



THE TIMING OF SEARCHING, SELLING AND BURNING THE CHOMETZ

The requirement to search for chometz on the eve of the 14th of Nissan is found on the opening page of *P'sachim* (2a). The Gemara (6b) requires a nullification (*bitul*) following the search.

The *Shulchan Aruch* (OC 434:2) codifies these halachos: after the search, immediately at night, one nullifies and says: all chometz in my possession that I do not see or burn should be null like the dust of the earth. It is good to nullify again at the end of the fifth hour of the day of the 14th, after which the chometz is prohibited and one can no longer nullify it.

When to Sell the Chometz

The Rama adds: one should not nullify it (i.e., the chametz that he sees, 434:4) until after he burns the chometz, in order to fulfill the mitzva of burning

with chometz that is his. The universal custom of selling chometz affects all of these halachos, especially for those who leave their homes for all of Pesach.

When selling chometz, the places where the chometz is found are rented to the non-Jew. This enables additional methods of transfer (*agav* and *chatzer*) and helps resolve the problem of *achrayus* (responsibility for loss) which may exist (see MB 440:3, *Mekor Chaim* 436:4; 437:3).

The *Mishna B'rura* (436:32) cites a dispute whether one who intends to sell (or rent) a place on the 14th day to a non-Jew is required to search that place on the previous evening. He rules that one should not protest those who are lenient, but prefers if the sale and rental take place on the 13th of Nissan.

For this reason, an early sale is arranged for the 13th. This is necessary in any

event for travelers to Europe or Eretz Yisrael. The sale on the 14th is too late for them, as it takes place after the chometz is prohibited in their location.

The *Shulchan Aruch* (436:3) cites a dispute about whether one who leaves his home within 30 days of Pesach must destroy the chometz, or whether may he merely make it *hefker*, ownerless. The lenient view holds that there is no obligation to destroy chometz, as long as one owns no chometz on Pesach. Alternatively, the obligation is fulfilled by rendering the chometz ownerless. If so, selling the chometz to a non-Jew also fulfills the obligation (MB 27, 31), and even if searching is obligatory in order to destroy chometz, it does not apply to one who sells all of his chometz.

The *Mishna B'rura* (32) emphasizes that in order to not be required to search, one must specify that the entire place and all the chometz therein is sold

to the non-Jew. If selling fulfills the obligation to destroy, it is sufficient to rent the place. The Rosh (*P'sachim* 2:4) states that there is no need to destroy chometz. The Torah requires only to eliminate chometz from our homes (*tashbisu se'or mibateichem*, Sh'mos 12:15), a requirement fulfilled by selling it to a non-Jew.

The stricter view, based on the Mordechai (535), maintains that there is an obligation to search and destroy chometz, and that elimination by selling does not exempt the obligation to search. In deference to this view, some travelers rent the entire home except for one room. They search that room on the night before they leave. A b'racha is not recited if they search before the night of the 14th (436:1).

Biur Chometz

It is customary to burn chometz on the day of the 14th (Rama 445:1). It is burned in the fifth hour of the day, followed by the second *bitul*, nullification (MB 6,7). Burning, as opposed to other forms of destruction, is done to fulfill the mitzvah according to R. Yehuda (*P'sachim* 21a) who requires burning.

R. Moshe Shternbuch (*Mo'adim U'zmanim* 194), assumes that the mitzvah is fulfilled when the last bit of chometz is eliminated. If so, the sale should precede the burning. For travelers who sell on the 13th, burning on the 14th in their location is done with their last chometz. Those who sell on the 14th should ideally burn their chometz after the sale. Since chometz is usually not sold until the fifth hour

when it can no longer be eaten, it may be difficult to burn after the sale. If so, one may burn the chometz earlier, just as the Rama allows burning the previous evening if one is concerned that the chametz may be lost. He fulfills the mitzva since the obligation to destroy chometz begins 30 days before Pesach (MB 8).

R. Shternbuch explains that travelers burn the last chometz in their home, as the Torah states (Sh'mos 12:15), "*mibateichem*," "from your home." Alternatively, the last possible hour is the time for burning according to R. Yehuda. For one who fears the chometz will be lost, the last hour is at night. For a traveler, it is before he leaves if he cannot burn it later. For locals, it is the fifth hour, ideally after the sale. For one who goes to work or is traveling on the 14th, it is earlier that morning.



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