

תרומת הדשן סימן קלה - 135 Terumat HaDeshen

שאלה: מצא חמץ בפסח בביתו ורצה לבער ולשורפו, שרי ליגע בו או לאו?

תשובה: יראה דשרי ליגע וליטלו בידו כדי לבערו.

ואע"ג דכתב במיימוני בשם רבי שמחה גגו של נכרי הסמוך לגגו של ישראל, ומצא ישראל חמץ בגגו דוחפו בקנה.

פירוש משום דלא בדילין מיניה אסור ליגע בו, דילמא אתי למיכל מיניה.

שאני התם דאין הישראל בא לבערו אלא לדוחפו מרשותו, שהרי אינו שלו ואינו חייב לבערו, אז חיישנן דילמא אתי למיכל.

אבל כאן שהוא שלו ואם רוצה לבערו לא חיישנן דילמא אתי למיכל מיניה כדקאמר פ"ק דפסחים /דף יא ע"א/ הוא עצמו מחזיר עליו לשורפו מיכל קאכל מיניה בתמיה.

Question: If one finds *hametz* in his/her home on Pesach, and wants to dispose of it and burn it, is it permitted for her to touch it, or not?

Answer: It seems that it is permitted to touch it, to handle it, in order to destroy it.

And even though the Hagahot Maimoniyot wrote in the name of Rabbi Simha: the roof-area of a non-Jewish person which is connected to the roof area of a Jewish person, and the Jewish person sees on his roof a piece of *hametz*, he should take a stick and hit it off with the stick.

Explanation - because this is something he is not necessarily detached from, he may actually come to eat it.

This case is different, for the Jewish person here didn't come to destroy the *hametz*, rather simply to get it off his property. Since he didn't possess it, he has no obligation to destroy it. Therefore, there is concern that he'll come to eat it. Hence, he didn't touch it with his hands.

But here, in our case, where he finds the *hametz* that is in his possession and wants to dispose of it, there isn't a concern that he'll come to eat it. As it is taught in the first chapter of Tractate Pesachim (11a): He himself is going to grab hold of it in order to destroy it. Are we [really] worried that he's going to eat it!?

Tractate Pesachim, Chapter 1, Mishnah Three (Translation by Dr. Josh Kulp)

- 1) Rabbi Judah says: they search on the evening of the fourteenth and in the morning of the fourteenth, and at the time of destroying.
- 2) But the sages say: if he did not search in the evening of the fourteenth he must search on the fourteenth; if he did not search in [the morning of] the fourteenth, he must search during the festival; if he did not search during the festival, he must search after the festival.
- 3) And what he leaves over he must put away in a hidden place, so that he should not need searching after it.