



Bedikas Chametz Insights from The Rav: Excerpts from Batei Yosef

The Exemption of *Makom She'ain Machnisin Bo Chametz*

The Mishna, *Pesachim* 2a, states that there is no requirement to perform *bedikas chametz* on a *makom she'ain machnisin bo chametz*, a place where people don't bring chametz. Rav Soloveitchik queried: What is the nature of this rule? Do we treat a place where people don't bring chametz as chametz free or do we simply assume that such a place doesn't meet the threshold to require *bedikas chametz*? Rav Soloveitchik noted that the practical difference is whether we are required to perform *bitul chametz* (nullification of chametz) for potential chametz in those places. If we assume that such a place is chametz free, then there is no obligation at all to perform *bitul chametz*. However, if such a place only receives an exemption from *bedikas chametz*, perhaps that is only because *bedikas chametz* is a rabbinic

institution to actively search for unknown chametz and not rely on *bitul chametz*. Nevertheless, we must still perform *bitul chametz* because there is a possibility that this place does contain chametz, and failure to perform *bitul* would lead to ownership of chametz on Pesach.

This issue seems to be the subject of a dispute among the Rishonim. The Ran (*Pesachim* 1a in Rif pages s.v. *Ela Kach*) writes that a place where people don't bring chametz doesn't require *bedikah* or *bitul*. We may rely on the *chazakah* (status quo) that this place doesn't contain chametz. [The Ran does admit that on a rabbinic level, there is a requirement to perform *bitul* out of concern that we might actually find chametz there and decide to keep it until after Pesach.] The Rambam (*Hilchos Chametz UMatzah* 2:5) seems to disagree. The Rambam writes:

חור שבאמצע הבית שבין אדם לחבירו זה
בודק עד מקום שידו מגעת וזה בודק עד מקום

שידו מגעת והשאר מבטלו בלבו. אבל חור
שבין ישראל לעכו"ם אינו בודק כלל שמא



Batei Yosef (Hebrew) is a collection of insights into the laws and customs of the holidays through the rulings of The Rav as well as those of current Roshei Yeshiva at RIETS. Batei Yosef is available at RIETSPress.org.

יאמר העכו"ם כשפים הוא עושה לי אלא
מבטלו בלבו ודיו. וכל מקום שאין מכניסין בו
חמץ אינו צריך בדיקה.

If there is a hole in the middle of the building between two neighbors each one checks as far as he could and regarding the rest (the area that can't be reached), they should each nullify the chametz. However, if there is a hole between a Jew and non-Jewish neighbor, he should not check the hole at all out of concern that the non-Jew will say that his neighbor is engaged in sorcery. Rather, he should nullify the chametz and that is sufficient. Any place that one does not bring chametz does not require bedikah.

The implication is that a place where people don't bring chametz is the same as an unreachable hole, and since the unreachable hole requires *bitul*, so too, the place where people don't bring chametz requires *bitul*.

Rav Soloveitchik then asked another question: what are the parameters of a *makom she'ain machnisin bo chametz*? Is it defined as a place where people don't ordinarily bring chametz or is defined as a place where people never bring chametz? The Rambam (*Hilchos Chametz UMatzah* 3:6) writes that obligation to check for chametz includes "*kol hamekomos shemachnisin lahen chametz*," any place where people bring chametz. This formulation implies that we are discussing places where people normally bring chametz. By contrast, the *Shulchan Aruch* (*Orach Chaim* 433:3) writes "*kol hamekomos sheyesh lachush shema hichnisu bahem chametz*," any place where we must be concerned that someone brought chametz. This implies that even if there is a possibility that someone brought chametz into that place, even if it unusual to bring chametz there, we must perform *bedikas chametz*.

Rav Soloveitchik suggested that the

question about the parameters of a *makom she'ain machnisin bo chametz* relates directly to the question of whether *bitul* is required for a *makom she'ain machnisin bo chametz*. The Rambam is consistent in his opinion. Because Rambam defines a *makom she'ain machnisin bo chametz* as a place where it not normal to bring chametz, we can't rule out the possibility that there is chametz there. Therefore, we must still perform *bitul*. However, if we define a *makom she'ain machnisin bo chametz* as a place where chametz is never brought, then there is no need for *bitul* because the place is presumed to be chametz free.

Bedikas Chametz for the Traveler

The Gemara, *Pesachim* 6a, states that one who leaves his home within 30 days of Pesach is required to check his home for chametz before he leaves. The Ritva (s.v. *Lo Amaran*) quotes from the Ra'ah that anyone who has an obligation to check recites a beracha when performing the *bedikah*. The Ritva concurs when the *bedikah* takes place within 30 days of Pesach. The Meiri (s.v. *V'Chol Elu Shebodkin*) writes that the issue of whether to recite a beracha for a *bedikah* that is performed before the night of the 14th (but within 30 days) is the subject of a debate among the Rishonim. The Rama, *Orach Chaim* 436:1, rules that one should not recite a beracha when performing an early *bedikah*.

Rav Soloveitchik suggested that it is possible that this dispute revolves around the nature of *bedikas chametz*. Is the rabbinic mitzvah of *bedikas chametz* an extension of the biblical mitzvah of *tashbisu*, the mitzvah to destroy chametz? Or perhaps, *bedikas chametz* is an independent rabbinic mitzvah. If

it is part of the mitzvah of *tashbisu*, the mitzvah of *tashbisu* only applies during the day of the 14th of Nisan. When the rabbis instituted *bedikas chametz*, they merely extended the time to the night of the 14th. As such, a *bedikah* prior to the 14th is not a fulfillment of the mitzvah and no *beracha* is recited. However, if *bedikas chametz* is an independent mitzvah, it is possible that the requirement for the traveler to perform *bedikah* the night before he leaves is part of the same institution to perform *bedikah* on the night of the 14th. As such, performing *bedikah* on an earlier night provides the same fulfillment as a *bedikah* on the night of the 14th, and a *beracha* may be recited.

If we assume that there is no fulfillment of a mitzvah prior to the 14th, how do we understand the obligation to check? Furthermore, how do we understand the distinction between someone who leaves before 30 days and someone who leaves within 30 days? If there is a fulfillment of a mitzvah, we could say that before 30 days, the mitzvah has not yet set in, and within 30 days, there is a fulfillment of the mitzvah. However, if there is no fulfillment of a mitzvah, what happens within 30 days that changes the obligation?

Rav Soloveitchik suggested that by leaving home before Pesach, a person is neglecting the obligation to perform *bedikas chametz*. If someone leaves more than 30 days out, this is not a problem because there is no responsibility to worry about the mitzvos of Pesach until 30 days prior. However, if he leaves within 30 days, and he doesn't perform *bedikas chametz*, then when the 14th of Nisan arrives, he will be considered neglectful of the mitzvah of *bedikas chametz*. What solution did our rabbis provide? If he checks the home for chametz before he leaves, then the home is considered a "*makom she'ain*

machnisin bo chametz,” a place where no chametz is to be found, which is exempt from *bedikah*. When the night of the 14th comes, he is exempt from the mitzvah because he doesn't have a home where there is a concern that someone might find chametz.

Leaving Over Chametz After the Bedikah

The Mishna, *Pesachim* 10b, states that after *bedikas chametz*, whatever chametz is left should be placed in a secure location to avoid the need for an additional *bedikah*. The Ran (*Pesachim* 4b in Rif pages s.v. *UMa SheMeshayer*) writes that the Mishna is discussing the chametz that we plan to eat. If it is left in an unsecure location, an animal may find it and spread it throughout the house, requiring another *bedikah*. Rashi (9b s.v. *Ma SheMeshayer*) also says that we are discussing chametz that we plan to eat.

The Rambam (*Hilchos Chametz UMatzah* 3:1) writes that the chametz that we find during the *bedikah* should be placed aside and destroyed in the morning. In the next halacha (3:2), the Rambam writes that if we plan on eating chametz in the morning, it should be placed in a secure location.

Rav Soloveitchik understood that according to the Rambam, the purpose of *bedikas chametz* is to identify and destroy *all* chametz in our possession. There is a special dispensation to leave over chametz to eat after the *bedikah* and in the morning. As such, the chametz that is in our possession after the *bedikah* fits into one of two categories: chametz that was found during the *bedikah* and chametz that we plan to eat in the morning. There are two practical applications to this. First, if chametz doesn't fit into either of these categories, we may not leave it over. It is prohibited to leave over chametz past the *bedikah* for some other purpose. Second, if we do find chametz during the *bedikah*, and it was not something that we planned to leave over, we may not eat it and it must be destroyed.



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