

The *Halachos* of *Pesach* are many and varied. In this column we will try to bring to the reader an overview of the issues. **This is not and should not be used as a source of final *Halachic* ruling.** For any specific questions please call a *Rov*.

Hilchos Hagolas Kailem- Kashering

Do I Need to Purchase New Vessels for *Pesach*

There is a famous *halacha* quoted in the *Y'sod V'shoresh Ha'avodah (Hagolas Kailem)* which states the following. "It is worthy of a G-D fearing Jew not to use utensils on *Pesach* which were used for *chometz* all year round for *chometz* which became Kosher for *Pesach* via *kashering* them." This he explains is when dealing with types of materials "which are impossible to clean out the crevices completely from *chometz*, which therefore it is best for one to purchase new utensils for *Pesach*."

As such writes the *Mishnah Berurah* (651; 19) with regard to knives that it is best for one to purchase new knives since it is very hard and difficult to properly clean a knife of all *chometz*. (This sentiment is apparent with regards to the laws of *bassar b'chalav* that it is apparent that in those years it was quite difficult to completely clean the knife of all dirt.)

However, it would appear that utensils that can be completely cleaned without difficulty can be used for *Pesach*. There are some who use all new vessels for *Pesach* based on opinions brought in the *Poskim*.

Although, it is worth noting that many utensils which we *kasher* for *Pesach* are merely a *chumrah* and therefore would not fall into the whole aforementioned discussion. For instance a *becher* used each Shabbos which typically does not come in contact with hot *chometz* is only *kashered* as a *chumrah* thus in such a case there certainly is no reason to require one to purchase a new *becher* for *Pesach*.

Is Hagolas Kailem a Mitzvah?

Tosfos in *Avoda Zara* (67b s.v. *Omar Rav Yochanan*) maintains that *hagolas kailem* is a *mitzvas aseh*. However many of the codifiers of the *mitzvos* dispute this position and maintain that there is no specific *mitzvah* in *kashering* utensils, rather it is simply the method given by the Torah as how one can purge a vessel from non Kosher absorptions and tastes. However, outside of the practical element of *hagolas kailem* there is not prescribed *mitzvah* in doing so. Even according to the opinion that *hagolas kailem* is a *mitzvah* there was no instituted *b'racha* prior to doing so. There are many reasons given to explain this including the fact that the absorptions of *issur* is

called an *ain bo mamish* thus there is not *b'racha* (See *Sefer Hagolas Kailem* 11;66 for the many other reasons given for this).

What Types of Vessels can be *Kashered*

Not all vessels were created equal with regards to *kashering*. The Torah does write that should an earthenware vessel absorb non-Kosher there is no way to make it Kosher besides by breaking it. The Torah does state that metal vessels which absorbed non-Kosher can be purged of their absorption by the process of *hagola*. Included in metal would also be gold, silver, copper, steel, etc.. In addition the following materials would also be candidates for *kashering* including wood, stone, (it is worth noting that most "stoneware" today are not real stone and therefore they cannot be *kashered*) bone, according to the *Pri Megadim* leather (See *M.Z.* end of 451) and according to Rav Moshe Feinstein ז"ל (*Ig"m O.C.* 2; 292) natural rubber as well.

Other materials such as china, porcelain cannot be *kashered* (See *Mishnah Berurah* 451;163 in the name of the *Shiyorai K'neses Hagdolah*).

There is a *machlokes* the *Mechaber* and *Rema* (*O.C.* 451;26) with regard to glass. The *Mechaber* maintains that since glass does not absorb it is always Kosher and therefore does not need *hagola* at all. The *Rema* has almost the exact opposite position and states that since glass is a derivative of the ground it has the classification of an earthenware vessel and *hagala* does not help. The *Mishnah Berurah* (*Ibid* 155,156) writes that one needs to be stringent with regard to glass vessels which were regularly used for hot items or when *chometz* regularly sat marinating in the vessel for more than 24 hours at a time. In addition, and glass bottle which is narrow on the top which therefore doesn't allow for easy access to the bottom also requires greater stringency. He writes the method for *kashering* such vessels where there is great need to do so.

There is great debate amongst the *Poskim* as to whether *hagalah* applies to utensils made out of plastic, nylon, corningware, corelle, pyrex, duralex, enamel, formica, teflon and other such materials. There is room for leniency amongst some *Poskim* when there is a great need or substantial financial loss. Should this question arise one must consult a *Rov* on a case by case basis. There are some distinctions made between the *poskim* with regard to these items. Some allow them to be *kashered* if they are non-kosher to be made kosher but not for Pesach; others allow them to be *koshered* for Pesach as well, while others do not allow *koshering* them at all. Since there are so many factors such as the method of the absorption etc. these must be addressed on an individual basis.

There is another very important *halacha* brought in the *Mishnah Berurah* with regards to which vessels may be *kashered*. He writes (*Ibid* 23) that a utensil which the owner fears that it may get ruined as a result of the *hagalah* process may not be *kashered*, since we are concerned that the fear of damaging the utensil will cause the owner to refrain from *kashering* it as it should really be done. If despite not being allowed to do so, when *kashered* such an item there is some debate as to whether *bedieved* the vessel is Kosher (See *Aruch Hashuchan* *Ibid* 20). The food subsequently cooked in this vessel is Kosher (*Pri Megadim* 451;19).

Can all Utensils be Kashered via Hagala?

There are various ways to *kasher* something. The method of *kashering* is usually dependent on a few variables but primarily the way the absorption happened. In addition while when does *hagala* the principal of *k'boloh kach polto* (the method the absorption process transpired is the method in which it can be purged) when using other methods this is may not be the case. For instance according to some the method of *libun* (which is using a direct source of heat until the vessel is smoldering hot works by the way of burning out the *chometz*.

Rabbi Neustadt brings the following list of utensils which can be *kashered* with *hagala*.

A utensil becomes non-kosher (or meat or dairy) if it comes into contact with a non-kosher food item in one of the following ways.

Direct fire: A utensil which is placed directly on the fire with no liquid or minimal oil, butter or shortening added (such as baking pans or parts of a barbecue grill), cannot be koshered by *hagalah*. A frying pan, too, should preferably not be koshered by *hagalah*.

Indirect fire: A utensil which contains liquid and is placed directly on the fire (such as a pot used for cooking on a range or a spoon used for stirring food in a pot on a burner) can be koshered by *hagalah*.

Heat contact: Utensils which come into direct contact with hot, non-kosher food, such as a plate onto which hot non-kosher food is placed, a fork with which it is eaten, or a cup into which it is poured, etc. These utensils may be koshered by *hagalah*. Included in this category are dairy dishes which were inadvertently washed together with meat dishes or vice versa.

Cold Contact: Utensils which come in direct contact with cold non-kosher food must be thoroughly washed with cold water. *Hagalah* is not required. If the non-kosher food was a liquid and it remained in the utensil for a period of 24 hours or more, however, *hagalah* is required.

Cold "Sharp" Contact: In the case of a cold but "sharp" non-kosher solid food that was cut with a knife, the knife requires *hagalah*. Whenever a utensil needs to be koshered, its cover and handles need to be koshered as well.

It is brought in *halacha* that one should not take a *fleishigs* utensil and via *kashering* it transform it into a utensil which will now be used for *milchigs* and vice versa. The *Magan Avrohom* (509;11) explains that the reason for this is since we are concerned that if one switches the usage of the vessel back and forth he will come to use it for the wrong one inadvertently due to its lack of exclusivity.

The *Mishnah Berurah* (451; 19) brings from the *T'shuvos Chassam Sofer* (110) that this *halacha* does not apply when one is *kashering* something for *Pesach* as then it is okay to switch its usage as well.

Preparing the Utensil for Hagola

In last week's column we discussed which materials are able to be *kashered* via *hagola*. Even if the material makeup of the vessel can be *kashered* there are still a few other factors. For instance, the surface of the utensil must be clean. While *hagola* can purge the utensil of absorption it can't be considered as pure when there is residual dirt, or grime which may have *chometz* in it (or non-Kosher). Therefore the utensil must be scrubbed clean. Even rust poses a problem for *kashering* as per the ruling of the *Mishnah Berurah* (not a rust stain) where it is in a place which comes into regular contact with the food (Ibid 22, 43).

In addition, any vessel which has cracks and crevices cannot be *kashered* with *hagola* since we are concerned that it can't be properly cleaned. This includes utensils with hinges, utensils which is narrow so that there are inaccessible points in the vessel, utensils with handles which is screwed in but has a gap and cannot be removed to be thoroughly cleaned. What is therefore suggested is that the vessel be *kashered* with *hagola* first and then it should undergo *libun* which essentially is burning out the area with fire. The order does make a difference as is explained in the *Mishnah Berurah* (Ibid 25). In the *Sefer hagolas Kailem* (6;4) it is brought that if one cannot do so and really needs to use it on *Pesach* one can pour a substance which would make any possible food there inedible (such as bleach) and after it gets absorbed to then do *hagola*.

What Type of Pot Should be Used

The pot being used to *kasher* is best to be Kosher for *Pesach*. However, when this is not possible one is allowed to use a pot used for *chometz* so long as the pot has not been used in the last 24 hours. It is suggested that the pot be *kashered* with *hagola* as well after use since there may not have been 60 times of water in the pot against any given utensil immersed.

The Temperature of the Water

The concept of *hagolas kailem* is to be able to purge the vessel of the absorptions by repeating the same method used which introduced the absorption. That is why a utensil which obtained the absorptions via direct fire cannot expect to purge the utensil from the absorption with hot water. However, when using *hagola* to purge a vessel one does not have to make sure that the water is cooked up to the same heat as the original absorption. For instance, if a spoon is used to dish out *chometz* which boils at 275 degrees and the water is boiling at less it is still okay so long as the water was boiling at the time of *kashering*.

Does the Water Have to Boil During the Process

The *Shulchan Aruch* states that when *kashering* knives one needs to place it in a *kli rishon* even if it was taken off the fire. There is a discussion in the *Achronim* whether this is the case with all utensils regardless of how the absorption came about (meaning directly through a *kli rishon* or *irui kli rishon*). In the *Sefer Hagolas Kailem* (10; 25) there is long discussion on this matter and he concludes that any vessel which absorbed from a *kli rishon* on the fire needs to be *kashered* in a pot which is still on the fire.

Throughout the *hagola* process the water should be boiling (since this is required in certain cases). When *kashering sinks* etc. if one wants to use a smaller pot to scoop out water from the larger pot, he should keep the smaller pot in the larger pot long enough so that the water in the smaller pot is also bubbling.

The entire utensil, including its handles, needs to be placed inside the water. The utensils should be kept inside for a few seconds before being removed. If a utensil is too large to be inserted all at once it may be put in part by part. Immediately upon removing the utensil from the *kashering* pot, it should be rinsed with cold water.

Sinks

Really sinks should only require hot water to be poured on it since it is not really a *kli rishon*. However, since there is a concern that a *davar gush* (a thick substance) fell there (which has the *halacha* of *kli rishon* according to some opinions) it may need more. Some suggest using an *even mluban*. The sinks should be sprayed with a *davar pogem* and not used for hot *chometz* for 24 hours prior to *kashering*. The sink must be completely dry prior to *kashering*.

The spouts if they can't be replaced should be *nifgam* as well and rinsed with hot water. Some place a sleeve on it.

Bedikas Chometz

It is also very important to note that not everything which one is required to clean for *chometz* has a *chiyuv bedika* on the night of the 14th. Meaning, as we will explain some have the custom of checking all their *seforim* for *chometz* or toys etc. and other such items. This does not mean that there is a *chiyuv bedika* on these on the night of the 14th since that is reserved to the house itself. This is based on the *Chok Yaakov* (436;17) who derives from the fact that although one needs to check his pockets for *chometz* however, the primary *chiyuv* was given for a person in his home (*tashbisu s'or m'basaichem*).

Before we begin discussing the *halachos* of how to go about doing *bedikas chometz* it may be worth discussing the *halacha* of how to proceed when one will be leaving his home prior to *Yom Tov*.

The *chiyuv bedika* which *Chazal* required begins within 30 days of *Pesach*. Therefore someone who is leaving his home within 30 days of *Pesach* even if he will not return until after *Pesach*, needs to do a *bedika*. There is a *machlokes haPoskim* whether one needs to make a *b'racha* on a *bedika* prior to 30 days before *Pesach*. The *Mishnah Berurah* (436;4) rules (See *Biur Halacha* as there he is not so definitive however the opinion of most *Poskim* is as is quoted in the *Mishnah Berurah*) that one does not make a *b'racha*. He explains since the actual burning of the *chometz* will not be until much later he can't consider the *bedika* the beginning of the burning process, rather it is just clearing the house from *chometz* at that point.

The best way to do *bedikas chometz* is by having it done on the night of the 14th of *Nissan*. Therefore if one can do so he should, even if it means that he will have to slightly inconvenience himself in order to do so. Where one will be in the same town just in a different home (i.e. parents etc.) he should certainly try to come back to his home on the 14th to do the *bedika*.

When possible, one should not sell his whole house so that there is no longer a *chiyuv bedika*. It is better to leave one area (which was a place where *chometz* was brought in) and perform the *bedika* there on the eve of the 14th.

Shuls

The *gabbai* of the *shul* should do a *bedika* in the *Shul* as well. It is best that he make a *b'racha* in his own home and then go to the *Shul* to finish the *bedika* so that he does not have to make a *b'racha* there (since there is no *issur bal yeroah* on the *chometz* found there).

Yeshivos

Bochurim who dorm in a *Yeshivah* should do a *bedika* in their room before leaving since it is their room without a *b'racha*. If the *bochur* left *Yeshivah* already he should try to get a *shliach* to check the room on the 14th. If he cannot find someone to do so he should be *mevatel* the *chometz* with his words. When the *Yeshivah* will be selling the entire building there may not be a need for them to do a *bedika*.

One Who is Leaving Before Pesach

There is a big *machlokes* amongst the *Poskim* with regard to a person who left his home more than 30 days before *Pesach* and will not return until after *Pesach*. On one hand he will not be there and there will not be the prohibition of *baal yeroeh* on the other hand he knows that he has *chometz gomur* in his home, and he is required in the *mitzvah* of *tashbisu*. The *Shulchan Aruch Harav* (436;6) discusses this at great length. As per practical application it is best for the person to sell his home with the *chometz* prior to *Pesach*.

If he will coming back before *Yom Tov* after the *z'man biur* he needs to address the issue of his *chometz* prior to leaving.

One who leaves his home within 30 days of *Pesach* (i.e. someone who is going to his parent or in-laws) should make a *bedika* before leaving without a *b'racha*. It is better that he himself perform this *bedika* prior to leaving rather than assigning a *shliach* to do so *b'zmano*. If he has a room at the place where he will be staying it best to make a *kinyan* on it and then he will be able to do a *bedika* there.

Someone who moves into a new home which hasn't yet been used to eat *chometz seudos* does not have to do *bedikas chometz*. In truth even if he wants to do *bedikas chometz* by putting out the 10 pieces of bread he can't do so, since it is a place which *chometz* was not brought into, and thus has no *chiyuv bedika*.

Hotels

Someone who rents a hotel room for *Pesach* and is already there on the 14th of *Nissan* he needs to make *bedikas chometz* with a *b'racha*. If there is *chometz* in the refrigerator he needs to take it out of his room. Even though it does not belong to him until he takes it for himself, Rav Shlomo Zalman zt"l (*Minchas Shlomo* Vol. 2 58; 17) writes that this is required since he is responsible for them (thus it has the *halacha* of a *pikadon*). If someone comes in the middle of *Pesach* to a Hotel and the owner did not already do a *bedikah* the *Piskei Tshuvos* brings that he is required to do so with a *brachah*.

Making a Shliach for Bedikas Chometz

If someone cannot do *bedikas chometz* and therefore is getting a *shliach* to do so for him, the person making the *bedikah* makes the *b'racha*.

The *mitzvah* of *bedikas chometz* preferably should be done on the night of the 14th (and as we explained that is the only time one makes a *b'racha* on the *bedika*). The *bedika* should commence soon after *tzais hakochavim*. One should not involve himself in other mundane or even spiritual activities by the *zman bedika*. There is special dispensation for people who have a set *shiur* or a set *minyana* they *daven* in since the routine will not allow for getting involved and forgetting to check. The *Gr"a* would start the *bedika* at the right time and then stop in middle to *daven Maariv*. Some even state that if one cannot be home at the *zman bedika* he should appoint his wife or someone else a proxy to make a *b'racha* at the right *zman* and do the *bedikah*. In this case he can tell the *shliach* to leave one room for him to do which the homeowner would be able to do when he comes back with a *b'racha* since there was a stipulation in his appointment that he would not do this one room.

Rav Shlomo Zalman Zt"l would start the *bedika* immediately after *Maariv* even if his family was not finished preparing the home, but by the time he was finished, they too were done.

Hefsek by Bedikas Chometz

Once making the *b'racha* on the *bedika* he should not be *mafsik*. However if he was *mafsik* he does not need to make a new *b'racha*. (Although the *Taz* states that there is a problem of *hefsek* since if one were to stop in middle of the *bedika* he would not have been *yotze* the *mitzvah*.)

Lengthy Bedikas Chometz

Some people can spend all night searching for *chometz*, while others do not spend as much time. The reason for this is since in many homes the cleaning and searching process started far before the 14th of *Nissan* the *bedika* is simply a culmination. However, even if one knows that his home is completely clean from *chometz* there is still a requirement to check the home on the 14th just in case he forgot something.

Checking with a Flashlight

One does not have to use a candle to do *bedikas chometz* and he can leave the lights on as well (in fact one may be able to see better and check better with a flashlight without being worried about possible fire or it blowing out). However, Rav Moshe Feinstein zt"l and others had the custom to start the *bedikah* with a candle and then to continue the *bedika* with a flashlight.

Checking Different Sites

When one makes a *b'racha* on the *bedikas chometz* he can then drive to his office or other places he owns to do the *bedika* there. Rav Shternbuch (*Tshuvos V'hanhagos* Vol. 1 284) brings a discussion with regard to someone who specifically had in mind not to be *motzi* his office with the *b'racha* of his house. His question is would someone be able to then have a *shliach* do that *bedika* with a *b'racha*. He brings a *Rivash* that states that two locations is like twin boys that each one needs an independent *b'racha* by the *B'ris Milah*. However he rules with the opinion that when making a *b'racha* it is *chal* on all his properties since that is the required *bedika*, and therefore once he made a *b'racha* he can't have intent not to include it.

Outdoors

The *Mechaber* (Ibid 6) writes that *chometz* which may be outdoors does not have to be checked for *chometz* since it can be assumed that it was eaten by animals. However if one knows for certain that there was *chometz* there prior to *Pesach* then he has to check for *chometz*. The *Mishnah Berurah* (Ibid 27) brings two opinions as to what constitutes "prior to *Pesach*". Some maintain that anything within 30 days is considered prior to *Pesach* while yet others are of the opinion that this means after the eve of the 14th. If one eats outside prior to *Pesach* since they do not want *chometz* in their home they check for *chometz*. Porches according to some always need to be checked since it is very common for food to be eaten there.

Garbage dumpsters which are privately owned can cause a problem since there is almost certainly *chometz be'en* which is able to be eaten by a dog. The simplest solution is to pour ammonia on the garbage's thus deeming it not edible even for dogs. One does not have to saturate the entire garbage with this substance. One can also place the garbage's on the street which would deem it *hefker*.

Checking Area's Sold to the Goy

There is a question whether or not one needs to check places which will be sold to the *goy* the next day or not. On one hand it is his premises, on the other hand he knows that this area will be sold. In *Madanei Shlomo* (page 3) it is brought that one does not have to do check those areas. Rav Shlomo Zalman *zt"l* explains that the requirement of *bedikas chometz* is to check areas where one suspects that there may be *chometz*; one would not go check his store full of *chometz* (which he is selling to the *goy*) to see if there is *chometz* there.

Items Which Need to be Checked and Cleaned

Pockets, Cuffs, Briefcases, Cars, Garbages (even if they belong to the township they are still in the *r'shus* of a Jew), should all be checked for *chometz*. However if these are the only thing one is checking he should not make a *b'racha*.

Toys

Toys and other such items which may have *chometz* stuck to them or in their compartments should be cleaned. Many toys can be placed in a dishwasher or a washing machine which will usually get rid of any *chometz*.

Seforim

There is a question whether or not *Seforim* which are brought to the table where people ate *chometz* need to be checked for *chometz*. The *Chazon Ish* (O.C. 116; 18) writes that checking *seforim* is required to be done. Therefore *bentchers* which many times have food stuck to it should be sold to a *goy*. It is best to be careful to never bring *seforim* to the table all year round. The *Aruch Hashulchan* (447) writes that starting from Purim (30 days prior to *Pesach*) one should be careful not to bring his *seforim* to a table with *chometz* on it. Others state that since the amount of *chometz* in these *seforim* are so little (if any) one can rely on the *bitul* of it without checking them (*Ohr L'tzion* Vol. 1; 32). Rav Shlomo Zalman *zt"l* (*Shalmei Moed* 68) adds that even if there is a larger piece of *chometz* however, since it disgusting from sitting in the *bentcher* or *sefer* that it is not problematic.

Placing 10 Pieces of Bread out When not Checking on the 14th of Nissan

Although there is a *halacha* to put out ten pieces of bread before *bedikas chometz* there is a question of whether or not someone should do so when not checking on the 14th. While the *Shulchan Aruch* states

that the reason for placing the 10 pieces of bread is because it should not be a *b'racha l'vatata* which would not be relevant in this case (since he would not be making a *b'racha*) others disagree with this reason. According to them one does so, to enhance the quality of the *bedika*. Thus the *Kinyan Torah* (Vol. 2 82) states that one should certainly place these 10 pieces. The *Michas Yitzchak* (Vol. 8; 35) writes that there is not such a requirement in this case.

Women Cleaning for Pesach

It is brought in many places that women should not be the ones cleaning for *chometz* since they are not as zealous and stringent as men in this regard. However the *Aruch Hashulchan* (437;7) writes that our women clean, wash and check better than men thus this would not apply.

Teeth Braces and Dentures

There is a big question with regard to people with removal dental implants and braces. While as per teeth it is possible that the teeth are of the material which do not absorb and therefore this is not an issue however fillings, implants and other materials do not necessarily share that same characteristic. Rav Shlomo Zalman sent a letter to the *Chazon Ish* about this matter which was later printed. (When he did not hear a response from the *Chazon Ish* he assumed that he did not approve of him. Years later he met Rav Greineman when he was printing his *sefer* at the printing house, and Rav Greineman told him that the *Chazon Ish* had his *Tshuvah* on his table for a while and showed it to others who came to his home as a *tshuvah* of great substance. He stated that he didn't respond as he had nothing to add!)

As for practical application one obviously should clean their teeth and braces etc. very well before *Pesach*. Dentures can be placed in hot water and/or bleach as well, and according to some, one should refrain from eating hot *chometz* or sharp foods within 24 hours of *Pesach*. Rav Shlomo Zalman personally was *makpid* not to eat sharp foods all *Pesach* with dentures since the sharpness compounded by the pressure of chewing could expel absorptions of *chometz* even if it has been 24 hours since he ate hot *chometz* and even if when chewing hot *chometz* it is not considered a *kli rishon* (when dealing with a *davar gush*) since sharp foods when ground can expel such absorptions.

Biur Chometz- Using Lighter Fluid

The *Gemara* brings different methods of how one can get rid of the *chometz*, however, we adhere to the opinion of Rav Yehudah and burn *chometz*. At least one *kzayis* of *chometz* needs to be burned in order for one to be *yotze* the *mitzvah*. There are those who make their own small fires for *sraifas chometz*. Many times these fires are small and require a lot of lighter fluid in order to make the fire. One needs to

be careful so as not to pour the fluid all over the food as it is then not able to be eaten by a dog. Since in this case this is not considered *chometz* which needs to be burned, and he is not *yotze* the *mitzvah*.

Mechiras Chometz- How Does it Work and Why Does it Work?

Chazal made a prohibition on any *chometz* which was in the possession of a *yid* on *Pesach*. Therefore one needs to make sure that any *chometz* which is bought after *Pesach* was sold according to *halacha* or that they were in the possession of the *goy* over *Pesach*. Therefore many *Achronim* required that the keys to the location where the *chometz* is be given over to the *goy* as well. Others maintain that this is not the case (See *Pri Chadash*). However, when one can easily write down a combination to the lock or/and contact information as to where the individual can be reached on *Pesach* it is admirable.

In essence when someone is selling his *chometz* one is selling the space where the *chometz* is located at as well as the actual *chometz*. This can be done even in a rental or leased apartment or office. If one will need to access the area where the *chometz* is located this should be stipulated in the contract.

Mechiras chometz is not a transaction where the individual is "selling" the *chometz* to the *Rov* he is simply making the *Rov* a *shliach* or an agent for him to sell his *chometz* to the *goy*. When the individual is *mekabel kinyan* it is not to sell it to the *Rov* it is for the *shlichus*. Some say that the reason most people have the custom to give the *Rov* some money is since *min haTorah* there is no *chazaka* that *shliach* fulfills his duties. Thus by giving the *Rov* some money he becomes a *po'el* and therefore it works *min haTorah* as well.

There is a famous question from the *T'vuos Shor (P'sachim 21)*. He brings that there were cattle farmers who would "give" their animals to a *goy* over *Pesach* so that the *goy* would feed them *chometz* and it would not be his prohibition. He writes that this is an unacceptable act since it is forbidden to use *ha'arama* (loosely defined as trickery) to exempt oneself from a Biblical prohibition. He therefore asks how is it that one can sell his *chometz* to a *goy* without having the same problem of using "trickery" to be exempted from a Biblical prohibition? He answers that since we are *mevatel* the *chometz* by *kol chamira* it is not really an *issur deoraisa*. This is obviously very problematic since one is not *mevatel* the *chometz* he sells.

Others explain that since there is a valid contract which he is signing the fact that he may not fully grasp what he is doing or what it means it does not matter. Rav Shlomo Zalman zt"l (*Shalmei Moed* 70) compares this to someone who says "yes, I signed a *kesubah* but I did not fully know what I was signing" does this make a difference? We would tell him "you realized that it was a *kesubah* and not a *pruzbul*?"

Despite this Rav Shlomo Zalman zt"l like many others had the *minhag* not to sell any real *chometz*. Even those who do not sell real *chometz* however, will buy from a store who sold real *chometz*. There are those people who do not sell real *chometz* however they will sell spirits for various reasons. Some though will give their *chometz* to a friend who does sell real *chometz*. The question is whether or not this really helps at all. Since the reason people do not sell real *chometz* is due to the fact that it is called "tricking" which is prohibited when dealing with an *issur de'oraisa*, what does it help to give it to a friend? There may be though two different possible differences. Firstly, where someone is actually physically removing the *chometz* from his premises and putting it in a different person's premises this negates any sense of it being a non-genuine transaction. In addition, where the person is a store owner and he thus has the *heter* of *hefsed merubah* then once he is selling his own items he can sell other real *chometz* as well with it.

Rav Elyashiv zt"l states that when a non-observant Jew owns a business and to him the whole sale of *chometz* is just a ploy to get a certification this is not a valid sale and cannot be relied upon. He suggests that the contract be done in accordance with the secular laws so that it is binding as then he certainly would take this seriously.

Selling Chometz Over the Phone-is Kinyan Meakev

One can sell his *chometz* over the phone as well. Even though we make a physical *kinyan* with the *Rov* when we sell the *chometz* in reality this is not *meakev*. We only do so to strengthen the authenticity of the sale.

Taanis B'chorim

The *Gemara Yerushalmi* discusses whether or not there is a *taanas bechorim*. The *Yerushalmi* discusses whether or not there is a custom for *b'chorim* to fast on *erev Pesach*. While that is not the final conclusion of the *Yerushalmi* it is found in *Misechta Sofrim* that there is this custom to fast on *Erev Pesach*. The *Tur* and the *Shulchan Aruch* (O.C. 470) bring that this is the practice as well. The reason for

this is a *zaicher* for the *nes* of *mitzrayim* in which the Jewish *b'chorim* were not killed while the Egyptian firstborns were.

Is it a Real Fastday?

This fast, is a required fast and it is brought in *halacha* that should one not fast he needs to make it up. In addition if there are 10 *b'chorim* davening together whom are fasting they recite *anainu* by davening. Although the *Poskim* bring as does the *Mishna Berurah* (Ibid 2) that in that case it is best that the *chazzan* not be a *b'chor*. They explain that there are some of the opinion that we should not be saying *anainu* by *chazaras hashatz* like a *taanis tzibbur* in middle of *chodesh Nissan*.

However prior to discussing the details of these *halachos* it is important to point out the following. As mentioned there is a prohibition to fast in *Nissan* in general. Therefore where there is a *sofek* whether he needs to fast (as we will discuss there are instances where it is a *sofek* whether he needs to fast or not) some say not to fast since it is *Nissan*. In addition, in *halacha* it is brought that some state that if one will not be able to eat as is required by the *seder* later that night as a result of not eating the whole day he does not need to fast. The *Mishnah Berurah* brings this as well and adds that if one has aches and pains as a result of fasting the same applies.

What Type of B'chor

Both the firstborn of a father and a mother is required to fast. (The firstborn of the father is considered the *b'chor* with regards to inheritances and the firstborn of the mother is considered a *b'chor* with regards to *peter rechem*.) In *Mitzrayim* if there was no first born in the home the eldest in the household was stricken. Despite that, the eldest in the household does not need to fast nowadays as we are not so stringent with regards to this custom.

A child who was born after the mother had a previous miscarriage there is some dispute whether or not he is considered a *b'chor* with regards to fasting. The *Mishna Berurah* rules that if we know for certain that the previous pregnancy ended in a miscarriage then he needs to fast since he is considered a *b'chor* just as he is a *b'chor* with regards to inheritance. However if the baby was born but just didn't survive 30 days or in cases of a *sofek*, he is not considered a *b'chor*. If the *b'chor* was born after a cesarean then the *Chok Yaakov* rules (as is quoted in the *Pri Megadim*) that he does not have to fast.

Do Girls Need to Fast

The *Mechaber* writes that there are some opinions that even girls and women whom are the first born need to fast. The *Gr" a* explains this is based on a *Medrash*. The *Medrash* states that even the first born girls and women were stricken at *makas b'choros*. The only reason *Batya* (*Bas Paroah*) was saved was due to *Moshe Rabainu's* *teffilos*. Despite this, the *Rema* as well as the *Gr" a* (and even many *Sephardic Poskim*) rule that girls do not have to fast as they do not have the *halacha* of a *b'chor*.

Parents Fasting

A father fasts for his son who is a minor even if he is not a *b'chor*. There are those whom maintain that if the father is a *b'chor* himself then the mother should fast for the child (*Darkai Moshe 2, Shulchan Aruch Harav* 470; 5). However others disagree and maintain that as long as a father is fasting so there is a *zaicher* in the home that it is suffice, and the mother does not have to fast. If the child is a *shoteh* then there are also those whom maintain that the father fasts for him always.

Eating from a Siyum

There is a *machlokes* with regards to eating from a *seudas bris* on *erev Pesach*. The *Olas Shabbos* (1) brings from the *Maharash Halevi* (3) that a *b'chor* is allowed to eat from a *seudas bris milah* however he who is stringent is blessed. While the *Pri Chadash* is more lenient others are stringent. Nowadays it has become the custom that a *b'chor* comes to a *siyum* which is made *Erev Pesach* and if he partakes in the *siyum* he can partake in the *seudah*. The *Shulchan Aruch Harav, Aruch Hashulchan, Mishnah Berurah* all bring that today we rely on this in many communities.

One may not eat before the *siyum* however after the *siyum* he can already eat all day (See *Magan Avrohom* 568; 10)

If He Didn't Eat From the Siyum

In the *Sefer Bais Avi* (O.C. 16) he discusses whether someone can eat in his home if he attended the *siyum* yet didn't eat there. He explains that this is considered a *Yom Tov* and can therefore eat at home as well. The *Shach* (Y.D. 246; 27) writes in the name of the *Maharshal* that even if one didn't make the *siyum* but only attended the *siyum* for him to it is a great *simcha*. However it is best to be there for both the *siyum* and the *seudah* (*Divrai Avrohom* 139).

Can One Only Eat from the Seudah Without Attending the Siyum

If one did not attend the *siyum* but attended the *seudah* there are those whom are lenient (*Rashban* O.C. 178). Rav Ovadia Yosef *Shlit"o* (O.C. 42) has a Responsa discussing whether or not one can take food from a *siyum* and bring it home for a *b'chor* so that he should not have to fast. He disagrees with the aforementioned *Rashban* and concludes that if one is not even partaking in listening to a *d'var torah* being said there and is simply taking food then it should not be relied upon. The *Minchas Yitzchok* (Vol. 9; 45) writes that one should eat something at the *siyum* and should not rely on a *teimah*.

The Night Before

The *Mahram Brisk* (133) discusses whether or not one can make a *siyum* the night before if he will not be able to do so *erev pesach* during the day. He is lenient in this regards.

Halachos of Pesach

Erev Pesach

In the *Shulchan Aruch* (O.C. 471; 1) it is brought that one should not drink little wine on *Erev Pesach* since it is filling. However, one can drink a lot of wine since that makes the one who drank thirsty for even more. (Most *halachos* that apply to wine would apply to grape juice as well despite the fact that one can argue that drinking a lot of grape juice would cause the person to want to drink more. Rav Yosef Chaim Sonnenfeld *zt"l* writes that one should not drink any wine at all since it is not very clear what constitutes a lot of wine. The *Shulchan Aruch* writes that the same is true about eating *morrer* and *charoses* so that it should be eaten by the *seder l'taiavon*. (Although many ask on the reasoning since *morrer* is not supposed to be eaten *l'taiavon*, however, most agree that one should not change from this custom.

Matzo Knaidlach and other Such Foods on Erev Pesach

The *Talmud Yerushalmi* writes that it is forbidden to eat *matzo* on *Erev Pesach*. Many people have a custom not to eat *matzo* already 30 days prior to Pesach and others begin this custom from *Rosh Chodesh*. The *Sefer M'orai Ohr* writes that this prohibition is not to be taken seriously; however, there are many *Achronim* who disagree including the *Sheorai Knesses Hagedolah* and the *Chok Yaakov*.

The *Mishnah Berurah* writes that one (471; 20) that which one is forbidden to eat baked items which have *matzo* in it on *Erev Pesach* does not apply to a cooked *knaidel*. However, he still rules that one should not eat *knaidlach* after the 10th hour of the day when there is already an *issur chometz*. The reason why this is forbidden is since according to many one could be *yotze achilas matza* with *knaidlach* it is forbidden to do so.

A few Halachos as They Pertain to the Seder

Preparing the Table

It is best to prepare the table before night so that the *seder* can begin right after quickly coming home.

Wearing a Kittel

There is a *minhag* practiced by most of *klal yisroel* (with the exclusion of a few *chasidisher* sects) to wear a *kittel* by the *seder*. Many *Achronim* explain that the reason for this is since it is symbolic of *chairus* we wear it. The *Taz* explains this on the contrary, meaning we want the person in this time of joy not to lose all seriousness. The *Maharal* has yet another explanation for this. He states that just as a *kittel* is a simple white without any other material interwoven so too was the *geulah* simply by *Hash-m* himself. There Some say that a newly wedded man the first year of marriage should not wear a *kittel* (See *Maharam Schick* 28). The reason given is since the whole point of a *kittel* is to instill a sense of seriousness by reminding ones' self about his destiny this is not done during *shana rishona*. Many people have a custom to wear a *kittel* even during the first year of marriage. The *Sefer Divrai Cahachomim* brings from Rav Elyashiv *shlit"ra* that one who does not have a family custom should wear a *kittel*.

Hesaiba

On the night of *Pesach* many things we do are done while leaning to show our feeling of freedom. During the following times one needs to eat or drink when leaning on the left. The four *kossos*, two *kzaisim* of *achilas matzo*, *Korech*, *Afikoman* and *Karpas* according to the *Avudraham* and the *Kitzur Shulchan Aruch*. The *Darkai Moshe* as well as the *Shibalai Leket* disagree and as such writes the *L'kutai Maharich* is our practice.

Daled Kosos

It is best to drink red wine on *Pesach* night. For those who can't do so they can rely on the opinions that grape juice is acceptable. Although, when possible, it is better to mix in some wine as well to the grape juice. (It should be noted that with the exception of Rav Moshe Feinstein *zt"l* most *Poskim* maintain that grape juice is acceptable.) Many explain that someone who gets sick from wine or simply despises the taste of wine for him drinking wine is in no means symbolic of *chairus*. Rav Ovadia Yosef *shlit"a* in his *hagaddah* writes that since grape juice is acceptable someone who does not like wine should preferably drink grape juice since for him this is *derech chairus*.

According to the *Ravya* if one did not drink the *daled kosos b'hasaiba* he does not need to drink them again, since today people do not generally eat and drink *b'hasaiba*. If one did not drink the first two *kosos* with *hesaiba* he can drink them again (without making a new *b'racha*). By the last two *kosos* one should not drink them again (since it looks like he is *marbeh al hakosos*). If one has a *becher* which hold two *reviis* and he forgot to drink *b'hesaiba* by the first *reviis* he can still drink the second half with *hesaiba*.

Shmurah Matzo

On the first two nights of *Pesach* there is a requirement to eat only *matza shmurah*. The *Gr"a* maintained that the *chiyuv* of *matza shurah* applied to every day of *Pesach* as the requirement of *matza* on *Pesach*.

Women and Hesaiba

Women theoretically would be required on *hesaiba* (since our women are considered *chashuvos*) however, that is not our practice.

Chatzos

According to most opinions all the *mitzvos* of the *seder* such as *daled kosos*, *matza* and *marror* (and even *hallel* according to some) should be completed by *chatzos*. According to these opinions if one did not make a *b'racha* by *chatzos* then he should no longer make a *b'racha* since there is no *mitzvah* to do so after *chatzos*.

However some *Achronim* maintain that one can rely on the opinion of the *Rambam* that the *mitzvah* is all night and thus the *b'rahca* could be made all night as well. Obviously once it becomes *alos* according to all opinions it is not possible to make a *b'racha*.

If *chatzos* is approaching one should follow the following order first *kos*, *matza*, *marror* and then proceed with the *hagadda* and continue on to the rest of the *seder*.

Someone who Finds Chometz in his House on Pesach

The *Shulchan Aruch* (446; 1) writes that someone who finds *chometz* in his home on *Pesach* if it is on *Chol Hamoed* he should take it out immediately and burn it. If he already was *mevatel* his *chometz* before *Pesach* or he sold his *chometz* (which has a written statement stating that any unknown *chometz* shall be considered sold as well) or it was less than a *k'zayis* one does not make a *b'racha* on the burning. If the *chometz* was found on *Yom Tov* he does not burn it rather he covers it with a vessel.

Being Tovel the Kailim After Pesach

There is a large debate in the *Achronim* whether or not one has to be *tovel* the *kailim* which was sold to the *goy* since one who purchases such an item on ordinary circumstances would have to do so. It is therefore that many contracts state clearly that they are only selling the *chometz* absorbed or stuck to the vessel to the *goy* but the vessel itself therefore this is not an issue. Others state that since this is not a real selling even if he didn't specifically stipulate as such he would not have to be *tovel* the vessel.

When does the Requirement to Recite Sefira Begin

On the second night of *Pesach* we began counting *Sefiras Haomer*. The *Possuk* teaches us that *sefira* should begin being recited on the day after the beginning of *Pesach*; meaning on the first day of *chol hamoed* which is after the beginning of the first *chag*. The reason for this is since the Torah states that the second day of *Yom Tov* when the *korbon omer* is brought one should begin counting 7 complete weeks. (See *Menachos* 66a)

The reason we begin counting at night as opposed to the next morning when the *omer* was brought is since the Torah specifies that we start counting on the "day" the *omer* was brought and not from the time the *omer* was brought. The day begins the night before. In addition the Torah states that we are to count 7 complete weeks thus we must begin counting the night prior so that it is a complete week.

In fact it is brought in *halacha* that *sefira* should be recited after *Maariv* prior to *alainu* (*Mishnah Berurah* 489; 2). The reason for this is since we try to have the counting be as complete as possible thus we try to start counting as soon as possible in the new day (which in Jewish law begins at night.)

The *Possuk* (*Devarim* 16; 9) when stating the requirement to recite *sefiras haomer* says; *tispor loch* – and you should count *for yourselves*. Despite the fact that in other places the *Torah* says there is a requirement to count it does not really mean one needs to physically count the days i.e. *nidah*, here one is required to count each day until he reaches 49. Since the *Torah* writes *tispor loch* each individual is required to recite *sefira* and it is not like by *Yovel* where the counting is done by the *Bais Din*.

How do we in Chutz L'aretz Begin Counting While it is Still the First Day's Yom Tov

There is a question which is asked by the *Achronim* (*Magen Avrohom, Taz O.C. 489*) with regards to beginning counting *sefira* in *chutz l'aretz* on the second day of *Pesach*. We find that on *Shemini Atzeres* we don't make a *b'racha* on the *Sukkah* since it's a mockery (because if in fact today is *Shemini Atzeres* we would not be eating in the *Sukkah* and we only do so since in *chutz l'aretz* and we have another day). The same should hold true with regards to saying *sefira* on the second day of *Pesach* in *chutz l'aretz*. Since the *Torah* teaches us that the day after *Pesach* which is *Chol Hamoed* we begin reciting *sefirah*. Thus we must understand then why there is no issue of saying *sefira* on what may be the first day of *Pesach*.

There are numerous answers given. One answer given is the fact that today that we are experts in establishing the calendar it is no longer a *sofek* whether or not the second night is the first night of *Pesach* (and despite our knowledge we didn't abolish the second day of *Yom Tov*) thus it is not making a mockery. Another reason given is the fact that on *Shemini Atzeres* this dichotomy is far more apparent since on the same *Kiddush* he will be saying *Shemini Atzeres* as well as *laishev basukah*.

The *Y'sod V'shoresh Hoavodah* (9;8) and others bring that there are some opinions that state that on the first day of *sefirah* it should be recited after the *seder*. The reason they give is that it looks paradoxical to say *sefira* and to then turn around and have the *seder*. However most authorities disagree with this premise for a number of reasons; such as the fact that one is forbidden to eat prior to reciting *sefira* as well as the fact that this may lead to one forgetting to recite it.

