**S.A.L.T. – PESACH 5777**

**By Rav David Silverberg**

Motzaei Shabbat

 The Mishna in Masekhet Pesachim (9a) establishes that after a person searched one area of his home for *chametz* before Pesach, he does not have to be concerned that perhaps a rodent afterward brought *chametz* into that area. If *Halakha* had required us to be concerned about such a possibility, the Mishna explains, then “*ein la-davar sof*” – “there is no end.” Meaning, one would never be able to satisfy the obligation to ensure the absence of *chametz*, as he would always have to entertain the possibility that a rodent brought *chametz* somewhere in his home. Thus, although such a possibility exists, *Halakha* cannot expect a person to go this far in ensuring the absence of *chametz* from his property.

 Tosefot raise the question of why this *halakha* needed to be mentioned. After all, the previous Mishna (2a) already stated that one is not required to search for *chametz* in a part of the home where people do not normally bring *chametz*. Of course, even if people do not normally bring *chametz* to certain areas of the home, it is possible that rodents carry *chametz* there. Therefore, once the Mishna established that such places do not require checking before Pesach, we may conclude that *Halakha* does not require us to concern ourselves with the possibility of *chametz* brought into the home by rodents. Accordingly, Tosefot ask, why must the next Mishna need to instruct that an area may be considered free of *chametz* after it is checked, despite the risk of animals bringing *chametz* to that area?

 Tosefot suggest that one might have understood the first Mishna as referring specifically to places where rodents are uncommon. If not for the second Mishna, one could have figured that the Mishna does not speak at all of the risk of animals bringing *chametz*, and addresses only the case of a home that is presumed free of rodents. In such homes, areas where people do not bring *chametz* do not require searching before Pesach. However, in homes where rodents indeed scurry about, and may carry pieces of food with them, one might have assumed that such places require checking even if *chametz* is not usually brought there, and even after it had been searched.

 A number of writers noted that the Rambam, in his codification of this *halakha*, avoids Tosefot’s question. In Hilkhot Chametz U-matza (2:7), the Rambam codifies these two Mishnayot together in a single passage. Meaning, he understood that the second Mishna, which rules that one does not have to be concerned about *chametz* being brought by a rodent, refers not to a place which had been searched for *chametz*, but rather to a place that is not generally used for *chametz*. The second Mishna’s intent is precisely to clarify that the first Mishna applies even if rodents are present and could conceivably bring *chametz* into areas where people do not bring *chametz*. Despite this possibility, *Halakha* does not require searching in such areas, as we would then never be able to declare any area free of *chametz*.

Sunday

 Yesterday, we noted the question surrounding the relationship between two Mishnayot in the beginning of Masekhet Pesachim (2a, 9a) that discuss the laws of *bedikat chametz*. The first Mishna establishes that one is not required to search areas in the home where *chametz* is not brought, and the second Mishna (as understood by Rashi and Tosefot) establishes that after one searched an area in his home, it is considered *chametz-*free, despite the possibility that a rodent subsequently brought *chametz* there. *Chazal* do not expect a person to concern himself with this possibility, the second Mishna explains, because there would then be “no end,” as one would never be able to declare any part of his home free of *chametz*. Tosefot, as we saw, raised the question of why the second Mishna’s ruling needed explication, as it is seemingly implied by the first Mishna’s ruling. After all, once the first Mishna teaches that a place where one does not bring *chametz* does not require checking, we can logically deduce that *Halakha* does not require us to concern ourselves with the possibility of animals bringing *chametz* to different parts of the home. Why, then, does the second Mishna need to instruct that an area that had been searched is presumed *chametz*-free even if it is possible that an animal brought *chametz* there subsequently?

 Rav Yehuda Leib Ginsburg, in his [*Mussar Ha-mishna*](http://hebrewbooks.org/pdfpager.aspx?req=2500&st=&pgnum=81), answers by suggesting a distinction between an area where *chametz* is never brought, and searching is therefore not required in the first place, and an area where *chametz* is brought and that was checked for *chametz*. In the latter case, the *bedikat chametz* obligation applies, requiring one to thoroughly search to ensure the absence of *chametz*, whereas in the former case, no *bedika* obligation applies at all. One might have thought that in areas where *bedika* is required, a higher level of certainty in required to assure the absence of *chametz*. And thus even though we do not have to be concerned that an animal may have brought *chametz* to an area where *chametz* is not normally brought, one might have considered the possibility that such concern is warranted in areas that require *bedika*, after *bedika* has been performed. Since the *bedika* obligation had taken effect in these areas, it may have been reasonable to assume that one must be extremely thorough in his efforts to ensure the absence of *chametz*, to the point where he must repeat his search again later to ensure that an animal did not subsequently bring *chametz* there. The second Mishna therefore instructs that even though an area is subject to the *bedikat chametz* requirement, there is a limit to the extent of his responsibility to ensure the absence of *chametz*, and he does not have to concern himself with the risk of rodents bringing *chametz* there after the search.

 Rav Ginsburg proceeds to note the broader implications of this distinction. When it comes to our efforts to rid ourselves of the “*chametz*” within our beings – our flaws and shortcomings – a higher standard of vigilance is required in regard to those areas “*she-makhnisin bo chametz*,” where we know we have a particular weakness. Once we have failed in regard to a certain matter, we must be especially careful and attentive to that area of religious life. When it comes to our areas of weakness, we require an extra level of care and concern, and must work especially hard to ensure the absence of any “*chametz*” – of any likelihood of repeating the mistake.

 By the same token, we must also remember the Mishna’s conclusion – “*im kein ein la-davar sof*.” As in the case of *bedikat chametz*, we must acknowledge the inherent limits on our ability to guarantee the absence of “*chametz*.” Human beings are, by nature, imperfect, and thus no matter how vigilantly we work to rid ourselves of “*chametz*,” we will never reach a point where perfection is guaranteed. We must therefore follow Rabbi Tarfon’s timeless dictum in Avot (2:16), “*Lo alekha ha-melakha li-gmor, ve-lo ata ben chorin le-hibatel mimena*” – “You are not responsible to complete the work, but neither are you free to ignore it.” We are to work hard to eliminate the “*chametz*” from our beings, paying especially close attention to our areas of weakness, while acknowledging our limits and accepting the inalterable reality of human imperfection.

Monday

 The Mishna in Masekhet Pesachim (10b) records a debate among the *Tanna’im* concerning the case of a person who neglected to perform *bedikat chametz* before the time on Erev Pesach when *chametz* becomes forbidden. Rabbi Yehuda rules that one should no longer perform the *bedika*, whereas the majority view among the Sages held that one should search for *chametz* at that point and then destroy any *chametz* he finds. Even if one neglected to search for *chametz* before the onset of Pesach, according to the majority view, he should search during Pesach. The Gemara explains that Rabbi Yehuda stated his position out of concern that the person might discover *chametz* and then eat it, in violation of the Torah’s prohibition. The other Sages disagree, and maintain that there is no reason for such concern, for since the person specifically searches for *chametz* in order to destroy it, he would not mistakenly eat it.

 Rav Yehuda Leib Ginsburg, in his [*Musar Ha-mishna*](http://hebrewbooks.org/pdfpager.aspx?req=2500&st=&pgnum=82), draws an intriguing connection between this debate and a debate between these same *Tanna’im* in Masekhet Sota (7a). The question surrounds the procedure followed in the case of a married woman suspected of infidelity, who would be brought to the *Beit Ha-mikdash* and given special waters to drink. If she survived, this would prove her innocence, and she and her husband could then resume their marital relationship. The *Mishnayot* in Masekhet Sota describe several measures that were taken to exhaust and intimidate the woman in the hope that, if she was guilty, she would confess and thereby be spared the deadly effects of the water. According to the majority view, these measures included exposing her hair and parts of her body, which would cause her embarrassment. Rabbi Yehuda disagreed, arguing that this could arouse inappropriate thoughts and desires among the *kohen* who performs this procedure. The likely reason why the majority view discounts this consideration, Rav Ginsburg suggests, is the fact that this entire process is being done for the sake of eliminating sexual impropriety. There is no reason to be concerned about the *kohen* experiencing illicit thoughts or desires while he is intensely focused upon the effort to confront the problem of illicit relationships among the nation. Just as the majority view feels no need to be concerned about a person eating during Pesach *chametz* which he finds while in the process of seeking to destroy *chametz*, it similarly allows the *kohen* to expose the *sota*’s hair and parts of her body while he is in the process of trying to eliminate the scourge of sexual impropriety. Rabbi Yehuda is similarly consistent, forbidding *bedikat chametz* once the *chametz* prohibition has set in, and forbidding exposing a *kohen* to potentially arousing sights even as he conducts the *sota* ritual.

 Reflecting upon the broader concepts at play in this debate, there is certainly a degree of truth to both perspectives. Rabbi Yehuda is undoubtedly correct that we human beings are frail and inconsistent enough to stumble and succumb even while working to combat that precise form of wrongdoing. Even as we involve ourselves in the effort to oppose a certain negative phenomenon, exposure to that temptation could cause us to succumb. The other Sages, presumably, do not deny this possibility, only in their view, the small risk of failure does not justify withdrawing and abandoning the effort to eliminate “*chametz*” from our society. Although this effort will, invariably, expose us to the ills we seek to cure, the majority view maintains that this work is too important to neglect for the sake of avoiding all exposure to any forms of “*chametz*.”

Tuesday

 The Mishna in Masekhet Pesachim (31b) addresses the case of *chametz* in one’s property that was buried under a “*mapolet*” – an “avalanche,” or pile of debris. This *chametz*, the Mishna establishes, is regarded as destroyed, and thus one is not required to remove the debris in order to eliminate the *chametz* underneath. The Mishna then cites Rabban Shimon ben Gamliel as qualifying this rule, stating that it applies only if the *chametz* is buried underneath so much debris that a dog would be unable to search for it. The Gemara clarifies that Rabban Shimon ben Gamliel refers to a pile three *tefachim* (handbreadths) deep. If the *chametz* is covered by this amount of debris, then it is considered inaccessible even for dogs, such that Rabban Shimon ben Gamliel would not require retrieving the *chametz* to destroy it before Pesach.

 The Rambam, in his commentary to the Mishna, asserts that Rabban Shimon’s intent is to clarify, rather than dispute, the first position mentioned in the Mishna. Meaning, this condition – that the *chametz* is buried under at least three *tefachim* of debris – applies according to all views, as Rabban Shimon was simply clarifying that the Mishna’s ruling refers specifically to this situation. Accordingly, the Rambam rules in Hilkhot Chametz U-matza (3:11) that *chametz* underneath a pile three *tefachim* deep does not need to be destroyed, following Rabban Shimon’s qualification.

 The Rambam’s comments to this Mishna sparked some discussion concerning the principle stated elsewhere in the Gemara that *Halakha* follows the rulings of Rabban Shimon ben Gamliel recorded in the *Mishnayot*. The Gemara in Masekhet Bava Batra (174a) cites Rabbi Yochanan as commenting that with just three exceptions, *Halakha* always follows Rabban Shimon ben Gamliel’s positions in his debates with other *Tanna’im* in the Mishna (as opposed to his views recorded in *beraytot*). Later, the Gemara asserts that this point is actually subject to debate, as other *Amora’im* cite Rabbi Yochanan as indicating that *Halakha* does not necessarily follow Rabban Shimon’s rulings. The *Tosefot Yom Tov* commentary (here in Pesachim) notes from the Rambam’s comments to the Mishna in Pesachim, it appears that this rule has not been accepted. After all, if we always follow Rabban Shimon’s rulings in the Mishna, then the Rambam would not have had to inform us that Rabban Shimon in this Mishna in not arguing with the other *Tanna’im*, but rather clarifying their position. This point would be immaterial, as in any event *Halakha* accepts Rabban Shimon’s rulings. Necessarily, then, the Rambam did not accept the principle that *Halakha* follows Rabban Shimon’s opinions, and for this reason he found it necessary to explain that we follow Rabban Shimon’s view in this Mishna because here he does not argue with the majority view.

 Interestingly, there is a variant edition of the text of the Mishna, noted in *Dikdukei Sofrim*, according to which the remark in our Mishna is attributed not to Rabban Shimon ben Gamliel, but rather to Rabban Gamliel. In the conventional text of the Rambam’s commentary to the Mishna, he refers to Rabban Shimon ben Gamliel, but Rav Yosef Kapach, in his annotated translation of the Rambam’s commentary (note 12), claims that the correct text of both the Mishna and the Rambam’s commentary reads “Rabban Gamliel.” Rav Kapach notes that this is the text which appears in all the Yemenite manuscripts. According to this version, of course, our Mishna, and the Rambam’s commentary, bear no relevance whatsoever to the question of whether *Halakha* generally follows the rulings of Rabban Shimon ben Gamliel.

 As for the question of whether we indeed accept this rule that *Halakha* follows Rabban Shimon ben Gamliel’s halakhic positions, the Rashbam, in his commentary to Masekhet Bava Batra (133b), proves from a number of sources that this principle has not been accepted. Rav Kapach references an article that he once wrote demonstrating that there were two Sages named Rabban Shimon ben Gamliel – a grandfather and grandson – and the rule that we follow Rabban Shimon’s positions applied to one of the two, but not to the other.

Wednesday

 Yesterday, we noted the Mishna’s discussion in Masekhet Pesachim (31b) concerning the case of *chametz* in a person’s property that is situated under a pile of debris (“*chametz she-nafal alav mapolet*”). The Mishna rules that one does not have to retrieve and then eliminate this *chametz* before Pesach, because it is already considered destroyed, having been buried by a layer of debris. However, Rabban Shimon ben Gamliel imposes a significant condition on this *halakha*, requiring that the debris covering the *chametz* is at least three *tefachim* (handbreaths) thick. Otherwise, one must retrieve the *chametz* and destroy it before Pesach. Rabban Shimon formulates this *halakha* by saying that it applies “if a dog is unable to search there.” Meaning, if the *chametz* is buried so deep that dogs would not search through the rubble for food, then it is considered destroyed. The Gemara clarifies that this refers to a depth of three *tefachim* or more.

 *Chametz* is commonly viewed as a symbol of the *yetzer ha-ra*, of our negative instincts, drives and tendencies that we must work to eliminate from our beings. The process of *bedikat chametz*, of searching throughout our homes for *chametz* before Pesach to ensure that no *chametz* is present, is thus seen as symbolic of the process of thorough introspection that is required to overcome our faults. We are often unaware of our failings and shortcomings, and we therefore need to thoroughly, carefully and honestly search through ourselves to find and identify our flaws so that we can then work to eliminate them and grow.

If so, then the Mishna’s discussion of a case of *chametz* buried underneath debris symbolizes the flaws that are buried deep within the surface. We all have negative tendencies that do not appear to have any effect upon our conduct, that we generally succeed in restraining and holding at bay. The Mishna warns, however, that such faults are considered “destroyed” and irrelevant only if they truly can never be “accessed,” if they lie so far beneath the surface that no set of circumstances could ever trigger them. Even if a person seems to have seized full control over his temper, for example, a situation of stress or provocation might awaken his latent disposition to anger, and cause him to erupt. The fact that we are able to keep our negative tendencies in check under normal circumstances does not necessarily mean that a “dog,” some extraordinary situation, cannot come along and bring them to the surface. The Mishna’s discussion thus perhaps alerts us to the need to study our characters and instincts honestly, and see whether our negative traits which we think we have already “buried” can truly be regarded as destroyed, or if perhaps we still have work to do to grow and perfect ourselves and ensure the absence of “*chametz*” even deep below the surface of our beings.

Thursday

 The *Shulchan Arukh* (O.C. 489:2) writes that the “*medakdekim*” – meaning, those who are especially scrupulous in their halakhic observance – ensure not to count the *omer* until *tzeit ha-kokhavim* (nightfall), when the sky has darkened and night has definitely begun. The period between sunset and *tzeit ha-kokhavim* – known as “*bein ha-shemashot*” – is a time which we are uncertain whether to treat as day or night, and so the *Shulchan Arukh* rules that it is proper not to count the *omer* before *tzeit ha-kokhavim*, until we can be certain that night has fallen and the new halakhic day has begun. The *Shulchan Arukh* concludes, “*ve-khein ra’ui la’asot*” – “and this is indeed proper to do.” The clear implication of the *Shulchan Arukh*’s ruling is that strictly speaking, one may count the *omer* already during the period of *bein ha-shemashot*, despite the uncertainty involved, but it is preferable to wait until *tzeit ha-kokhavim*.

 The ambivalence implied by the *Shulchan Arukh* surrounding this issue relates to an interesting debate among the *Rishonim*. Tosefot in Masekhet Menachot (66a, *s.v. zekher*) write that one may count the *omer* during the period of *bein ha-shemashot*, emphasizing, “and he does not have to wait until it is definitely night.” This formulation clearly suggests that Tosefot apply this ruling even *le-khatechila* (optimally). Meaning, according to Tosefot, not only has one fulfilled the *mitzva* after the fact if he counted the *omer* during *bein ha-shemashot*, but one may choose to do so from the outset, and does not have not wait until dark. The reason, Tosefot explain, is because of the famous rule of “*safeik de-rabbanan le-hakel*” – we may act leniently in regard to uncertainties involving a rabbinic obligation or prohibition. In the case of *sefirat ha-omer*, Tosefot maintain that the obligation to count the *omer* nowadays, in the absence of the *Beit Ha-mikdash*, applies only by force of rabbinic enactment, a view that represents the consensus among the *Rishonim* (the notable exception being the Rambam, who maintains that *sefirat ha-omer* constitutes a Biblical requirement even nowadays). Therefore, during *bein ha-shemashot*, one may rely on the possibility that night has already begun, such that he may already count the *omer*. Since the issue at stake is a rabbinic obligation, we may assume the lenient possibility, that the time for counting the *omer* has already set in. This is also the view of the Rosh (Pesachim 10:40).

 The Ran (Pesachim 28a in the Rif), however, disagrees. He imposes a significant limitation on the rule of “*safeik de-rabbanan le-hakel*,” asserting that it does not apply “*le-chatekhila*.” This rule, according to the Ran, applies only after the fact, in situations where one performed the act and then a question arose as to whether or not the act satisfactorily fulfilled the rabbinic obligation. This is not to say that one may choose from the outset to rely on the lenient possibility and perform the act under questionable circumstances. In the Ran’s view, therefore, one must wait until *tzeit ha-kokhavim* before counting the *omer*, in order to avoid uncertainty. It is only if one mistakenly counted the *omer* during *bein ha-shemashot* that we may then apply the rule of “*safeik de-rabbanan le-hakel*” to absolve him of the need to count again after dark.

 The *Shulchan Arukh*’s ruling (which is based on a responsum of the Rashba, 1:154) is a sort of compromise between these two opinions. Essentially, the *Shulchan Arukh* sides with Tosefot’s view, that one may choose from the outset to count during *bein ha-shemashot*, though he maintains that one should preferably endeavor to satisfy the stringent view of the Ran.

 We will *iy”H* discuss this topic further tomorrow.

Friday

 Yesterday, we saw the debate among the *Rishonim* as to whether one may count the *omer* during the period between sunset and nightfall – a period known as *bein ha-shemashot*. This period is treated in *Halakha* as one of uncertainty, when we cannot determine whether the halakhic day has ended and the halakhic night has begun. As it is uncertain during this period whether or not night has begun, and thus whether or not the time for counting the *omer* has arrived, some *Rishonim* maintained that one should not count the *omer* until *tzeit ha-kokhavim* (nightfall), when the obligation has assuredly set in. Others, however, ruled that since counting the *omer* nowadays constitutes a rabbinic obligation, commemorating the Biblical requirement which applied in the times of the *Mikdash*, we may be lenient in this regard, and count the *omer* during the uncertain period of *bein ha-shemashot*.

 At the heart of this debate, as we saw, is the question as to the scope of the famous rule of “*safeik de-rabbanan le-hakel*” – that we may be lenient in situations of uncertainty when the law at stake is rabbinic in origin. This rule should, seemingly, allow us to rely on the possibility that halakhic night has already begun during *bein ha-shemashot* and thus permit counting the *omer* already at that point. Some *poskim*, however, maintain that the principle of “*safeik de-rabbanan le-hakel*” applies only “*be-di’avad*” – after the fact. In our case, this means that if somebody mistakenly counted the *omer* during *bein ha-shemashot*, then he may rely on the possibility that night had begun, such that he does not have to repeat the counting, since counting is required only *mi-de’rabbanan*. This is not to say, according to this opinion, that one may from the outset be lenient.

 Another expression of this question arises in the context of *tzitzit*. The *Shulchan Arukh* (O.C. 10:7) addresses the case of a garment which is open from the bottom on both sides, but closed on top. Such a garment requires *tzitzit* only if the majority of the sides is open, but not if the majority is closed. In the case of a garment whose sides are precisely 50% open and 50% closed, it is uncertain whether the garment requires *tzitzit*, and one should therefore affix *tzitzit*, but should not recite a *berakha* when putting on the garment, given the uncertainty as to whether the *berakha* is warranted. The *Shulchan Arukh* adds that one may not wear this garment in a public domain on Shabbat, due to the possibility that it does not require *tzitzit*. Generally, one may wear a garment with *tzitzit* in a public domain on Shabbat only because the *tzitzit* are deemed part of the garment by virtue of the obligation to affix *tzitzit* to the garment. Otherwise, one would be considered “carrying” the *tzitzit*, in violation of Shabbat.Therefore, in a case where it is uncertain whether *Halakha* indeed requires affixing *tzitzit*, one may not wear the garment in a public domain, as it is possible that the *tzitzit* are not required, in which case wearing the garment in a public domain violates the prohibition against carrying in a public domain on Shabbat.

 The later *poskim* debate the question of whether this ruling also applies to wearing such a garment in a *karmelit* – a public area that does not have the formal halakhic properties of a *reshut ha-rabim* (public domain). Carrying in a *karmelit* on Shabbat is forbidden only by force of rabbinic enactment, and therefore many *poskim* ruled that it is permissible to wear in a *karmelit* a garment whose status vis-à-vis *tzitzit* is uncertain. Since the prohibition at stake is a rabbinic provision, as opposed to a Torah law, the rule of “*safeik de-rabbanan le-hakel*” allows one to rely on the possibility that the garment truly requires *tzitzit* and thus may be worn in a public domain. This is the position of *Chayei Adam* (11, *Nishmat Avraham* 2) and the *Mishna Berura* (10:27). The *Magen Avraham*, however, forbade wearing such a garment even in a *karmelit*, asserting that the rule of “*safeik de-rabbanan le-hakel*” does not permit knowingly placing oneself in a situation of uncertainty. This debate seemingly parallels the aforementioned debate regarding the permissibility of relying on the rule of “*safeik de-rabbanan le-hakel*” from the outset to count the *omer* during the period of *bein ha-shemashot*.

 It should be noted, as an aside, that the *Chazon Ish* (cited in *Shemirat Shabbat Ka-hilkhatah*, chapter 18, note 148) disputed the entire notion that one may not wear on Shabbat in a public domain a garment with an uncertain status regarding *tzitzit*. The *Chazon Ish* argued that once *Halakha* requires affixing *tzitzit* to the garment given the uncertainty involved, then the *tzitzit* are to be regarded as part of the garment, such that it is entirely permissible to wear the garment in a public domain on Shabbat.

(See also Rav Asher Weiss’ [extensive article on this topic](https://www.torahbase.org/%D7%A1%D7%A4%D7%99%D7%A8%D7%AA-%D7%94%D7%A2%D7%95%D7%9E%D7%A8-%D7%91%D7%99%D7%9F-%D7%94%D7%A9%D7%9E%D7%A9%D7%95%D7%AA-%D7%AA%D7%A9%D7%A2%D7%93/).)

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