

חצי שיעור לגבי עשיית מצות

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In *Parshas Va'era* we have the הגאולה לשונות האולה, ולקחתי -ארבע לשונות הגאולה. The גמ' פסחים קי tells us that this is where the *inyan* of *Arba Kosos* at the *Pesach Seder* comes from. The *lashon* of the *gemara* is "דכל חד וחד מצוה באפיה נפשיה הוא". Each *kos* is its own *mitzvah*. The רש"י comments that if one is in a situation where he has only enough wine for two of the cups, then he should drink those two because each accomplishes its own *mitzvah*. רבינו דוד disagrees and holds that if one doesn't drink all four *kosos*, "לא עשה" ולא כלום. [However, the first *kos* is for *Kiddush*, and therefore one should definitely drink the first one.] He learns that the *gemara* means to say that collectively *Arba Kosos* is one *mitzvah*, but each one serves its own purpose. One is for *Kiddush*, one is for *Magid*, one is for *Hallel* and the last one is for *bentching*.

I think there are two *chiddushim* in this דוד רבינו. There is a famous *shayluh* in the *gemara* about whether we *pasken* that התורה מן אסור חצי שיעור or not. R. Yochanan holds that it is *assur* and the *shiur k'zayis* is a הלכה למשה מסיני, but Reish Lakish holds that חצי שיעור is only *assur m'derabanan*. We *pasken* like R. Yochanan that חצי שיעור אסור מן התורה.

cites a משנה למלך which discusses the following question: Does R. Yochanan's *shitah*, which we *pasken* like, apply also to *mitzvos aseh*? For example, if a person has less than a *k'zayis* of *matzah*, does he fulfill any *mitzvah* in eating that חצי שיעור of *matzah*?

Let us explain this *safek*. R. Chaim Ozer discusses the following *chakira*: The גמ' יומא דף עד, in explaining why חצי שיעור אסור מן התורה, learns from a *derasha* of "כל חלב". However, the *gemara* seems to bring a reason for it, and says because it is "חזי לאיצטרופי". R. Chaim Ozer's first *tzad* is to explain this *din* as a *gezeira* on a *de'oraisa*, to prevent one from coming to eat the whole *shiur issur*. (Normally we only see *gezeiros* on *dinei derabanan*, but this would be one of the exceptions to the rule.) The other *tzad* is to understand that the "חזי לאיצטרופי" is just a *siman* that this piece plus more would equal the *shiur k'zayis*, which is a הלכה למשה מסיני. Yet, the Torah *assurs* even this small piece.

The *nafko mino* in this *chakira* is the *machlokes* ר"ן and רמב"ם. In the case where a person makes a *shavua* not to eat, we *pasken* that it means not to eat a *shiur k'zayis*. In light of התורה מן אסור, what would be if this person ate half a *k'zayis*? If the *issur* is a *gezeira*, then the *gezeira* applies equally to his *shavua* as it does to other *dinim*. However, on the *tzad* that it is a *siman*, then eating this half-*k'zayis* would not be an issue with his *shavua* because he dictated his *issur achila* to apply only to a full *k'zayis* amount.

We can say other *nafko minos* to this as well. There is a *machlokes* between ר' עקיבא איגר and נודע in the case of a person who started to drink just before Yom Kippur ended. 8pm sharp was the end of the *ta'anis*, but at 7:59:45 this person started to eat or drink and he could not consume the *shiur issur* before the fast ended. ר' עקיבא איגר says it is certainly *assur* for him to do this but נודע ביהודה seems to say there is no איסור חצי שיעור. We could explain the *machlokes* in two ways. We can use our *chakira* and say the *tzad gezeira* would not apply to this case because the man cannot consume the full *shiur* in the *zman issur*, which would be the נודע ביהודה. But we can explain ר' עקיבא איגר's *shitah* in two ways: Either the *gezeira* is still a פלוג and therefore still applies to this case, or we can learn with the *tzad siman*. Regardless of whether there is enough time to complete the *issur*, חזי לאיצטרופי tells us that even this half-*issur* amount is still *assur*. The *onesh* would be dependent on the הלכה למשה מסיני, but *avadeh* even this חצי שיעור is still *assur*.

Maybe we can bring a *rayo* to one of the *tzadadim*. רמב"ם brings a *posuk* to show that there is an *issur* on Pesach for a *mashehu* of *chometz*. משנה למלך asks why he needs to bring a *derasha* when we know that חצי שיעור אסור מן התורה? He cites the מהר"ל נ"ח who explains the רמב"ם as follows: The *issur* of חצי שיעור is learned from "כל חלב". *Cheilev* is an *issur* which never has a *shas heter*; the *cheilev* is *assur* from the moment the animal is born. *Chometz*, however, is *mutar* all year long until Pesach. The *limmud* of חצי שיעור would not have covered this *issur chometz*.

We can understand this *peshat* in the *tzad gezeira* of our *chakira*. We only have the *gezeira* in place for *issurim* which are perpetual the same as *cheilev*. Maybe we can make *chilukim* to show how it may not apply to every *issur*. On the *tzad siman*, however, it should not make a difference whether the *issur* is always active or only sometimes in place. Once the concept of חצי שיעור exists, the particulars of each given *issur* do not matter. We can see from the מהר"ל נ"ח that he goes with the *tzad gezeira*.

Another *rayo* is from a משנה למלך in *Hilchos Yesodei haTorah*. He cites a תשובת ריב"ש which states that if you hold אסור מן התורה, חצי שיעור אסור, then you must also hold that eating שלא בדרך הנאה is also *assur m'de'oraisa*. This too would fit well with the *tzad gezeira*: Just like the *gezeira* extends the *issur* to חצי שיעור it would also extend the *issur* to שלא בדרך הנאה - lest one come to gain *hano'o*. If the *vort* is just a *siman* to the *shiur*, that even partial-*shiur* is *assur*, then there is no connection to שלא בדרך הנאה.

Another *rayo* from the גמ' סוטה דף ט' that records a *derasha* applied by Shimshon, "כל דבר טמא". His mother was instructed not to give him any speck of *tumah*, and רש"י has a *peshat* as to what this is *mosif*. פרי מגדים, in his *hakdomo*, cites the תשב"ץ who is *mechadesh* that even though חצי שיעור אסור מן התורה, חצי שיעור אסור, by Nazir there is no *issur* to eat half of a grape. He brings רבינו יונה who explains the *issur* for a *nazir* to eat a grape as being *gezeira* on a *de'oraisa* to prevent him from coming to drink wine. תשב"ץ says, since the whole *geder* of the *issur anovim* is a *gezeira*, we cannot stack another *gezeira* of חצי שיעור onto it to *assur* a *nazir* from eating half of a grape. This is a tremendous *chiddush* because he is extending the rule against stacking *gezeiros derabonon* (from the *limmud* of "mishmarti," and not 'mishmeres mishmarti') to apply also to *gezeiros de'oraisa*. This is what the "כל דבר טמא" was including by Shimshon.

We see from all these *shitos* that they understand חצי שיעור to be a *gezeira* type of *issur*.

What is the משנה למלך's *shayluh* about חצי שיעור applying to *mitzvos aseh*? Maybe this too is *taluy* on our *chakira*. If we learn it as a *gezeira*, then it is only a *chumra* to protect one from violating *issurim*. It would not carry over to *mitzvos aseh*. According to the other *tzad*, that it is a *siman* to what is full-*shiur issur*, and even a drop is also *assur*, then we could apply this concept to doing *mitzvos* just the same. Even a drop of *asiyas mitzvah* is a *mitzvah*. This could very well be what the משנה למלך deliberates.

Going back to the רבינו דוד who holds the *arba kosos* are all or nothing, *lich'ora* we could bring him as *rayo* for the משנה למלך that there is no חצי שיעור by *mitzvos*. But perhaps it's not a *rayo* after all.

The *sevara* in רבינו דוד could be the following: the עבודה זרה דף מג' ר"א says the *issur* of making images of a person or the sun and moon is specifically when making the statue of the entire body- head to toe. Were one to make just the face, he would not be *over* the *issur*. The *Acharonim* ask, why isn't it *assur* because of חצי שיעור?

Another instance is *melech kosev* on Shabbos. Many *poskim* say that writing one single letter is not *assur*. Same phenomenon by *hotza'a* on Shabbos. Four *amos* is the distance of *issur*, going only two *amos* is not. One more place is the גמ' יומא that the *Melech* and *Kohen Gadol* can wash their faces on Yom Kippur. Regarding the *chamisha inuyim*, תוס' ישנים says that they are all *assur m'de'oraisa* but the *issur rechitza* is *kol gufo*. Therefore, the *Melech* and *Kohen Gadol* can wash their faces as doing so is only *m'derabonon* and for them we are *meikel*.

On each of these cases we can ask, what about חצי שיעור? They should all be *assur* because חצי שיעור אסור מן התורה.

I think the answer is the same for all of them. By eating *cheilev*, חצי שיעור is *assur* because it is the same *ma'aseh* as eating the full *shiur*. However, by these four cases, the *issur* is only when doing the full amount. There is no *issur* in *hotza'a beis amos*, in *kesivas os achas*, in making only the face of a person, or of washing only one's face. The *ma'aseh issur* is only in the complete *ma'aseh*. The definition of the *ma'aseh* is doing the entire *melacha* or action.

Maybe this is also the *peshat* in רבינו דוד. He may fully agree that there is חצי שיעור by *asiyas mitzvos*. Eating a half-*kezayis* of *matzah* does accomplish a *mitzvah* because it is the same *ma'aseh mitzvah* as eating a full *kezayis*. However, the *mitzvah* of *Arba Kosos* is only when one drinks all of them. There are four different parts and places of the totality of this *mitzvah*. Therefore, it would not help or accomplish the *mitzvah* if one only drank some of the *kosos*.