

## ~ שרוי' באחש"פ שחל להיות בשבת ~

### **Making *Gebrochts* on *Shevii Shel Pesach* when the last day of Pesach falls on Shabbos**

Rabbi Yonason Johnson

#### **The custom of not eating *Gebrochts***

Many Jews, particularly Chassidim, observe the Minhag of not eat *Gebrochts* during Pesach. *Gebrochts* refers to Matzah which has become wet with water. In *Lashon Hakodesh* wet Matzah is referred to as *Sheruya* (soaked). Those who keep this Minhag are concerned that some flour which was not kneaded properly into the dough, may remain on the surface of the Matzah and may not be fully baked. Exposing this flour to water could create Chametz<sup>1</sup>.

Yet, even those who are careful with *Sheruya* throughout Pesach will eat *Gebrochts* on the 8<sup>th</sup> day of Pesach – the last day of Yomtov in *Chutz Laaretz*. The reason for leniency on *Acharon Shel Pesach* is because the extra day of Pesach observed in *Chutz Laaretz* is a Rabbinic observance (as opposed to the first 7 days which are Biblically observed). Therefore in Halocha we have more scope for leniency.

In his Teshuvah on the Chumra of *Sheruya*, the Alter Rebbe rules that “one who is lenient on the final day of Pesach for the sake of *Simchas Yomtov* (rejoicing on the festival) does not lose out (on having kept the stringencies of Pesach)”.

Not only is *Sheruya* permitted on the last day of Pesach (for those who refrain during the rest of Yomtov), it is also a custom of great mystical significance, the Chabad Rebbes were *Mehader* and would intentionally dip their Matzah into all of the different foods and beverages served<sup>2</sup>.

In Eretz Yisroel there is no leniency on Pesach for those who “keep *Gebrochts*” since all 7 days of Yomtov are Biblical in nature.

#### **When the last day of Pesach falls on Shabbos**

The *Kevious* of Pesach this year gives rise to an interesting and practical *Shaalah*. This year, the first and eighth and final day of Pesach fall on Shabbos. When *Acharon Shel Pesach* falls on Shabbos, there is no problem in dipping Matzah into water, but what about eating Kneidelach and other cooked *Gebrochts* foods which cannot be cooked on Shabbos?

When the second or last day of Yomtov falls on Shabbos, or when Yomtov leads into Shabbos, Shabbos food can be cooked on Erev Shabbos for Shabbos, provided one has made an Eiruv Tavshilin and subject to the Halachos of Eiruv Tavshilin.

If one did make an Eiruv Tavshilin, can they make Kneidelach on Friday, the seventh day of Pesach to eat on Shabbos *Acharon Shel Pesach*?

<sup>1</sup> See Teshuvah of the Alter Rebbe Siman 6

<sup>2</sup> See Likutei Sichos volume 22 page 30

To answer this question, there are a number of issues that need to be addressed.

Firstly, even though the *Gebrochts* will not be eaten until the next day, is the making of *Gebrochts* on the seventh day of Pesach (when Chametz is still biblically forbidden) problematic because of the concern of a *Chashash Chametz*? From the Halachic literature on the topic, it seems that the Poskim do not see this as a concern<sup>3</sup>.

The main issue raised by the Poskim is that if one may not eat the food that is being cooked on Friday which is Yomtov, are they permitted to cook it to eat on Shabbos?

The same *Shaalah* applies in Eretz Yisroel where they only celebrate Pesach for 7 days; can one make *Gebrochts* on Friday to eat on Shabbos when it will no longer be Pesach<sup>4</sup>?

A similar *Shaalah* arises in Eretz Yisroel with regards to *Kitniyos* when the seventh and final day of Pesach falls on Friday and the following day, Shabbos, is no longer Pesach.

Ashkenazim do not eat *Kitniyos* during Pesach. Unlike Chametz which must be sold, *Kitniyos* need not be sold. One can keep it and even benefit from it during Pesach, as long as it is not consumed.

In such a *Keivus*, may an Ashkenazi Jew in Eretz Yisroel cook rice or beans (in a separate designated *Kitniyos* pot) on Friday to eat on Shabbos when it is no longer Pesach?

### **The principal of “Ho’il”**

The rationale behind this question is that an Eiruv Tavshilin only works in a situation where the food that is being cooked will be ready to eat and could theoretically be given to guests on Yomtov while it is still Friday<sup>5</sup>. This principal is referred to as “*Ho’il*” literally meaning ‘since’ (guests may arrive who could of the food on Yomtov itself). If the food being cooked cannot even theoretically be eaten of *Shevii Shel Pesach*, for example if it will not be fully cooked before Shabbos comes in, the cooking is a Biblical violation.

So the question here is if one does not eat *Kitniyos* or *Gebrochts* on *Shevii Shel Pesach* and are therefore unable to eat the *Gebrochts* or *Kitniyos* on the day that they are being prepared, do we lose the element of “*Ho’il*”, making the cooking on *Shevii Shel Pesach* for Shabbos forbidden?

### **Cooking on Yomtov when one will not eat**

In addressing this *Shaalah*, the Poskim quote the ruling of the Ram”o<sup>6</sup> that one who is fasting may not cook on Yomtov to eat on Shabbos - either for themselves or for others and even when an Eiruv Tavshilin was made.

The Acharonim<sup>7</sup> question this ruling of the Ram”o;

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<sup>3</sup> Some Poskim suggest that the stringency of *Sheruya* throughout Pesach applies to the eating of *Gebrochts* not the making of *Gebrochts*. However the Teshuvah of the Alter Rebbe seems to view even the making of *Gebrochts* as problematic.

<sup>4</sup> Since the Alter Rebbe connects the leniency on the last day of Pesach to Simchas Yomtov, there are those who do not allow a *Ben Eretz Yisroel* to make *Gebrochts* on the seventh day of Pesach to eat on Shabbos, since on Shabbos there is no Mitzvah of Simcha.

<sup>5</sup> This is because cooking on Yomtov for Shabbos is Biblically forbidden. If guests could even theoretically be able to eat this food on Friday itself, it is Biblically permitted. Nonetheless, Chaza”l forbade one to do this unless they have made an Eiruv Tavshilin. This is accepted Lehalacha and quoted by the Alter Rebbe. If the food is not ready to be eaten on Yomtov, the cooking for Shabbos on Yomtov is a Biblical violation. See Aruch Hashulchan who is Melamed Zechus on those who are not careful to ensure that their food is fully cooked on Erev Shabbos.

<sup>6</sup> OC 527:20

<sup>7</sup> Mishna Berura 527:65 referencing Elya Rabbah 597

Based on the principle of “*Ho’il*”, the one who is cooking does not need to be able to eat from the food. It is sufficient that guest would be able to come and that they would partake of the food. If so, even if the person cooking is fasting and unable to eat from the food, it is still possible to theoretically serve it to others or guests who are not fasting. If so, why can the fasting individual not cook for themselves for Shabbos?

The majority of Acharonim<sup>8</sup> concur with the Ramo’s ruling and bring it *Lehalacha*. How do they address the question raised by those who argue with the Ram”o?

The Alter Rebbe<sup>9</sup> explains that since this person cannot eat on Yomtov, the *Heter* of cooking on Yomtov does not apply to him. If so, for him, cooking remains Biblically<sup>10</sup> forbidden on Yomtov. Therefore it is forbidden for him to cook at all for others on Yomtov. Since for him cooking on Yomtov is forbidden (Biblically), he may not cook for himself (or others) for Shabbos. The Eiruv Tavshilin which is only a Rabbinic mechanism does not help to circumvent this concern<sup>11</sup>.

### **Making *Kitniyos* on *Shevii Shel Pesach* in Eretz Yisroel**

If the reason one who is fasting cannot cook on Yomtov for Shabbos is because they cannot eat the food on Yomtov, the same should apply to an Ashkenazi making *Kitniyos* on Friday when one does not eat those foods.

However, the Poskim distinguish between the cases. The Ram”o discusses one who is fasting and will not eat any foods on Friday, therefore he does not have the *Heter* of cooking on Yomtov at all. When a person is only not eating certain foods on the Friday of Yomtov (such as *Kitniyos*), but they do eat other foods, they do have the *Heter* of cooking of Yomtov.

Therefore they may cook any foods (even those foods that they do not eat) to eat on Shabbos relying on the Eiruv Tavshilin. Even though they will not be eating these foods on Friday, they could be theoretically served to guests who do eat these foods i.e. a Sefardi or a Choleh<sup>12</sup>.

Other Poskim rule that one may not be lenient in the case of *Kitniyos*<sup>13</sup>. They reason that where the food is not eaten because of a Din or Minhag from the Rishonim, we do not say *Ho’il* i.e. that we can theoretically serve the food on Yomtov to someone who will eat it<sup>14</sup>.

There is also a concern that one may come to eat the *Kitniyos* food while they are preparing it<sup>15</sup>.

### **Making *Gebrochts* on *Shevii Shel Pesach* for Shabbos**

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<sup>8</sup> Levush (see Elya Zuta who writes that this halacha should be prefaced with Yesh Omrim), Magen Avramag 527:22, Mishna Berura 527:65 and Shulchan Aruch Harav 527:30 and Aruch Hashulchan 33

<sup>9</sup> See also Machaztis Hashekel 527:22 and Aruch Hashulchan 33.

<sup>10</sup> See Tzlach Beitza 12a

<sup>11</sup> The Alter Rebbe adds that his Eiruv Tavshilin does help to enable family members (who are not forbidden from cooking on Yomtov) to cook for him for Shabbos.

<sup>12</sup> See Sdeh Chemed erech Chametz umatzah, Luach Eretz Yisroel. See Rabbi Akiva Eiger 1:5 who permits cooking with dried fruits for those who do not them during Pesach, because one could give them a sick individual. See Chasam Sofer OC 79 who argues on this.

<sup>13</sup> If the *Kitniyos* will be cooked by a Sefardi or will definitely be served to a Sefardi on the seventh day of Pesach, Kaf Hachaim 457:16 writes that there is no concern.

<sup>14</sup> Daas Torah 527:1, Minchas Yitzchak 7:33

<sup>15</sup> Shu”t Halachos Ketanos 1:111, Kinyan Torah 6:27

Even according to the Poskim who are strict concerning *Kitniyos*, making *Gebrochts* may be permitted<sup>16</sup>. Unlike *Kitniyos* which is a Minhag Rishonim and is observed by all Ashkenazi communities, *Gebrochts* is a relatively recent Chumra which is not widely observed. Since many Jews (both Ashkenazim and Sefardim) do eat *Gebrochts* during Pesach, the principle of *Ho'il* (that it could theoretically served to guests who do eat *Gebrochts*) can be applied, even when the one making the *Gebrochts* foods will not eat them on Friday<sup>17</sup>.

The Poskim write that we need not be concerned that one may inadvertently come to eat from the *Gebrochts* while they are preparing them. Minchas Yitzchak<sup>18</sup> writes that although this would be grounds to be Machmir in the case of *Kitniyos*, this is because *Kitniyos* are forbidden for all Ashkenazi Jews by force of a binding Minhag. An Ashkenazi who eats *Kitniyos* on Pesach transgresses the Torah's instruction not to deviate from the words of the sages. They are considered to be *Poretz Geder* akin to violating the rulings of the sages of the Talmud. Therefore it is appropriate to forbid preparing *Kitniyos* on *Shevii shel Pesach* because one may inadvertently eat from it.

In contrast *Gebrochts* is only a *Chumra* and one that many G-d fearing Jews do not keep it. If so, there is no reason to forbid making *Gebrochts* on *Shevii shel Pesach* lest someone come to eat from it on *Shevii shel Pesach*, because even if they did, there is no technical *Issur*. This is especially so since the *Chumra* of *Gebrochts* is only because of a doubtful concern that unbaked flour may be present.

Nonetheless, the Keilim used for making *Gebrochts* for use on Shabbos should not be used for anything being made to eat on the Friday.

It has been recorded in the name of Rabbi Leibel Groner<sup>19</sup>, the Rebbe's personal secretary, that one year when Pesach fell out on this *Kevius*, no Kneidelach were prepared for the Rebbe's Yomtov *Seudah*. The Rebbe expressed his displeasure that Kneidelach had not been prepared<sup>20</sup>.

It should be noted that there are noted Chabad Poskim<sup>21</sup> who rule that one may not make *Gebrochts* on *Shevii Shel Pesach* for Shabbos, just as one may not cook *Kitniyos* according to the Poskim quoted above. One could argue that there is further grounds to be strict with *Gebrochts*, because the entire concern is a concern of unbaked flour becoming Chametz via contact with water. This would take place on the 7<sup>th</sup> day of Pesach where owning Chametz is biblically forbidden. (In contrast, there is no concern of Chametz with *Kitniyos*).

If one has a family Minhag they should certainly follow their family custom. Those who are lenient have a strong basis on which to rely.

May we merit the fulfilment of the Ariza"Is assurance that one who is careful to avoid even the tiniest amount of Chametz of Pesach, will not come to sin (inadvertently) throughout the year.

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<sup>16</sup> See Minchas Yitzchak 7:33; Chazon Ish 49:15-16 and Nitei Gavriel Vol 3 19:9

<sup>17</sup> See however Moadim Uzmanim 7:176 who is still concerned that one may come to eat the *Gebrochts* while making them.

<sup>18</sup> Ibid

<sup>19</sup> Otzar Minhagei Chabad Nissan p225, Hiskashrus Volume 45

<sup>20</sup> Otzar Minhagei Chabad p. 225. This story was verified by Rabbi Leibel Groner's nephew, Rabbi Chaim Tzvi Groner – Melbourne.

<sup>21</sup> Rabbi Levi Bistrizky - Kovetz Tiferes Lamelech. This position is also ascribed to Rabbi Yaakov Landau.