

# HALOCHOSCOPE

TOI

In this issue and in the next issue we will discuss related subjects. Some continuity will be necessary. Some of the issues would be dealt with in this issue, and some in the next issue, one of which would be double. We have, therefore, decided to combine the two into a triple issue. It will run through Shabbos Parshas Shemini. This will complete Volume IX.

- i. After *Rosh Chodesh Nissan* people have the custom to refrain from eating *Matzo* until *Pesach* night. May one with this custom use a *Matzo* as his second loaf for *Lechem Mishneh* on Shabbos?
- ii. Similarly, may one who refrains from eating a certain type of *Matzo*, as a personal stringency, use it for *Lechem Mishneh* on *Pesach*?
- iii. When *Yomtov* falls on *Erev Shabbos*, an *Eruv Tavshilin* must be set aside on *Erev Yomtov*. This permits preparing food on *Yomtov* for Shabbos. If one has the practice to refrain from eating a certain food, may he use such foods for his *Eruv Tavshilin*?
- iv. If one forgot to set aside an *Eruv Tavshilin*, he relies on that set aside by the Rav or another party. May he rely on the *Eruv* of another party if it consists of foods that he does not eat on *Pesach*?

The issues:

- (A) The *Minhag* to refrain from eating *Matzo* from *Rosh Chodesh Nissan*
  - (B) Refraining from certain types of *Matzo*
  - (C) *Lechem Mishneh*; what qualifies for it?
  - (D) *Eruv Tavshilin*; Reliance on the *Eruv Tavshilin* of another party
- (A) *Eating Matzo after Rosh Chodesh*

This *Minhag* is an extension of a restriction instituted by the Rabbis, cited in the Talmud Yerushalmi. One may not eat *Matzo* on *Erev Pesach*, all day. There is a separate restriction on eating a regular meal on any *Erev Shabbos* or *Erev Yomtov*, too close to the onset of the holy day. This is because one must eat a meal on Shabbos and *Yomtov*, and should not delay it. In order to properly enjoy the Shabbos and *Yomtov* food, one must be hungry. Therefore, he should not be satiated from having just eaten a meal. Only bread is restricted. One may eat fruit, meat and snacks. *Mezonos* foods that can be substituted for the bread in a meal (and which would, in such cases take the *Brocha Hamotzie* and *Birchas Hamazon*) are also restricted. Thus, on *Erev Pesach* afternoons, *Matzo* is anyhow restricted. *Matzo Ashira*, egg-*Matzo* which would normally be *Mezonos* and does not qualify for use at the Seder is also forbidden. In addition, *Chameitz* is forbidden from an early hour, just past mid-morning. One Talmudic view forbids *Chameitz* all day

Erev Pesach. This is due to the Mitzvah forbidding eating Chameitz in the time frame that the *Korban Pesach* may be slaughtered. The majority view is that the earliest time that the Pesach could be legitimately slaughtered is afternoon. One view maintains that though one may not do this ideally, if it was slaughtered in the morning it would be considered valid. Thus, Chameitz is Scripturally forbidden, for a new reason, all day on Erev Pesach. In addition, a practice is cited for the firstborn to fast all day Erev Pesach.

Accordingly, the Yerushalmi ponders the statement that one may not eat Matzo on Erev Pesach. Having cited incidents of sages who seemed to follow this practice, the Yerushalmi suggests that this might have been due to one of the other reasons. In the final analysis, the practice is not disproven. Therefore, we follow the ruling forbidding the Matzo all day on Erev Pesach.

The restriction raises a question. Why is this restriction stronger than the regular restriction of bread on Erev Yomtov? Why could Matzo not be permitted until mid-afternoon on Erev Pesach. The Yerushalmi supplies a cryptic reason for the restriction, which in turn requires some explanation. There are two steps to a Jewish marriage. First there is the *Erusin*, or betrothal, also called the *Kidushin*. This is the transactional part of the ceremony, nowadays fulfilled by giving the ring. After this part, the couple is legally married, and the wife is forbidden to be with another man. However, the wife does not yet move in with her new husband. The second step is *Nisuin*, when the wife actually moves in with her new husband. This is the *Chupa* and *Yichud* ceremony of today's weddings. The two ceremonies are juxtaposed nowadays, separated only by the reading aloud of the *Kesuva*, marriage contract. However, in Talmudic times the two ceremonies were separated by a few months. This time was devoted to preparing the young couple for their wedding and their new lifestyles. The couple may not live together as husband and wife between *Erusin* and *Nisuin*. One who does do is punished with lashes. Says the Yerushalmi, one who eats Matzo on Erev Pesach is equivalent to one who lived with his *Arusa*, partial wife, before *Nisuin*.

The comparison gives rise to some interesting observations on similarities between the two restrictions in practice. For example, the restriction on the wife is contained in a restriction on a wife for whom the Brochos of the *Chupa* were not recited. There are seven Brochos recited at the *Chupa*. There are seven Brochos recited at the Seder before eating Matzo. Two are recited at Kiddush, *Borei Peri Hagafen*, and *Kidush*. Two are recited at the end of *Magid*, *Asher Ge'alanu* and *Hagafen*. Then *Al Netilas Yadayim* and *Hamotzie* are recited, before reciting *Al Achilas Matzo* and eating it. However, apart from the fact that there are an additional two Brochos, *Shehecheyanu* and *Borei Peri Ha'adama*, the simple meaning

of the analogy is not explained by these observations.

One might suggest, based on other details in the Halachos, that there is an intrinsic similarity in principle between them. It is not simply the fact that the Brochos have not been recited for her that forbids her. It is the fact that the ceremony to complete the marriage has not taken place which really forbids them to live together. Indeed, the Talmud requires a Brocho recited in situations in which they might do so anyhow. However, this is not to permit them, but to save them in part. The proper Mitzvah is to wait until they have become fully husband and wife. Performance of the act early is not true fulfillment of the Mitzvah of married life.

There is a basic requirement to recite the Hagadah only at the time when *Matza* and *Maror* are present. Since the Mitzvah of *Matza* is specifically by night, one may not recite the Hagadah by day on Erev Pesach. This then rebounds on the *Matza*. The *Matza* is called *Lechem Oni*, bread of affliction, by the Torah. The Talmud says that this term also indicates that it must be present for the Hagadah, *Lechem She'onin Alav* etc., bread that questions are answered over it. This would then be a requirement for the proper fulfillment of the Mitzvah of *Matza*. As the Poskim put it, how could one say "for this Mitzvah (of *Matza*) Hashem took me out of Egypt" if he has already been eating it all day without fulfilling the Mitzvah. Eating the *Matza* before reciting the Hagadah, would then be considered improper for a similar reason to that of premature marital acts. Interestingly, one may give *Matza* on Erev Pesach to a child who does not understand the meaning of the Hagadah. He will not be affected by saying "for this ..." after being satiated with it. Since he does not have the Mitzvah of Hagadah, he does not have the restriction. If he had the restriction, even though one might not force him to stop eating it, one should not personally feed it to him.

The restriction only applies by day on Erev Pesach. The Poskim even permit it the night before, which is really already Erev Pesach. The Minhag arose to refrain from the *Matza* from Rosh Chodesh. In the simple sense this is an extension of the Rabbinical restriction. The logical extension is to the beginning of the month of Nissan. It could also have to do with the preparations for Pesach. The Talmud requires one to study the laws of the upcoming holiday in preparation for Pesach. One view requires such study thirty days ahead, and the other view requires it from Rosh Chodesh, or two weeks. Indeed there is a Minhag to refrain from *Matza* from *Purim*, thirty days before Pesach. However, in light of the explanation offered earlier, the Minhag might have a deeper source. The idea is based on the correct time for reciting Hagadah. One may not recite it earlier in the day. The Talmud (cited in the Hagadah) puts it in the following way. There is a Mitzvah of

Hagadah, to relate the story of the exodus. One might think it should begin on Rosh Chodesh. (This was the time when the Jews were given the first Mitzvos, and informed of the imminent redemption.) The verse says it must be on the day (anniversary) of the exodus itself. I might think earlier in the day, but the Torah says only when the Matza is present. Accordingly, the restriction on Hagadah indicated in the Torah, is extended to restrict Matza. This begins on Rosh Chodesh Nissan.

Only the type of Matza that could be used to fulfill the Mitzvah on Pesach night is restricted. Thus, Matza Ashira is permitted (until mid-afternoon). By the same reasoning, cooked Matza, which is invalid for the Mitzvah on Seder night, may be consumed on Erev Pesach. Thus, Matzo-balls may be eaten on Erev Pesach. Cooking only counts if the food underwent a process in a medium of hot water. Though it was already baked, and thus ready to eat, it can be altered by undergoing a second process of cooking. If it was just baked a second time, no new process took place. Therefore, if the Matza was ground into Matzo-meal, then baked as a cake or cookie, it did not become physically changed. It is still considered baked like it was before. Though it has become spiced and seasoned, which also makes it unfit for the Seder, it is not quite the same as a physical change due to being cooked. though they are usually baked with some liquid, we can not determine whether this is the same as cooking. Therefore, "gebrochtz" cakes and cookies are forbidden on Erev Pesach. [Bear this in mind when making a Siyum for firstborn.] [See Yerushalmi Psachim 10:1, Psachim 49a (Rif, commentaries), 99b, Poskim. Tur Shulchan Aruch Orach Chaim 471:2, commentaries.]

### **(B) Refraining from certain types of Matza**

Scripturally, one is only punishable for eating the amount of Chameitz equivalent to a Kezayis, olive-size. Less than this amount is also forbidden, due to the ability it has to combine with other small pieces to make up a full *Shiur*, requisite amount. Though it is extremely difficult to ensure that one does not unintentionally eat this tiny amount, one who is able to refrain from it is guaranteed, according to Kabalistic tradition, not to sin for the year. To avoid such unintentional violation, one must avoid the most likely food to contain Chameitz on Pesach, Matza. In fact, none of the other food permitted to us on Pesach could be made of Chameitz itself. Other foods could contain it as a mixture, which is usually a lesser prohibition. However, Matza is an essential food on Pesach. Some are accustomed to minimizing their consumption of Matza to the times when it is truly essential. Others are extremely careful not to eat any type of Matza that could either be Chameitz, or contain some. They are also careful about any

product that could possibly contain some Chameitz.

Accordingly, there have arisen a number of prominent Minhagim pertaining to Matza. The best known is truly a *Chumra*, self-imposed stringency. That is the practice to refrain from *Gebrochtz*, wetting the Matza. The concern is for a minute amount of flour that did not get mixed in and baked. When it comes in contact with water it can turn into Chameitz. Since Matza is made in a big hurry nowadays, it is possible that some flour did not get mixed in. However, really once it is baked it is unable to leaven.

The second best known is to eat *Matza Shmura* all of Pesach. This has a sound basis in Halacha. The Torah requires us to watch the Matzos, i.e., the Matzos that will be used to fulfill the Mitzvah with must be carefully watched to ensure that there is no chance of their becoming Chameitz on the way. In addition, this watching must be done for the sake of the Mitzvah. This is the same as writing a Sefer Torah *Lishma*, for the pure purpose of the Mitzvah. The way this is accomplished is by supervizing the harvesting of the grain, and all processes following it until the Matzo is ready to be eaten. Some say that the supervision refers to processes from kneading on. [Of course, general supervision would be necessary to avoid Chameitz, but not specifically for the sake of the Mitzvah, until kneading.] According to many Poskim, a qualified adult Jew must perform each stage. This is called *Shmura*, watched. The Talmud says that one may eat as much regular Matza as he wishes, but must be sure to eat one Kezayis of Shmura at the end. I.e., to fulfill the Mitzvah one needs Shmura *Leshem Matzas Mitzvah*.

All this is necessary for the Matza to be used for the Mitzvah. Strictly speaking the Mitzvah only applies on the night of the *Seder*, and only for the minimum of one Kezayis. Practically, it applies to the Kezaysim eaten at the Seder for all the Mitzvos. Throughout the remaining days of Pesach, one may eat anything he wishes to, provided it is not Chameitz. However, though eating Matza is not required, there is a prominent view that when eaten a Mitzvah is fulfilled. In keeping with this, and with the inevitable added level of supervision with Shmura, there is a Minhag to consume only Shmura Leshem Matzas Mitzvah all of Pesach.

If the person eating it has in mind the possibility that he is fulfilling a Mitzvah, he has not decided that regular Matza (known in the vernacular as "18 minute Matza" because hand Matza is Shmura as well, and machine Shmura is usually specified as such) is unfit to be eaten. This makes a difference in the situations in our questions. If he has decided that he can not rely on the supervision of non-Shmura Matza, he has determined that according to his Chumra they are unfit to be eaten on Pesach. This might be faulty logic, and incorrect. However, as a result, he has adopted a kind of vow. This forbids the banned food to him, and

could make a big difference in the issues we shall discuss.

The third most common Chumra is to refrain from machine Matzos. This was dealt with at length before [see Halochoscope Volume V No. 14]. Here we shall summarize the issue. Initially, when machines to produce Matzos were first introduced they raised a storm of controversy. The Poskim with opinions on them ranged from those who considered the Matzos produced to be *Chameitz Gamur* (pure Chameitz) to those who swore by them, maintaining that they far surpassed the reliability of hand made Matzos. The areas for concern ranged from the economic and commercial to the *Chashash*, possibility of Chameitz.

The most common concern, however, was about the Lishma status. Could a machine make the Matza Leshem Mitzvah, even if the initial act was set into motion by a human? Those who rely on them, maintain that the person activating it proclaims his intent at that time, and anything following it is automatically Lishma.

The second concern is about Chameitz. Any Matza dough can turn to Chameitz if left to rise for eighteen minutes. Each batch is made quickly. Then the utensils used are cleaned or discarded. Hand Matzos are made using the simplest possible utensils, usually flat wooden utensils easily cleaned. Machines are metal, have small parts, and require much more cleaning. If a small piece of dough from an old batch remains, it can become Chameitz during the process of the next batch. It can even hurry up the *Chimutz* of the following batch. Precautions are more difficult to enforce with the machines. Secondly, if the dough is warmed by activity, some Poskim maintain that it can become Chameitz immediately if it is not being worked on constantly. This is difficult with machines, coupled with the fact that not every piece of dough is used in the first rolling out. The returned pieces can be Chameitz sooner than the required eighteen minutes. Some also say that the eighteen minutes need not be consecutive, especially if it is warmed by activity. It is difficult for machines to keep the dough moving at all times. Third, the Poskim maintained that more than a *Shiur Challah*, five pounds of flour, is unmanageable if it is all to be kept moving all the time. Machines, for economy's sake, usually knead a larger amount.

Economic and commercial concerns range from the concern that workers will lose jobs to the unscrupulous manufacturer cutting corners at the expense of supervision and Kashrus. Added to this is the ideal of making one's own Matzos. On the other hand, cheaper Matzos help more consumers. Many people buy everything nowadays, not devoting time to do anything themselves. Commercial concerns about manufacturers could also be applied to commercially produced hand Matzos.

There was always a risk that if one machine met with Rabbinical approval, people might take it into their own hands to rely on all machines. Some machines evidently would never have made the grade. On the other side, many prominent Poskim pointed out that machines had redeeming features. The workers would not be as tired, in some respects continuous movement could be assured by a machine more than by hand, cleaning could be better supervised, and might be more thorough, and with less workers there is less human error.

Though historically controversial, nowadays most admit that one can not consider any and all machine Matzos Chameitz Gamur. This is simply wrong in the cases of well supervised productions. Though many cautiously cling to the unchanged hand Matzos, this is usually not out of conviction that the machine Matzos are not fit to be eaten on Pesach. It is a Chumra, based on the risk of laxity or the like. Thus, it would be considered a *Neder*, personally adopted, and binding. If a consumer thinks that they are forbidden Halachically, he must be questioned on his source for this. It is likely that this consumer is living with a mistaken ruling. In that case, it is at best a mistaken *Neder*, but probably not even that. He need not even resort to *Hataras Nedarim* to begin eating machine Matzos.

In either event, one practicing stringency may benefit from machine Matzos. Only if one considers them truly Chameitz gamur is he forbidden to benefit from them. Accordingly, in the issues in our question, the Matzos are generally permissible, but may either not be eaten due to a ban, or may even be eaten. In the rare case, that the person sincerely holds them to be forbidden Halachically, he may not benefit from them either. [See Psachim 37a 40a 46a 48a-b, Poskim. Tur sh. Ar.O.C. 453:4 (Biur Halacha) 456:1 2, 459:2 460:1 (M.B. 2) 2 4, 475:7, commentaries. Sdei Chemed Chameitz Umatza 13:12-13. Halochoscope V:14.]

### (C) *Lechem Mishneh*

Much of this is excerpted from Volume VIII No 4.

On Shabbos we are obligated to use two whole loaves of bread at the meal. It is not obligatory to eat from both, but one is obligated to hold both of them at the beginning of the meal before saying the Brocha, and then to break one of them to eat. This is learned from the Torah's teaching us that on Erev Shabbos the Jews in the wilderness were given a double share of *Mohn*, *Lechem Mishneh*, (lit. double bread.) Accordingly, some consider it a Scriptural obligation. Others maintain that it is Rabbinically ordained to remember the *Mohn*.

At a meal where there is one whole loaf of bread one person is *Botzeia*, honored with "breaking the bread." He divides it after reciting his own Brocha and eating his piece. On Shabbos people are *Kovei'a*, they eat together, and may be *Yotzei* with the *Hamotzie* Brocha of the *Botzeia*. In addition, although all are

obligated in Lechem Mishneh, the Botzeia is the one who has the two loaves and the others fulfill their obligation through him.

There is an opinion that not only must one hold the two loaves, but to fulfill the obligation of Lechem Mishneh, one must also recite Hamotzie over them. Therefore, in order to fully discharge his obligation of Lechem Mishneh, the Botzeia must say Hamotzie, too. [See Parshas Beshalach 16:22, Daas Zekeinim. Brochos 39a-b, Tosfos, Rosh, etc. Shabbos 117b, Rashi etc. Poskim. Tur, Sh. Ar. O.C. 274:1, commentaries, Eshel Avraham, Aruch Hashulchan. Chaye Adam, (Shabbos) 7:2. Be'er Moshe 5:74.]

One should use the finest quality bread available to be Botzeia, even if one intends to use other types of bread during the meal as well. Thus, if one has a choice to use white bread, he should not use black bread. If he has a *Shaleim*, complete loaf, he should not use a *Prusa*, (broken) piece of bread. The Poskim discuss fulfilling *Betzias Hapas* on bread that one does not normally eat. For example, supposing the finest quality bread is *Pas Palter*, bread baked by a gentile bakery. The Rabbis forbade this type of bread, but the decree did not spread. Therefore, they relaxed the decree, but did not rescind it totally. Thus, in a community where stringency is practiced one must follow this practice. In a community where leniency is practiced it is still commendable to practice stringency. However, if one must travel to find *Pas Yisroel*, or if the gentile's bread is better quality, it is considered as though *Pas Yisroel* is unavailable, and one may use *Pas Palter*. Nonetheless, even in this case, many people practice stringency, and this is an acceptable and commendable practice.

If one practices stringency and he has a finer quality *Pas Palter* on the table, he must remove the *Pas Palter* before he is Botzeia. If he does not practice stringency, even though we realize that *Pas Palter* has a lower Halachic quality, the Botzeia may choose to use the finer quality *Pas Palter* or the poorer quality *Pas Yisroel*. However, if he only intends to eat from the *Pas Palter* later in the meal he must use it to be Botzeia.

The Mitzvah to be Botzeia rests with the homeowner, or host. This is so that the host is generous with the bread he distributes. If the guest is Botzeia, he is less likely to give himself a fitting portion. If a host practices stringency but his guest does not, the host must use the better quality *Pas Palter*, to discharge the obligation of his guest. He may then eat from it for the rest of the meal.

During the week, when the Botzeia provides bread for the company, he must take into account a Chumra of one of those present. However, the Machmir could anyhow take his own piece of bread, or in our cases, Matza, and recite his personal Brocha. [See Tur Sh. Ar. O.C. 168:5, commentaries.]

On Shabbos, however, the common practice is to rely on the Brocha of the Botzeia, since he anyway needs to discharge the company of their Lechem Mishneh obligation. However, if the listener does not intend to eat any of the Lechem Mishneh the issue is different one. Our listener might be on the level of one who banned himself, but has only banned himself from eating it but not benefitting from it. Could the discharging of his obligation to recite the Brocha, or his obligation for Lechem Mishneh, be a form of benefit, which is permissible to him? Or, do we say that he is practically reciting his own Brocha through the mouth of the Botzeia, which means that he is being forced to recite a Brocha on food he does not eat?

Must the listener must eat some of the Lechem Mishneh bread in order to fulfill the obligation of Lechem Mishneh? If he need not, is the Mitzvah to recite Hamotzie on Lechem Mishneh a *Birchas Hanehenin*, regular Brocha required on food consumption, or a *Birchas Hamitzvah*, to be recited on a Mitzvah? If it is a *Birchas Hamitzvah* it is possible that the benefit from it is not considered a forbidden form of benefit. Thus, even if one banned himself from benefit, this would be permissible. Nor would it be considered as though the person is reciting his own *Birchas Hanehenin* on food forbidden to him.

The listeners may not begin eating the bread until the Botzeia eats first. However, if each has his own bread, and only needs the Botzeia for his Brocha, he may eat from his own bread before the Botzeia. The Poskim point out that therefore, on Shabbos this only works if each has his own Lechem Mishneh. Otherwise, the listeners need to rely on the Botzeia for his Brocha and for a piece of his bread. Obviously, one must eat of the Lechem Mishneh. However, one need not eat both. The Poskim also discuss using a cake for Lechem Mishneh. Since one could recite Hamotzie on it, it is considered bread for these purposes, if there is no other bread. However, some Poskim maintain that one must eat the cake during the meal. This way, the cake is being used as part of the *Kvius Seuda*, mainstay of the meal. Evidently, the second Lechem must be one that could be eaten during the meal. Nonetheless, one could argue that in the case of cake there is a special requirement to eat it in order to make it a part of the meal. Otherwise, it loses its quality to count as bread. In our cases one need not eat the second loaf, as we have discussed. There might be no requirement to be able to eat it either. The same source also discusses using bread that is not appropriate for the meal for the second loaf, for example a dairy loaf at a meat meal. [Dairy bread must be clearly marked.] [See Sh. Ar. O.C. 167:15, commentaries. Radiance of Shabbos 14, note 14.]

Some Poskim raise the issue of *Pas Palter* for one who practices stringency, in

the following scenario. There is one Pas Yisroel loaf and one Pas Palter loaf. Some Poskim suggest that one may use the Pas Palter loaf as a *Zecher Lemohn*. This could mean that it does not necessarily count as Lechem Mishneh. However, if one does not accomplish Lechem Mishneh, why make a *Zecher Lemohn*? Furthermore, what does *Zecher Lemohn* mean anyhow? Therefore, it appears that according to this view one may use something from which he will not eat as part of the Lechem Mishneh. Moreover, the same Posek raises the issue of the permissibility of this person using Pas Palter himself when no other bread is available, indicating that he may not. Accordingly, even one who practices stringency on certain Matzos as a Neder would be allowed to use them as Lechem Mishneh, *Zecher Lemohn*. [See Kaf Hachayim O.C. 274:14.]

The Talmud discusses whether the Brocha on wine at *Kiddush* and on Matza at the Seder are considered Birchos Hanehenin or Birchos Hamitzvos. If it is a Birchas Hamitzvah one may exempt others with his Brocha even if he does not partake of the food. If it is a Birchas Hanehenin one may only exempt others if, like the Botzeia, he partakes of the food himself. The conclusion is that since one needs wine for the Mitzvah, one may consider it a Birchas Hamitzvah. Most Poskim maintain that this does not apply to Lechem Mishneh. One eats meals on Shabbos due to the Mitzvah of *Oneg Shabbos*. This only applies if one enjoys eating. One who enjoys fasting may fast. Therefore, the Brocha does not count as a Birchas Hamitzvah. [See Rosh Hashana 29a-b. Tur Sh. Ar. O.C. 273:4, commentaries.]

However, all this only applies if the entire Brocha is on Matza that the listener could not eat. If it is on bread or matza that he could eat, but using a restricted Lechem Mishneh, he could discharge his Brocha obligation with the Brocha on the permissible bread. Certainly in the case of Matza after rosh Chodesh, which is permissible in other forms, such as when cooked, he may rely on the actual Matza. he is not forbidden to benefit, nor is he saying his Brocha specifically on it. In regard to the Matzos that he considers less suitable, he still accepts their permissibility, but banned them upon himself. He could benefit from them for this Mitzvah, and the Brocha could be on the Matza he considers permissible. [Note: He might be faced with a different technicality. Ideally, teh Lechem Mishneh should be touching. Since he refrains from the other Matzo, he would have to be sure that he does not eat from the part that touched it. In addition, the Botzeia would have a hard time making sure that he did not "contaminate" the better Matza with his hands from the worse Matza. Due to teh nature of the Neder, the person might well be restricted from eating even the crumbs of it.]

#### (D) *Eruv Tavshilin*

Cooking, and any food preparing Melachos are permitted on Yomtov. However, they are only permitted for the needs of the same day of Yomtov. *Hachana*, preparing for another day is forbidden. This is derived from the terminology used for *Mohn* preparation. The Talmud debates whether this applies Scripturally to preparing on Yomtov for Shabbos as well, or only on Yomtov for *Chol*, weekdays. Shabbos is simply an extension of the sanctity of Yomtov. It definitely applies Rabbinically. To allow for preparation on Erev Shabbos when it is a Yomtov, the *Eruv Tavshilin* was instituted. Two cooked foodstuffs are set aside before Yomtov. The prevailing practice is for one of them to be bread. A declaration is made, effectively to say that this is the beginning of one's preparations for Shabbos. They will be completed on Yomtov itself.

Assuming Hachana is Scripturally forbidden even for Shabbos, the reason this dispensation helps is that if one prepared for Chol, but had late arriving guests the same day, he could use this food. Thus, in retrospect, it is not true to say conclusively he prepared for the next day. In addition, based on the Mohn, the Torah does not forbid preparing Mohn that fell before Yomtov. It was *Muchan*, prepared, albeit raw. Scripturally further preparation would not be forbidden. The Rabbis suspended their own restriction. Assuming Hachana in this case is Rabbinically forbidden, the Talmud gives two approaches to the reason for Eruv. In one view, no Hachana for Shabbos was forbidden in its own right, but there was concern that Shabbos would be neglected in favor of Yomtov. To remedy this, they instituted the Eruv Tavshilin and forbade Hachana for Shabbos unless it was set aside. In the other view, Hachana is Rabbinically forbidden for Shabbos, to prevent confusing its permissibility with Hachana for weekdays, which is Scripturally forbidden. At the same time the Eruv was instituted to leave a way out. Since no Eruv applies to prepare for Chol, confusion is avoided.

The food used must be fit to be eaten in its state. Thus it must be fully cooked, and fresh enough not to have gone bad. If one forgot to make his Eruv, he may rely on the Rav, who has in mind when he sets his own Eruv aside, to bestow rights to anyone who forgot. This is a form of agency. In our question, does the Matza that the person refrains from constitute a food fit to be eaten in its present state? In the other case, if the Rav's Eruv is made with food that the person refrains from eating (such as a Matzo-ball for one who does not eat Gebrochtz) may he rely on it?

There are other kinds of Eruv. One is called *Eruv Techumin*, and another *Shituf Mevuos*. Eruv Techumin permits walking a distance further than two thousand cubits from one's home base. Shituf Mevuos permits carrying between courtyards

in a street. For both of these one may bestow rights of the Eruv to members of a group on their behalf. The Talmud and Poskim permit using food for this which a member of the group may not eat. For example, a *Nazir* banned himself from wine. One may include him in a *Shituf* of wine, since it is at least fit to be eaten by someone. Unless one banned himself from benefit, the same applies to one who banned a foodstuff upon himself. [See Eruvin30a-b, Poskim. Tur, Sh. Ar. O.C. 386:7, 209:7 commentaries.]

The question is whether the same logic applies to Eruv Tavshilin. While there is no source to rule on this particular issue, a similar ruling could be applied. One must ideally use the type of meat he eats, such as Glatt Kosher. However, if this is not possible, he may use non-glatt meat as well, even though he will not eat it himself. As a practical matter, the Chumra of Glatt is very similar to the Chumra discussed. It is in the same category of *Neder*. The presumption is that the meat is kosher, but one wishes to adopt a stringent practice for himself. [See Nitei Gavriel Yamim Noraim 52:1:8 note 13, citing Divrei Shalom IV:91.]

Accordingly, in our case, which is *Bid'eved*, after the fact, one may rely on the Eruv of the Rav if it is kosher for Pesach, but not food that one would be permitted to eat himself.

**Wishing all readers a Chag Kosher Vesameiach!**

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*S. Silver*

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