

ליקוטי ופסקי הלכות

"חוקי חיים"

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Bal Tashchis

Parshas Tzav - Poroh 5784

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Basics of the Issur of Bal Tashchis

Bal Tashchis

Many shailos arise in the days between Purim and Pesach regarding the issur of bal tashchis, both about all the leftover mishloach monos people receive and cannot finish and about discarding functional items during the spring-cleaning women often do [coinciding with the busiest time of the year..] before Pesach. Thus, we saw a need to clarify these halochos.

Cutting down a Fruit Tree

1. The source for the issur of bal tashchis is in the context of cutting down a fruit tree: "לא תשחית את עצה לנדה עליו גרון כי ממנו תאכל" (פ' שופטים כ', י"ט) "ואתו לא תכרת כי האדם עץ השדה (רמב"ם פ"ו מלכים ה"ח)". The halochos about cutting down trees are broad in scope, and people are also very careful not to do so to avoid harm in keeping with Rebbe Yehudoh Hachossid's instructions. We elaborated on these halochos elsewhere (Gilyon 272).

Other Items

2. In addition to the issur to cut down fruit trees, one may not destroy anything useful. Thus, there is an issur of bal tashchis to destroy vessels, tear clothes, raze a building, stop up a well, or ruin anything else (רמב"ם פ"ו מלכים ה"י, שו"ע הרב הל' שמירת הגוף והנפש סי"ד).
3. **Deoraiso or derabonon?** Some poskim say the issur to ruin any item is also deoraiso (שם והרבה אחרונים בדעתו, שו"ת) (אחרונים) but without the punishment of malkus since it is a lav shebiklalos (אחרונים).
4. Others say the issur deoraiso is only to cut down a tree, but ruining other things is derabonon (משל"מ) (שו"ע הרב מה"ת יו"ד סי' י' בדעת הרמב"ם, משל"מ) (פ"ו מלכים ה"י).
5. The issur of bal tashchis only applies to items useful to people. There is no issur to destroy things such as wild animals or plant life that people do not benefit from whatsoever (שו"ע הרב הל' שמירת הגוה"ס י"ד).

Food and Drink

6. If the Torah warns us not to destroy a fruit tree (above, 1), kal vochomer we may not destroy actual fruit (ספרי פ' שופטים). All poskim agree the issur to destroy fruit – as well as any food or drink – is deoraiso (קונ' כבוד מלכים דף ה' ע"א, אורה מישרים סי' כ"ט סק"ד).

The Act of Destroying

Preventing Use

7. One who causes a situation where no one can use an item transgresses bal tashchis even if he does not physically destroy it and it remains in existence, e.g., he threw something into the sea and no one can use it anymore (תו' קידושין ל"ב. ד"ה רב יהודה).

Indirectly Destroying

8. One who indirectly destroys an item also transgresses the issur of bal tashchis, e.g., he destroyed a tree by preventing the water in an irrigation canal from reaching it (שו"ת אבני צדק סי' מ"ה), (הגרמ" פ' שופטים, שו"ת אבני צדק סי' מ"ה), (הגרמ" פ' שופטים, שו"ת אבני צדק סי' מ"ה).

Passively Destroying

9. One only transgresses bal tashchis if he does an act of destroying. If he merely does not prevent something from getting ruined, e.g.,

there is food left in a place where it will spoil and he does not put it somewhere else to preserve it, he does not transgress the issur (חזו"א ח"י הרמב"ם פ"ו ממלכים, שו"ת אג"מ יו"ד ח"ב סי' קע"ד ד"ה וכן).

10. **Fresh food.** Thus, if one has food and buys or prepares a different fresh food, causing the first food to go bad, he does not transgress bal tashchis since he did not actively ruin it.
11. **Part of a fruit.** Similarly, if one only needs part of a fruit, he may cut off that part even though the rest will go bad since his act is not an act of destroying (שו"ת בית יעקב סי' מ"ב).
12. **Leaving candle lit, light on.** If one lit a candle or turned on a light for some purpose and did not extinguish it or turn it off afterward, since his original usage had a purpose, he did not transgress the issur. Not turning the light off or extinguishing the candle is not a transgression since it is not an act of destroying.
13. **Opened package of food or drink.** If one opened a package of food or a drink for a purpose, even if he does not need all of it and some will go to waste, he does not transgress bal tashchis since he was allowed to open it and did not actively ruin the rest.

Normal to Throw Away

14. **Disposables.** There is no issur of bal tashchis to throw away things that are normally disposed of after use, e.g., disposable dishes, even if they can be used again. Since they are not meant to be used anymore, throwing them away is not an act of destroying (ברכת) (השם סי' ב' אות כ"ב).
15. **Bottles with deposit refund.** Empty drink bottles are normally thrown away. Even in places where one can get some money by returning bottles to specific locations, there is no issur of bal tashchis to throw them away since bottles have neither monetary value ["shoveh kesef"] nor inherent value ["gufo momon"]; they merely can cause one to get money (ע"פ ברכת השם סי' ב' אות ל"ט).

Used Clothes

16. **Unfit to be worn.** There is no issur of bal tashchis to throw away used clothes that are no longer fit to be worn or are torn in such a way that they would not be mended nowadays. Even if they can still technically be worn or used, since they are not normally saved and have no value, there is no issur of bal tashchis (שם).
17. **Fit to be worn.** If one has clothes he does not wear but that are fit to be worn, e.g., clothes outgrown by children, out-of-season clothes, or old shoes that are still fit for use, and he does not have room to keep them in the house, lechatchiloh he should try to give them away to someone or to a clothes gemach; perhaps they will prove useful to someone (רבינו ירוחם ח"ב נתיב ל"א ח"ו, שיע"ת לר"י שע"ג אות פ"ב).
18. If one has clothes that are fit to be worn but cannot find anyone to take them, he may be mafkir them and leave them next to a dumpster since that is not an act of destroying; perhaps someone will take them (שו"ת שבט הלוי ח"ט סי' קב"ט). It would seem this would not even be considered indirectly destroying (above, 8) since putting something by the dumpster does not automatically cause it to be wasted. Someone else must first come and put it into the dumpster, from where it will eventually be taken to be burned, etc.

Replacing Tzitzis Strings

19. If one wants to replace old tzitzis strings on his beged for nice, new ones, he does not need to untie them to avoid ruining them; he may cut them and put new ones in their place (ח"א ציצית כלל י"א) (סל"ב, מ"ב סי' ט"ו סק"ג). Since it is a hassle to untie them and tzitzis strings are only worth a small amount of money, the effort to untie them is worth more than the strings themselves, and there is no issur of bal tashchis (ע"פ דרכ"מ י"ד סי' כ"ח).

Breaking the Glass Under the Chuppoh

20. **Under the chuppoh.** There is a minhag for the chosson to break a whole glass cup under the chuppoh (סי' תק"ס ס"ב ואהע"ז סי') רמ"א או"ח סי' תק"ס ס"ב ואהע"ז סי') (סי' ס"ג). This does not transgress bal tashchis since it is done to indicate to those present that they should reflect on the aveilus for Yerushalayim (פמ"ג משב"ז או"ח סי' תק"ס סק"ד, מ"ב שם סק"ט).

Bal Tashchis of a Person's Body

21. **Harmful food.** It is an issur of bal tashchis of the body to eat food detrimental to one's health (אבות דר' נתן פכ"ז מ"ה, סי' ברכת השם סי' ג') (אות מ'). Therefore, there is no issur of bal tashchis to throw away such food.
22. **Candy.** However, there is no issur of bal tashchis of the body to eat food that is not harmful to most people. There are many candies that are not healthy at all but are also not harmful in small amounts. One who eats these does not transgress bal tashchis of the body. Thus, parents who do not want their children to eat all the candy they received due to its sugar content and food coloring should give it to a gemach or others who will eat it, but they should not throw it away.
23. **Overtaking.** Similarly, there is an issur of bal tashchis of the body to eat so much food that it is harmful. It is important to know that one's body is not a garbage can. Thus, if one is eating out and his host is pressuring him to eat a lot, although Chazal said (פסחים פ"ו): "Do whatever your host tells you" (ש"ע סי' ק"ע ס"ה), if eating more will be harmful or he is full and eating more will be achiloh gasoh, he should not obey his host. Since doing so would be an issur of bal tashchis of the body, there is no issur of bal tashchis on the food left over.
24. **Small children.** However, when parents encourage their children to finish what is on their plates, they may tell them it is bal tashchis if they do not, since parents can assess how much their children need to eat and encourage them to eat that amount.

Degrading Food

Issur to Degrade Food

25. Besides for the issur of bal tashchis, there is an issur to ruin or spoil food in a degrading, scornful manner (רמב"ם פ"ז ברכות ה"ט). This issur is derabonon and applies even in cases where there is no issue of bal tashchis. The reason for this issur is because it gives the appearance that one rejects Hashem's gifts (רש"י תענית כ:).

Food That Is Not Yet Edible

26. Most poskim hold there is only an issur to degrade food that is already edible. If it still needs to be cooked or baked before becoming edible, it is not considered food for the purposes of this issur (מס' סופרים ה"ד הובא בב"י סוף סי' קע"א, שו"ת הלל אומר או"ח סי' ק"יח).
27. **Throwing wheat kernels at a chosson.** This is the basis to be meikel for the minhag to throw wheat kernels at a chosson on the way to the chuppoh even though they will be stepped on (שעה"צ סי' קע"א) (סק"כ). Still, some are machmir to only throw them in a clean place and to sweep them up afterward (ש"ע שם סי' ט"ה).
28. The old practice in Yerushalayim to stick posters onto walls by the streets with a mixture of flour and eggs as glue did not transgress the issur of degrading food, since such a mixture is inedible to most people.

For Healing Purposes

29. One may use food for a purpose other than eating or regular usage if it is for healing reasons. Any way food is used in healing is not considered degrading or wasteful (תשב"ץ הובא בס' ברכת השם סי' ג' הע' ל"ח).

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חוקי חיים

30. **Treating pinworms in the body.** Thus, one may put bread crusts in hot vinegar and then place them on the navel for a few minutes to treat pinworms (הגר"י פי"ש), even though this will cause the bread to become disgusting (ע"פ הגמ' יבמות ע"ו).

Leftovers

31. It is an issur of bal tashchis to throw away edible food – even leftovers – that people would still eat, even if one does not want it. Since people do not normally eat leftover food on a plate someone ate from, one may throw away such leftovers lechatchiloh.
32. **Common practice.** Nevertheless, people commonly throw away all leftovers as well as food that is not so fresh and they do not want anymore. They rely on the fact that since they do not plan on eating the food and it will anyway go bad and become useless, it is not an act of destroying to throw it away (ברכת השם סי' ג' סק"כ בשם) (הגר"ש"א). Also, throwing such food away is not ruining something that was going to be used by someone (זילברשטיין).
33. **Leftover bread.** Leftover bread should lechatchiloh be placed in a bag before being thrown away so that it is not degraded (את הברכה סוף פ"ב).
34. **Catering companies, halls.** Event halls usually have lots of leftover food after events. For the leftover food in the kitchen, they should contact an organization that collects this type of food to distribute it to the needy. However, for leftover food on tables – even full platters of food – if it is a big hassle to sort, select, and collect the good food, these businesses rely on the heter that the effort has more value than the food and throwing it away is not an issur of bal tashchis (ברכת השם סי' ג' אות כ"ט).
35. **Kiddush, sholom zochor, seudah shlishis.** Similarly, if it is a hassle to pick out the good leftover food after a kiddush, sholom zochor, or seudah shlishis, one does not need to go to the trouble. He may rely on this heter to wrap up everything in a disposable tablecloth and throw it all away. This is the widespread practice.

Respect for Bread

Extra Respect for Bread

36. There are many things that are not considered degrading to food but should not be done to bread, as will be explained.
37. **Kol chamiro.** When doing bittul chometz on Erev Pesach, we say the paragraph, "Kol chamiro" in Aramaic, not Loshon Hakodesh. The reason for this is because bread is a person's main sustenance; it is disrespectful to be mevateil it. Therefore, we are mevateil it in Aramaic so that the spiritual mazikim and accusers do not understand (סדר היום הובא בבאר היטב סי' תל"ד סק"ה).

Throwing Bread

38. **Fruit.** Fruit and other foods that do not become disgusting when thrown, e.g., nuts, which are hard, may be thrown in a clean place (ש"ע סי' קע"א ס"א).
39. **Bread.** However, it is degrading to bread to throw it even in a clean place (שו"ע שם ומ"ב סק"ט). Thus, one should not throw bread onto the table to guests after making Hamotzi (מ"ב סי' קס"ז סקפ"ח).
40. **Minhag to throw.** Nevertheless, some have the minhag to throw bread from the lechem mishneh on Shabbos to those at the meal without being concerned for the issur. The reason is because eating hamotzi is like eating a korbon. Since the Kohanim threw parts of the korbonos onto the mizbeiach, some people throw pieces of the lechem mishneh. With this outlook, throwing the challoh is actually respectful (שו"ת התעוררות בתשובה סי' קל"ב בשם אביו הכה"ס).
41. **Bentcher on challoh.** All poskim agree one may place a bentcher on the challoh to be able to see it during Kiddush at the Shabbos seudah. Since this is for a mitzvah, it is not disrespectful to the challoh (שו"ת בשמים ראש סי' קל"ח).

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