiss the Massa. It should be noted that the Kabbalists describe Massa as "the bread of Emuna," capable of infusing a person with a special degree of faith in Hashem. Massa is also described as "Nahama D'asvata" – "bread of healing," as it has the capacity to bring a person spiritual and physical healing. As such, it is a proper practice to kiss the Massa to demonstrate our love and affection for this special Misva.

The Ben Ish Hai writes that when we reach the passage in the Haggada of "Dam Ve'esh Ve'timrot Ashan," someone should hold an especially designated basin, and we pour three drops of wine from our cup into the basin (one for "Dam," a second for "Va'esh," and the third while reciting "Ve'timrot Ashan"). We then pour one drop for each plague as we list the ten Makkot (plagues), and then another three drops when we recite the acrostics "Dasach," "Adash" and "Be'ahab." One should pour a larger amount of wine for the final pouring when reciting "Be'ahab." The sixteen pourings, the Ben Ish Hai writes, correspond to the fourteen joints on the hand, the palm, and the forearm, which has significance according to Kabbalistic thought.

It is customary not to look at the basin, or at the drops of wine while one pours, and to instead turn his head away. Some have the custom to proclaim "Rahamana Yasilan" ("the Almighty should save us") after mentioning each plague.

The Ben Ish Hai writes that the utensil into which we pour the wine while listing the plagues should be slightly broken; it should not be a proper, elegant utensil. If one does not have a broken utensil, he should break a utensil before Yom Tob. The Ben Ish Hai cites this custom from the Siddur of Rabbi Zalman. He adds that this utensil should not be rinsed before it is used for this purpose, in contrast to the cup used for Kiddush, which must be rinsed before Kiddush. The utensil used for the drops of wine poured during the listing of the plagues should be used in its present state even if it is dirty, and should not be first rinsed.

Summary: One must ensure to use a Seder plate at the Seder, and not to place the special foods directly on the table. There is a custom to kiss the Massa with which one fulfills the Misva of Massa at the Seder. One should pour sixteen drops of wine into a basin during the section of the ten plagues – three when reciting “Dam Va’esh Ve’timrot Ashan,” ten during the ten plagues, and three for “Dasach Adash Be’ahab.” For the final pouring, one should pour more wine than he does for the others. The basin used for this purpose should be slightly broken, and should not be rinsed before it is used.

### **The Spiritual Lights That Come Down at the Seder**

The Arizal (Rav Yishak Luria of Safed, 1534-1572) taught that on the night of the Seder, a great spiritual light descends from the heavens as a result of the Misvot that we perform. Although we always bring down spiritual light through our performance of Misvot, the Arizal explained that the lights come down on the night of the Seder in a special way. Normally, the lights of “Katnut” (“youth”) descend first, before the lights of “Gadlut” (“adulthood”). (More specifically, there is first “Katnut Rishon” and then “Gadlut Rishon,” which is followed by “Katnut Sheni” and then “Gadlut Sheni.”) On Pesah, however, it is reversed: the great lights of “Gadlut” come down before the smaller lights of “Katnut.” It is explained that the order is reversed on this night because it had to be reversed at the time of Yesi’at Misrayim (the Exodus from Egypt). If the smaller lights would have descended first, the negative spiritual forces in Egypt, which were exceptionally powerful, would have been able to withstand this power. G-d therefore sent down the great lights of “Gadlut” first, which the negative spiritual forces were unable to withstand, and this phenomenon repeats itself each year on the night of the Seder, when we commemorate Yesi’at Misrayim.

The Ben Ish Hai (Rav Yosef Haim of Baghdad, 1833-1909), in his work Od Yosef Hai (Shana Rishona, Parashat Sav; listen to audio recording for precise citation), explains the deeper meaning of the Ma Nishtana on the basis of this concept. He writes that the lights of “Gadlut” come down to the Seder table through the recitation of Kiddush, and then when we dip the Karpas, the “Katnut” lights come down. The children, who are “Ketanim” (“minors”) and thus sense the reversal of the sequence of “Gadlut” and “Katnut,” ask why things are different on this night, how it is possible for the “adult” lights to come before the “child” lights, resembling an adult turning into a child. The answer to this question is “Abadim Hayinu Le’Pharaoh Be’Misrayim” – we were slaves of Pharaoh in Egypt, a place with a very strong “Kelipa” (“outer shell”), meaning, powerful negative forces. The impurity in Egypt was so strong that if G-d had not redeemed us on the night of Pesah, we would still be there even today. We therefore needed the unusual sequence of “Gadlut” before “Katnut” to break those forces and enable us to leave, and this sequence occurs again each year when we fulfill the Misvot of Pesah.

One might naturally wonder whether the child at the Seder is really aware of this sequence of spiritual lights at the Seder, such that he can ask this question. Many adults cannot comprehend these esoteric concepts, and certainly these topics lie well beyond the grasp of the young child asking the Ma Nishtana. The Ben Ish Hai writes that Hazal nevertheless established that the child should ask this question because his soul indeed understands these concepts and senses the changes that occur on the night of the Seder. The soul of a “Katan,” a child, is especially sensitive to the “Katnut” lights and detects that the “Gadlut” lights come first on this night. Indeed, the Gemara in Masechet Megila (3) comments that oftentimes a person’s soul is able to discern things which we are not consciously able to perceive.

The Ben Ish Hai’s comments emphasize the depth and significance of each word of the Haggadah, and even the section which is read by the young children. This is why we make the children recite the Ma Nishtana, as this

recitation, whereby the children involve themselves in deep concepts, serves as a Tikkun (rectification) of their souls. And thus we should be aware that beyond the straightforward meaning of the text of the Haggadah, there are many additional layers of depth and profundity which lend to this night a special dimension of spiritual significance.

### **Some Laws Regarding KADESH on Seder Night**

The first stage of the Seder is “Kadesh,” the recitation of Kiddush. This Kiddush serves two functions: it fulfills the obligation of Kiddush that applies every Shabbat and Yom Tob, and constitutes the first of the four cups of wine that one is required to drink on the night of Pesah.

Since all four cups must be drunk specifically on Pesah, one should not recite Kiddush on Pesah night until Set Ha’kocabim (nightfall). It is not necessary to wait until Set Ha’kocabim as defined by Rabbenu Tam (seventy-two minutes after sundown); one may begin the Seder at Set Ha’kocabim as defined by other opinions, approximately 35-40 minutes after sundown (in New York City). In practice, however, this issue is rarely relevant. By the time one comes home from the synagogue and everyone assembles and prepares to begin the Seder, it is usually Set Ha’kocabim according to Rabbenu Tam’s opinion.

One should preferably use for the Seder red wine that is not Mebushal (meaning, that had not been boiled). Some problems can arise when using wine that is not Mebushal, as it becomes forbidden if it is handled by a gentile. Nevertheless, one should preferably obtain this kind of wine for the Seder, and exercise care to ensure that it remains permissible. Of course, one who cannot obtain wine that is not Mebushal may use Mebushal wine. Likewise, one who will become ill or will not feel well if he drinks four cups of wine may use grape juice for the four cups of wine at the Seder.

It is customary not to pour one’s own cup of wine at the Seder, and to have the person sitting next to him to pour for him, instead.

According to Kabbalah, one must wash the cup – both the interior and exterior – before Kiddush, even if it is clean. Furthermore, one should pour three drops of water into the cup after he pours the wine, before reciting Kiddush.

Each of the four cups of wine must be drunk all at once. It is improper to take a sip, pause, and then sip some more; the entire cup should be drunk all at once, without interruption.

The cup of wine should hold at least 3.3 oz. of wine. If one finds it difficult to drink the entire cup, he must drink at least 1.6 oz.

The four cups of wine must be drunk while reclining (“Heseba”). The authorities debate the issue of whether one who mistakenly drank without reclining must drink another cup of wine. Hacham Ovadia Yosef held that one should drink another cup if he drank without reclining. The Hida (Rav Haim Yosef David Azulai, 1724-1806), however, maintained that one does not have to drink another cup in this case. He notes that the Gemara does not require reclining while drinking all four cups, but rather while drinking two of the four cups. We recline for all four only because we are unsure which of the two cups require reclining. Furthermore, the Re’avya (Rabbi Eliezer Ben Yoel Halevi, Germany, 1140-1225) held that nowadays we are not required to recline at all during the Seder. Hence, since we have two reasons to question the obligation to recline regarding each cup, we may be lenient in a case where one mistakenly drank without reclining. This is indeed the Halacha; one who forgot to recline while drinking one of the four cups need not drink another cup. (This is especially so regarding women, as some authorities held that women are not required to recline at the Seder. Even though we do not follow this view, and we require women to recline, a woman who drank one of the cups of wine without reclining is not required to drink another cup.)

It must be emphasized that this discussion pertains only to the four cups of wine. With regard to Massa, one who ate Massa at the Seder without reclining must eat another Kezayit while reclining.



The one who recites Kiddush at the Seder must have in mind that the others will fulfill their obligation through his recitation, and the others must have this intention, as well. As he recites the Beracha of Sheheheyanu, everyone must have in mind that the Beracha should refer to the occasion of the Yom Tob, and to all the Mivots that apply that night – the four cups of wine, Massa and Maror.

### **May Grape Juice be Used For the Four Cups of Wine at the Seder?**

Many people ask whether grape juice may be used instead of wine for the Mivva of “Arba Kosot” – drinking four cups of wine at the Seder. This is, indeed, an important question with which the Halachic authorities have grappled, both in regard to this Mivva as well as in regard to the Mivva of Kiddush.

When it comes to Kiddush, the Rambam (Rav Moshe Maimonides, Spain-Egypt, 1135-1204) ruled that wine which is Mevushal – meaning, it has been brought to a boil – may not be used. The Shulhan Aruch (Orah Haim 472) does not follow this view of the Rambam, but according to some authorities, it is preferable not to use Mevushal wine for Kiddush. The grape juice which is commonly sold in stores today is Mevushal (as it has undergone pasteurization), so this is one disadvantage of using grape juice for Kiddush. It should be noted that the Shulhan Aruch permits using for Kiddush freshly-squeezed grape juice produced on Friday, so if somebody squeezes grapes to produce grape juice before Shabbat, which is obviously not Mevushal, he avoids this disadvantage.

The second Halachic disadvantage of grape juice is that it fails to meet the standard mentioned by several Halachic authorities (Magen Abraham, and Hid”a in Birkeh Yosef) who maintained that one should preferably use aged wine for Kiddush. This refers to wine which was contained in a vat for at least forty days. Grape juice never even begins the fermenting process, and thus certainly does not meet this preferred criterion.

Thus, although from a strict Halachic standpoint grape juice may be used for Kiddush on Shabbat, it is preferable to use wine. Ideally, one should use non-Mevushal, aged wine. The next level would be aged wine that is Mevushal. The third level would be non-Mevushal grape juice, and the fourth level would be Mevushal grape juice.

When it comes to the four cups at the Seder, there is an additional factor that must be taken into consideration. Namely, the wine drunk at the Seder must have the quality of “Mesame’ah” – it brings a person joy. The Halachic authorities address the question of whether grape juice, which has no intoxicating effect, meets this requirement. Hacham Ovadia Yosef draws proof from the comments of the Ran (Rabbenu Nissim of Gerona, Spain, 1315-1376) in Masechet Pesachim, and from the Gemara’s discussion in Masechet Baba Batra (93), that even wine which is not intoxicating is suitable for the four cups of wine at the Seder. He applies this conclusion to grape juice, as well.

As a practical matter, Hacham Ovadia, as well as Hacham Bension Abba Shaul (Israel, 1923-1998), ruled that one should preferably use wine for the four cups, even if this poses some difficulty, but women, and those for whom drinking wine is very difficult, may use grape juice. Hacham Bension adds that a person who cannot drink four cups of wine should use wine for at least the final cup, as he will go to sleep soon afterward. Another option is to mix wine and grape juice for the four cups.

It should be noted that Rav Moshe Feinstein (Russia-New York, 1895-1986) is cited as having ruled against the use of grape juice for the four cups at the Seder. However, as mentioned, the leading Sephardic Sages of the last generation – Hacham Ovadia Yosef and Hacham Bension – allowed the use of grape juice for women and for those who have considerable difficulty drinking four cups of wine.

Summary: One should use wine, and not grape juice, for the four cups at the Seder, but women, as well as men for whom drinking four cups of wine poses considerable difficulty, may use grape juice. Preferably, they should mix wine and grape juice, or drink wine for at least the fourth of the four cups.

### **Must One Drink Four Cups of Wine If Wine Makes Him Sick?**

The Shulhan Aruch (Orach Chaim 472) rules that if drinking wine causes one some physical discomfort, he must nevertheless try to drink the four cups of wine at the Seder. Of course, if possible, one should use a valid substitute such as grape juice. But even if there is no other option, and drinking will cause some discomfort, such as a headache, one should still drink the four cups of wine.

However, this refers only to one who would experience some discomfort, but not to somebody whose health would be endangered by drinking wine. If a person has a condition such as high blood pressure or diabetes, and drinking wine could be injurious to his health, or he would become bedridden, then certainly he is exempt from the obligation. The Shulhan Aruch speaks only of a person for whom wine causes some discomfort, but not of somebody who would actually become sick if he drank wine.

This Halacha gives rise to the broader question of whether a Beracha is recited over a food or drink that causes one discomfort. The Shulhan Aruch, as mentioned, ruled that one must drink four cups of wine at the Seder even if this causes discomfort, and such a person would recite the Beracha of “Boreh Peri Ha’gefen” over the wine. How does this apply to other foods that are injurious to one’s health? For example, we know that foods with MSG and with large quantities of salt or sugar are harmful. Does one recite a Beracha over such foods?

The Gemara addresses the case of one who drinks olive oil, which was considered to be injurious to one’s health. According to Rashi’s understanding of the Gemara, one does not recite a Beracha when drinking olive oil, because it is detrimental and not beneficial. This ruling is codified in the Shulhan Aruch (Orach Chaim 202). Should we deduce on the basis of this Halacha that one should not recite a Beracha over any unhealthful food?

Hacham Ovadia Yosef (citing the Sedei Chemed and other sources) writes that a distinction needs to be drawn between unhealthful foods that have a pleasing taste and other foods. He explains that Rashi and the Shulhan Aruch rule that no Beracha is recited over olive oil because it is detrimental to one’s health and it does not have an enjoyable taste. If, however, a food has an enjoyable taste, one recites a Beracha over the food even if it is unhealthful. Hacham Ovadia draws proof to this ruling from the comment of the Rambam (Rav Moshe Maimonides, Spain-Egypt, 1135-1204) that truffles and mushrooms are detrimental to one’s health. The Gemara rules that one recites a Beracha over such foods, thus proving that a Beracha is recited over tasty foods that are unhealthful. This is true of carob, as well; the Gemara says that one recites “Ha’etz” over carob, yet the Rambam writes that carob is injurious to one’s health. Likewise, the Gemara comments that one recites “She’hakol” over barley flour, despite the fact that the Gemara also notes that ingesting barley flour causes parasites. Since this food has a pleasing taste, one recites a Beracha, despite its detrimental effect on one’s health.

(It should be noted that the Shulhan Aruch rules that one who drinks vinegar by itself does not recite a Beracha. This ruling does not apply to the vinegar we have today, which is not nearly as potent and acidic as the vinegar used centuries ago. One who drinks vinegar nowadays would, in fact, recite “She’hakol.” The Shulhan Aruch also speaks of bitter nuts, and writes that no Beracha is recited when one eats this food. These nuts were so bitter that they provided no enjoyment whatsoever, and thus no Beracha is recited.)

Another example of this Halacha would be a person with lactose intolerance who eats ice cream. Even though the ice cream will cause a stomachache, he nevertheless recites a Beracha because of its pleasant taste.

Hacham Ovadia writes (in Hazon Ovadia - Pesach, Responsa) that this applies to wine at the Seder, as well. One recites a Beracha over the wine even though it would cause him discomfort, because the wine has an enjoyable taste. This case differs from olive oil, which is unhealthful and does not have a pleasant taste. (Surprisingly, the Ben Ish Hai, in Parashat Pinchas, writes that one who drinks olive oil recites the Beracha of “She’hakol” – in direct contradiction to the explicit ruling of the Shulhan Aruch. Later Halachic authorities, including Hacham Bension Abba Shaul and Hacham Ovadia Yosef, question the Ben Ish Hai’s ruling.)

In any event, this requirement – to drink four cups of wine even if wine causes one some discomfort – underscores the importance of this Misva. We must all ensure to fulfill this obligation properly, recognizing its Halachic significance.

It should be noted that it is customary to use specifically red wine for the four cups at the Seder. The Shulhan Aruch rules that Mebushal wine is acceptable for use for the four cups, though it is preferable to use wine that is not Mebushal (Mishna Berura). The wine used for the four cups does not have to be sweet wine, and it does not have to have a high alcohol content.

Both men and women are obligated to drink the four cups of wine. Children from the age of 5 or 6 should also be given some wine or grape juice, though they need not be given the minimum required Shiur (amount) of wine.

Summary: If drinking wine is injurious to one's health, he is exempt from the Misva of four cups of wine at the Seder. If, however, drinking wine is not injurious to his health, but will cause some degree of physical discomfort (such as a headache), he should fulfill the Misva. In such a case, he recites the Beracha of "Boreh Peri Ha'gefen" as usual. In general, one recites a Beracha over food that could cause him discomfort, or is unhealthy, as long as it has a pleasing taste (such as unhealthy sugary foods).

### **How Much Wine Must One Drink for the Four Cups at the Seder?**

It is preferable to drink for each of the four cups of wine at the Seder the amount of a Revi'it, or approximately 3.2 oz.; one who finds drinking this amount difficult may drink the majority of a Revi'it, or approximately 1.7 oz.

With regard to this Halacha, Hacham Ovadia Yosef (in Chazon Ovadia, page 17) draws an important distinction between the first cup and the final three. The first cup of wine, besides constituting the first of the four cups required on Pesah, serves as well to fulfill the obligation of Kiddush. A fundamental Halacha states that one fulfills the obligation of Kiddush only "Be'makom Se'uda," in the context of a meal. Generally, of course, we satisfy this condition on Shabbat and Yom Tov by reciting Kiddush and then immediately beginning the meal. At the Seder, however, if one conducts the Seder properly by engaging in detailed discussions of the Exodus, the meal will begin only several hours after Kiddush. Therefore, one should endeavor to drink a full Revi'it of wine for Kiddush, as this amount of wine suffices to qualify as a "meal" with respect to the requirement of "Be'makom Se'uda." Even if one finds it difficult to drink a full Revi'it for all four cups, he should try – if possible – to drink this amount for the first cup.

Nevertheless, if drinking a full Revi'it entails difficulty even for the first cup, one may drink the majority of a Revi'it. In such a case, one may rely on the authorities who maintain that the meal eaten at the Seder suffices to render the Kiddush "Be'makom Se'uda" despite the fact that one spends several hours discussing the Haggadah in between Kiddush and the meal. The Torah (Devarim 16:3) refers to Matza as "Lechem Oni," which is understood to mean "Lechem She'onin Alav Devarim Harbei" – "bread upon which many words are spoken." The obligation of Matza at the Seder requires that one discuss the Exodus at this meal. Hence, the discussion of the Haggadah is deemed an integral part of the meal, and thus does not constitute an interruption between Kiddush and the meal. This is the position of a number of Halachic authorities, and therefore somebody who finds it difficult to drink a complete Revi'it for the first cup may drink the majority of a Revi'it and thereby fulfill his obligation of Kiddush.

When drinking each of the four cups at the Seder, one should preferably drink the required amount of wine all at once, without any interruption. If a person finds this difficult, then he must at least drink the entire amount within the period of "Kedei Achilat Pares," which is usually defined as somewhere in the range of 4-7 minutes. Preferably, however, as mentioned, one should endeavor to drink the minimum required amount without any interruption at all (in Chazon Ovadia, page 16.)

Summary: For each of the four cups, one must drink at least 1.7 oz., though it is preferable to drink 3.2 oz., particularly for the first cup, which also serves to fulfill the obligation of Kiddush. The required amount should preferably be drunk

all at once, without any interruption; one who finds this difficult may drink the amount within the period of 4-7 minutes.

### **Do We Recite “Boreh Peri Ha’gefen” Before Each of the Four Cups?**

All Halachic authorities agree that one recites the Beracha of “Boreh Peri Ha’gefen” over the first and third of the four cups of wine at the Seder. Over the first cup of wine, of course, a Beracha is required, because one has not drunk any wine before this cup, and a Beracha is obviously required before drinking. Likewise, the third cup of wine is drunk after Birkat Ha’mazon, and the recitation of Birkat Ha’mazon effectively ends the “coverage” of all Berachot recited previously, such that new Berachot are recited before one eats or drinks after Birkat Ha’mazon.

The more complicated issue is the recitation of this Beracha before drinking the other two cups of wine. Seemingly, the Beracha recited over the first cup should cover the second cup, and the Beracha recited over the third cup should cover the fourth cup. At first glance, then, no Beracha should be required over the second and fourth cups.

Nevertheless, the Rif (Rav Yishak of Fez, Morocco, 1013-1103) rules that one must recite a Beracha of “Boreh Peri Ha’gefen” on each of the four cups. He bases this ruling on the Gemara’s comment in Masechet Pesachim that each of the four cups constitutes a separate Misva. If each cup is its own Misva, the Rif reasons, then each cup should require its own Beracha.

The Rosh (Rabbenu Asher Ben Yehiel, Germany-Spain, 1250-1327), however, questions this rationale, noting that we recite only one Beracha when putting on Tefillin (“Le’haniah Tefillin”) even though the Tefillin Shel Rosh and Tefillin Shel Yad constitute two separate Mivvot. The fact that the four cups constitute independent Mivvot should not have any effect on the recitation of Berachot.

The Rif also draws proof from the Gemara in Masechet Hulin, which implies that one must recite a new Beracha when drinking after Birkat Ha’mazon. Since one cannot recite a Beracha while reciting Birkat Ha’mazon – as this would constitute a Hefsek (improper interruption) in the middle of the Birkat Ha’mazon – he must recite a new Beracha when he drinks afterward. Likewise, the Rif comments, since one cannot interrupt the reading of the Haggada to recite a Beracha, he must recite a new Beracha of “Gefen” when he drinks the second and fourth cups.

The Rosh questions this argument, too, claiming that there is no comparison in this regard between the reading of the Haggada and Birkat Ha’mazon. The Gemara states that if one interrupts a meal to pray Mincha, when he returns he resumes his meal without having to recite new Berachot. Likewise, if one interrupts his drinking to read the Haggada, he does not have to recite a new Beracha when he then drinks again. Birkat Ha’mazon is unique, the Rosh argues, because when one decides to recite Birkat Ha’mazon, he establishes that he no longer plans on eating. Therefore, if he then decides to eat or drink afterward, he must recite a new Beracha. This quite obviously does not apply in the case of reading the Haggada.

In practice, Ashkenazim follow the ruling of the Rif, which is also the position taken by Tosafot, and they recite a Beracha on each of the four cups of wine at the Seder. Despite the Rosh’s compelling questions on the Rif’s rationale, this is the practice of the Ashkenazim. The Taz (Rav David Halevi Segal, Poland, 1586-1667) explains this view by suggesting that perhaps there is an implicit intention when reciting the Beracha over each cup that the Beracha should cover only that cup. The Aruch Ha’sulchan (Rav Yechezkel Michel Epstein of Nevarduk, 1829-1908), however, dismisses this approach.

In any event, Sepharadim follow the ruling of Maran, in the Shulchan Aruch (Orah Haim 474:1), where he accepts the Rosh’s view, that no Beracha is recited over the second and fourth cups. The second cup is covered by the Beracha recited over the first cup, and the fourth cup is covered by the Beracha recited over the third cup, and no separate Beracha is required.

Summary: According to accepted Sephardic practice, the Beracha of "Boreh Peri Ha'gefen" is recited over the first and third of the four cups at the Seder, but not on the second and fourth cups.

### **Laws of "Heseiba" – Leaning at the Seder**

The Shulhan Aruch writes (472:2) that before the Seder one should prepare his seat for "Heseiba," leaning in a regal manner, which is required at the Seder. The Torah tells that when Benei Yisrael left Egypt, God led them in a circuitous path through the wilderness (Shemot 13:18), and, as the Midrash notes, the Torah uses in this context the word "Vayasev," which resembles the word "Heseiba." The Midrash infers from this term that when God led Benei Yisrael from Egypt, He carried them as they reclined comfortably in their beds. We commemorate this "reclining" by leaning as we eat and drink at the Seder.

Later (472:3), the Shulhan Aruch rules that when leaning at the Seder, one leans specifically on his left side, rather than his right. One reason given for this Halacha is that most people eat with their right hand, and thus leaning on one's right side will cause considerable discomfort during eating. Others explain that leaning on one's right side while eating poses the risk of choking, God forbid, and this is generally considered the primary reason for leaning on one's right side. Hence, even those who are left-handed, and thus eat with their left hand, must lean on their left side, despite the difficulty this might entail during eating.

In the next Halacha, the Shulhan Aruch rules that women are not required to perform "Heseiba" at the Seder, with the exception of an "Isha Chashuva," a "distinguished woman," who is required to lean. Several different views exist in explaining this term. One view, cited in the name of Rabbenu Mano'ach, claims that this refers to a single woman, who is independent and not bound to a husband, and is therefore required to lean. Others claim that an "Isha Chashuva" is the daughter of a prominent and distinguished figure, while still others understand this term as referring to a woman who has servants and attendants serving her.

The Rama (Rabbi Moshe Isserles, Poland, 1525-1572), in his glosses to the Shulhan Aruch, famously writes that nowadays, all women are under the category of "Isha Chashuva" and are therefore, strictly speaking, required to lean at the Seder. Nevertheless, he adds, the common practice is for women not to lean, as they rely on the position of the Ra'aveya (Rabbi Eliezer Halevi, Germany, 1140-1225), who held that the "Heseiba" requirement does not apply at all nowadays, since today even people of royal stature don't recline as they eat. Given the uncertainty surrounding the inclusion of women in the "Heseiba" obligation, coupled with the position of the Ra'aveya that nowadays this obligation does not apply even to men, Ashkenazic women have the practice not to lean at the Seder.

Sephardic women, however, should be instructed to perform "Heseiba" at the Seder. Nevertheless, if a woman did not lean while drinking one of the cups of wine, for example, she is not required to drink the cup again.

Summary: One is required to lean on his left side while eating and drinking at the Seder. Ashkenazic women have the practice not to lean, whereas Sephardic women should preferably lean while eating and drinking at the Seder.

### **If a Person Forgot to Lean When Eating Massa**

The Sages enacted the requirement to lean at certain points during the Seder, specifically, when eating the Massa and when drinking the four cups of wine. Although this law was enacted by the Sages, and is not required on the level of Torah obligation, the Sages found an allusion to this Halacha in the Torah. In the Book of Shemot, the Torah describes how after the Exodus G-d had the people circumvent certain regions, and it writes, "Va'yaseb Elokim Et Ha'am." The word "Va'yasab" may be viewed as related to the term "Heseiba," suggesting that G-d had the people recline as an expression of their newfound freedom. As mentioned, however, this is merely an allusion, as the law was enacted by Hazal and is not a Torah obligation.

Although the obligation requires leaning only while eating Massa and drinking the four cups of wine, the Rambam (Rabbi Moshe Maimonides, Spain-Egypt, 1135-1204) writes that it is praiseworthy (“Hareh Ze Meshubah”) to lean throughout the Seder, as well.

If one forgot to lean while eating the Massa, then he is required to eat Massa again in the proper position. According to the Peri Megadim (Rav Yosef Teomim, 1727-1792), such a person has not even fulfilled his Torah obligation of Massa.

This is true as well of one who drank one of the four cups of wine without leaning. Ashkenazim follow the lenient view that a person in such a case does not have to drink another cup, and this was also the view of some Sephardic authorities, including the Hida (Rav Haim Yosef David Azulai, 1724-1807). However, Hacham Ovadia Yosef (Hazon Ovadia – Responsa, 13), based on the ruling of the Shulhan Aruch (Orah Haim 472:7), writes that a man who had drunk one of the four cups of wine without leaning must drink an additional cup. If a person is not well, and it would be difficult or injurious to his health to drink an additional cup, then he may rely on the lenient position and not drink an additional cup of wine. Otherwise, however, one must drink another cup of wine if he mistakenly drank one of the four cups without leaning. This applies to all of the four cups.

For this reason, it is very important for the one leading the Seder to remind everybody in advance of the requirement to lean while eating the Massa and drinking the four cups of wine.

Summary: One must lean while eating the Massa and drinking all of the four cups at the Seder. If one did not lean while eating the Massa or drinking any of the four cups, he must eat an additional portion of Massa or drink an additional cup of wine, unless he is ill and this would be injurious to his health.

### **If One Forgot to Lean While Drinking One of the Four Cups at the Seder**

The obligation of Heseba requires leaning to the left at certain points during the Seder, including when drinking each of the four cups. The Shulhan Aruch rules that this obligation applies equally to men and women. The Rama (Rav Moshe Isserles of Cracow, 1530-1572) writes that in ancient times, women often did not sit with their husbands, and thus would not be required to lean, but nowadays, women must lean just like men.

The Shulhan Aruch (Orah Haim 472:7) rules that if one forgot to lean when leaning is required, he must repeat the act while leaning. Thus, if one forgot to lean while drinking one of the four cups, he must drink another cup while leaning. For example, if, after eating the Karpas, one remembers that he had not leaned while drinking the wine at Kiddush, then he must fill his cup and drink while leaning, without reciting a Beracha. He then proceeds to Yahatz.

When one forgets to lean while drinking one of the first three cups, it is clear that he does not recite the Beracha of “Boreh Peri Ha’gefen” when he then drinks again. When it comes to the fourth cup, however, the Poskim are in disagreement as to whether one who forgot to lean and then drinks a fifth cup recites a Beracha when he drinks the fifth cup. The Shulhan Aruch (Orah Haim 480) writes that since we do not expect to drink any more wine after drinking the fourth cup, one who remembers afterward that he had forgotten to lean must recite a Beracha over the fifth cup. This case is one of “Heseh Ha’d’at” – where one’s attention was diverted from drinking, as he had assumed that he would not be drinking any more, and so a new Beracha is required when he then drinks again because he had forgotten to lean. This is the Shulhan Aruch’s ruling, based on the position of the Rosh (Rabbenu Asher Ben Yehiel, Germany-Spain, 1250-1327).

Rabbi Akiba Eiger (1761-1837), however, in his notes to the Shulhan Aruch, cites the Ginat Veradim as disagreeing with this ruling. In a different context, the Shulhan Aruch writes, based on a comment by Rabbenu Peretz (France, d. 1295), that when we sit at the Seder table, we are considered guests of the Almighty. We are to see ourselves not as sitting in our own homes, but rather as sitting at G-d’s table as His guests. Now when a guest finishes drinking, and then more wine is brought, he does not recite a Beracha over the additional wine. A guest is completely dependent than his host, and always anticipates the possibility that more will be served, and so even after he eats and drinks,

there is no “Heseh Ha’da’at.” As such, he does not recite a new Beracha when more food or drink is served. Therefore, even if one forgot to lean when drinking the fourth cup of wine at the Seder, he should not recite a Beracha when drinking again, because he has the status of a guest, who does not recite a new Beracha when he drinks again after having finished drinking.

Accordingly, Hacham Bension Abba Shaul (Israel, 1924-1998) rules that we apply to this situation the famous rule of “Safek Berachot Le’hakel” – that we do not recite a Beracha when it is uncertain whether it is required. Therefore, if one forgot to lean while drinking any of the four cups, he drinks another cup without reciting a new Beracha.

Incidentally, it should be mentioned that although Haggadot include the Beracha Aharona for wine – “Al Ha’gefen” – after the fourth cup, only those who drank a Rebi’it of wine recite this Beracha. The cup of wine at the Seder must contain at least a Rebi’it – approximately 3.1 oz. – and one should preferably drink the entire cup for each of the four cups, but if this would be very difficult, it suffices to drink the majority of the cup. Many people find it difficult to drink an entire cup of wine toward the end of the Seder, and so it is quite common for people to drink less than a Rebi’it for the fourth cup. One who did not drink an entire Rebi’it for the fourth cup must ensure not to recite the Beracha of “Al Ha’gefen” after drinking.

Summary: One who forgot to lean after drinking any of the four cups of wine at the Seder must drink an additional cup as soon as he remembers. He does not recite the Beracha of “Boreh Peri Ha’gefen” over the new cup. If one drank less than a Rebi’it (3.1 oz.) for the fourth cup of wine at the Seder, he must ensure not to recite the Beracha of “Al Ha’gefen” after drinking.

### **Is It Permissible To Lean, Talk, or Drink During The Reading of the Haggadah**

The Shela Ha’kadosh (Rabbi Yeshayahu Halevi Horowitz, Prague-Tiberias, 1565-1630) writes that one should not lean during the reading of the Haggadah at the Seder. Even though generally one may lean at the Seder even at the points when Halacha does not require leaning, it would be inappropriate to lean while performing the Misva of reading the Haggada, during which one should sit with a sense of awe and reverence.

Likewise, one should refrain from drinking during the reading of the Haggada. A person who experiences excessive thirst may drink some water, and a person who feels very frail may even drink coffee; otherwise, however, one should refrain from drinking during the reading of the Haggada, due to the sanctity of the moment, which demands an aura of reverence.

### **What Should One Eat For Marror?**

The Mishna in Masechet Pesachim lists the various vegetables that may be used to fulfill the Misva of Marror on the night of the Seder. The Rabbis teach us that these vegetables are listed in descending order of preference, and thus the first vegetable mentioned – Hazeret – is the most preferred vegetable to use for Marror. The Gemara identifies Hazeret as “Hasa,” which alludes to the fact that the Almighty had mercy (“Has”) on the Jewish People on the night of the Exodus. “Hasa” is generally understood as referring to lettuce. Strictly speaking, even iceberg lettuce may be used for Marror, though it is customary to use Romaine lettuce (perhaps because it is generally cleaner). The Bet Yosef (commentary to the Tur by Maran, Rav Yosef Karo, author of Shulhan Aruch) writes that although iceberg lettuce does not have a bitter taste, it is nevertheless suitable for Marror because it becomes bitter when it is left in the ground. The vegetable used for Marror does not have to actually taste bitter, but rather must be a vegetable that in general has a bitter taste. Thus, although the iceberg lettuce that is generally eaten has been removed from the ground before turning bitter, it may be used for Marror, and, as mentioned, it is in fact the preferred vegetable.

Some Ashkenazim have the custom to use horseradish (“Chraine” in Yiddish), which is the third vegetable mentioned by the Mishna – “Tamcha.” It appears that lettuce was not available in Ashkenazic lands, and so they had to resort to horseradish, and this then became their custom.

We follow the custom of the Arizal (Rav Yishak Luria of Safed, 1534-1572) to place "Ulshin" – endives – at the center of the Seder plate, and then place lettuce on the bottom. It should be noted that one does not have to eat the endives, neither for Marror not for Korech (when we eat Massa and Marror together), though some have the custom to add some endives for Korech.

One may, if necessary, combine different vegetables to reach the required quantity of Ke'zayit. Thus, one may combine some lettuce and some endives to reach a Ke'zayit. Likewise, an Ashkenazi who uses horseradish but finds it difficult to eat a Ke'zayit may add some lettuce or endives.

The Rama (Rav Moshe Isserles of Cracow, 1525-1572) writes that if one cannot obtain any of the vegetables mentioned by the Mishna, then he may use any vegetable that has a bitter taste. The final item listed by the Mishna is "Marror," which could be understood to mean that if none of the other items are available, one may use any bitter-tasting vegetable. The Halachic authorities write that in such a case, one should not recite the Beracha of "Al Achilat Marror."

Of course, one who uses lettuce for Marror must ensure that the lettuce is clean and free of insects, as otherwise he would be violating a prohibition by eating the Marror, as opposed to fulfilling a Misva. Nowadays one can purchase lettuce grown hydroponically or through other means that avoid infestation, and Hacham Ovadia Yosef strongly encouraged the use of this lettuce.

Summary: According to Sephardic custom, Romaine lettuce should be used for Marror. One must ensure that the lettuce is free of insects. Although it is customary to use Romaine lettuce, one may, strictly speaking, use iceberg lettuce, as well. Our custom is to place endives in the center of the Seder plate, and place the lettuce at the bottom. One does not have to eat the endives, though some people add some endives to the Korech. If necessary, one may combine different forms of Marror to reach the required quantity of "Ke'zayit." If one cannot obtain any of these vegetables, he may use for Marror any bitter-tasting vegetable, but the Beracha of "Al Achilat Marror" should not be recited in such a case.

### **Pesah- The Misva of Maror**

In order to fulfil the Misva of Maror, one must consume a Kezayit (olive's bulk) which is 30 grams. This can be measured before Yom Tob. One must insure that the Romaine Lettuce used for Maror is properly checked for bugs. Some eat only the stalks because they are easier to check.

Before eating the Maror, the Beracha "Al Achilat Maror" is recited. The Ner Leision discusses whether the Beracha is made before or after dipping the Maror in the Haroset. He cites the Rambam and others who seem to hold that the Beracha is recited first. Maran and the Ben Ish Hai seem to hold that the Maror is first dipped. Since he does not reach a definitive conclusion, one should follow the standard practice of first dipping in Haroset, shake a little off and then recite the Beracha. Of course, there is no leaning when eating the Maror.

The stage after the Maror is Korech, which is commonly called a sandwich, in which a Kezayit of Maror is placed between two pieces of Massa, which together amount to a Kezayit. Rabbi Mazuz (contemporary, Israel), in his new Hagaddah, states that the custom of Sepharadim is not to make a regular sandwich but to wrap the Maror around the outside of the Massa. He brings proofs from the Rishonim (early authorities), including Rabbenu Hannanel, Sefer Hahinuch and the Ben Ish Hai. In truth, the word "Korech" literally means to wrap, which also support that custom. Rabbi Moshe Shternbach in his Moadim U'zmanim also discusses this custom, citing the explanation of the Maggid Mesharim that this practice corresponds to the sequence of the redemption-first there was bitter slavery and then the freedom symbolized by the Massa. Rabbi Mazuz explains the custom of the Ashkenazim to put the Maror on the inside, because they used horseradish stalks for Maror, which cannot be wrapped, whereas Sepharadim always used the Romaine Lettuce. Either way, the most important thing is to actually eat both the Maror and Massa together. Thus, one must consume a total of two Kezayits of Maror-one for Maror and one for Korech.



Maran writes regarding dipping the Maror in Haroset "V'yishkienu Kulo"-he should completely immerse it in Haroset. Hacham Bension understands this to mean that the entire leaf should be dipped, as opposed to the Mishna Berura (Rav Yisrael Meir Kagan of Radin, 1839-1933) who writes that just the tip of the Maror is dipped and then excess Haroset is shaken off. Although the Ben Ish Hai omits the word "Kulo"-completely, which may indicate that he did not hold that way. Ideally, one should dip the entire Maror in the Haroset. All agree that the Korech is not totally dipped, as Maran does not use the expression "Kulo" regarding it.

It is best to partake of the Maror and Haroset from the Ke'arah (Seder Plate), although it is not always feasible that the Ke'arah contain enough for all the participants and more may be brought separately.

## SUMMARY

The standard custom is to first dip the Maror completely submerged in the Haroset and then recite the Beracha. The Sephardic practice is to wrap the Maror around the Massa, and not vice versa.

### **The Pesah Seder – U'rhatz**

After reciting Kiddush at the Seder, we perform U'rhatz – hand washing. Halacha requires washing one's hands before eating a food dipped in liquid, and we therefore wash our hands before eating the Karpas dipped in saltwater. However, no Beracha is recited on this hand washing.

Incidentally, the Taz (commentary to the Shulhan Aruch Rabbi David Halevi Segal, 1586-1667), in discussing U'rhatz (Orah Haim 473:6; listen to audio recording for precise citation), criticizes those who are lax regarding this Halacha throughout the year. The washing required before eating Karpas is not a Halacha that relates specifically to Pesah; it rather stems from a general requirement to wash one's hands before eating food dipped in liquids, as codified in the Shulhan Aruch (Orah Haim 158:4). The fact that U'rhatz is part of the Seder, the Taz comments, serves as a "Tochahat Megula" ("open rebuke") of those who do not observe this Halacha throughout the year. This point is made as well by the Hida (Rav Haim Yosef David Azulai, 1724-1806), in his Simhat Ha'regel commentary to the Haggada.

Hacham Ovadia Yosef, in his Hazon Ovadia (Pesah, p. 32), writes that all the Halachic details that apply to washing before eating bread apply to washing before Karpas. One must wash three times on each hand, and all the guidelines that govern Netilat Yadayim for bread must be observed. The only difference is that one does not recite a Beracha when washing his hands for Karpas (or any other time he washes before eating a food dipped in liquid). Furthermore, one should not speak or divert his attention from the Karpas from the time he washes his hands until after he recites the Beracha and partakes of the Karpas.

U'rhatz should be performed inside the house; one should not go outside or to another house to wash his hands for U'rhatz.

Summary: When one washes his hands for U'rhatz after Kiddush at the Seder, he must comply with all the laws that apply to hand washing before bread, and one should not speak or divert his attention until after he partakes of the Karpas. There is no Beracha made on this Netilat Yadayim. One should make a point to wash his hands inside his home, and not leave to wash his hands elsewhere.

### **The Laws of KARPAS at the Seder**

After Kiddush is recited at the Seder, everybody washes hands as we do before eating bread, washing each hand three times consecutively. Even though the Matza will be eaten only much later, washing is required before eating Karpas – the vegetable dipped in saltwater. One does not, however, recite the Beracha of "Al Netilat Yadayim" over this washing. Hacham Ovadia Yosef rules in his work Chazon Ovadia (p. 32) that one should not speak after washing his hands until after he partakes of the Karpas.

The Ben Ish Hai (Rav Yosef Haim of Baghdad, 1833-1909), in his work *Od Yosef Hai* (Halacha 8), elaborates on the reason for Karpas, dipping celery in saltwater toward the beginning of the Seder (listen to audio recording for precise citation). He cites Rashi's commentary to Masechet Pesachim (114) where he explains that this is done in order to arouse the curiosity of the children. Although it is not uncommon to dip vegetables in dressing during the meal, it is unusual to do so at the beginning of the meal, even before we wash our hands and eat bread. This deviation from ordinary protocol will catch the children's attention and lead them to begin asking questions. The Ben Ish Hai explains that the Misva of telling the story of the Exodus on Pesach should be done in the form of questions and answers, as indicated in the verse, "Ki Yishalecha Bincha" – "When your son shall ask you..." (Shemot 13:14). Therefore, one is required to evoke questions for the fulfillment of this Misva, and this is the reason why we eat Karpas, to arouse curiosity so that the children will ask questions.

The Ben Ish Hai cites the comment of Rabbi Sheneur Zalman of Liadi (1745-1813), in his Halachic code, that since Karpas is eaten only to arouse the children's curiosity, one does not have to eat a Ke'zayit of Karpas. Indeed, our custom is to eat only a small piece of celery, and not a full Ke'zayit.

The Ben Ish Hai adds that although the purpose of Karpas is to arouse the children's curiosity, one must eat Karpas even if there are no children present, or if a person conducts the Seder alone. Hazal did not distinguish between different situations, and Karpas is thus required even if there are no children present at the Seder. By the same token, one must eat Karpas even if he knows that this will not inspire his children to ask questions.

Summary: We eat Karpas at the beginning of the Seder in order to arouse the children's curiosity so they will ask questions. Nevertheless, it is required even if no children are present, and even if the children will not ask questions in response to the Karpas.

Our practice is to use specifically celery for Karpas.

### **Should one perform Heseiba – reclining – while eating Karpas?**

This issue is subject to debate among the Halachic authorities. The Shibolei Ha'leket (Rabbi Tzidkiya Ben Avraham, Italy, 1230-1300) held that one should not eat the Karpas while reclining, since it commemorates the slave labor performed by our ancestors in Egypt, and does not express the theme of freedom and royalty. By contrast, the Abudarham (Rabbi David Abudarham of Seville, Spain, 14th century) maintained that one should, in fact, recline while eating Karpas, as yet another means of arousing the children's curiosity. Rabbi Chayim Palachi (Turkey, 1788-1868), in his work *Chayim La'rosh*, ruled that one should endeavor to satisfy both views by eating some Karpas while reclining and some while sitting upright.

As for the final Halacha, Hacham Ovadia Yosef writes that it is preferable for one not to recline while partaking of the Karpas, but those who wish may recline or follow Rabbi Palachi's view to eat some Karpas in both positions.

There is some question as to whether one must recite a Beracha Acharona after eating the Karpas, and it is therefore advisable to partake of less than a Ke'zayit (approx. 30 grams) of Karpas, so that according to all views a Beracha Acharona will not be required. Hacham Ovadia Yosef writes that one should preferably eat less than 18 grams of Karpas. Nevertheless, if a person ate a larger amount of Karpas he does not recite a Beracha Achaona.

It is preferable for the person leading the Seder to recite the Beracha of "Borei Peri Ha'adama" over the Karpas on behalf of everybody at the Seder, given the rule of "Be'rov Am Hadrat Melech," that public performance of Mitzvot brings greater glory to God. The person reciting the Beracha should have in mind that he recites this Beracha on behalf of both himself and the others, and they, too, must have in mind to fulfill their obligation through his recitation. They should answer "Amen" to his Beracha, but must ensure not to answer "Baruch Hu U'varuch Shemo." If, however, the person leading the Seder does not pronounce the words properly and clearly when reciting the Beracha, then the others should each recite the Beracha personally, rather than fulfill the obligation by listening to the leader's recitation.

When reciting the Beracha over Karpas, one should have in mind for the Beracha to apply as well to the Marror, which is also a vegetable and is eaten at a later point in the Seder.

The Ben Ish Chai (Rabbi Yosef Chayim of Baghdad, 1833-1909), in Parashat Tzav, writes that according to Kabbalistic teaching one must ensure to leave the Karpas on the Seder plate even after he partakes of his portion of Karpas. Rather than clear the Karpas off the table, one should leave the Karpas on the Seder plate at the table throughout the entire Seder. An allusion for this Halacha is found in the verse (Tehillim 26:6), "Erchatz Be'nikayon Kapai Va'asoveva Et Mizbachacha Hashem" ("I shall wash my hands clean and surround Your altar, God"). The word "Mizbachacha" may be read as an acronym for the words Matza/Marror, Zero'a (the shank-bone), Beitza (the egg), Chazeret/Charoset, and Karpas. This verse thus implies that all these items must be present on the "altar," referring to the Seder table.

Summary: One washes before Karpas as he does before bread, though without a Beracha, and should not speak until after eating the Karpas. It is preferable not to lean when eating Karpas. Ideally, the one leading the Seder should recite the Beracha over the Karpas on behalf of everybody else, who answers "Amen" to his recitation. One should preferably eat less than 18 grams of Karpas. The Karpas should remain on the Seder plate throughout the entire Seder.

### **Do Not Regard Meat As 'This Is For Pesah'**

The Shulhan Aruch writes (469:1; listen to audio for precise citation) that one may not say regarding a live animal or piece of meat, "This is for Pesah." This refers not to saying, "This is for the Korban Pesah [Paschal offering]," which is certainly forbidden, but rather to verbally designating meat for the festival of Pesah. Halacha forbids doing so because it appears as though one designates the meat for the Korban Pesah, thus giving the impression that he plans on partaking of sacrificial meat outside of Jerusalem, in violation of the Torah. If one wishes, he may verbally designate the meat "for Yom Tov," without mentioning specifically the festival of Pesah.

Some authorities claim that this prohibition applies as well to making such a statement in writing. Meaning, stores advertising their Pesah selection should not post signs that say, "Meat for Pesah." The signs should instead read, "Meat for Yom Tov."

Furthermore, according to some authorities this prohibition applies not only to meat, but also to fish and poultry. When it comes to wheat, however, one may say, "This is for Pesah," because it is clear that he intends merely to protect the wheat from Hames so he can use it on Pesah, and he does not refer to a sacrifice.

Summary: One may not declare verbally or in writing about a portion of meat, poultry or fish, "This is for Pesah"; he may say or write about the food, "This is for Yom Tov."

### **The Proper Procedure for YACHATZ and the Recitation of "Ha Lachma Anya" at the Seder**

After one eats the Karpas, and before he begins, the reading of Maggid, he performs "Yachatz," splitting the middle of the three Matzot on the table. Matza is called "Lechem Oni," or "the bread of poor men," and poor people generally eat only small scraps of bread, rather than proper, complete loaves. We thus commemorate the plight of our ancestors in Egypt by breaking one of the Matzot on the plate into two pieces.

The Ben Ish Chai (Rabbi Yosef Chayim of Baghdad, 1833-1909) cites from Kabbalistic sources that one should endeavor to break the Matzot into two pieces resembling the Hebrew letters "Vav" and "Dalet." The "Vav"-shaped Matza should be larger of the two pieces. (A convenient method of remembering this is that the numerical value of the letter "Vav," 6, is larger than that of "Dalet," 4.) Although this may entail some difficulty when breaking the Matza by hand, one may nevertheless not use a knife or other instrument for this purpose, because, as mentioned, "Yachatz" symbolizes the bread of the poor, who generally break bread with their hands. The Kaf Ha'chayim argues (473:118)

and says that one should just have in mind that the larger of the two pieces corresponds to the letter "Vav," whereas the smaller piece represents "Dalet" as opposed to breaking them into that shape (Hazon Ovadia, page 44-46.)

After the Matza is broken, the larger of the two pieces is wrapped and hidden, and it is brought to the table again after the meal as the Afikoman. Our custom is that before hiding the Afikoman we send it around the table and each participant in the Seder holds it with his right hand over his left shoulder and recites the passage of "Mish'arotam," as printed in the Haggada, to commemorate the way Benei Yisrael transported Matza out of Egypt. The smaller piece of Matza is returned to the plate and placed in between the two complete Matzot.

Thereafter, the plate of Matza is lifted for the recitation of "Ha Lachma Anya." Some people have the practice of pointing to the plate of Matza. After the recitation of "Ha Lachma Anya," before the children ask the questions of the "Ma Nishtana," the Seder plate is removed from the table. It is customary for single young women of marriageable age to remove the Seder plate, symbolic of our hope that they will soon "leave the house" by marrying and establishing their own home.

Summary: When breaking the middle Matza for "Yachatz," one should try to have the larger piece resemble the letter "Vav" and the smaller piece appear like the letter "Dalet"; otherwise, one may simply have in mind that the pieces symbolically correspond to these two letters. The larger piece is wrapped and sent around the table for the recitation of "Mish'arotam," whereas the smaller piece is returned to the Matza plate. After "Ha Lachma Anya," it is customary to remove the Seder plate from the table, preferably by a single girl of marriageable age.

### **How Much Massa Must One Eat at the Seder?**

There is a Misva to eat Massa at three points during the Seder: "Mosi -Massa," "Korech" and the Afikoman. For Mosi-Massa, the Shulhan Aruch states that one should eat two Kezaitim. The Mishna Berura explains that eating a second Kezayit solves a Halachic dilemma with regard to the Beracha "Al Achilat Massa." This Beracha is recited while holding the top, whole Massa and the middle, broken Massa, and there is a question whether it refers to the top Massa or the middle one. Therefore, one should eat a Kezayit from both.

Hacham Ben Sion and Hacham Ovadia point out that according to this reasoning, participants in the Seder who do not have a Seder Plate with three Massot in front of them and eat from the box, would not be required to eat the extra Kezayit. Nevertheless, it is preferable that all participants eat two Kezaitim at this stage.

All authorities agree that the amount of Massa eaten for the Korech sandwich is one Kezayit.

The Afikoman is eaten to commemorate the Misva of eating a Kezayit from the Korban Pesah. Therefore, one must eat at least one Kezayit of Massa for the Afikoman. The Bayit Hadash (Rav Yoel Sirkis, Poland, 1561-1640) cites a custom to eat an additional Kezayit of Massa for the Afikoman, corresponding to the Kezayit of Massa that was also eaten with the Korban Pesah.

Accordingly, the total amount of Massa that should be eaten is five Kezaitim—two for Mosi-Massa, one for Korech and two for the Afikoman (2-1-2). If one has difficulty consuming this amount, he should forgo the second Kezayit of the Afikoman and eat a total of four Kezaitim (2-1-1). If this is also not possible, he should only eat one Kezayit for Mosi-Massa (1-1-1). If this is problematic, he should forgo the Korech altogether (1-0-1). If one is able to eat only one Kezayit, he should eat the Kezayit of the Afikoman.

Hacham Ben Sion writes, based on the Rambam, that any Massa eaten on the Seder night, even beyond the requisite five Kezaitim, is a Misva in its own right. One should even reduce the amount of other foods served, in order to retain an appetite for as much Massa as possible. He found a homiletic reference to this in the words of the Ma Nishtana, "Halayla HaZeh Kulo Massa,"—This night, all we eat is Massa.

SUMMARY: Ideally, one should eat at least five Kezaitim of Massa during the Seder—two for Mosi-Massa, one for Korech and two for Afikoman.

### **Is It Permissible For A Girl To Recite A Solo of The Ma Nishtana**

The Mishna Berura (classic work of Halacha by Rabbi Yisrael Meir Kagan, the "Chafetz Chayim," Lithuania, 1835-1933), in discussing the Hallel recitation at the Seder (Siman 479), makes the point that the women at the Seder should not recite the Hallel aloud, because of the Halacha forbidding women to sing in the presence of men ("Kol Be'isha Erva").

Rabbi Yosef Shalom Elyashiv (prominent Halachic authority in Jerusalem) notes that this issue arises even earlier in the Seder, with regard to the Ma Nishtana, the child's asking of the four questions, with which we begin the Maggid section of the Seder. Rabbi Elyashiv says that already from the age of three a girl should not sing in the presence of men. Therefore, it would be improper for a young girl to sing the Ma Nishtana at the Seder, unless no males other than her father and brothers are in attendance. If other men, including relatives from the extended family, are present at the Seder, a girl aged three or above should not sing the Ma Nishtana.

### **Ve'higadeta Le'bincha - Sitting Next To One's Father-Son During The Hagaddah**

The Misva of telling the story of the Exodus on the night of Pesah is formulated in the Torah as, "Ve'higadeta Le'bincha" – "You shall tell your son" (Shemot 13:8), and thus the primary obligation is to tell the story to one's children. Therefore, one's children should be seated near him at the Seder table. Many families have arrangements at their table that have the children seated at the end, with the guests and relatives seated closer to the father; it is proper, however, for the children to sit near the father at the Seder so that he can tell them the story of the Exodus.

Nevertheless, one fulfills the obligation to tell of the Exodus even if he does not tell the story to his children, and he simply says it to himself. When the Torah says, "Ve'higadeta le'bincha," it refers to the preferred manner of performing this Misva; but the basic level is fulfilled even if one tells the story to himself. Therefore, one need not make a point of spending the Seder with his father. In fact, it is customary in some places that married couples spend the first Seder with one set of parents and the second Seder with the other set. This is acceptable because the Misva to tell of the Exodus on the night of Pesah can be fulfilled even if one does not tell the story to his children.

Summary: The primary obligation of telling the story of the Exodus involves telling the story to one's children; therefore, children should be seated near their parents at the Seder table. Nevertheless, the Misva can be fulfilled even if one tells the story only to himself, and not to his children, and therefore children are not required to spend the Seder with their parents.

### **Halachot of MAGGID at the Seder**

Reciting the Maggid section of the Haggada at the Seder fulfills the Torah obligation to tell the story of Yetzi'at Mitzrayim (the Exodus), as the Torah writes, "Ve'higadeta Le'vincha Ba'yom Ha'hu" ("You shall tell your children on that day" – Shemot 13:8). The importance of this Misva is expressed in a passage in the Zohar which comments that anyone who tells the story of Yetzi'at Mitzrayim on the night of Pesah with sincere joy will one day rejoice together with the Shechina (Divine Presence) in the next world. Moreover, God Himself experiences immense joy, as it were, upon hearing the Jewish people telling this story, and He summons the Heavenly angels to come and listen to the story. The angels assemble to hear the story of the Exodus and rejoice over the great wonders and miracles performed by the Almighty in redeeming Am Yisrael, and they give praise to God for His great nation on earth that so joyfully celebrates His redemption. The Zohar concludes that we thereby increase God's power, so-to-speak, to deal kindly with Am Yisrael.

As mentioned earlier, the Torah introduces this obligation by instructing, "You shall tell your children on that day..." Thus, the essential obligation is for parents to tell the story to their children. Ironically, in many families the precise opposite occurs: children are encouraged to share with their parents some ideas and insights that they learned about the Haggada. Although it is admirable for children to share their knowledge, it is the parents who bear the obligation to teach their children.

Furthermore, in many homes the children go to sleep immediately after asking the questions of the "Ma Nishtana." It must be emphasized that the "Ma Nishtana" consists only of the questions; the parents must then provide the answer, clearly, patiently, and in accordance with each child's level of understanding. The father must clearly explain to the child the paragraph of "Avadim Hayinu," as well as the section of "Pesah, Matza U'marror," where the reasons for these three Mitzvot are explained. If a parent sees that the child is falling asleep or losing interest before he reaches the section of "Pesah, Matza U'marror," then he should quickly explain to him that section so that the child will hear the explanation of these Mitzvot.

The obligation to tell the story of Yetzi'at Mitzrayim requires doing just that: to talk about the events of Benei Yisrael's subjugation, the plagues, the Exodus, and the splitting of the sea. One should focus on the Midrashim relevant to these events, and not on other topics upon which many people make the mistake of elaborating during the Seder. One should not only focus his attention on singing "Dayeinu" or offering insights into the introductory sections of "Ma Nishtana," the four sons, "Ve'hi She'ameda," and so on. Nor is this the time for reconciling contradictory rulings of the Rambam or explaining complex, intricate passages in Masechet Pesachim. The Misva of "Sippur Yetzi'at Mitzrayim" requires spending time at the Seder discussing the events of the Exodus, and this should be the point of our focus at the Seder. Indeed, the Haggada tells of the Rabbis in Bnei-Brak who spent the entire night telling about the Exodus; this shows that there is enough material relevant to Yetzi'at Mitzrayim itself to occupy a person for an entire night. Of course, one who so wishes is certainly encouraged to remain awake after the Seder to discuss the many other aspects of Pesah; the Seder itself, however, should be devoted to the story of the Exodus.

It must also be emphasized that properly fulfilling this Misva requires preparation. Just as we prepare for the other Mitzvot of Pesah by cleaning the home, purchasing wine and Matza, cleaning the Marror, and so on, so must we prepare for "Sippur Yetzi'at Mitzrayim" by studying commentaries on Maggid before the Seder.

The Ritva (Rabbi Yom Tov Ashbili, Spain, 1250-1330) writes that one person may recite the Haggada on behalf of the others at the Seder, who fulfill their obligation by carefully listening to the leader's recitation. This ruling is based on the Halachic principle of "Shomei'a Ke'oneh," which allows for fulfilling one's obligation to recite a given text by listening to somebody else's recitation. This was indeed the practice of the Gaon of Vilna (Rabbi Eliyahu of Vilna, 1720-1797). Our practice, however, is for everybody to recite the Haggada in unison, with the leader offering explanations and insights at various points during the recitation. (Hazon Ovadia page 47.)

The obligation to read Maggid applies to both men and women. (Hazon Ovadia page 52.) Although the authorities debate the question of whether women are obligated on the level of Torah obligation or Rabbinic enactment, all agree that they, too, must recite or hear the Haggada.

One must ensure not to begin reading Maggid until nightfall on Pesah eve, or 45 minutes after sundown (in the New York City area). If one began reading Maggid before nightfall, he must repeat it after that point. One must be particularly careful in this regard in years when Daylight Savings Time begins before Pesah, in which case the Seder begins quite late; one may nevertheless not begin reading the Haggada before nightfall.

One should not lean or recline during the reading of Maggid. Instead, it should be read in an upright position, and with a sense of awe and reverence.

The reading of Maggid should be completed before Chatzot (midnight as defined by Halacha). This means that one should recite the concluding Beracha of "Asher Ge'alanu" before Chatzot. BeDiavad, if he finished after Chazot, he still may make the Beracha of "Asher Ge'alanu". After the Seder, one should continue learning and discussing the Exodus and the laws of Pesah until he feels the need to go to sleep.

### **The Proper Text for “Min Ha’zebahim U’mín Ha’pesahim”**

In the Beracha of “Ga’al Yisrael,” which we recite at the very end of the “Maggid” section during the Seder, we express our wish to be able to offer the Pesah sacrifices and partake of them in the Bet Ha’mikdash: “Ve’nochal Sham Min Ha’zebahim U’mín Ha’pesahim.” Some versions of the Haggada text reverse the sequence of this phrase, and read, ““Ve’nochal Sham Min Ha’pesahim U’mín Ha’zebahim.” However, the clear consensus among the Halachic authorities is that one should recite, “Ve’nochal Sham Min Ha’zebahim U’mín Ha’pesahim.” The reason is that the term “Zebahim” refers to the Hagiga sacrifice, which was offered in conjunction with the Pesah sacrifice, and “Pesahim” obviously refers to the Pesah sacrifice. Halacha requires eating the meat of the Hagiga before partaking of the Pesah sacrifice, because the Pesah sacrifice must be eaten “Al Ha’soba” – in a state of satiation. Naturally, then, one should recite, “Ve’nochal Sham Min Ha’zebahim U’mín Ha’pesahim,” mentioning our anticipated eating of the Hagiga before our eating of the Pesah sacrifice.

There are, however, some Halachic authorities who make an exception when the Seder takes place on Mosa’eh Shabbat (as the second Seder does this year, 5775). Although the Pesah sacrifice is offered on Ereiv Pesah even when Ereiv Pesah falls on Shabbat, the Hagiga sacrifice is not offered in such a case, as it does not override the Shabbat prohibitions. Therefore, according to some Halachic authorities, when the Seder is observed on Mosa’eh Shabbat, we should first make mention of “Pesahim” – the Pesah sacrifice, which is clearly far more prominent in such a year, when the Hagiga is not offered at all.

The Kanhag (Kenesset Ha’gedola, work by Rav Haim Banbenishti, Turkey, 1603-1673), however, disagrees. In this Beracha, he explains, we are not speaking about this Pesah, but rather of our hopes of celebrating Pesah in the Bet Ha’mikdash in the future. The fact that Pesah happens to fall on Mosa’eh Shabbat this year certainly does not necessitate that this will happen next year, when we hope to be celebrating in the newly rebuilt Mikdash. Therefore, regardless of when Pesah falls out, the Kanhag rules, we should recite the text of “Ve’nochal Sham Min Ha’zebahim U’mín Ha’pesahim.” This is, indeed, the ruling that one should follow.

Summary: There is some controversy surrounding the precise text of the sentence, “Ve’nochal Sham Min Ha’zebahim U’mín Ha’pesahim” in the Beracha of “Ga’al Yisrael” recited at the Seder. Nevertheless, it is proper to recite it this way – “Ve’nochal Sham Min Ha’zebahim U’mín Ha’pesahim” – regardless of on which night of the week the Seder is observed.

### **The Second of the Four Cups of Wine**

The Shulhan Aruch codifies the Halachic requirement to drink the four cups of wine on Pesah “Al Ha’seder,” which literally means, “in the proper sequence.” Different opinions exist as to what precisely this means. The Peri Hadash (Rav Hizkiya Da Silva 1659-1698) explains this to mean that one must read the Haggada in between the first and second cups of wine. In his view, if a person drank the first cup of wine at the Seder, and then sat there silently until the second cup, he does not fulfill the obligation of the second cup. Since he did not read the Maggid in between the first and second cups of wine, his drinking of the second cup of wine does not fulfill the obligation.

Maran, however, in his Bet Yosef, explains this Halacha differently. He claims that “Al Ha’seder” requires making some interruption between each of the four cups of wine. If a person drinks four cups of wine in immediate succession, then he does not fulfill the Misva. However, according to Maran, one does not have to read the Haggada in between the first and second cups for them to count as two of the required four cups of wine.

This issue is especially relevant with regard to women, some of whom do not always participate in the reading of Haggada. If a woman does not take part at all in Maggid, then, according to one view, she does not fulfill the Misva of the second cup of wine. And this is besides the fact that women are included in the obligation of “Sippur Yesi’at Misrayim,” telling the story of the Exodus on Pesah. Therefore, even if a woman does not read the entire Haggada, she should, at very least, participate in the reading of the section of “Rabban Gamliel Omer...” This section records

Rabban Gamliel's statement that one does not fulfill the Misva at the Seder if he does not discuss the reason behind the Korban Pesah, the Massa and the Maror, and then proceeds to explain these Misvot. Women should ensure to participate at very least in the reading of this section, both for the fulfillment of the obligation of "Sippur Yesi'at Misrayim," and for the fulfillment of the obligation of the four cups of wine, which applies to them just as it does to men.

Summary: According to one view, a person does not fulfill the obligation of the second cup of wine at the Seder if he does not read Maggid in between the first and second cup. Therefore, those women who do not fully participate in the reading of Maggid should participate in at least part of Maggid, especially the section of "Rabban Gamliel..."

### **The Procedure for ROCHTZA and MOTZI-MATZA at the Seder**

Upon completing the reading of Maggid, we wash our hands in preparation for eating Matza. This hand washing is conducted in normal fashion, just as we would wash before eating regular bread, and, unlike the earlier washing before Karpas, in this instance a Beracha is recited after washing.

After everybody has washed hands, the head of the Seder proceeds to Motzi-Matza, the recitation of the Berachot over the Matzot. At this point, he has in front of him two complete Matzot and, in the middle of these two Matzot, one piece from the broken Matza. He lifts all three Matzot and recites the Beracha of "Ha'motzi Lechem Min Ha'aretz." The reason for lifting all three Matzot is that on Pesah, like on all Yamim Tovim, one must recite Ha'motzi over two complete loaves of bread. Upon completing this Beracha, he drops the bottom Matza and then recites the Beracha of "Al Achilat Matza." When he recites these Berachot, he must have in mind that this recitation fulfills his own obligation as well as the obligation of those who listen to his Berachot. The others should likewise have in mind to fulfill their obligation through his recitation of these Berachot. They should not answer "Baruch Hu U'varuch Shemo" during these Berachot, and they must answer "Amen" after each Beracha.

After reciting these two Berachot, the one leading the Seder takes pieces from both Matzot, dips them in salt, and eats them. He then breaks the Matzot and distributes Matza to everybody else.

The Shulhan Aruch rules that one should preferably eat the quantity of two "Ke'zeitim" of Matza, which equals approximately 54 grams. Although some later authorities disagreed with this ruling and held that one is required to eat only a single Ke'zayit (approximately 27 grams), we follow the Shulhan Aruch's ruling that one should endeavor to eat twice this amount. In truth, since some pieces of Matza invariably become wedged in between the teeth, one should eat a bit more than this amount. Needless to say, the Matzot upon which the leader of the Seder recites the Berachot will generally not suffice for distributing two "Ke'zeitim" of Matza to each participant in the Seder. The leader of the Seder must therefore distribute as well some Matza from the box at the table. This box should be prepared ahead of time and placed near him, before he recites the Berachot, so as to minimize the amount of time that elapses between his recitation of the Berachot and everyone's consumption of Matza.

Before eating the Matza, one must have in mind that he now fulfills the Torah obligation to eat Matza at the Seder.

Both men and women must eat the Matza while leaning on their left side. If a man ate his Matza without leaning, then he has not fulfilled the obligation and must eat another two "Ke'zeitim" of Matza. A woman, however, who ate Matza without leaning, is not required to eat more Matza.

The Matza eaten at this point should be eaten with only salt, and not with any spread. Similarly, one should not dip this Matza in any liquid or soup; it must be eaten plain, with nothing other than a small amount of salt.

One must ensure to eat this amount of Matza within a time-frame of seven minutes. Although some people endeavor to place two Ke'zeitim of Matza in their mouth all at once, Hacham Ovadia Yosef rules that this is unnecessary; one fulfills the obligation so long as he eats this complete amount within seven minutes.



One must eat the Matza at the Seder before Chatzot (midnight as defined by Halacha). If one did not eat Matza before midnight, when he eats Matza after midnight he omits the Beracha of "Al Achilat Matza." If a person did not eat Matza the entire night of Pesah, he cannot make up this Misva at a later point.

### **Mosi Masa, Marror, Korech, and the Afikoman**

(Study of the Shulhan Aruch together with the rulings of Hacham Bension Abba Shaul)

The Shulhan Aruch rules that at "Mosi Masa" during the Seder, one eats a Ke'zayit from the top Masa, and a second Ke'zayit from the second Masa, which is the broken piece. The Peri Hadash (Rav Hizkiya Da Silva, 1659-1698) explained that this is done because it is uncertain whether one should eat from the top Masa or from the middle Masa. In order to satisfy both opinions, one should eat a Ke'zayit from both Masot.

Hacham Bension notes that according to this explanation, it would seem proper for every person at the Seder to have two Masot in front of him, so they can all fulfill this Halacha. In fact, since Kabbalistic tradition teaches that the special foods should be taken directly from the Ke'ara (Seder plate), everyone at the Seder should, seemingly, have his own Ke'ara. Hacham Bension observes that some people indeed follow this practice, and this is admirable, though practically speaking, this is often very difficult, particularly when a large number of people are present at the Seder. Therefore, the more prevalent practice is that only the one leading the Seder has a Ke'ara and the three Masot. After reciting the Berachot over the Masa, he eats a Ke'zayit from the top Masa and the middle Masa, and then distributes pieces of these two Masot to everyone else at the Seder. They should supplement this Masa with additional Masa taken from the box on the table.

Hacham Bension explains that in principle, it suffices to eat one Ke'zayit of Masa for "Mosi Masa," though in practice, it is customary to eat two Ke'zetim. The reason, he writes, is that according to some opinions, a Ke'zayit is twice the volume of modern-day olives, and when it comes to the Misva of eating Masa, which constitutes a Torah obligation, we should follow this stringent opinion. Therefore, one should eat two Ke'zetim for "Mosi Masa." One Ke'zayit is approximately 20 grams of Masa, and so one should eat 40 grams for "Mosi Masa."

Preferably, as numerous Poskim write, one should endeavor to eat the entire Ke'zayit all at once. This means that one places a Ke'zayit in his mouth, chews it very well, and then swallows it all together. Several Poskim, including the Hayeh Adam (Rav Abraham Danzig of Vilna, 1748-1820), as well as the Ben Ish Hai (Rav Yosef Haim of Baghdad, 1833-1909), in Parashat Sav (24), write that one should ideally eat both Ke'zetim all at once. However, if one finds this difficult, then he can eat one Ke'zayit at once, and then another Ke'zayit at once. If even this is too difficult, or if one is afraid that he will be ridiculed by others at the Seder, then he can eat the two Ke'zetim normally. He should try to eat the full quantity of Masa within a period of four minutes, but if he cannot, then he must at least eat the full amount within nine minutes. One must ensure not to talk at all until completing the full quantity of Masa that is required.

The Misva of Marror is fulfilled by eating a Ke'zayit of lettuce. Hacham Bension maintains that one should preferably eat 30 grams of lettuce for the Misva.

According to the Shulhan Aruch, one should submerge the entire Ke'zayit of Marror in Haroset before eating it. The Peri Hadash observed the custom to dip only a part of the lettuce in Haroset, but Hacham Bension writes that one should follow the Shulhan Aruch's position and submerge the entire Ke'zayit in Haroset. One should then immediately remove the lettuce from the Haroset, as otherwise the bitterness of the lettuce will be lost. He then shakes off the excess Haroset, recites the Beracha, and eats the Marror.

For Korech, one eats one Ke'zayit of Masa – approximately 20 grams – and a Ke'zayit of Marror, together. For Korech, it is customary to dip only part of the Marror in the Haroset. One does not need then to shake off the excess Haroset.

One should not eat roasted meat at the Seder. If the Zeroa on the Seder plate had been boiled, and not only roasted, it may be eaten at the Seder. If it was only roasted, then it should not be eaten.

During the meal, one must ensure not to eat so much that he will have no appetite for the Afikoman. If one is full at the end of the meal, to the point where he does not feel like eating at all, then his eating of the Afikoman will be considered "Achila Gasa" (overindulgent eating), which does not constitute a Halachic act eating, and he will thus not fulfill the obligation of eating the Afikoman. Moreover, Hacham Bension infers from the Rambam's formulation of the Misva of Masa that one fulfills a Misva every time he eats Masa on the night of the Seder, even beyond the Masa that is strictly required to be eaten. Therefore, instead of indulging in other foods, it is proper to eat additional Masa at the Seder. It should also be noted that the Zohar refers to Masa as "Michla De'asvata" – "food of healing," meaning, Masa has a beneficial, "healing" impact upon the soul.

If one prepared to recite Birkat Ha'mazon and remembered that he had not eaten the Afikoman, then he eats the Afikoman at that point, and does not recite a new Beracha of "Ha'mosi." Even if one had announced "Hab Lan Ve'nibrich," introducing Birkat Ha'mazon, he does not recite a new Beracha over the Afikoman. Normally, once this announcement is made, one is assumed to have diverted his attention from eating, such that if he then changes his mind and decides to eat, he must recite a new Beracha. At the Seder, however, this Halacha does not apply. The reason is because we sit at the Seder as G-d's guests, and a guest, who is dependent upon his host, always anticipates that more food might be served, such that he never actually diverts his attention from eating. Therefore, if one prepared to recite Birkat Ha'mazon but then realized he needs to eat the Afikoman, he does not require a new Beracha over the Afikoman.

The Shulhan Aruch rules that if one remembered only after Birkat Ha'mazon, before drinking the third cup of wine, that he had not eaten the Afikoman, then he washes Netilat Yadayim, recites Ha'mosi, eats the Afikoman, and then recites Birkat Ha'mazon again over the third cup of wine. If one remembered only after drinking the third cup, then he should not eat Afikoman, but should instead rely on the Masa he ate during the meal, which may retroactively be considered his Afikoman. However, if the Masa he had eaten during the meal was not Masa Shemura, then he must wash and eat the Afikoman. He then recites Birkat Ha'mazon over another cup of wine.

If the Afikoman was lost, one may take other Masa as his Afikoman.

It is preferable, if one can, to eat two Ke'zetim of Masa as the Afikoman. The Afikoman commemorates the meat of the Korban Pesah, which was eaten together with Masa, and so one should preferably eat one Ke'zayit of Masa in commemoration of the Korban Pesah, and a second Ke'zayit in commemoration of the Masa with which the sacrifice was eaten. If this is difficult, however, it suffices to eat just one Ke'zayit of Masa as the Afikoman.

It turns out, then, that one should, ideally, eat five Ke'zetim of Masa at the Seder: two for "Mosi Masa," one for Korech, and two for the Afikoman.

### **The Laws of MAROR, KORECH and SHULHAN ORECH at the Seder**

The Misva of Marror is performed on Pesah night by taking a Ke'zayit of Marror, dipping the tip in Charoset, and then eating the Ke'zayit of Marror. Although the Shulhan Aruch (475:1) appears to require submerging the Marror entirely in Charoset, common practice does not follow this view, and we instead dip only the tip of the Marror in the Charoset. Thereafter we shake some Charoset off the tip of the Marror, in order to ensure that the sharpness of the Marror is retained. [Chazon Ovadia, page 89.]

Before eating the Marror, one recites the Beracha of "Asher Kideshanu Be'mitzvotav Ve'tzivanu Al Achilat Marror." One need not recite the Beracha of Ha'adama, which had already been recited earlier, before eating the Karpas. In accordance with the rule of "Be'rov Am Hadrat Melech," which means that public performance of Mitzvot brings greater honor and glory to God, it is proper for one person at the Seder to recite the Beracha over Marror on behalf of everybody else. He must have in mind for his Beracha to fulfill their obligation, and they must similarly have in mind to

fulfill their obligation by listening to his recitation. If there is concern that the one leading the Seder will not articulate all the words of the Beracha properly or audibly, or that he will not have in mind for the others to fulfill their obligation through his Beracha, then it is preferable for each individual to recite his own Beracha. [Chazon Ovadia, page 89.]

One must have in mind before eating the Marror that he fulfills the Rabbinic obligation to eat Marror on Pesah night. (The Torah obligation of Marror applies only when one eats the Korban Pesah; nowadays, therefore, the requirement to eat Marror applies only on the level of Rabbinic enactment.) Nevertheless, if one ate Marror without having this intention, he is not required to eat Marror again.

One does not lean while eating the Marror, as it serves as a commemoration of the bitter slavery, and not of the redemption.

Our practice is to use romaine lettuce for the Misva of Marror. One must thoroughly check the lettuce before the Seder for insects, which are often found in romaine lettuce, particularly in the leaves. Ideally, one should purchase lettuce that was produced through hydroponics or some other mechanism that ensures the absence of insects. The Ben Ish Chai (Rabbi Yosef Chayim of Baghdad, 1833-1909) tells of a woman who did not check the Marror carefully before the Seder, and the Rabbi warned her that she might be liable to the same number of lashes as hairs on her head. One who eats an insect transgresses five Biblical prohibitions, each of which renders one liable to lashes. And this woman, by neglecting to properly check the Marror, potentially caused each of her guests to eat a number of insects, for which she will be liable to many sets of lashes. It therefore cannot be emphasized strongly enough the importance of thoroughly checking the romaine lettuce for insects before Pesah. [Chazon Ovadia, page 95.]

One may use for Marror either the leaves or the stalk of the romaine lettuce. Since stalks are usually not contaminated with insects to the same extent as the leaves, some people prefer using the stalks (though the stalks must also be checked). If one chooses to eat the leaves, he must ensure that they are moist at the time when he eats them. It is advisable to wrap the leaves in a damp towel or cloth to keep them moist for the Seder. If one prefers to soak the leaves in water, he must ensure not to leave them in water for twenty-four consecutive hours. Vegetables soaked in water for this period have the Halachic status of Kavush ("pickled"), and one does not fulfill the obligation of Marror with pickled vegetables. One should therefore either soak the lettuce for less than twenty-four hours, or wrap them in a moist cloth, as mentioned. [Chazon Ovadia, page 95.]

One must endeavor to eat the Marror before Chatzot (midnight as defined by Halacha); if one does not eat Marror until after midnight, then he does not recite the Beracha of "Al Achilat Marror." [Chazon Ovadia, page 100.]

After eating the Marror, one proceeds to "Korech," which requires eating a Ke'zayit of Matza together with a Ke'zayit of Marror. One should use for Korech the bottom of the three Matzot that he had before him until this point in the Seder. Of course, this single Matza will not suffice for distributing a Ke'zayit of Matza to every participant in the Seder, and therefore one should take as well Matza from the box on the table. One dips the Matza-Marror combination in Charoset, recites the "Zecher Le'mikdash Ke'Hillel" as printed in the Haggada, and then eats the Matza and Marror as he leans on his left side. If one forgot to lean while he ate the Korech, he should preferably repeat Korech, unless he finds this difficult, in which case he may, according to Hacham Ovadia Yosef, be lenient. Similarly, if one forgot to dip the Korech in Charoset before eating it, he should preferably repeat Korech, unless he finds this difficult, in which case he may be lenient. Even then, however, one should eat at least a small quantity of Matza and Marror with Charoset (Chazon Ovadia – Laws of Pesah, p. 101). Before eating the Korech one need not shake some Charoset off, as one must before eating Marror.

It is improper to add any other foods to the Korech; the Korech should consist of only Matza and Marror dipped in Charoset.

Upon completing the Korech, one proceeds to the festive "Shulhan Orech" meal. One should not engage in any speech unrelated to the Mitzvot of the Seder from the time he washes his hands for Matza until he completes Korech.

Some people make a point not to speak at all until after eating the Afikoman at the end of the meal, other than in words of Torah and songs of praise to God.

### **Does One Recite the Beracha Over Marror if He Lost His Sense of Taste?**

One of the common symptoms of the coronavirus is the loss of the sense of taste. If a coronavirus patient cannot taste food, can he fulfill the Misva of Marror at the Seder on Pesah?

The answer to this question seems to emerge from the Gemara's ruling in Masechet Pesachim that "Bala Marror Lo Yasa" – if one swallowed the Marror without first chewing it, he has not fulfilled the Misva of Marror. Although one fulfills the Misva of Masa at the Seder if he swallows the Masa without first chewing it, the Misva of Marror is not fulfilled in this fashion. The Rashbam (Rav Shemuel Ben Meir, France, 1085-1158) explains that the Misva of Marror requires one to experience a taste of "Merirut" – "bitterness" – and therefore, one who swallows the Marror without chewing, and thus does not experience the bitter taste, does not fulfill his obligation.

It would therefore seem that a person who is unable to taste food cannot fulfill the Misva of Marror. Although the patient certainly can, and perhaps should, eat the Marror, he should not recite the Beracha of "Al Achilat Marror," and should instead hear somebody else's recitation of this Beracha.

It should be noted that a person in such a condition recites "Birkot Ha'nehenin" – the regular blessings required before eating. Although he does not enjoy the taste of the food he eats, he nevertheless experiences "Hana'at Me'ayim" (literally, "benefit of the stomach"), in that he receives nourishment and sustenance from the food, and so he recites a Beracha. The Hid"ra (Rav Haim Yosef David Azulai, 1724-1806) mentions that there were people in his day who would eat raw eggs, which has no taste, and they recited the Beracha of "She'ha'kol" before eating, because they received nourishment from the egg. By the same token, one recites a Beracha over food even if he suffers from an illness which prevents him from tasting the food.

Summary: A coronavirus patient who is unable to taste food likely cannot fulfill the Misva of Marror at the Seder, and so he should not recite the Beracha of "Al Achilat Marror." He does, however, recite the usual Berachot before eating food, even though he cannot taste it.

### **Eating the Charoset at the Seder**

Halacha requires eating Charoset at the Seder on Pesah, and two reasons have been given for this requirement. Firstly, the Charoset symbolizes the cement with which the Egyptians forced Benei Yisrael to work in preparing bricks during the period of bondage. The Charoset is therefore made in a consistency resembling that of cement, generally from crushed fruits; Sepharadim generally make the Charoset from crushed dates. It is also customary to add sweet spices (some add cinnamon), walnuts and wine, in order for the Charoset to resemble cement.

The second reason given for the Charoset is the tradition that during the period of Egyptian bondage, the women of Benei Yisrael would deliver their infants in the apple orchards in an effort to escape the Egyptian authorities who were ordered to kill the newborn males. This is mentioned in a Pasuk in Shir Ha'shirim (8:5): "I have awakened you underneath the apple tree – there did your mother deliver you..." The ground miraculously opened and took in the newborn infants, who were fed and cared for by angels underground and then returned to their parents upon reaching maturity. We commemorate this extraordinary miracle by eating Charoset, which consists of apples or other ingredients resembling apples.

When eating Marror at the Seder, we first dip it into the Charoset. This is generally explained as intended to diminish somewhat the pungent taste of the Marror. Additionally, perhaps, we might explain this custom on the basis of the aforementioned miracle that God performed for Benei Yisrael in caring for the newborn infants. By dipping the

Marror in the Charoset, we commemorate the fact that there was "sweetness" even amidst the bitter suffering of oppression, in that God miraculously cared for Benei Yisrael's children who were eventually freed from Egypt.

One should not scoop the Charoset onto the Marror, but rather dip the Marror into the Charoset and then shake the Charoset off the Marror, so that only a small amount remains to diminish somewhat the sharp taste of the Marror.

It is permissible to eat Charoset on Erev Pesah as well as throughout the holiday.

Summary: Halacha requires dipping the Marror into Charoset at the Pesah Seder; after dipping, one should then shake the Charoset off the Marror so that only a small amount remains. One may eat Charoset on Erev Pesah and throughout Pesah. Charoset is generally prepared with crushed fruits, sweet spices, walnuts, wine and apples.

### **The Third and Fourth Cups of Wine at the Seder**

Towards the end of the Seder we recite Hallel over the fourth and final cup of wine. The practice of the Sephardim is not to recite the Beracha of "Borei Peri Ha'gefen" before drinking the fourth cup. We instead rely on the Beracha recited before drinking the third cup of wine, (before Birkat Ha'mazon). Therefore when one recites "Borei Peri Ha'gefen", before drinking the third cup of wine, he must have in mind that it should apply to the fourth cup that he will drink after Hallel as well.

Regarding Beracha Acharona: Does one recite a "al ha'gefen Ve'al Peri Ha'gefen", in all situations?

According to the Halacha, one recites a Beracha Acharona only if he drinks a quantity of a Revi'it, (approximately 3 oz.) in one shot. However, one fulfills his obligation to drink each cup of wine at the Seder by drinking a majority of a Revi'it, (approximately 1.6 oz.). It is therefore possible for somebody to fulfill his obligation of drinking at the Seder without becoming obligated to recite a Beracha Acharona. Hence, one recites a Beracha Acharona after drinking the fourth cup of wine, but only if he drinks at least 3 oz. in one shot during either the 3rd or 4th cup. (The amounts drunk for the third and fourth cups do not combine to constitute a Revi'it with respect to the requirement to recite a Beracha Acharona.)

One should remember to drink the third and fourth cups while reclining on his side.

Hacham Ovadia Yosef writes (listen to audio for precise citation) that one should complete the Hallel recitation and the drinking of the fourth cup of wine at the Seder before Chatzot (midnight as defined by Halacha). Nevertheless, if one did not complete Hallel by Chatzot, he may nevertheless recite the final Beracha of the Hallel ("Yehalelucha") and should proceed with the rest of the Seder as usual.

Summary: Our practice is not to recite a Beracha over the fourth cup of wine at the Seder, and to instead rely on the Beracha recited over the third cup; one should have this in mind when reciting this Beracha. One recites a Beracha Acharona after the fourth cup of wine, but only if he drank at least 3 oz. either in the 3rd or 4th cup in one shot. One should try to complete Hallel and drink the fourth cup before Chatzot; if one did not complete Hallel before Chatzot, he nevertheless continues with the rest of the Seder as usual.

### **SHULHAN ORECH, TZAFUN, BARECH, HALLEL and NIRTZA**

Hacham Ovadia Yosef, in his work Chazon Ovadia (Laws of Pesah, p. 103; listen to audio for precise citation), writes that one should conduct the "Shulhan Orech" meal at the Seder in a festive and regal fashion in accordance with his means. It is preferable, he writes, to lean while eating one's meal at the Seder, but one who prefers not to lean is not required to do so.

There is some discussion among the Halachic authorities as to whether it is permissible to engage in conversation during the meal at the Seder. The Talmud forbids conversation at all meals, due to the concern that one's food may enter his windpipe and cause him to choke, Heaven forbid. The Perisha (commentary to the Tur by Rabbi Yehoshua Falk, 1550-1614), in Siman 170, writes that this concern arose only in Talmudic times, when people would recline on their left side while eating, thus posing the risk of choking should one converse during a meal. Nowadays, however, when people eat in an upright position, speaking while eating poses no danger, and it is therefore permissible to engage in conversation during meals. The Chid"u (Rabbi Chayim Yosef David Azulai, 1724-1806), in his work Birkei Yosef, approvingly cites this ruling of the Perisha (listen to audio for precise citation). At the Seder, however, when we do (preferably) lean on our left sides during the meal, the Talmud's ruling indeed applies and one must therefore ensure not to engage in conversation. This is the position taken by the Ben Ish Chai (Rabbi Yosef Chayim of Baghdad, 1833-1909), in Parashat Behar (5). However, Rabbi Chayim Palachi (Turkey, 1788-1868), in his work Zechira Le'chayim (vol. 2), qualifies this ruling by permitting speaking about Yetzi'at Mitzrayim (the Exodus from Egypt) during the meal. Since speaking about the Exodus fulfills a Misva, it cannot endanger a person, even as he eats. [Chazon Ovadia page 105.]

The custom is to refrain from eating roasted meat on the night of the Seder. The Zero'a (piece of meat on the Seder plate) is customarily boiled in water and then roasted, in which case it is permissible for consumption on Pesah night. [Chazon Ovadia page 103.]

One must ensure not to fill himself entirely during the meal, as Halacha requires eating the Afikoman after the meal with an appetite. [Chazon Ovadia page 103.]

Tzafun, the stage of the Seder that follows Shulhan Orech, refers to the eating of the piece of Matza that had been put away as the Afikoman. Halacha requires that both men and women partake of at least a Ke'zayit of Matza for the Afikoman; this is the ruling of the Shulhan Aruch (477). Nevertheless, some people follow the stringency to partake of double this amount, or two Ke'zeitim, because the Afikoman commemorates both the Korban Pesah (paschal offering) as well as the Matza that accompanied this sacrifice. Hacham Ovadia Yosef (Chazon Ovadia, p. 107) writes that one fulfills his obligation with a single Ke'zayit, but it is an admirable practice to eat two Ke'zeitim. He adds, however, that even those who follow this stringency may eat 20 grams of Matza for the second Ke'zayit, despite the fact that we normally define a Ke'zayit as 30 grams.

Needless to say, it is unlikely that the Matza that had been put away and now brought to the table for the Afikoman will suffice for distributing a full Ke'zayit (not to mention two Ke'zeitim) for every participant of the Seder. The leader of the Seder must therefore take some Matza from the box on the table so as to ensure that each participant receives the minimum required amount of Matza.

Before eating the Afikoman, we declare that we eat this Matza "Le'zecher Korban Pesah Ve'zecher Le'matza Ha'ne'echelet Imo" (to commemorate the Korban Pesah and the Matza eaten with it).

One must lean on his left side while eating the Afikoman. Hacham Ovadia Yosef rules (Chazon Ovadia, p. 108) that if one ate the Afikoman without leaning, he should preferably eat another Ke'zayit while leaning, unless this would entail considerable difficulty, in which case he need not eat another Ke'zayit.

The Afikoman should be eaten within a period of 4-7 minutes, and one should ensure to eat the Afikoman before Chatzot (midnight as defined by Halacha). [Chazon Ovadia page 109.]

Halacha forbids eating on the night of the Seder after eating the Afikoman; all desserts must be eaten before the Afikoman. One may, however, drink water, tea or coffee (even with sugar) after the Afikoman, in addition to, of course, the third and fourth cups of wine, which are drunk after eating the Afikoman (Chazon Ovadia, p. 112).

After eating the Afikoman, one washes "Mayim Acharonim" in preparation for Barech, the recitation of Birkat Ha'mazon. The cups used for wine must be rinsed inside and out and then dried before being filled for Birkat

Ha'mazon. Every participant at the Seder should lift the cup with both hands and then transfer it to his right hand, where it should be held throughout the recitation of Birkat Ha'mazon (Chazon Ovadia, p. 114).

One must remember to add "Ya'aleh Ve'yavo" in Birkat Ha'mazon at the Seder. If one forgot to add "Ya'aleh Ve'yavo" and realized his mistake before beginning the concluding Beracha of "Boneh Yerushalayim," then he may recite "Ya'aleh Ve'yavo" and then proceed as usual. If one realizes his mistake only after reciting the words "Baruch Ata Hashem," he should say the words "Lamedeni Chukecha" and then recite "Ya'aleh Ve'yavo" at that point. If one realized his mistake only after he completed the Beracha of "Boneh Yerushalayim," then he recites a special Beracha in lieu of "Ya'aleh Ve'yavo": "Baruch Ata Hashem Elokeinu Melech Ha'olam Asher Natan Yamim Tovim Le'amo Yisrael Le'sasson U'le'simcha Et Yom Chag Ha'matzot Ha'zeh Yom Tov Mikra Kodesh Ha'zeh, Baruch Ata Hashem Mekadesh Yisrael Ve'ha'zmanim." If one realized his mistake only after reciting the words "Baruch Ata Hashem Elokeinu Melech Ha'olam" of the next Beracha, then he may insert the special Beracha at that point, beginning with the words "Asher Natan Yamim Tovim..." If one realized his mistake after reciting the words "Ha'Kel Avinu" of the next Beracha, then he must return to the beginning of Birkat Ha'mazon.

The third cup of wine is drunk immediately after Birkat Ha'mazon, followed by Hallel. (For laws concerning the drinking of the third and fourth cups of wine at the Seder, see "Pesah – the Third and Fourth Cups of Wine at the Seder," <http://dailyhalacha.com/Display.asp?ClipDate=4/11/2006>.) Hacham Ovadia Yosef (Chazon Ovadia, p. 117) writes that one should ideally hold his cup of wine throughout the entire recitation of Hallel. If one finds this difficult, he should hold the cup at least for the concluding section of "Yehalelucha." Hallel should be recited with immense joy and emotion, and one should endeavor to complete Hallel and drink the fourth cup of wine before Chatzot. Nevertheless, one who did not recite Hallel before Chatzot may do so after Chatzot and even recite the concluding Beracha (Chazon Ovadia, p. 124).

Although we generally recite "Amen" after the concluding Beracha of the Hallel ("Melech Mehulal Ba'tishbachot"), one does not answer "Amen" after the concluding Beracha of Hallel at the Seder (Chazon Ovadia, p. 118). "Amen" is normally recited after Hallel because it completes a series of Berachot; at the Seder, however, we do not recite the introductory Beracha to Hallel, and thus the concluding Beracha stands independently and does

After completing the Hallel and drinking the fourth cup of wine, one concludes the Seder by singing the songs of Nirtza and then reading Shir Ha'shirim. One must not belittle the importance of the time-honored tradition to sing these songs. The Chid"ah, in his work Chayim Sha'al (28), tells of a certain Jew who ridiculed the "Chad Gadya" hymn, and he was excommunicated by the local Rabbis for his temerity. This demonstrates the respect with which we must approach our centuries-old customs and traditions.

The bedtime Shema is recited as usual on the night of the Seder.

### **Halachot of Birkat Ha'mazon at the Seder**

After eating the Afikoman, everyone at the Seder washes Mayim Aharonim, and then Birkat Ha'mazon is recited over a cup of wine. The cup must be rinsed – both the interior and the exterior – before Birkat Ha'mazon, even if it is clean. The one leading Birkat Ha'mazon is handed the cup, which he takes with both hands and then holds with only his right hand throughout the recitation of Birkat Ha'mazon. He should preferably hold the cup at least one Tefah (3-4 inches) above the table, and look at the cup while reciting Birkat Ha'mazon.

One must recite Birkat Ha'mazon with Kavana (concentration), and remember to add Ya'aleh Ve'yabo. One does not perform Heseba (leaning) during Birkat Ha'mazon, as this would not be respectful to the Beracha. Immediately after completing Birkat Ha'mazon, one recites the Beracha of "Boreh Peri Ha'gefen" and drinks the cup of wine while leaning on the left side. If one drinks without Heseba, he must pour another cup and drink again while leaning.

One may not drink wine in between the third and fourth cups of wine at the Seder. Therefore, if a Hatan is present and Sheba Berachot are being recited, only a single cup of wine is used for the Sheba Berachot (as opposed to other

times, when, depending on the circumstances, two cups are used). This applies regardless of whether two or seven of the Sheba Berachot are being recited. (The issue of how many Berachot are recited under which circumstances lies beyond the scope of our discussion here.) The Beracha of “Boreh Peri Ha’gefen” is recited first, immediately after Birkat Ha’mazon, followed by the Birkat Hatanim, and, of course, the wine must be drunk while leaning. This Halacha is mentioned in Yalkut Yosef (p. 345; listen to audio recording for precise citation).

### **Refraining From Roasted Meat on the Night of the Seder**

The Mishna in Masechet Pesachim tells that some communities had the custom not to eat roasted meat on the night of the Seder. People who see others eating roasted meat might mistakenly assume that they are partaking of the meat of the Korban Pesah, which had to be roasted and could not be prepared any other way. This might leave people with the impression that it is permissible to eat sacrificial meat outside the Bet Ha’mikdash. Therefore, some communities accepted this custom to refrain from roasted meat on the night of the Seder.

The Ashkenazim, as noted by several Halachic authorities (Mishna Berura, Aruch Ha’shulhan), have adopted this custom, and the work Derech Eretz documents that this was the custom in Halab (Aleppo, Syria), as well. However, in a footnote, the Derech Eretz cites a book called Bet Ha’behira stating that the Jews of Halab permitted eating roasted meat on the night of the Seder. Regardless, the accepted practice among our community today is to refrain from eating roasted meat at the Seder. Meat that was boiled in water, even after it was roasted, or that was roasted in a pot (“Seli Kedar”), is permissible. Therefore, the Zeroa, which is placed on the Seder plate, and which many people have the custom to eat before or during the meal at the Seder, should be boiled in water after it is roasted, so it may be eaten. This is the ruling of Hacham Bension Abba Shaul (Israel, 1923-1998) and of Hacham Ovadia Yosef.

This Halacha applies to any food prepared by slaughtering, and thus it applies to chicken and red meat alike. It should be noted that liver only becomes permissible for consumption through roasting, and so one who wishes to eat liver at the Seder should boil it after it is roasted. Roasted eggs, fish and vegetables are permissible.

This custom applies only on the night of the Seder, when the Korban Pesah would be offered; during the day of Pesah it is entirely permissible to eat roasted meat.

The Rama (Rav Moshe Isserles of Cracow, 1525-1572) writes (in Siman 476) that it is customary to eat an egg at the Seder. Various reasons have been given for this custom, one of which is that the first night of Pesah always falls on the same night of the week as Tisha B’Ab of that year. This is alluded to in the verse, “Al Masot U’mrorim Yocheluhu” – the night of Massa is also the night of “Merorim,” the bitterness of the Temple’s destruction. As eggs are traditionally eaten by mourners, we eat eggs at the Seder as a reminder that we are in exile.

The Halachic authorities caution that although one should eat heartily at the meal of the Seder, he must ensure not to eat so much that he is too full to eat the Afikoman. One does not fulfill the Misva by eating “Achila Gasa” – when he has no appetite at all – and therefore one must ensure not to eat too much during the meal. Additionally, one should not drink wine excessively during the meal, as he may then become inebriated and thus be unable to properly fulfill the Mivvot of the Seder.

Summary: It is customary not to eat roasted chicken or meat at the Seder, unless it had been boiled in water after it was roasted. Therefore, the Zeroa, which many people eat at the Seder, must be boiled after it is roasted. Other roasted foods may be eaten at the Seder. It is customary to eat eggs at the Seder. One must ensure not to eat so much during the meal of the Seder that he has no appetite for the Afikoman.

### **Eating The Afikoman on Pesah Night**

The Afikoman is at the end of the Seder, which is the last thing that one eats. Maran holds that the amount of Massa one has to eat is one Kezayit. One Kezayit for Afikoman. There are Machmirim (very strict people) that eat 2 Kezetim



because the Afikoman we eat is to commemorate Korban Pesah, and the law in the olden days was that with Korban Pesah they ate a slice of Massa. So some eat one Kezayit Afikoman Zecher LiKorban Pesah (to remember Korban Pesah,) and they eat another Kezayit to commemorate the Massa that was eaten with it. Therefore if a person has it within him to eat 2 Kezetim at that point, then such is fine. But if one can not eat 2 Kezetim, for he is over stuffed or unable to eat more, then eating just one Kezayit would be OK.

If a person did not lean while eating the Afikoman, Lechatchila he has to do it over again. Unless one can not lean due to stiffness or if it would be considered a repulsive eating if he were to eat again, then he can rely on the opinions that say that if he didn't lean it is OK.

Ladies are also obligated in the eating of the Afikoman and the leaning as well.

The Massa Afikoman must be eaten within 4 to 7 minutes.

It is clear that the Afikoman will not be enough for full distribution around the table, so therefore the Ba'al Habayit is permitted to take as he needs from the box. Here in this case just like the Motzi Massa, the Baal Habayit has to be aware of the amounts and make sure he gives everybody around the table at least a Kezayit. For those who want 2 Kezetim he provides them.

So it comes out that the most Massa which a person is required to eat on the night of Pesah is 5 Kezetim. Two for Motzi Massa, which is one for the Korech which we did not discuss in today's or yesterday's Halacha, and 2 for the Afikoman. Minimally if he wants to drop off the last Kezayit of the Afikoman and instead of eating 2 Kezetim one may be allowed to eat just one Kezayit.

After the Afikoman, it should be pointed out that there is no more eating. Desert is done on the night of Peach before the Afikoman. As the Hagadah teaches us 'En Maftirim Achar HaPesah Afikoman'. The Halacha also teaches us that if one wants to have a glass of water he may, as the Poskim say water is legal. Water is not from the drinks that they were restricting. Furthermore if a person is planning on staying up a little longer to read the Hagadah again and say some Divre Troah, he would then be allowed to even sip a cup of coffee or a cup of tea. But beyond the coffee and tea, one would not be allowed to have anything. One can not have any foods or any other type of drinks besides the two cups that you are going to drink during the Seder.

### **Drinking After Afikoman**

The Mishna establishes the Halacha "En Maftirin Ahar Hapesah Afikoman"-One may not eat after eating the Massa of the Afikoman. There is a disagreement between the Rishonim whether this prohibition includes drinking as well. Maran rules that it does include drinking. He allows only to drink water after the Afikoman.

There is a discussion as to the reason for this prohibition. Some suggest that it is to ensure that the taste of the Afikoman lingers in his mouth all night. Eating or drinking would dilute the taste.

Interestingly, the Rema brings down the Rambam's practice to drink a fifth cup of wine and recite on it the Hallel HaGadol. This is not the accepted practice. Drinking wine after the four cups is problematic, because it is likely to make a person drowsy and hinder him from fulfilling the Misva of staying awake as long as he can after the Seder, relating the wondrous miracles of the exodus. The custom is to also read Shir HaShirim after the songs of Nirsas.

### **SUMMARY**

One may not eat or drink anything except water after the Seder.

One should stay awake as long as he can after the Seder to continue discussing the story of the exodus.

### **Is It Permissible To Eat ROASTED Foods On Seder Nights**

Maran (Rabbi Joseph ben Ephraim Caro 1488-1575) writes on Halachot Pesah the custom that some people have not to eat Roasted food on the night of Pesah. There are some places that have a custom not to eat it, and there are some places that have a custom to eat roasted foods. Maran says each place follows their Minhag. The Minhag of our community is NOT to have roasted food on the night of Pesah. Therefore, our custom is when we have the Zeroa, which is the shank bone, which we put on the Kearah, the custom is that it is cooked. It's cooked in order to get around that problem. Since it is cooked, it would be permissible from the custom, and from the law to technically after the Seder officially is over, after we go through all the rituals during the meals, to have a little piece of the Zeroa. However, the Kaf Hachayim (Rav Yaakov Chaim Sofer 1870-1939), and Mishna Berura warn better not to eat from the actual Zeroa that is on the Kearah lest people think that it's Korban Pesah and run into problems. So if someone wants to have some Zeroa meat, then you should have another Zeroa in the kitchen where they cut it and bring it to the table. But the one that's on the Kearah, even though it's boiled and its not roasted, but still, since its designated Zecher LeKorbon Pesah, it would be preferable not to eat from that actual Zeroa itself.

But one Halacha that comes out, is that you have to check how Roast is done. Roast, you put it in a pot, then you put in the oven, and it cooks. Roast that's cooking in its own juices is not considered cooking, that's considered Tseli Kedar, that pot-roasting, and that's a problem according to our Minhag. So therefore, one should be careful on the night of Pesah, to see exactly what the menu is, that we don't break our Minhag of having roasted food. Of course if there was liquid, or if it was cooked in soup or gravy in the beginning, and that's the way they made it, then that's fine. But to have a dry roasted item that was cooked in its own juices and its own gravy that comes from within the piece of meat, then that would be against the Minhag. Maran holds that the same thing would apply to chicken. The whole reason we are doing this, is because we do not want to make a mistake in order to come to think that we are eating Korban Pesah and things like this. So therefore, the Halacha, the Minhag again, is not to eat roasted things on the night of Pesah. If you cook it then its OK, and therefore one should be careful not to eat from the Zeroa that's on the Kearah, but he can have from the Zeroa that's inside that was cooked, not roasted. They roast and then they cook it, that's also OK. One should be careful from making roasted chicken or roasted meat on the night of the holiday without having it cooked.

## **PRACTICAL HALACHOT QUESTIONS ON PESAH**

### **Is It Permissible To Eat Egg Massa on Pesah**

Just one Halacha in Hilchot Pesah regarding the Minhag with Massa Ashira, which they call Egg Massa. Regarding this, Gemara Pesachim writes that when one kneads flour with fruit juices it does not become Hames.

However, there is a Machloket amongst the Rishonim on what that exactly means. Some opinions hold like Rashi (Rabbi Shlomo Yitzchaki 1040-1105) that it's not Hames as per the Torah, however it can become Hames Nuksha, which is considered Hames according to the Rabanan. But, most Rishonim including the Tosafot (basic commentary of many sHolars throughout the 12th and 13th centuries), argue on Rashi and say, that when you knead flour with fruit juice it can not become Hames at all. It's not like kneading water with flour which has the ability to become Hames if it is left without kneading it. With juice it is not like that. It does not have the ability to make the flour into Hames.

The opinion of Maran (Rabbi Joseph ben Ephraim Caro 1488-1575) in Shulhan Aruch is like those Rishonim that say that it does not become Hames when kneading dough with fruit juices. But such is true only as one is careful during the kneading process not to allow any water whatsoever to get mixed in. If water does get in, it is then worse because when water is mixed in, it then becomes Hames immediately. So there's a very fine line here. Maran says so long as there is no mixture of water, and it's clear that there is monitoring and a valid Hashgacha, and everything is done carefully, it is then permissible to eat Egg Massa (Massa Ashira) on Pesah.

That's also the opinion of the Peri Chadash, and Rav Chida (Rav Chaim Yoseif David Azulai, 1724-1806) writes from his grandfather Rabbi Avraham Azulai that such was the Minhag in Sefarad. Therefore the Halacha for Sephardim that wants to eat these cakes or these cookies or Massa Ashira on the holiday, is that they certainly have what to rely on based on all these Poskim.

Ashkenazim on the other hand are more Machmir (stringent). It's because of the opinion of Rashi that fruit juice can be a problem, and because there is concern that maybe a drop of water can get mixed in makes the risk dangerous. So they are only lenient for old people or for sick people like the Rama brings down.

Pesah in general is a holiday on which we are Machmir on our intake of food, and everyone who is Machmir when it comes to these things, will come upon him blessings. For example, if a person only wants to eat Massa Shemura during the whole holiday, upon him will come blessings. Or if one eats just regular Massa the whole holiday, upon him will come blessings. So if one doesn't want to get involved in the whole controversy of Egg Massa he doesn't have to. It's not a Misvah to eat Egg Massa.

But regarding the Halacha of whether or not it is permissible is that those that want to have Egg Matza on Pesah, the halacha for Sephardim is they definitely have Maran to rely on, so long as the Hashgacha on the Massa Ashira is legitimate, and it's a proper Mashgiach that we know that was making sure that it was done the proper way.

The Halacha is Egg Massa (Massa Ashira) for Sephardim is permissible.

### **The Laws Regarding Eating RICE**

Regarding the law of eating rice on Pesah. Certainly from the Halacha there is no problem to eat rice on Pesah. The Gemara Pesachim tells us that one of the items on the night of Pesah that we used to eat, for the two cooked foods that you are supposed to eat which are Zeicher LiKorban Pesah and LiKorban Chagiga, was rice. You see clearly from the times of the Gemara they used to eat rice on Pesah. The Gemara even discusses whether or not you can use rice flour in order to make Matzot. The Gemara answers no to this, but you see that it was a question. They answered that it was not because of Hames, but because it was not one of the grains. The bottom line is that you see that rice was not a problem.

Only in modern history did the issue arise. It was about 200 – 300 years ago when the rice fields used to be next to the wheat fields, and they used to use the same bags. They used the same sacks for wheat as they used to package the rice. So it was very common that you would have some wheat that would fall in the rice because the bags were not fully cleaned out after each use. Hence, it was possible to find wheat and rice together, and it became possible on Pesah to have a problem and find wheat mixed in with rice.

There is a story about the Peri Chadash who was Sephardic, who followed the Minhag to eat rice, which was unlike the Ashkenazim. He resided in a country where they would never have such a problem of wheat becoming mixed up with rice. What happened? On one of the nights of Pesah, he saw a big fat wheat kernel that opened up right on top of his rice. So he accepted upon himself from that day on that he would not eat rice on Pesah. So you see that it can happen even in our lands.

The Halacha for the Ashkenazim is that they must follow their Minhag and it's forbidden for them to eat rice on Pesah in all situations. It's still a Minhag to follow even though the Gaon Ya'abetz wrote that if he had the power he would lift the ban. He wrote that, because there are limited foods that are permitted on Pesah. How many potatoes can one eat? Rice is a basic staple food. But the Ashkenazim rule to follow the Minhag and not to break it.

However, Sephardim do not follow this Minhag. At least our community does not accept this Minhag. It is permissible to eat rice on Pesah so long as you check it 3 times before you eat it, and remove any wheat kernels that are found. It is still possible today to find some wheat mixed in. People that check rice will tell you that it is possible to find some kernels of wheat mixed in. How and why this happens is a good question. The bottom line is that it is there. Therefore

it's proper to take the rice and put it on a white cloth, and sift through it, in order that the dark pieces of wheat will become visible. It's preferable not to check three times in a row, because you get tired by the third time, and you might not do a good checking. It is not proper to have minors check as you can not trust them when it comes to this issue. For that matter you also can't trust the maids to check the rice. You must have girls that are over 12 years old or boys over 13 that are responsible that know what they are looking for and check the rice three times.

Regarding a Sephardic man that is married to an Ashkenaz woman. In this case, the lady follows the husband. Since the husband eats rice on Pesah, even though all her life she didn't eat rice, once she marries it is considered she moved to a place where the Minhag is to eat. The Halacha is to take on the Minhagim of the place where you are. Therefore again, an Ashkenazi lady that marries a Sephardic man who eats rice on Pesah, she is then permitted to eat rice on Pesah.

Now for the opposite case. Let's say you have an Ashkenaz man that marries a Sephardic lady. The Sephardic lady all her life ate rice and now she married an Ashkenazi. So certainly in her husband's house it is forbidden for her to cook rice on Pesah, because she must now follow the Minhagim of her husband. However, Hacham Ovadia says that when she goes to her parent's house, she can eat rice. He said this inconsistency specifically applies in Israel, because since Maran is considered the foremost authority of Halacha in Israel, and according to Maran it is permissible to eat rice, so therefore she is in a quandary. So, since her husband is Ashkenazi, it is thus forbidden for her to cook rice in her house. However, since Israel is following Maran, so when she goes to her parent's house she can eat the rice. Of course the husband can eat from the pots that rice was cooked in. The pot is not considered Hames.

Regarding Carolina Rice and all these other rices. Carolina Rice is Kosher for Pesah just like it was Kosher last year and the year before. So you don't have to buy special rice. Regular rice that you eat all year around that is kosher, it is also kosher for Pesah.

### **Bananas, Quinoa and Mustard**

The Poskim discuss potential Kosher for Pesah issues with regard to various food items.

#### **Bananas**

Bananas are a fruit, and they clearly present no problem of Hames, per se. However, when harvested, they are extremely hot and are thrown into a liquid coolant. One might question whether the liquid contains Hames, or for that matter, whether the liquid is, in fact, Kosher for year-round use. Rabbi Blumenkrantz, in his guide to Pesah, confirms that there is no trace of Hames in that liquid. Even if there would be an issue with the Kashrut of the liquid, it would not penetrate the banana peel and affect the fruit.

#### **Quinoa**

Although it behaves like a grain, Quinoa is not a grain and is, in fact, a vegetable. It is more related to beets and spinach than to rice and millet. Therefore, its Beracha is "HaAdama," and not "Mezonot." It is also not considered Kitniyot and is permitted to Ashkenazim. Nevertheless, it does require Kosher for Pesah certification.

#### **Mustard Seed**

The Shulhan Aruch mentions preparing mustard on Pesah. Clearly, there is no issue of Hames with the mustard seed, per se. However, it is considered Kitniyot, and therefore Ashkenazim do not eat mustard on Pesah.

SUMMARY: There is no issue with regard to Bananas on Pesah. Quinoa is neither Hames nor Kitniyot, but does require Kosher for Pesah certification. Mustards Seed is permitted to Sepharadim, but not to Ashkenazim.

### **Gebraucht- Baking Massa with Liquid (Example- Pizza) and Massa Shemurah**

The Mishna Berura brings down the custom of some communities that do not cook their Massa on Pesah. The Ashkenazim call this Gebraucht. What does it mean? They will not take Massa that was baked before the holiday or on the holiday, and put it into water, into a liquid, in things like that. They will not put it into a soup, or into cereal. Why? Because they are concerned that maybe there's some flour in the dough that didn't get cooked or baked. And therefore when you put it in liquid there is a chance for it to become Hames.

The Mishna Berura says that we shouldn't ridicule people that follow this Minhag, even though there is no reason why one would assume that the Massa has unbaked flour in it. We don't assume the worst, especially today that our Matzot are made like crackers. The other Matzot that they are talking about, was thicker, and it had a bigger chance to not be fully cooked. But our Matzot today are practically burnt. So you don't have to worry about flour. Therefore our Minhag is to allow Matzot to be dipped into water or another liquid item even on Pesah. Our Minhag allows to cook it and do anything you want to it. Once it is baked in the factory for the purpose of Misvat Massa Pesah, then already we consider it complete and Kasher. (Yehave Daat Helek 1:21)

Now for the nights of the Seder, one must use Massa Shemura. That means it was watched from the time of the cutting. That's not the regular Matzot that you are buying in the boxes that are just kosher, or kosher for Pesah. It needs to be Kosher for Pesah Massa Shemura. Which means it has to say it on the box and have a special Hechsher that it was made Lishem Misvat Massa. This must be used specifically for the first two nights.

For the rest of the holiday, a person doesn't not have to be Makpid (strictly specific) to eat Massa Shemura, even though some of the books bring down that the Gaon MeVilna held that if you eat Massa Shemura the whole holiday, you fulfill a Misvah DeOrita (commandment from G-d). In the Lakewood Yeshiva, Rav Aharon Kotler was Makpid on this. In the Lakewood Yeshiva he would only serve on Pesah to the Yeshiva boys Massa Shemura. Massa Shemura is much more expensive than the regular Massa but he rationalized and said that since the Gaon MeVilna says it is a Misvah DeOrita therefore it is worth it to spend a few extra dollars in order to fill this Misvah.

### **Avoiding The Problem of A Drop of Hames In Kosher for Pesah Food**

Hames on Pesah differs from other prohibited foods in that other forbidden foods can be "neutralized" in a mixture. If forbidden food becomes mixed with kosher food, then the mixture is permissible for consumption if there is at least a 60:1 proportion of kosher food to forbidden food. Hames, however, is forbidden for consumption even "Be'ma'shehu," meaning, even in the slightest proportion. If a slight morsel or crumb of Hames falls into other food, then the food may not be eaten even if that morsel comprises just one-thousandth of the product.

The Shulhan Aruch (447:4) rules (listen to audio for precise citation) that this applies only if the Hames mixed with the other food on Pesah. If the Hames fell into the other food before Pesah, when the principle of Bittul (the "neutralization" of forbidden food by a 60:1 proportion) is in effect, then the Hames is considered neutralized and does not "reawaken" when Pesah sets in. Some other authorities maintain that the Hames is indeed "Chazer Ve'nei'or" – it "reawakens" – when Pesah begins, but the Shulhan Aruch ruled that once the Hames was neutralized through Bittul before Pesah, it remains "asleep" even on Pesah, and the mixture is permissible.

We find practical application of this rule in a number of customs. Some people have the practice not to purchase milk on Pesah, out of concern that some nutrients containing Hames may have been added to the milk. They therefore purchase all their milk for Pesah before the holiday, since any Hames in the milk would be subject to Bittul and the milk would be permissible during Pesah. Similarly, some people in Israel do not drink water drawn from the Kinneret on Pesah, because secular Jews have picnics near the Kinneret on Pesah and throw Hames items like beer bottles and sandwiches into the lake. Since Hames is forbidden even in the slightest proportion, all the water in the lake becomes forbidden. Some people therefore purchase all their drinking water before Pesah, or fill urns with water before Pesah, when Bittul applies and hence renders the water permissible for consumption during Pesah.

Summary: Although the presence of Hames in even the slightest proportion renders a food forbidden for consumption on Pesah, if the Hames mixed with the other food before Pesah, the product is permissible for consumption if in a 60:1 ratio.

### **If a Piece of Wheat is Found in Rice During Pesah**

The Shulhan Aruch (Siman 467) discusses a case in which a kernel of wheat was discovered in a pot of rice or other dish cooked on Pesah. The status of the rice depends on whether the wheat kernel appears to have already become Hames. Therefore, if it is completely closed, showing no sign of swelling or cracking, Maran is lenient. The wheat should be removed and burnt, whereas the rice and the pot are permitted for use. Ashkenazim are strict in this case.

However, if the wheat kernel is cracked, it is Hames. Even though the taste of wheat emitted into the cooked rice is miniscule in comparison to the amount of rice, Hames on Pesah is forbidden even "B'MasheHu"-in a minute amount. Therefore, the rice, pot and spoon used to stir are all considered Hames.

Hacham Ovadia discusses an interesting case, in which, after being discovered, the kernel of wheat was subsequently lost before it could be determined whether the wheat was closed or cracked. In such a case, Hacham Ovadia is lenient based on a "Safek Safeka"-a double doubt.

If the wheat was found on the last day of Pesah, Hacham Ovadia rules that one should wait until after Pesah to ask the Rabbi whether the rice is forbidden as Hames that passed through Pesah. At that time, Hames does not cause the rest of the mixture to become prohibited in such a miniscule amount.

### **If One Mistakenly Used A Hames Pot On Pesah**

Hames on Pesah differs from other forbidden foods in that it is not subject to "Bittul" – nullification in a mixture. Generally, if a small quantity of forbidden food falls into permissible food, such as a drop of milk that falls into meat, the food remains permissible if there is a 60:1 proportion of permitted food to forbidden food. (Of course, one may not knowingly pour a small amount of milk into meat; the law of "Bittul" applies in situations where this occurs accidentally.) Hames, however, renders a mixture forbidden for consumption in any proportion; even the slightest amount of Hames suffices to forbid food with which it comes in contact.

The Rishonim (Medieval authorities) debate the question of whether this rule affects the status of Hames with respect to the Halachic principle of "Notein Ta'am Lifgam." Generally speaking, although one may not cook with a pot that had been used for non-kosher food, if one did cook with such a pot, the food is nevertheless permissible if the pot had not been used with non-kosher food within the previous twenty-four hours. Any taste particles in the walls of a pot become spoiled after twenty-four hours; therefore, if a person uses a pot in which non-kosher food had been cooked over twenty-four hours earlier, the food he cooked is deemed kosher. This Halacha is known as "Notein Ta'am Lifgam Mutar" (literally, "that which lends a foul taste is permissible").

Would this Halacha apply to the use of a Hames pot on Pesah? Consider, for example, a case of somebody who cooks rice on Pesah (according to the Sephardic custom permitting the consumption of rice on Pesah) and then realizes that the pot had been used several days earlier for cooking spaghetti. Do we apply to the prohibition of Hames the rule of "Notein Ta'am Lifgam," and therefore allow the rice for consumption, or does this rule not apply to Hames, just as the provision of "Bittul" does not apply to Hames?

The Rishonim debate this issue, and Rabb Yosef Karo writes in his Beit Yosef (447) that we should follow the majority of Rishonim, who allow eating food cooked in this kind of pot on Pesah. This is indeed his ruling in the Shulhan Aruch.

Therefore, if a person prepared on Pesah rice or some other food in a pot that had been used for cooking Hames over twenty-four hours earlier, the food is permissible for consumption.

It must be emphasized, however, that this applies only Be'di'avad, after the fact. Needless to say, one must either put away or kosher all his Hames pots and one certainly may not use them to prepare food for Pesah. The question we addressed here involves a case of someone who mistakenly used a Hames pot in preparing food for Pesah, in which case one may partake of the food if the pot had not been used within the previous twenty-four hours.

### **Yom Tob – Using Electrical Appliances; Asking a Gentile to Turn on an Appliance; Riding Elevators**

It is forbidden to use electricity on Yom Tob, such as to turn lights or other appliances on or off, just like on Shabbat. Although some authorities ruled leniently in this regard, and permitted the use of electricity on Yom Tob, Halacha does not follow this view. It is likewise forbidden to use a telephone on Yom Tob. Unfortunately, there is a misconception that Yom Tob resembles Hol Ha'mo'ed and does not have the same restrictions that apply on Shabbat. This misconception results from the special dispensation granted by the Torah allowing cooking and carrying through a public domain on Yom Tob. But these are exceptions to the rule; in all other respects, Yom Tob is similar to Shabbat. It is thus forbidden to turn on or off electrical devices, and to use a telephone, on Yom Tob, just as on Shabbat.

However, Halacha does treat Yom Tob more leniently with respect to the issue of "Amira Le'nochri" – instructing a gentile to perform forbidden activity on one's behalf. Thus, for example, if a light is needed in the room where the Yom Tob meal is being held, or it is needed to generally enhance the atmosphere in the home for Yom Tob, one may ask a gentile to turn on the light. Turning on electric lights on Yom Tob is forbidden only Mi'de'rabbanan (by force of Rabbinic enactment), and asking a gentile to perform a forbidden activity is likewise forbidden only Mi'de'rabbanan. This situation thus involves what we might term a "second degree" Rabbinic prohibition, which is permissible for the purpose of a Misva, such as the Misva of Simhat Yom Tob (rejoicing on Yom Tob). Hence, if light is needed to enhance the enjoyment of Yom Tob, one may ask a gentile to turn on the lights.

Similarly, one may ask a gentile to light a match when this is necessary for the enjoyment of Yom Tob, such as to light the stove for cooking, or if one smokes on Yom Tob and needs a match for his cigarette.

If one's home is uncomfortably warm on Yom Tob, he may ask a gentile to turn on a fan or air conditioner. Regarding Shabbat, Hacham Ovadia Yosef (in Yabia Omer, vol. 7, Orah Haim 38) allows asking a gentile to turn on an air conditioner if the heat is especially oppressive.

It goes without saying that one may not press the buttons in an elevator on Yom Tob, as this involves the use of electricity. Additionally, however, Hacham Ovadia rules that one should preferably refrain from using elevators altogether on Shabbat and Yom Tob, even without pressing buttons, as in the case of the so-called "Shabbat elevators." He writes that one should especially avoid descending in an elevator unnecessarily, as one's presence in a descending elevator can affect the electricity used by the elevator. Ill patients, elderly people, and women who are pregnant or have recently given birth may ride elevators on Shabbat and Yom Tob (without pressing any buttons), but others should avoid elevators, if possible.

Summary: It is forbidden to use electrical devices or appliances, or telephones, on Yom Tob, just as on Shabbat, but one may ask a gentile to turn on a light or strike a match when this is necessary for the enhancement of Yom Tob. One may also ask a gentile to turn on the air conditioning if the house is uncomfortably warm. One should preferably avoid riding elevators on Shabbat and Yom Tob – even without pressing buttons. People who are ill or weak may use elevators (without pressing buttons) on Shabbat and Yom Tob, but others should preferably not ride elevators, especially for descending, unless it is necessary.

### **Delivering Hames For a Non-Jew During Pesah**

On Pesah, it is forbidden not only to eat Hames and to have Hames in one's possession, but also to derive benefit from Hames. This means that even if Hames is owned by somebody else, one may not derive benefit from it.

Relevant to this Halacha, the Mishna Berura (450:23) addresses the situation of a gentile whose animal on Pesah crouches under the weight of its cargo, and the gentile needs help to unload some of the cargo, which consists of Hames, in order to alleviate the animal's burden. In principle, it should be forbidden for a Jew to assist the gentile, because he anticipates to receive something in return – either a tip, some reciprocation, or at least the gentile's goodwill and friendship – and thus in effect, the Jew would be benefiting from the Hames. Such a case would, seemingly, qualify as one of "Roseh Be'kiyumo" – where the Jew has vested interest in the Hames's existence on Pesah, which constitutes a form of forbidden benefit. However, the Mishna Berura rules that the Jew would be allowed to help the gentile unload the cargo, because the Jew's intent is to avoid "Sa'ar Ba'aleh Hayim" – the pain suffered by the animal. The primary motivation for unloading the cargo is the Misva of alleviating the animal's suffering, and he does not seek to derive any form of personal benefit. The Misva of preventing "Sa'ar Ba'aleh Hayim" does not Halachically constitute "Hana'a" ("benefit"), and so he may help the gentile in this case.

The Mishna Berura's discussion likely becomes relevant in other similar situations that do not involve a Misva. A contemporary example would be a Jewish trucking company which is hired to transport food for a company owned by the gentiles, and the food is Hames. The Jew clearly has vested interest in the existence of this Hames, as it is the cause of a profitable contract. In light of the Mishna Berura's discussion of the case involving an animal, it would appear that a Jewish truck driver or truck company should not transport a gentile's Hames on Pesah, as this would constitute "benefit" from Hames which is forbidden on Pesah.

Summary: It is forbidden on Pesah not only to eat or own Hames, but also to derive any form of benefit from somebody else's Hames, which includes putting oneself in a situation whereby the existence of Hames is somehow beneficial. It would thus seem that a Jewish trucker should not transport a gentile's Hames during Pesah.

### **How Many Days of Yom Tob Does One Observe in Israel if He is Unsure Whether He is Staying There Permanently?**

A person who moves from the Diaspora to Israel observes only one day of Yom Tob just like native residents of Israel. Even though he had been observing two days of Yom Tob his entire life, once he becomes a resident of Israel he observes only one day.

The question arises regarding the status of a person who moved to Israel but is unsure whether he will remain there permanently. He moved to Israel with the intention of waiting to see how his situation unfold in terms of housing, employment and so on, before making a final decision to remain. His plan is to return to his original place of residence if things do not work out for him in Israel, and to remain if things do work out. Do we consider a person in



this situation a resident of Israel, such that he observes only one day of Yom Tob, or as a resident of his country of origin, in which case he must observe two days, as he has until now?

The work “Yom Tob Sheni Ke’hilchato” records a debate among the Halachic authorities surrounding this issue. Rav Yosef Shalom Elyashiv (contemporary) claims that since this is a situation of “Safek” (uncertainty), the individual in question should observe only one day of Yom Tob. If he observes two days, but ultimately decides to remain in Eretz Yisrael, such that he had been required to observe only one day, then he violates the Torah prohibition of “Bal Tosif,” which forbids adding onto Mitzvot. In order to avoid this transgression, a person in this situation of uncertainty should observe only one day of Yom Tob, rather than risk observing an unwarranted second day.

Rav Moshe Feinstein (Russia-New York, 1895-1986), however, ruled differently. He claimed that a resident of the Diaspora retains this status until he moves to Israel with the definitive intention of settling there permanently. As long as the individual leaves open the option of returning to his country of origin, and has not reached a final decision to reside in Israel, he retains his prior status as a “Ben Hutz La’aretz” (Diaspora resident), and must therefore observe two days of Yom Tob. According to Rav Moshe, one does not change his status and become a resident of Israel with respect to Yom Tob observance until he has moved there and definitively decided to live there.

This was also the ruling of Rav Abraham Yishaki, in his work of responsa Zera Abraham (Orah Haim 12), where he writes that as long as one has not definitively established residence in Israel, he retains his status as a “Ben Hutz La’aretz.” It is worth mentioning that the Hid”a (Rav Haim Yosef David Azulai, 1724-1806) describes Rav Abraham Yishaki as the greatest sage of his generation, and thus his Halachic rulings certainly carry significant weight.

Indeed, Hacham Ovadia Yosef, in his work Hazon Ovadia – Hilchot Yom Tob (p. 130), follows the ruling of the Zera Abraham and Rav Moshe Feinstein. He writes (listen to audio recording for precise citation) that if a person moved to Israel but has not definitively decided to remain there permanently, he is still considered a resident of the Diaspora and observes two days of Yom Tob.

It should be noted that this is not the Halacha in the case of an unmarried Yeshiva student who spends a year studying in Eretz Yisrael. The Hid”a ruled that young, unmarried Yeshiva students from the Diaspora who spend time studying in Israel should observe only one day of Yom Tob, given the possibility that they will find a wife and settle permanently in Israel. This view is accepted by Hacham Ovadia Yosef. At first glance, this ruling may appear to contradict the aforementioned position of Hacham Ovadia, that a person who moves to Eretz Yisrael but has yet to decide upon permanent residence observes two days. Seemingly, this case should be no different from the situation of an unmarried Yeshiva student.

In truth, however, the two situations differ significantly from one another. In the case of an unmarried Yeshiva student, he does not have a permanent residence in either location. As he lives away from his parents’ home but has yet to marry, he is not considered to be a permanent resident of the Diaspora or of Eretz Yisrael. Therefore, when determining his status vis-à-vis Yom Tob, Halacha looks at his current location, and he therefore observes only one day like residents of Israel. However, a person that has been living in America, for example, with a family, home and job, is considered to have permanent residence in America until he moves to Israel with the definitive intention of remaining there. Unlike the Yeshiva student, the family has established permanent residence in the Diaspora, and this status is undone only once they definitively move to Israel.

Summary: If a person who has been living in the Diaspora moves to Israel with the intention of trying out life there before deciding to reside there permanently, he observes two days of Yom Tob, even though he is in Israel, since he has not yet changed his permanent residence. However, a young, unmarried Yeshiva student from the Diaspora who is studying in Israel observes only one day of Yom Tob.

### **How Many Days of Yom Tob Does One Observe if He Always Visits Israel for the Shalosh Regalim?**

Generally speaking, a Ben Hutz La'aretz – meaning, somebody who lives outside Israel – who visits Israel for Yom Tob must observe two days of Yom Tob just as he does at home. This is very common, and, in fact, there are numerous Minyanim arranged in Israel for visitors from the Diaspora on the second day of Yom Tob.

However, Rav Shelomo Zalman Auerbach (Jerusalem, 1910-1995), in his work Minhat Shelomo (vol. 1, 19:7), makes an important exception to this rule. He writes that if a Ben Hutz La'aretz has a residence in Israel, and he has made it his practice to spend all Shalosh Regalim (Pesah, Shabuot and Sukkot) in Israel each year, then he observes only one day of Yom Tob. Even though he lives outside Israel throughout the rest of the year, he nevertheless has the status of an Israeli resident with respect to Yom Tob. Since the distinction between an Israeli resident and a Diaspora resident in this regard is relevant only on the Shalosh Regalim, and this individual spends all Shalosh Regalim in Israel, he is considered an Israeli resident and thus observes only one day of Yom Tob. This is also the ruling of Hacham Ovadia Yosef, in his work Hazon Ovadia (p. 152; listen to audio recording for precise citation). Recently, some people who always spend the Shalosh Regalim in Israel posed this question to Rav Shelomo Amar, the Sephardic Chief Rabbi of the State of Israel, and he instructed them to follow this ruling and observe only one day of Yom Tob. (They also asked Hacham Ovadia, who, needless to say, followed his ruling in Hazon Ovadia and instructed them to observe just one day.)

Rav Shelomo Zalman Auerbach was asked whether this ruling would apply to somebody who does not own a residence in Israel, but rents a hotel room for all Shalosh Regalim each year. He replied that in this situation, too, a person is considered an Israeli resident and would observe only one day of Yom Tob, since he always spends the Shalosh Regalim in Israel.

Hacham Ben Sion Abba Shaul (Israel, 1923-1998), in his work of responsa (vol. 3, p. 225), disagrees with this ruling of Rav Shelomo Zalman. In his view, a person's status is determined based upon his primary residence, and therefore even if one always visits Israel for the Shalosh Regalim, he is considered a Ben Hutz La'aretz and must observe two days of Yom Tob, since his primary residence is outside Israel.

In any event, in light of the ruling of the aforementioned Halachic authorities, those who always visit Israel for the Shalosh Regalim observe only one day of Yom Tob, even though generally those who visit Israel from the Diaspora for Yom Tob must observe two days.

Summary: Generally, Diaspora residents who visit Israel for Yom Tob must observe two days of Yom Tob, as they do at home in the Diaspora. However, one who always spends all Shalosh Regalim (Pesah, Shabuot and Sukkot) in Israel observes only one day of Yom Tob, like Israeli residents.

### **If a Gentile Bring Hames Into One's Home**

The Shulhan Aruch (Orah Haim 440; listen to audio recording for precise citation) writes that if a gentile enters a Jew's home during Pesah with Hames, the Jew is not required to force the gentile to leave. He adds that even if the Jew sees the gentile's Hames, the gentile may remain in the home with the Hames, and no violation is entailed. The Mishna Berura (commentary by Rav Yisrael Meir Kagan of Radin, 1839-1933), in Se'if Katan 16 (listen to audio recording for precise citation), explains that the Torah prohibition of "Lo Yera'eh" forbids seeing one's own Hames during Pesah, but not seeing the Hames belonging to somebody else. And, the Sages were not concerned in such a case that the Jew may mistakenly eat the Hames, since the Hames is in the gentile's possession, and the Jew would certainly not try to steal the Hames from the gentile. Therefore, if a non-Jew visits a Jew's home on Pesah and has Hames with him, the Jew may allow him to remain. However, the Mishna Berura adds that after the gentile leaves, the Jew must ensure that the gentile takes all his Hames with him. If, for example, the gentile had come in with a bag of pretzels, the Jews should make sure that he takes all the pretzels with him when he leaves.

The Shulhan Aruch notes in this context that although a Jew may allow a non-Jew with Hames in his home during Pesah, he may not eat together with a non-Jew at the same table if the non-Jew is eating Hames. Even if they make a

“Hefsek” (“separation”) by eating on separate tablecloths or placemats, the Jew may not eat together with a non-Jew who eats Hames. When it comes to a Jew who eats meat and another who eats dairy foods, Halacha permits them to eat together with separate mats. When it comes to eating on Pesah with a gentile who eats Hames, however, this is forbidden. The Mishna Berura explains this Halacha based on the principle that Hames is forbidden even “Be’mashehu,” meaning, in the smallest quantity. When two people eat together, even using separate mats or cloths, it is nearly impossible to ensure that no crumbs from one person’s food end up on the other’s plate. Therefore, it is forbidden on Pesah to eat together with a gentile who eats Hames, even using separate mats.

However, the Mishna Berura adds, if a gentile ate Hames at a table, the Jew may eat at that table after the gentile finishes eating, provided, of course, that he cleans the table very thoroughly before he eats to ensure there are no crumbs or residue left over from the Hames. Thus, for example, if a coworker ate his sandwich on a table in the office, the Jew may then eat his “kosher for Passover” lunch after thoroughly cleaning the table.

Summary: It is permitted to have a gentile enter one’s home with Hames during Pesah, but he must ensure that the gentile brings all his Hames with him when he leaves. It is forbidden on Pesah to eat together with a gentile who eats Hames, but one may eat on the table where a gentile ate Hames after he finished eating, assuming he cleans it very well to ensure that no particles of Hames remain.

### **Some Laws of Hol Ha'mo'ed**

Hacham Ovadia Yosef rules in Chazon Ovadia (p. 193) that it is permissible on Hol Ha'mo'ed to shower or bathe as one normally does, with hot water and soap. One may similarly comb his hair as usual on Hol Ha'mo'ed, despite the possibility that he will thereby detach some hairs. Hacham Ovadia also allows (p. 194) mopping floors on Hol Ha'mo'ed. In accordance with the view of the Shulhan Aruch (532), Hacham Ovadia permits nail cutting on Hol Ha'mo'ed, both on the fingers and toes. It is also permissible to polish shoes on Hol Ha'mo'ed (p. 195).

The Shulhan Aruch (535:1) writes that one may not move from one residence to another during Hol Ha'mo'ed, unless he moves from a rented residence to a residence that he owns. Even if one wishes to move to a more spacious and comfortable residence, he may not move on Hol Ha'mo'ed unless he currently lives in a rented home and moves to a property that he owns.

Although the Shulhan Aruch mentions a prohibition against removing refuse from one's home during Hol Ha'mo'ed, Hacham Ovadia (p. 196) rules that contemporary conditions are such that Halacha would permit removing the garbage from one's home to where it is collected by the local sanitation services. He applies this ruling even in cases where one is able to wrap and store his trash in such a way that it would not emit a foul odor. This is the ruling as well of Rabbi Yosef Shalom Elyashiv (contemporary authority in Israel), as recorded in the journal Mevakshei Torah (106).

Finally, it is permissible to prepare wicks on Hol Ha'mo'ed for candle lighting on Erev Shabbat and Erev Yom Tom (p. 197).

Summary: It is permissible on Hol Ha'mo'ed to bathe, shower, comb one's hair, mop floors, cut nails, polish shoes, remove the trash from one's home, and prepare wicks for candle lighting. One may not move into a new residence on Hol Ha'mo'ed, unless he moves from a rented home to his personally-owned property.

### **Laws of Mourning When a Family Member Passes Away On Yom Tob or Hol Ha'mo'ed**

If somebody passes away, Heaven forbid, on Yom Tob or Hol Ha'mo'ed, then the formal Shiba period begins only after the conclusion of the holiday. And thus the immediate family members do not sit on the floor and begin mourning until after the final days of Yom Tob.

Nevertheless, private mourning practices must be observed even in the interim, after the burial, just as mourners observe private mourning practices on Shabbat during the Shiba period. These include:

1) Bathing or showering in hot water. The mourners are permitted to wash their hands and face with cold or lukewarm water, but they may not wash with hot water.

2) Torah study. The mourners are permitted to learn only material which may be studied during mourning generally, such as the laws of mourning found in Masechet Mo'ed Katan. However, if a mourner is unable to study this material, and would thus not learn Torah at all, then he is permitted to learn what he wishes.

Reading Tehillim is forbidden, just as in the case of mourners in a regular case.

3) Marital relations. In principle, marital relations are forbidden during the holiday in such a case, and a female mourner does not immerse in the Mikveh if the time for her immersion arrives. However, since there are circumstances when exceptions are allowed, one should consult with his or her Rabbi for personal guidance in this regard.

If a burial takes place on Hol Ha'mo'ed, the customary "Se'udat Habra'a" meal should be provided for the mourners. Under normal circumstances, it is customary to bring the mourners bread and either an egg or lentils, which are signs of mourning. However, on Pesah, of course, bread cannot be eaten, and serving eggs or lentils would be an inappropriate public expression of mourning. It would therefore be proper to bring the mourners egg matza (if the burial takes place on Hol Ha'mo'ed Pesah) and some cake, together with tea or coffee.

When a funeral is held on Hol Ha'mo'ed, the mourners recite the Beracha of "Dayan Ha'emet," and rip their garments. They then change into a different shirt until after the holiday, when the Shiba period commences.

The mourners recite the normal holiday prayers, including Hallel.

Although men normally do not wear Tefillin on the first day of the Shiba period, nevertheless, in such a case, when the loved one passed away during a holiday and Shiba commences after the holiday, the male mourner wear Tefillin already on the first day of Shiba.

It is permissible, and appropriate, to make condolence calls to mourners during the holiday, even though the formal mourning period does not begin until after the holiday ends.

The days of the holiday count towards the thirty-day Sheloshim period. Although the mourners do not fully begin mourning until after the holiday, nevertheless, the interim days of the holiday count toward Sheloshim.

Summary: When somebody passes away, Heaven forbid, on Yom Tob or Hol Ha'mo'ed, the formal Shiba period begins only after the conclusion of the holiday. However, even in the interim, the mourner is forbidden from bathing with hot water, and from studying Torah (except the portions relevant to mourning, which may be studied). One should consult with his or her Rabbi regarding the permissibility of marital relations in such a case. When a funeral is held during Hol Ha'mo'ed, the mourners recite the Beracha of "Dayan Ha'emet," and rip their garments. They then change into a different shirt until after the holiday. The egg or lentils customarily brought to mourners after the funeral should be replaced in this case with cake, and tea or coffee. The mourners recite the usual holiday prayers, including Hallel. It is permissible, and appropriate, to make condolence calls to mourners during the holiday, even though the formal mourning period does not begin until after the holiday ends.

### **Se'udat Ester on the Second Day; Shopping, Cooking and Playing Music on Hol Ha'mo'ed**

It is proper to add something special to the meal on the second day of Pesah to commemorate the Purim miracle. It was on the second day of Pesah that Ester made her feast during which Haman was hung, and it is thus appropriate to make some commemoration of this event – known as "Se'udat Ester" – on the second day of Pesah. This custom is mentioned in the Shulhan Aruch (490).

It is permissible to shop during Hol Ha'mo'ed for food that will be needed immediately after the holiday if one will not have the opportunity to make his purchases afterward, such as if the final day of the holiday is Friday and one needs food for Shabbat. Similarly, one may cook in such a case on Hol Ha'mo'ed for the Shabbat that immediately follows the holiday. Even though one may cook on Yom Tob for Shabbat by making an Erub Tabshilin, it is also permissible to cook on Hol Ha'mo'ed for Shabbat in such a case. Likewise, if one is planning a Se'udat Misva for after the holiday, and there will not be time to prepare after Yom Tob, he may make the food preparations during Hol Ha'mo'ed. In such a case, it is preferable to taste a bit of the food during the holiday.

In general, however, one should not make preparations during Hol Ha'mo'ed for after the holiday.

It is permissible to play musical instruments during Hol Ha'mo'ed, and the strings of instruments may be fixed during Hol Ha'mo'ed.

### **Customs of Mosa'eh Pesah**

The Halacha, according to Hacham Ovadia (Yehave Da'at 3:12), is to recite the Beracha of Mezonot, not Ha'mosi, when eating Massa during the year, since it is not the normal bread. On Pesah, one recites Ha'mosi on the Massa because it is the only form of bread permitted. Hacham Ovadia (Hazon Ovadia p. 64) rules that if one wishes to eat Massa on Mosa'eh Pesah, the Beracha would still be Ha'mosi. Even though Pesah is over, and it is permitted to eat regular bread, the Massa does not lose its status, since bread is not readily available. This could be a common issue this year, in which Pesah ends on Mosa'eh Shabbat. If one wishes to eat Melave Malka, he may not have easy access to bread, especially in a hotel.

Some have the custom, dating back to the Vilna Gaon, to specifically make an effort to eat Hames on Mosa'eh Pesah. This is not because they could not wait until morning. Rather, it is to demonstrate that Hames is now permitted. Rav Salmon Musafi, would make a special new bread on Mosa'eh Pesah.

Rabbi Avraham Chamweh in the Machzor Bet HaBechira, the Machzor of Halab, records a custom for the father to take a tree branch on Mosa'eh Pesah and rap the head of all the family members, blessing them with a "green" year of blessing, growth and prosperity. This custom is also brought in Derech Eretz and in Pesah Besion.

### **SUMMARY**

One recites Ha'mosi when eating Massa on Mosa'eh Pesah

### **Birkat Hallanot**

With the advent of the month of Nisan, the Halacha requires recitation of Birkat Hallanot, (Blessing on the Trees), upon seeing blossoming fruit trees. Ideally, two trees are necessary to warrant reciting the Beracha. This is indicated by the plural form of the word "llanot" used in the Beracha. If a person found only one tree, the Poskim discuss whether the Beracha can be recited.

Hacham Ovadia in Hazon Ovadia, in the section dealing specifically with Birkat Hallanot, cites the Hida (Rav Haim Yosef David Azulai, 1724-1806), who says in Moreh B'Esbah, "those who are "scrupulous" in Misvot recite the Beracha over two trees." Some Poskim infer from his use of the word "scrupulous," that two trees is only an added advantage, but the basic Misva could be performed with only one tree. However, Hacham Ovadia rejects this understanding. He rules, citing the Petah HaDvir, that if there is only one tree, it is a "Safek Berachot," and the Beracha should not be recited.

However, in a later book, Hazon Ovadia, dealing with Hilchot Berachot (pp. 457-458), Hacham Ovadia reaches a different conclusion. There, he rules that if one found only one tree, the Beracha can be recited. In general, the later

rulings of Hacham Ovadia supersede his previous ruling, and therefore this ruling to recite the Beracha is the definitive Halacha.

Rav Mazuz also rules that one tree is sufficient. There is also testimony that Rav Shlomo Zalman Orbach and Rav Moshe Feinstein (as stated by his disciple, Rav Ephraim Greenblatt in his Rivivot Ephraim 8:77), as well as the Rosh Yeshiva of Ner Israel would also recite the Beracha over one tree.

SUMMARY: If one found only one blossoming fruit tree, he can recite Birkat Hallanot.

## **BASIC HALACHOT ON SEFIRAT HAOMER**

### **Sefirat Ha'omer- The Underlying Reason Behind the Misva of Sefirat Ha'omer; the Status of the Misva Nowadays**

The Torah introduces the obligation of Sefirat Ha'omer in the Book of Vayikra (21:15): "You shall count for yourselves from the day following the Shabbat, from the day when you bring the Omer that is waived – they shall be seven complete weeks." The Sages explained that "the day following the Shabbat" refers to the day following the first day of Pesah, or the sixteenth of Nissan, the second day of Pesah. On that day we begin counting and continue each day for seven weeks (forty-nine days).

The Shiblei Ha'leket (Halachic work by Rabbi Tzidkiya Ben Avraham, Italy, 1230-1300) cites (in Siman 236) a passage from the Midrash which tells that when Benei Yisrael left Egypt, Moshe informed them that in fifty days they would be receiving God's Torah. Moshe had learned this information when God first spoke to him at the burning bush, when He declared, "When you take the nation from Egypt, you shall serve God on this mountain" (Shemot 3:12). The word "Ta'avdun" ("you shall serve") is written with a seemingly superfluous letter "Nun," which has the numerical value of fifty. God thereby alluded to Moshe that fifty days after Benei Yisrael's departure from Egypt they would come to that mountain – Mount Sinai – to receive the Torah. Benei Yisrael reacted to this information with great enthusiasm, and counted each day after the Exodus in eager anticipation of the receiving of the Torah. God therefore commanded that we commemorate their enthusiasm by counting the days each year from the day following the Exodus until the festival of Shavuot, which celebrates the giving of the Torah.

According to the majority of Halachic authorities, including the Shulchan Aruch (489), the obligation of Sefirat Ha'omer applies nowadays only on the level of Rabbinic enactment. Since the Torah linked this counting to the Omer offering brought on the sixteenth of Nissan ("You shall count...from the day when you bring the Omer"), the Biblical obligation applied only when the Temple stood and the Omer offering was brought. In the absence of the Beit Ha'mikdash, the Torah obligation no longer applies, and we are required to count the Omer only on the level of Rabbinic enactment.

This point is of great importance with regard to the "Le'shem Yichud" introduction that many people have the practice to recite before counting the Omer. This paragraph speaks of the counting as a "Misvat Asei" – an affirmative command from the Torah. In truth, however, as mentioned, we do not count the Omer nowadays in fulfillment of the Biblical command, and it is therefore improper to refer to the counting as a "Misvat Asei." It should be noted that according to the Rambam (Rabbi Moshe Maimonides, Spain-Egypt, 1135-1204), in Hilchot Mamrim (2:9), if a person claims that eating chicken with milk constitutes a Torah violation, he transgresses the prohibition of "Bal Tosif" – adding onto the Torah. Since eating chicken with milk is permissible according to Torah law, and was forbidden only by the Sages, referring to this law as a Biblical prohibition amounts to adding onto the Torah's laws. Similarly, Chacham Ovadia Yosef rules (in Chazon Ovadia – Laws of Yom Tov, 214) that one who recites the "Le'shem Yichud" before counting the Omer must omit the reference to the counting as a "Misvat Asei," lest he be in violation of "Bal Tosif." Furthermore, he adds (ibid. p. 115), on the final night of Sefirat Ha'omer, one must not recite in the "Le'shem

Yichud" the verse which makes reference to the seven weeks of counting "Sheva Shabatot". By making such a reference, one thereby fulfills his obligation to count that night and may then no longer count with a Beracha. One who recites the "Le'shem Yichud" before counting on the final night should therefore omit this reference.

Summary: The obligation to count the Omer applies nowadays only on the level of Rabbinic enactment, and therefore one who recites the "Le'shem Yichud" introduction before counting must omit the words "Misvat Asei Shel Sefirat Ha'omer," which refers to the counting as a Biblical command. On the final night of the Omer, one must also omit from the "Le'shem Yichud" the part of the verse that makes reference to "seven complete weeks."

### **Sefirat Ha'omer – Guidelines For One Who Travels to a Different Time Zone**

How does traveling affect the Misva of Sefirat Ha'omer, and what are the procedures for counting when traveling?

Needless to say, if one travels within the same time zone, his counting is unaffected. He should count during the nighttime, as usual, either in his place of origin, at his destination, or in the plane. There is no requirement to count the Omer specifically in the synagogue or at home.

Similarly, if one travels from New York to California, for example, his flight should not affect his count. If he leaves in the late afternoon, then he counts the Omer that night in California.

A slightly more complicated situation arises when one flies from New York to the Far East during the period of the Omer, such that he loses a day. Let us consider the example of a person who takes a Monday night flight that arrives in Hong Kong on Wednesday. On Monday night, of course, he counts as usual with a Beracha. If that night is the 32<sup>nd</sup> day of the Omer, for example, then he recites the Beracha and counts the 32<sup>nd</sup> day as usual. If he is aware when the flight crosses the International Date Line, and he sees that it is nighttime, such that it is Tuesday night at his current location, then he may count the 33<sup>rd</sup> day with a Beracha. If this is too difficult for the traveler, as he cannot precisely determine when he crossed the Date Line, or he is unsure whether it is during the night when this occurs, then he should delay the counting until he arrives in Hong Kong on Wednesday during the day. He should then count the 33<sup>rd</sup> day without a Beracha, just as one does whenever he misses a counting at night but then counts during the following day. He may then resume counting with a Beracha the next night – the 34<sup>th</sup> day of the Omer – since he did not miss an entire day of counting.

Thus, when one travels to the Far East and crosses the International Date Line, he has the option of either counting with a Beracha during the flight, at nighttime, after he crosses the Date Line, or waiting until he arrives at his destination during the day and counting without a Beracha. Either way, he resumes counting the next night with a Beracha.

When one returns from the Far East, then he simply counts in the Far East the night he leaves, and then counts again the next night when he returns home. Needless to say, if, as a result of crossing the Date Line, he returns home on the same day on which he had counted the Omer, he does not count again, and instead waits until the next night.

Summary: One who travels to the Far East during the period of the Omer has the option of either counting the Omer with a Beracha during the flight, at night, after crossing the International Date Line, or waiting until arriving at his destination, during the day, in which case he counts without a Beracha. In either case, he counts as usual with a Beracha henceforth.

### **Sefirat Ha'omer- The Sefira Must Be Done By The Individual**

There is a question asked in Halacha regarding Sefirat Ha'omer and whether or not it is permissible and legal to listen to the Chazan make the Beracha and count, whereby he has Kavana to fulfill the Misvah for you and you have the Kavana to fulfill your obligation by listening using the principal called 'Shomea KaOneh'. This principal means, that by

listening to somebody do the Misvah, and both you and he have Kavana, then by listening it is as if you committed the Misvah yourself. Our question today, is whether or not you can fulfill the Misvah of Sefirat Ha'omer in such a way?

There's actually a great Machloket amongst the Rishonim of how to learn the Pasuk that refers to Sefirat Ha'omer. The Pasuk says, "USefertem Lachem", that you should count for yourselves. So there are Rishonim that learn that the lesson of the Pasuk is that each person has to count individually. That each person has to count by himself and that the rule of 'Shomea KaOneh' does not apply. Therefore, it's like a Lulav on Succot. You can't have somebody shake a Lulav for you, and likewise you can't have somebody count Sefirat Ha'omer for you.

Other Rishonim give an explanation on "USefertem Lachem" to mean that the rules of Sefira applies to the individual as opposed to the notion that the obligation of Sefira is on Bet Din. Some people might come to think that it is an obligation on the court to make the counting, and not a Misvah on the individual. But the Pasuk says, "USefertem Lachem", which means that it follows all the rules of the individual. And thus, one can fulfill the Misvah by following the principal of 'Shomea KaOneh', when the Chazan makes the Beracha for the individual and the individual answers Amen and has Kavana for the Misvah.

Since it is a great Machloket amongst the Rishonim, therefore we say that one should count the Sefirat Ha'omer himself. We say this to be the Halacha so that one would not put himself into any predicament or question as to whether or not he fulfilled the Misvah by just simply listening to the Chazan.

Some communities adapted a custom, that the congregation makes the Beracha first, and then the Chazan. That was the Minhag originally in Mitzrayim. They did it that way in order that nobody should have a misconception and believe that they fulfilled the Misvah with the Beracha of the Chazan. If the Chazan would make the Beracha and count first, then people might think they are covered. So to alleviate that problem, these communities would let the congregation first say the Beracha and then the Chazan.

But a problem arose in those communities that adapted this Minhag. The people were saying the wrong day. They forgot or were oblivious to which day they were up to. So they went back to the custom of letting the Chazan say it first, just in order to provide to the people the proper count.

To review, we point out again, that we are not fulfilling the Misvah by simply listening to the Chazan. We listen to the Chazan only for direction, just to be aware of what day it is. We should all make the Beracha by ourselves and we only fulfill the Misvah by individually saying, 'Today is the ..... day of the Omer, etc.'

### **Sefirat Ha'omer- The Chazan's Counting of the Omer**

It is customary each night during the Omer period for the Chazan to recite the Beracha and count the Omer aloud, before the congregation recites the Beracha and counts. This practice developed due to the concern that people may mistakenly count the wrong number, in which case they would not fulfill the Misva and would recite a Beracha Le'vatala ("wasted" Beracha). As it was assumed that Chazanim would know the correct number for the counting, the custom developed that the Chazan would first count aloud before the congregation. This practice is mentioned already by the Rashba (Rabbi Shlomo Ben Aderet, Spain, 1235-1310), in one of his responsa (126), and is discussed as well by Rabbi Chayim Palachi (Turkey, 1788-1868) in his work Mo'ed Le'kol Chai (5:19).

Rabbi Shneur Zalman of Liadi (the "Ba'al Ha'tanya," Russia, 1745-1813), in his code of Halacha (Shulchan Aruch Ha'Rav, 489:12; listen to audio for precise citation), notes an interesting Halachic dilemma that results from this custom. There is a debate among the authorities as to whether a person fulfills a Misva by performing the given action without intending to satisfy his Misva obligation ("Mitzvot Tzerichot Kavana" or "Mitzvot Einan Tzerichot Kavana"). According to one view, a person fulfills his obligation regardless of whether or not he has the Misva in mind while performing the given act. If so, Rabbi Shneur Zalman notes, once the Chazan publicly counts the Omer, everybody who hears his counting has fulfilled their obligation of Sefirat Ha'omer. Even though they did not intend to fulfill their obligation by listening to the Chazan's counting, and the Chazan did not have in mind for his counting to fulfill their obligation, they



nevertheless fulfill the Misva by hearing his counting. Rabbi Sheur Zalman adds that with regard to Mitzvot De'Rabbanan (obligations ordained by the Rabbis, as opposed to Torah law), all authorities agree that intention is not indispensable for the fulfillment of the Misva. Therefore, since we generally follow the view that Sefirat Ha'omer nowadays is required on the level of Rabbinic obligation, according to all opinions one fulfills his obligation to count by hearing the Chazan's counting. Seemingly, then, it should be forbidden to count with a Beracha after one hears the Chazan count the Omer. Since one fulfills his obligation by listening to the Chazan, even if he did not intend to fulfill his obligation in this manner, he may no longer count with a Beracha.

Chacham Ovadia Yosef addresses this issue in his work Chazon Ovadia (Laws of Yom Tov, p. 228). He writes that in order to avoid this dilemma, one should verbally declare each year towards the beginning of the Sefira period that throughout the period he does not intend to fulfill his obligation by listening to somebody else's counting. By making such a declaration, one establishes that he intends on fulfilling his obligation only by personally counting the Omer, and he may thus count with a Beracha even after listening to the Chazan's counting.

Summary: It is customary for the Chazan to count the Omer aloud with the Beracha before the congregation counts. One should verbally declare at the beginning of the Sefira period that throughout the Omer he intends to fulfill his obligation to count only through his personal counting, and not by listening to the Chazan or other person's counting.

### **Sefirat Ha'omer- The Reason We Do Not Say Shehechyanu On Counting The Omer**

We know the Halacha says that on Mitzvot that come from time to time, besides making the Beracha on the Misvah we also make a Shehechyanu on the Misvah. For example, we make a Shehechyanu in the Kiddush upon the first time we go sit in the Succah. Another example is on Pesah, where on the first 2 nights, we make a Shehechyanu for the Holiday. So the question we discuss today is on Sefirat Ha'omer, which is also a Misvah that comes from time to time. The question is, why don't we make a Shehechyanu on the Misvah of Sefirat Ha'omer? On the first night we should say 2 Berachot; 'Al Sefirat Ha'omer,' and 'Shehechyanu Vekiyimanu Vehagianu Lazeman Haze.' But we do not recite the Shehechyanu. Why??

So there are 2 prevalent answers that are brought down. The first is brought down by the Radak (Rabbi David Kimhy), and it is also brought down by the Meiri (Rabbi Menachem ben Solomon Meiri). And they say that since the purpose of the Sefira in the olden days was to count 49 days until Shavuot, until such time we would bring the Korban (sacrifice) Lechem Bikurim, so they say the Shehechyanu that we make on Shavuot also covers you for the Misvah of Sefira. The words of the Meiri say [listen to the audio clip for the exact quote,] that even though today we do not bring this sacrifice anymore on Shavuot but since in the olden days they brought the sacrifice and there was no Shehechyanu for they relied on the Shehechyanu of the Yom Tov, so therefore we follow the same rule today.

The Raza, Rav Halevi brings a little different explanation. He says and I quote his words, [listen to the audio clip for the exact quote,] that Shehechyanu comes when you are excited, when there is a pleasure in doing a Misvah. It's like when you shake the Lulav it awakens happiness in a person. Or when you blow the Shofar it awakens mercy in heaven for you on the day of judgment. Or when you read the Megilah we are reminded how G-d saved us from the hands of the tyrant anti-Semites. Or at a Pidyon Haben where the father says that his child now reached the age of 30 days old, so he is no longer in danger. Until 30 days, Chas Veshalom, the child is questionable if he is going to live, and so after the 30th the father is happy. The Raza continues and says that in Sefirat Ha'omer there is no pleasure or commemorative pleasure that we are reminding ourselves of. He says all it reminds us of is the destruction of the Bet HaMikdash, and that we can no longer bring the sacrifice of the Omer, and no longer can we bring the Korban on Shavuot. That is why at the end of Sefirat Ha'omer we have a custom to say "Harachaman Hu Yachazir Avodat Bet Hamikdash", that we pray to G-d to please bring the opportunity back to us to perform the service. We pray that this Misvah should not be in the form of a remembrance, but rather an actual performance of the Miztvah. The Raza sums up asking how could one say Shehechyanu on a Misvah that reminds us about the destruction of the Bet HaMikdash. We are not happy about it.

Therefore our Halacha, for the above 2 explanations, we do not say a Shehechyanu on Misvat Sefirat Ha'omer.

### **Sefirat Ha'omer- Is It Permissible To Buy New Clothes and Say Shehechyanu On New Clothes During The Omer**

The question was asked in Halacha if it is permissible or not during the days of the Omer to buy new clothes, wear new clothes, and say Shehechyanu on the new clothes and/or other items?

It is the opinion of Rav Chayim Palachi in his 'Moed Lichol Chai' in siman 6, part 12, that it is a good custom not to buy or wear new clothes during the Omer. That is the opinion of some other Acharonim as well. However, it seems that this is not the opinion of Shulchan Aruch, for he did not write this restriction when he wrote about several other prohibitions during the Omer. Maran wrote about the restriction of taking hair cuts and the prohibition of taking weddings during the Omer, but he did not write to refrain from buying or wearing new clothes, or making Shehechyanu. Maran did write in Shulchan Aruch that buying new clothes, wearing new clothes, and saying Shehechyanu is prohibited during the three weeks from Shiva'as BeTamuz through Tisha'as BeAv, but he did not at all address this issue by the Omer. So therefore, it seems buying, wearing and saying Shehechyanu is permissible during the Omer. This is also the opinion of Chacham Ben Tzion Aba Shaul as well.

### **Sefirat Ha'omer- Is It Permissible To Trim Side Burns During The Omer**

One Halacha regarding the Minhagim on Sefirat Ha'omer. The question was asked about the Halacha that we know, which is the custom is not to take hair-cuts during Sefirat Ha'omer for Sephardim until the 34th day of the Omer. Does that include trimming one's Peot (sideburns?) There are some people that do not keep with the custom of keeping a beard during Sefirat Ha'omer. Although it's proper for Binei Torah, for those students of Torah to uphold the custom of keeping a beard for the Sefira, but there are those that go to work and that have different reasons why they need to shave. So their question is would they be allowed to trim their side burns.

According to the Halacha, one should refrain from trimming sideburns during the Omer.

Actually, one should refrain from trimming all hair. For example, one should refrain from shaving under-arms or other different hairs on the body during the Omer. So even if somebody is lenient to take a shave during Sefirat Ha'omer, he should however, avoid from trimming his sideburns.

But it would be permissible, even for those that keep a beard on the Omer, to trim their mustache in the event it grows a little long and is affecting eating. If the hairs of the mustache grow a little long and is interfering with eating, so it would be permissible to trim the mustache during Sefirat Ha'omer.

So again, Halacha Lema'ase, one should refrain from taking haircuts during this time, and refrain also from trimming his Peot (sideburns.)

It should pointed out that if one pulls out hairs with his hands, such is not considered part of the restriction and Minhag. For example, some people play with their beard and pull out their hair, or they play with their eye brows and pull out a hair or two. This pulling out is OK. When the Chachamim made this Minhag they were referring to a shaver or some type of scissors, which were normal ways of shaving and cutting. However doing with your hand, and pulling out some hairs is not part of the Minhag. That is the way Rabbi Karp comes out in his Halacha, and therefore that would be permissible in all situations.

### **Sefirat Ha'omer- Is It Permissible To Celebrate A Seudat Misvah with Music During The Omer**

There are different customs regarding Sefirat Ha'omer, specifically the customs in regards to the minimizing Simachot (celebrations), being that it is the time when the students of Rabbi Akiva passed away. The Gemara tells us that 24,000 students of Rabbi Akiva passed away during this time period which is from the beginning of the Omer until the 33rd or 34th day (depending exactly on how the dates of the tragedy are calculated.)

Maran in Shulchan Aruch writes the custom is not to take hair cuts during Sefirat Ha'omer, nor to make weddings. The Magen Avraham (Avraham Avli ben Chaim HaLevi Gombiner 1633-1683) comes and adds that it is also our custom not to listen to any music during this time. It should be pointed out that this is the opinion of Magen Avraham, and that Maran in Shulchan Aruch never discussed restricting one from listening to music. However, we have adopted the Minhag to follow the Magen Avraham as Chacham Ovadia Yoseph brings down, and we do NOT listen to music during the first 34 days of Sefirat Ha'omer.

A person should not listen to music on the radio, or on a tape, CD, or MP3 player. In fact, one should be listening to Divre Torah on his audio devices. The restriction also includes refraining from listening to anything with musical accompaniment in the background. But it is permissible to listen to Pizmonim or Tehilim reading if there is no music in the background. For example, it would be permissible to listen to a choir of children singing, as long as there is no musical accompaniment in the background.

A question was brought to Chacham Ovadia Yoseph in regards to a child's Bar Misvah. Would it be permissible to have music at a child's Bar Misvah during the Omer, if the child's birthday is actually during the Omer, and the celebration is celebrated that day? Chacham Ovadia Yoseph writes in Yichaave Da'at Helek 6 Teshuva 34, that it would be 100% permissible. That is a day of Simcha and is thus permissible. For that matter, Chacham Ovadia Yoseph is also lenient to allow music at a Brit Milah during these days.

Additionally, Chacham Ovadia Yoseph also permits music at a Siyum Masechet during these days. For example, this year Siyum Masechet Berachot happens to fall out during these days. It was not planned to fall out during the Omer, but as part of the Daf Yomi program it happened to fall out during the Omer. Chacham Ovadia Yoseph says clearly that in this case it is permissible to celebrate with musical accompaniment during the Siyum Masechet itself.

It should be pointed out that Chacham Ben Tzion, in his recently published 3rd volume of Or L'Tzion, was asked this exact question. 'Is it permissible for Sephardim to listen to music during Sefirat Ha'omer?' Chacham Ben Tzion clearly answers that the Minhag for Sephardim is to follow the Magen Avraham and one should refrain from listening to music, and then he follows it up and says that for Sephardim it is for sure permissible to have music at a Seudat Misvah that falls out during the Omer. For example, it would be permissible at a Brit Milah, at a Bar Misvah (if on the exact date), at a Pidyon HaBen, and a Siyum Masechet. Specifically that Maran never brought this Minhag down regarding not listening to music, but whereas we adopted this Minhag according to Magen Avraham.

So that would be the opinion of Chacham Ovadia Yoseph, and Chacham Ben Tzion Aba Shaul. Therefore, the Halacha for Sephardim, outside of a Seudat Miztvah one should refrain from listening to music until the 34th day of the Omer. There is some leniency to listen on the 33rd day of the Omer if it is for the Hilula of Rabbi Shimon Bar Yochai. The only exception again, is for a Seudat Miztvah that falls out within these days. It is permissible to have music at a Seuda celebrating a Brit Milah, Pidyon HaBen, Bar Misvah (if on the exact date), and at a Siyum Masechet.

### **Sefirat Ha'omer – Training Children in the Misva; The Status of Women Vis-à-vis Counting the Omer**

There is a Misva to train children to count each night of the Omer with a Beracha. Each night throughout the Omer period, a parent should recite the Beracha over Sefirat Ha'omer with the children and count with them, to train them in the Misva.

Hacham Ovadia Yosef, in his work Yabia Omer (vol. 2, Siman 13), writes that a parent should have the child count the Omer with a Beracha even if the child had missed a day of counting. When it comes to adults, as we know, somebody

who missed a day of counting continues counting the subsequent nights without reciting the Beracha. However, Hacham Ovadia rules that this does not apply to children, and they should recite the Beracha over Sefirat Ha'omer even if they had missed a day. He explains that the prohibition of reciting a Beracha Le'batala (a Beracha in vain), which is derived from the verse, "Lo Tisa Et Shem Hashem Elokecha La'shav," does not apply to children. Children may recite Berachot as part of their training, even in situations where a Beracha would not technically be required, and thus when counting the Omer, too, children should recite the Beracha even if they had missed a day of counting.

Women are exempt from the Misva of Sefirat Ha'omer, as it falls under the category of "Misvot Aseh She'ha'zman Gerama" ("time-bound" Misvot), which generally do not apply to women. Strictly speaking, a woman may count the Omer if she so wishes, despite her exemption, though without a Beracha. According to Sephardic custom, a woman may not recite a Beracha over a Misva from which she is exempt but chooses to fulfill, and therefore a woman who chooses to count the Omer should not recite a Beracha.

However, the Ben Ish Hai (Rav Yosef Haim of Baghdad, 1833-1909) writes that according to Kabbalistic teaching, women should not count Sefirat Ha'omer at all. The Ben Ish Hai notes (in his work Rav Pe'alim) that this was the view of the Arizal (Rabbi Yishak Luria of Safed, 1534-1572), and this is also the ruling of Rabbi Eliyahu Mani (Baghdad-Israel, 1824-1899). From the Kaf Ha'haim (Rav Yaakov Haim Sofer, Baghdad-Israel, 1870-1939), by contrast, it appears that a woman may count the Omer, though without a Beracha.

Our practice is to advise women not to count Sefirat Ha'omer at all, in accordance with Kabbalistic teaching.

Ashkenazim follow the view that a woman who voluntarily performs a Misva from which she is exempt may recite the Beracha. Interestingly enough, however, the Mishna Berura (Rabbi Yisrael Meir Kagan of Radin, 1839-1933), in Siman 489 (3), cites the Shulhan Gabo'ah as ruling that even according to this custom, women should not recite the Beracha over Sefirat Ha'omer if they decide to count. The reason, as the Mishna Berura cites from the Shulhan Gabo'ah, is that "they will certainly forget" one of the days of the Omer. It is unclear from the Mishna Berura's citation what precisely the Shulhan Gabo'ah had in mind, but when we look at the original text of the Shulhan Gabo'ah, we immediately understand his intent. It is very common for people to forget to count a day of the Omer, and in such a situation, as mentioned earlier, the Beracha over the counting must be omitted on subsequent nights. The Shulhan Gabo'ah feared that due to women's limited knowledge of Halachic minutiae, a woman who counts the Omer and forgets a day will not know that she must now count without a Beracha. She will thus end up reciting many Berachot Le'batala. Therefore, he ruled that it is preferable for a woman who decides to count the Omer to always count without a Beracha, in order to avoid complications.

Clearly, however, this concern would not apply nowadays, when women attend schools from a young age and receive a comprehensive Halachic education. Unlike in the times of the Shulhan Gabo'ah, women today certainly have the Halachic sophistication to realize that they must count without a Beracha if they missed a day of counting, and therefore, as long as they did not miss a day, they may – according to Ashkenazic custom – count the Omer with a Beracha.

As mentioned, however, Sephardic custom forbids women from reciting a Beracha over Sefirat Ha'omer, and our practice is to advise women not to count altogether.

Summary: Children should be trained to count Sefirat Ha'omer each night with a Beracha. A child who missed a day of counting should nevertheless continue counting each night with a Beracha. Women are exempt from Sefirat Ha'omer. From a strictly Halachic standpoint, a woman may count Sefirat Ha'omer, though without a Beracha (and according to Ashkenazic practice she may even recite a Beracha). For reasons related to Kabbala, however, our custom is to advise women not to count altogether.

### **Sefirat Ha'omer- Does Identifying The Day of The Omer Constitute A Count When Correcting A Friend**

A question in the laws of Sefirat Ha'omer was brought by a fellow who had corrected his friend who had counted the wrong day of the Omer. The friend said the wrong day when he stated 'Hayom Yom Hamisha (5) Yamim LaOmer', and subsequently the fellow approached and corrected his friend and told him 'Shishah' (6). Does saying the word 'Shishah' constitute a count that night for the fellow? Or, can the fellow still proceed later on to count the Omer with a Beracha?

This question was asked by Chacham Ben Tzion Aba Shaul in his sefer 'Or L'Tzion Helek 3'. The Chacham answered and said that the fellow may still count later on with a Beracha so long as he did not say to his friend the words 'Hayom Shishah Yamim.' He bases it on Shulchan Aruch where in siman 489, Seif 4, the Halacha writes to answer 'Yesterday was the 5th day' if someone asks which day of the Omer it is? Maran says to answer in that manner in order to avoid stating the current day's count, because answering 'Today is the 6th day' would constitute the count and the person who answered would lose out on the ability to count later on with a Beracha. The Taz (Rabbeinu David Halevi 1586-1667) writes on this that if asked, a person should simply respond with the number. In our example, a person should just answer '6', and not say 'Today is the 6th day.' Saying a number means nothing and does not constitute as a count

Therefore, the Halacha, when correcting someone's Omer count, it would be best just to say the number. For example, just say '6'. Do not say 'Today is the 6th day.' Simply stating the number does not constitute a count and later on the Omer may be counted with a Beracha. So we are learning today a rule in the laws of Sefirat Ha'omer. It is key to say the word 'HaYom' when counting the Omer. Just saying a number is not considered a counting.

### **Sefirat Ha'omer- In The Event A Person Knows He Will Be Unable To Count The Omer**

On the second night of Pesah we begin the Misva of Sefirat Ha'omer, which requires that we count each night for seven weeks, until the festival of Shavuot. If one misses a night, he should count the Omer without a Beracha the following morning, and then may continue to count on the next night with a Beracha. If somebody forgot to count both during the night and the following day, then he should continue counting the following night, but without a Beracha.

The question arises whether one should count Sefirat Ha'omer with a Beracha if he already knows from the outset that he will be unable to complete the counting. Consider, for example, the case of a patient who is scheduled for an operation, Heaven forbid, at some point during the Omer period, and he knows that he will be anesthetized and will have to miss an entire day's counting. In such a case, should he count with a Beracha until he is forced to miss a day, or should from the outset count without a Beracha?

This question arises due to a ruling of the Mishna Berura concerning the Sefirat Ha'omer counting of women. Although women are exempt from the obligation of Sefirat Ha'omer, Ashkenazic women have the practice to recite Berachot when they perform Mitzvot from which they are exempt, and we would therefore expect that they should recite the Beracha before counting Sefirat Ha'omer. The Mishna Berura, however, writes that since women are likely to miss a day of counting, due to their busy schedules and many responsibilities, they should not recite a Beracha when they count, even if they do not miss a day. Seemingly, then, the same would apply to a man: if he knows from the outset that he will miss a day of counting, he should not recite a Beracha when counting Sefirat Ha'omer.

However, Rabbi Yosef Shalom Elyashiv (contemporary Halachic authority in Jerusalem) drew a distinction between men and women in this regard. The Mishna Berura's ruling applies only to women, since, as mentioned, they are not obligated in Sefirat Ha'omer in the first place. Men, however, are obligated by Halacha to count, and therefore even if a man knows at the beginning of the Omer period that he will have to miss a day of counting, he counts each night with a Beracha until that point.

Summary: One who misses an entire day of counting during Sefirat Ha'omer continues counting the following night, only without reciting a Beracha. If one knows from the outset that he will have to miss a day of counting, he nevertheless counts with a Beracha until he misses a day.

### **Sefirat Ha'omer- Guidelines for One Who Forgets to Count the Omer or Cannot Remember if He Counted**

The Misva of Sefirat Ha'omer requires counting the proper number each night during the Omer period. If a person forgot to count the Omer one night, then he should count during the following day without a Beracha, and thereafter continues counting each night with a Beracha, as usual. Even if a person forgot to count the Omer on several successive nights, so long as he counted during the day in each instance he continues counting the Omer with a Beracha. If, however, a person forgot to count the Omer one night and did not count at all during the following day, then he may no longer recite the Beracha over the counting of the Omer. He should continue counting each night, but without reciting a Beracha.

For this reason, many congregations have the practice to count the Omer aloud – without the Beracha – each morning during Shacharit, after the Kaddish following the Chazan's repetition. This is intended to ensure that anyone who forgot to count the Omer the previous night will at least count that day, so that he may resume counting the subsequent night with a Beracha. It should also be noted that although praying with a Minyan is of great importance throughout the year, it is particularly critical during the Sefira period, as one is far more likely to forget to count the Omer when he prays privately than when he prays with a Minyan.

If a person cannot remember whether or not he counted the Omer one night, and he did not count during the following day, does he continue to count with a Beracha, or must he count without a Beracha, given the possibility that he missed a day?

Chacham Ovadia Yosef, in his work Chazon Ovadia (Laws of Yom Tov, p. 238), rules that a person in such a case continues to count with a Beracha, as this situation involves a "Sefeik-Sefeika," or "double doubt." First, there is the question of whether or not the person indeed neglected to count the Omer. But in addition, even if he had neglected to count, it is unclear whether or not Halacha follows the opinion that one who misses a day of counting can no longer count the subsequent nights. According to some authorities, each night of the Omer constitutes an independent Misva, and thus forgetting to count one night does not affect one's obligation on the subsequent nights. Hence, in a situation where one is unsure whether or not he counted, two points of uncertainty are involved, in which case we may be lenient and allow the individual to continue counting the Omer with a Beracha.

Chacham Ovadia adds yet another factor, namely, the position of the Rif (Rabbi Yitzchak Alfasi, Morocco, 1013-1103) and the Rambam (Rabbi Moshe Maimonides, Spain-North Africa, 1135-1204) that counting the Omer constitutes a Torah obligation even nowadays. With regard to Torah law, we rule stringently in situations of uncertainty. Thus, according to the view of these authorities, a person who is unsure whether or not he must count the Omer is obligated to do so. Although we generally do not follow this position of the Rif and the Rambam, their view represents yet another consideration for requiring a person in such a situation to continue counting the Omer with a Beracha.

Summary: A person who forgets to count the Omer one night should count during the following day without a Beracha, and then resume counting that night with a Beracha. If one forgets to count one night and does not count during the following day, either, then he resumes counting the subsequent night without reciting a Beracha. If one cannot remember whether or not he counted one day, he continues counting with a Beracha.

### **Sefirat Ha'omer – May Women Count the Omer?**

The obligation of Sefirat Ha'omer falls under the category of "Misvot Ase She'ha'zman Gerama" – Misvot that apply only in a certain time-frame. Halacha generally exempts women from the Misvot in this category, and, as such,

women are exempt from the obligation of Sefirat Ha'omer. The question thus arises as to whether women may nevertheless count the Omer if they so desire, and, if so, whether they may recite the Beracha over the counting.

Regarding the second question, it is clear that Sephardic women should not recite a Beracha over the counting of the Omer. Sephardic practice follows the ruling of the Shulhan Aruch that a woman who chooses to perform a Misva from which she is exempt cannot recite the Beracha. Since she is not included under the obligation, she cannot recite the text, "Asher Kideshanu Be'misvotav Ve'sivanu" ("...Who has sanctified us with His commandments and commanded us..."). Thus, for example, a woman who wishes to shake the Lulav on Sukkot may certainly do so, though she may not recite the Beracha of "Al Netilat Lulav," since she is not bound by this Misva.

In the case of Sefirat Ha'omer, however, a number of authorities ruled that a woman should not even count the Omer without a Beracha, because according to Kabbalistic teaching this Misva has no relevance to women. This is the ruling of the Ben Ish Hai (Rabbi Yosef Haim of Baghdad, 1833-1909), in his work Rav Pe'alim, and of the Kaf Ha'haim (Rabbi Yaakov Haim Sofer, 1870-1939). Hacham Ben Sion Abba Shaul (Israel, 1924-1998) likewise follows this position in his work Or Le'sion (vol. 3).

Summary: Women are exempt from the obligation of Sefirat Ha'omer, and it is preferable for them not to count the Omer.

### **Sefirat Ha'omer – Counting Before the Age of Bar-Misva, and a Boy Who Becomes Bar-Misva during the Omer**

A father bears the obligation to train his sons to perform the Misva of Sefirat Ha'omer once they reach the age of Hinuch (training in Misva observance), which is generally defined as approximately six or seven years of age. He should therefore recite the Beracha and count the Omer with his sons each night during Sefirat Ha'omer. Even if a child missed a day of counting, the father should nevertheless have him count on the remaining nights with a Beracha. Although an adult who misses a day of counting does not recite the Beracha when he counts on the subsequent nights, in the case of a child, he should nevertheless be taught to recite the Beracha as part of his training in the proper performance of this Misva.

An interesting Halachic irony arises in the case of a boy who becomes Bar-Misva during the Omer period. We follow the position of the Behag ("Ba'al Halachot Gedolot"), that the forty-nine days of counting constitute a single Misva, such that one missed day undermines the fulfillment of the Misva even with respect to the other days. For this reason, as mentioned, a person who misses a day of counting no longer counts the Omer with a Beracha. By the same token, Hacham Ovadia Yosef rules that if a child becomes Bar-Misva during the Omer period, on the day he turns thirteen he must discontinue reciting a Beracha before counting. During the previous days of the Omer, he counted as a minor, who is not, strictly speaking, obligated in Misvot, and he has therefore not performed an official "counting" of the Omer until his thirteenth birthday, when he becomes obligated. Hence, he cannot perform the complete forty-nine-day counting – just like a person who missed a day or several days of counting. Therefore, ironically enough, even though he had been counting with a Beracha before his Bar-Misva, upon reaching the age of Bar-Misva he may no longer recite a Beracha before counting the Omer.

Hacham Ben Sion Abba Shaul (Israel, 1924-1998) disagreed with this position, and held that a young man in this situation should continue counting the Omer with a Beracha. Nevertheless, in light of the fundamental rule of "Safek Berachot La'hakel" – we do not recite Berachot in situations of Halachic doubt – a boy in this situation should not recite the Beracha, in accordance with the ruling of Hacham Ovadia.

Summary: A father must train his children to count the Omer each night with a Beracha once they have reached the age of Misva training. If a child missed a day of counting, he should still count with a Beracha on the subsequent nights of the Omer. If a child becomes Bar-Misva during the Omer period, he should count without a Beracha from the day he becomes Bar-Misva until the end of the Omer period.

### **Sefirat Ha'omer – May a Person Count the Omer for Friday if He Had Already Recited Arbit?**

During the spring and summer months, many people have the custom to accept Shabbat and recite Arbit before sundown on Friday afternoon. The question arises as to whether a person who follows this practice may count Friday's counting of Sefirat Ha'omer after he recited Arbit. Suppose the individual completed Arbit some 30 minutes or so before sundown, and then he remembered that he did not count the Omer on Thursday night or during the day on Friday. On the one hand, we might contend that since the sun has not set, the day has not ended and he may therefore still count Friday's counting. On the other hand, he had already prayed the Friday night Arbit service and accepted the onset of Shabbat, effectively declaring that Friday had ended and Shabbat has already begun. Perhaps, then, he can no longer count Friday's counting.

The Zera Emet (work of responsa by Rabbi Yishmael Ha'kohen of Modona, Italy, 19th century) addressed this question and ruled that a person in such a case should count the Omer before sundown without reciting a Beracha. Then, that night, he may count as usual with a Beracha. He compares this case to the Halacha cited in the Shulhan Aruch from the Terumat Ha'deshen (work by Rabbi Yisrael Isserlin, 1390-1460) regarding a person who cannot remember whether or not he counted on one of the days of the Omer. The Shulhan Aruch rules that such a person may continue counting with a Beracha, despite the possibility that he had missed a day of counting. (If a person knows definitively that he missed a day of counting, he can no longer count with a Beracha.) The Zera Emet extends this ruling to the case described above. After a person recited Arbit before sundown on Friday, it is uncertain whether or not he may still count the Omer. Therefore, he should count without a Beracha, and then his situation is no different than that of a person who simply cannot remember whether or not he counted on a given day. As such, he may resume counting with a Beracha after dark on Friday night.

This is the view accepted by Hacham Ovadia Yosef, in his work Yabia Omer (vol. 4).

Summary: If a person recited Arbit before sundown on Friday, and then realized that he had not counted the Omer that day, he should count before sundown without reciting a Beracha. He may then resume counting with a Beracha, as usual, that night.

### **Sefirat Ha'omer – Reciting the Beracha Only After Determining Which Number to Count**

Halacha requires that when a person recites the Beracha before counting the Omer, he should already know in his mind which number he must count that night. It is improper to recite the Beracha and then wait to hear the counting by the Hazan or somebody else in order to determine that night's counting. Whenever one recites a Beracha before performing a Misva, he must perform the Misva immediately after concluding the recitation of the Beracha, without making even a silent pause in between. One must therefore determine in his mind the number of that night's counting before he recites the Beracha, so that he can count immediately after reciting the Beracha without any pause. This is the ruling of a number of Halachic authorities, including the Haya Adam (Rabbi Avraham Danzig of Vilna, 1748-1820) and Rav Shneur Zalman of Liadi (1745-1813).

Nevertheless, if a person did not know which number to count before he recited the Beracha, he has fulfilled his obligation; his counting is valid and he may continue counting with a Beracha on the subsequent nights.

### **Sefirat Ha'omer – The Proper Way to Respond if Somebody Asks Which Day to Count**

It happens quite commonly during the period of Sefirat Ha'omer that somebody asks his friend after sundown which number should be counted that evening, before the friend has himself counted the Omer. It might appear, at first glance, that if the friend responds, then he effectively fulfills the Misva, and then cannot count the Omer later with a Beracha. What is the proper way to respond to such an inquiry to avoid forfeiting the Beracha over this Misva?



Hacham Ovadia Yosef rules that in order to avoid all potential problems and complications, it is preferable to respond to the inquiry by informing the questioner of the previous night's counting. For example, if somebody asks his friend after sundown on the fourteenth night of the Omer which day he should count (and the friend has not yet counted), it is best for the friend to respond, "Last night was the thirteenth day." This response avoids all potential Halachic complications, and the friend can, according to all authorities and without any doubts, later count the Omer properly with a Beracha.

Another option is to answer the question directly, stating that night's counting, but with the clear, explicit intent not to fulfill the Misva of Sefirat Ha'omer with this response. If a person performs a Misva act with the specific intention not to fulfill the Misva, then he does not fulfill the Misva. Thus, for example, on Sukkot, when we must recite the Beracha over the Arba Minim (four species) before fulfilling the Misva, one may lift the Arba Minim with the specific intent not to fulfill the Misva, and then recite the Beracha. (Others first lift the Lulab without the Etrog, and then lift the Etrog only after reciting the Beracha.) Here, too, if a person specifically has in mind not to fulfill the Misva of Sefirat Ha'omer when he responds to his friend's inquiry, "Today is such-and-such day of the Omer," then he does not fulfill the Misva, and he may thus count again later with a Beracha.

If a person did not employ either of these options, and instead answered the question directly without explicit intent not to fulfill the Misva, has he forfeited the Beracha, or may he still count with a Beracha despite having already stated the day of the Omer?

Hacham Ovadia rules that the Halacha depends on the particular situation. If this occurred during the first six days of the Omer, when the counting entails simply stating the number of days, as there are as yet no complete weeks to count, then one indeed forfeits the Beracha if he gives an explicit answer. Meaning, if a person informs his friend, "Tonight is the fifth night," then he may not count with a Beracha that night. Even though he counted in English, his counting is valid and he has fulfilled the Misva, and so he cannot count again with a Beracha. Needless to say, he resumes counting with a Beracha the next night.

If, however, he responded by simply stating the number – "Five" – without stating, "Tonight is the fifth night," then he may still count that night with a Beracha. Hacham Ovadia ruled that we may employ in this situation a "Sefek Sefeka," or "double doubt." First, it is possible that he has not fulfilled the Misva since he did not intend to fulfill the Misva through his response, and it is possible that the Misva cannot be fulfilled without the intention to do so ("Misvot Serichot Kavana"). And even if we accept the premise that Sefirat Ha'omer, as a Rabbinical obligation (as opposed to a Biblical obligation), does not require intent, it is possible that one cannot fulfill the Misva without explicitly stating, "Today is..." Hence, as there are two uncertainties concerning the status of the individual's response, he is allowed to count again properly with a Beracha in this case.

Starting from the seventh day, and through the end of the Omer period, one may count with a Beracha even if he had explicitly informed his fellow of that night's counting, such as if he explicitly stated, "Tonight is the fourteenth night." After the sixth day, this individual will always be in a situation of "Sefek Sefeka," since according to some authorities one does not fulfill the obligation of Sefirat Ha'omer after the sixth day if he counts only the days, without counting the weeks. And since, as mentioned, we may also take into account the possibility that the Misva is not fulfilled without intent, a person may count with a Beracha even if he had given a direct response to his friend's inquiry. It must be emphasized that this applies only after the sixth night of the Omer, from the seventh night of the Omer until the end of the Omer period. (Of course, one certainly should not respond by stating both the days and the weeks; for example, one should not say, "Tonight is the fourteenth night, which is two weeks." If he does, then he may not then count with a Beracha that night.)

As mentioned, however, it is far preferable to respond to such an inquiry by mentioning the previous night's counting. Besides avoiding all complications, it also makes it clear to the questioner that one should not respond directly to such a question before one has counted. If one answers directly, even in a permissible manner, as outlined above, the questioner, who is unfamiliar with these Halachic intricacies, might mistakenly assume that one may always respond

directly to this question without it affecting his recitation of the Beracha later on. For this reason, too, it is best to respond indirectly, by mentioning the previous night's counting.

Summary: If a person is asked after sundown which night of the Omer it is, and he has yet to count the Omer that night, he should respond by noting the previous night's counting, rather than answering directly. This is the preferred method of answering such a question. Another, though less preferred, option is to answer directly with specific intent not to fulfill the Misva. If one answered the question directly, by stating "Today is such-and-such day," without the specific intent not to fulfill the Misva, he may nevertheless count that night with a Beracha. If, however, this occurred on one of the first six nights of the Omer, then he cannot count later with a Beracha, unless he had only stated the number, without saying, "Today is..."

### **Sefirat Ha'omer - If a Person Counted Only the Days or Only the Weeks**

Generally speaking, a person who misses one day of counting during Sefirat Ha'omer may not recite the Beracha before counting on the subsequent nights. He may certainly resume counting on the subsequent nights, but without a Beracha.

The Magen Avraham (commentary to the Shulhan Aruch by Rabbi Avraham Gombiner, Poland, 1637-1683) qualifies this Halacha, claiming that it applies only if a person did not count the Omer at all. If, however, a person counted only the days, or if he counted only the weeks, he has fulfilled his obligation and may therefore resume counting as usual, with a Beracha, on the subsequent nights of the Omer.

The question arises as to whether the Magen Avraham's ruling extends to a case of a person who made a self-contradictory counting, such as if he recited on the ninth night of the Omer, "Today is eight days, which is one week and two days." In stating the actual number of days, he counted incorrectly, whereas in specifying the weeks, he counted correctly. Since he did, after all, count the correct number of weeks, perhaps we should apply the Magen Avraham's ruling and allow this individual to continue counting the Omer with a Beracha.

In truth, however, a person in this case may not continue counting the Omer with a Beracha. Unlike the case discussed by the Magen Avraham, where one counted either the days or the weeks, in this case the person made a self-contradictory counting, which would fall under the category of "Ta'ut" – a mistaken counting. The Mishna Berura (commentary to the Shulhan Aruch by Rabbi Yisrael Kagan, 1839-1933) explicitly rules (in Siman 489) that if a person counted the Omer incorrectly, his counting is invalid and he is considered as though he had not counted at all. This ruling of the Mishna Berura is in contradistinction to the startling position of the Sho'el U'meshiv (Rabbi Yosef Shaul Nathanson, 1810-1875), who held that one fulfills his obligation even if he counts the incorrect number. The Sho'el U'meshiv contended that since we count the Omer merely as a commemoration of what was done in the Mikdash, one fulfills this requirement even if he counts incorrectly. So long as he performed a counting, he has successfully commemorated the counting that was performed during the times of the Temple, and may therefore continue counting with a Beracha. The Mishna Berura, however, as mentioned, disputes this ruling, and maintains that an incorrect counting is functionally equivalent to neglecting to count altogether. As such, a person who counts the wrong day may not continue counting with a Beracha.

Accordingly, if a person counts in self-contradictory fashion, as in the case described above, he has not fulfilled his obligation and must therefore omit the Beracha when counting on subsequent nights.

Summary: If a person counted only the days of the Omer and not the weeks, or vice versa, he may nevertheless continue counting the Omer with a Beracha on subsequent nights. If, however, a person counts in a self-contradictory manner, counting the correct number of days but incorrect number of weeks, or vice versa, he may not continue counting with a Beracha.