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## Hilchos Pesach - I

*Halachos concerning bedikas chametz*

**Why is it necessary to search for chametz, after all we all do bitul?**

Indeed we all say *kol chamira*<sup>1</sup> before Pesach, whereby we declare that any *chametz* we legally own or of which we have any form of ownership is nullified like dust of the earth and becomes ownerless. Yet *Chazal* tell us that this is not sufficient, for two reasons.

The first is because *bitul* or nullifying is a state of mind and it is possible that one who owns a large amount of chametz is reluctant to declare it ownerless and similar to dust. Consequently he will own chametz on *Pesach* and violate the *issur* of *לא יראה לך חמץ* – you shall not own *chametz*.

The second reason is lest one finds *chametz* in one's possession on *Pesach* and seeing that we are accustomed to eat *chametz* throughout the year, one might forget it is *Pesach* and eat the *chametz*.<sup>2</sup>

**But we are permitted to own non-kosher food and store it in our house, if necessary, so according to the second reason, why the difference?**

Firstly, there is no prohibition to own non-kosher food, unlike *chametz*, where there is a specific negative commandment.

As for storing non-kosher food, since we are careful throughout the year not to consume non-kosher items, there is no concern that one might forget a particular item is non-kosher and eat it, whereas *chametz* is permitted all year round and

<sup>1</sup> We say *כל חמירא* after searching for *chametz* and we repeat it after burning the *chametz*. *כל חמירא* can be found at the beginning of every *bagadah*.

<sup>2</sup> See *M"V siman 431:2*.

one might follow natural instinct and consume it.

**If so, would it not suffice to merely search for chametz and destroy it, why must we say *kol chamira* and nullify it?**

Since it is possible that one might not find all the *chametz* in one's possession before *Pesach* and if one finds it during *Pesach*, one will immediately violate the *issur* to own *chametz*. It appears that if one legally owns *chametz* but is not aware that it is in one's possession, one does not violate the *issur* to own *chametz*, because the *Mishna Berura* writes<sup>3</sup> that only when one finds the *chametz* on *Pesach* will one violate the *issur*.

**Must one search for chametz as soon as it is nightfall?**

**Learning** - one may not learn once it is nightfall<sup>4</sup> (some *poskim* are concerned even with learning within half an hour before nightfall) lest one forgets to do *bedikas chametz*. Several *poskim* learn that *Chazal* instituted the mitzvah of *bedikas chametz* as soon as it is nightfall.<sup>5</sup>

**Eating** - One may not eat bread and cake etc.<sup>6</sup> more than a volume of an egg (between 57 - 100ml) or a large amount of fruit before *bedikas chametz*, for the same reason.

**Should one first daven ma'ariv and then search for the chametz?**

<sup>3</sup> End of *se'if katan 2*.

<sup>4</sup> *Siman 431:2*.

<sup>5</sup> *Vilna Ga'on, Shulchan Aruch HaRav* and others. See *M"V siman 431:11*.

<sup>6</sup> See *M"V siman 431:6*.

If one normally *davens ma'ariv* with a *minyan* one should first *daven* and then search.<sup>7</sup> The **הק יעקב** writes that since the time for *bedikas chametz* and *ma'ariv* begin with nightfall and coincide,<sup>8</sup> we must follow the rule of **תדיר - ואינו תדיר** קודם, which means that one must precede the more common *mitzvah*, which is *ma'ariv*. He rules similarly for someone who *davens ma'ariv* without a *minyan*. The *Mishna Berura*<sup>9</sup> however also cites other *poskim* who say that one who always *davens ma'ariv* without a *minyan* may search the *chametz* and then *daven ma'ariv*, and concludes that both opinions are legitimate.

### What is one looking for?

Any *chametz* suitable for human consumption.

### But isn't the criterion for chametz something that is not fit for a dog?

Indeed the *Shulchan Aruch* writes<sup>10</sup> that *chametz* that is moldy or charred before *Pesach* may be owned on *Pesach*, but we must not forget that one nullifies all *chametz* prior to *Pesach* with **כל חמירא**, and although *Chazal* were concerned lest one sees *chametz* and eats it, this only applies to edible *chametz*, but *chametz* unfit for human consumption one would not consume.

### Must one look for crumbs?

The *poskim* argue as to whether one must search for crumbs.<sup>11</sup> Crumbs that are slightly dirty or spoiled one would not normally eat and since one will nullify all *chametz*, there is no need to search for such crumbs. [Although the *gemora* writes that **פירורי בטלי** – crumbs are nullified and do not require to destroying; this would apply to non-edible crumbs.]

<sup>7</sup> Several reasons are offered (see *M" B siman 431:8*): *ma'ariv* cannot develop into a lengthy process, unlike eating, bathing and learning. If people would disperse to search the *chametz*, it is hard to gather them again for *ma'ariv*. If one can *daven* at a later *ma'ariv* with a *minyan*, the same argument as below would be applicable here as well.

<sup>8</sup> Unlike the *Bach* who learns that the time for *bedikas chametz* commences before nightfall.

<sup>9</sup> *Siman 431:8* and *Sha'ar Hatsium 11*.

<sup>10</sup> *Siman 442:9*.

<sup>11</sup> See *M" B siman 442:33*.

Some *Gedolei Yisrael* would search for crumbs in *seforim* while others would not.<sup>12</sup>

Consequently, any crumbs that might exist in drawers, pockets and bags etc. that are dusty or spoiled would not require searching for.<sup>13</sup>

However, in *Shulchan Aruch* it says that some have the custom to scrape *chametz* from walls, and it is accepted that one performs a thorough search and dispose of all *chametz*.<sup>14</sup>

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### Vort on the Parsha

Throughout the seven days of *milu'im*, the *kohanim* were required to eat the *shelamim* in the *kodesh*, but on the eighth day, when the *Mishkan* was in service, everything went back to normal, and *shelamim* could be eaten in the entire city. This seems strange, because surely once the *Mishkan* is in service, it ought to have a greater *kedusha* and be holier?

The *Sheim Mishmuel* answers that the seven days were required to elevate the *avodah* to the required level of holiness, but once elevated, the *kedusha* was powerful enough to permeate mundane places as well.

Seven is nature – eight is above nature and elevates nature.

Although Shabbos is the seventh day, the world receives two portions on Friday, which equals seven. Shabbos is above nature and elevates it so that mundane actions such as eating and drinking are also holy.

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**Note:** The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.

<sup>12</sup> See *Piskei Tesbuvos siman 431* footnote 16.

<sup>13</sup> *M" B siman 442:33*.

<sup>14</sup> Rav Sternbuch *sblita*. See *M" B siman 442:28*.