

HALOCHOSCOPE

This week's question:

A couple plan to spend the first days of *Pesach* out of town. One of them will be leaving a day or two before the other. Usually, they do *bedikas chametz* together. Normally, one should do his *bedikah* on the night of *Erev Pesach*. If he will be leaving beforehand, he should do it the night before he leaves. May this couple do it on the night before the first one leaves, so that they can still work together?

The issues:

- A) Timing of *bedikas chametz***
- B) One who leaves town before *Erev Pesach***
- C) Doing *bedikah* earlier than the night prior to leaving town**

A) Timing of *bedikas chametz* [mostly excerpted from Halochoscope XIII:25]

The nature of the *mitzvah* to search for *chametz* is debated by the poskim. Some say that it has Scriptural elements. Some maintain that since the Torah forbids having *chametz* in one's possession during *Pesach*, the Torah must mean to require something active to avoid this. This would mean that one must search for the *chametz*. Others point out that there is a Scriptural *mitzvah* of *biur*, to destroy *chametz*. Therefore, one must be required to search for the *chametz* and find it in order to destroy it. Others maintain that it is a Rabbinical precautionary *mitzvah*. One must prevent the possibility of finding the *chametz* on *Pesach* and eating it inadvertently.

Since it is a *mitzvah*, rather than a necessary chore, a *brocha* was instituted before beginning its performance. In general, the various views agree that part of the *mitzvah* is connected to destroying the *chametz* found. *Biur* is a clear Scriptural *mitzvah*. It has a specific time, by which it should no longer be one's possession. This time is midday on *Erev Pesach*. Rabbinically this time was moved up by one seasonal hour. This *mitzvah* should certainly have a *brocha* recited on its performance. Since *bedikah* is the beginning of the destruction process, the *brocha* is recited at the time of *bedikah*, but uses terminology referring to the *mitzvah* to destroy the *chametz*.

Based on the above discussion, the timing of the *mitzvah* of *bedikah* could be debated. As an independent *mitzvah*, it could be performed any reasonable time before *Pesach*. One is not expected to refrain from *chametz* for any longer than the Torah requires it. Accordingly, one would be permitted to eat *chametz* until the last minute, but would not want any extra left over. He would also not want to find *chametz* in his home by surprise. He could leave it to the last minute to search. As a Rabbinical *mitzvah*, the Rabbis could set a time for it. They might do this as a precaution in its own right. As part of the Scriptural *mitzvah* of *biur*, it would be logical to perform it when one is in the process of destroying his *chametz*. As mentioned, this would be *Erev Pesach*, or before.

The Rabbis concluded that the timing must take into account the availability of the manpower for the search, and the manner of searching. *Chametz* on open display needs no search. It is the hidden *chametz* that one wishes to find. This must be searched for by lamplight, so that one can see into crevices with it. Lamplight is more effective by night than by day, since it works by the effects of the contrast between it and its surrounding on the eyes. [Look at a lit up clock-face with the light turning off and on again. It will be brighter in the dark!] Accordingly, they instituted the timing of *bedikah* by night, [before] *Erev Pesach*, the 14th of *Nissan*. It must be done as soon as possible on that night. Some suggest that one should actually begin right before nightfall, as soon as the light is such that the lamplight will be effective. One should not engage in any activity before he fulfills this *mitzvah*. Most poskim maintain the timing continues all night. A minority maintains that after the first moments, it applies as a make-up for the true time.

If one did not search at night, he must do it during the morning. If he had not done it before the time of *biur*, he must still search, to avoid finding *chametz* during, or even after, *Pesach*. May one move his *bedikah* up? If it was done early, what can be done later? May it be done over again? Would the *brocha* be recited?

Generally, if a *mitzvah* was performed at a wrong time, it could be considered a worthless activity. One would still be obliged to perform it at the right time. If the home was already searched, however, would there be any point in searching it again? We usually do not suspect that new *chametz* might have been introduced there. One could suggest that one always cleans before searching, yet performs the search anyhow. Nonetheless, cleaning is not considered searching. Therefore, if one searched at the wrong time, he might no longer be able to perform the *mitzvah* later. If the ruling is that he is able to perform a valid *mitzvah* later, he should be able to recite the *brocha*.

The Talmud and poskim debate one who searches on the 13th of *Nissan*. The simple interpretation of this is that the search was done by daylight on the 13th. The issue would be that one could not search properly. Some maintain that therefore, if one searched by lamplight by day, this discussion would not apply. It would be considered valid. Some say that it refers to searching by day even with a lamp. In practice, the consensus is to require a second search by night. According to a minority view, one should recite a *brocha* on the second searching. However, the consensus is not to recite the *brocha*.

This discussion does not deal with *bedikah* on the night of the 13th (one night early). The poskim mention an *annus*, one who has no choice other than to search on the 13th. He should search then, though without a *brocha*, according to the view we follow [see next section]. Evidently, this is not an appropriate date for the performance of this *mitzvah*. There is some minor discussion on whether one may intentionally do his *bedikah* on the 13th. The reason given not to do this is because one would lose out on the *brocha*. This implies that there is nothing inherently wrong with it. However, it could also be a way of saying that one does not fulfill the *mitzvah* properly. If it was a way to perform the *mitzvah* properly, there would be a *brocha*. It is possible that the *brocha* can only serve both *bedikah* and *biur* if they will both take place on the same day. *Biur* definitely only applies on *Erev Pesach*. One might destroy his *chametz* before then in order to avoid having it in possession. This would not fulfill the specific *mitzvah* over which there

is a *brocha*. [See Psachim 2a-5a 7a-b 10b, Poskim. Tur Sh Ar OC 431 433:1 2 11 435, commentaries.]

B) Leaving town before Pesach

One who leaves town before *Pesach* is obliged to search before he leaves, even if he leaves before *Erev Pesach*. The traveler might plan to return before, during, or after *Pesach*. If he plans to return with enough time to do *bedikah* before *Pesach*, he should not be obliged to search before leaving. However, if he travels so far away that he cannot be sure to return in time, he searches before leaving. This could be viewed as his obligation, or as a precaution. If he plans to return during *Pesach*, he is definitely obliged to search. When he returns, he will be at risk of finding the *chametz*. This could lead to eating it. It could also implicate him in owning the *chametz*, even if he previously abandoned it. He might momentarily change his mind, or he might regret his abandonment, thus invalidating it. The Talmud debates one planing to return after *Pesach*. In one view, he is not be obliged to search. In the other view, he might be obliged. If he knows of the existence of *chametz* in his possession, he must search for it and destroy it. If he does not know of the existence of definite *chametz*, his situation is as follows: If he leaves more than thirty days before *Pesach*, he need not search. [He must still do *bitul*, abandonment or nullification, on *Erev Pesach*.] If he leaves within thirty days of *Pesach*, he must search. *Bedikah* for unknown *chametz* is an obligation independent of *biur* of known *chametz*.

The logic for this last qualification is that thirty days before *Pesach* one has an obligation to begin preparing for *Pesach*. This is based on a Scriptural reference to teaching and studying the laws of *Pesach* beforehand. Before thirty days, the independent obligation of *bedikah* does not apply. Accordingly, we now have a time-frame for the *mitzvah* of *bedikah*, in addition to *Erev Pesach*.

There is a major debate on the *brocha* when doing an early *bedikah*. As mentioned, the *brocha* seems to be on the *biur*, rather than the *bedikah*. However, some maintain that there is a *brocha* on the *mitzvah* of *bedikah* in its own right, despite its language being that of *biur*. In one view, as long as one plans to destroy some *chametz* eventually, especially if it is some of that found or known at the time of *bedikah*, he recites a *brocha*. As a result, there are three main views. One opinion requires a *brocha* any time a *bedikah* is required. This includes a *bedikah* more than thirty days before, where required. A second view maintains that a *brocha* is always required within thirty days. The third view is that a *brocha* is only required on *Erev Pesach*. We follow the third view. However, it is unclear whether this consensus is due to the rule that when in doubt about a *brocha* one refrains, or because the consensus is that there is no *brocha* obligation on an early *bedikah*. Accordingly, despite the practical absence of a *brocha*, *bedikah* on an earlier night has a sound basis. [See Psachim 6a-b, Poskim. Tur Sh Ar OC 436, commentaries.]

C) Bedikah earlier than the night prior to leaving

In our case, the homeowners will definitely do a *bedikah* earlier than the night of *Erev Pesach*. According to the above discussion, the correct time for their *bedikah* is the night before they leave. They will be leaving on separate nights. The logical time would be the night before the second one leaves. It would seem that the reason the ideal is the night before leaving is to delay it to the closest time to *Erev Pesach*. In addition, it would

seem that the people in the home should be able to use the *chametz* until they need to remove and destroy it. They cannot wait until *Erev Pesach*, but they can wait until their last night home. Could they elect to do a *bedikah* earlier? Does the fact that they usually do the *bedikah* together factor in? Maybe, they usually do a more effective *bedikah*.

One who is in town on the night of *Erev Pesach* should not do it early, because he will miss out on the *brocha*. Our travelers will anyhow miss out on the *brocha*. According to those who require a *brocha* when doing an early *bedikah*, they could recite it at any time during the thirty days prior to *Pesach* that they choose to search. Therefore, the *brocha* is not considered a factor here.

The poskim say that one who is leaving town should do the *bedikah* the night before he leaves. However, if he will be overburdened on that night, and he is concerned that he will not be able to do a *bedikah*, or that he will not do a good enough *bedikah*, he may do it earlier. According to this, our couple may claim that they will do a better *bedikah* earlier together, than one of them doing it on his last night in town. What if they want to do it together as a family, or a family tradition? Is this a good enough reason to do it early?

Is *bedikas chametz* a *mitzvah* on the home, or on the family, as well as a personal *mitzvah*? The main obligation in such situations is on the householder. The Talmud does compare *bedikas chametz* to *mezuzah*, and says that they are the obligation of the dweller. The poskim go further. One must check pockets and other portable items where *chametz* might have been placed. However, the poskim say that if one has no real property to check, he should not recite the *brocha* when checking portable property. The reason given by a number of poskim is that the language used by the Torah for this *mitzvah* is *tashbisu seor mibateichem*, eradicate the leaven from your **houses**. Thus, there is basis to link this *mitzvah* to the home. The question is whether this indicates that it is a family *mitzvah*. In reality, the main focus of the *mitzvah* is the *chametz*. If one has a home, the home must be searched. If he has no home, he still destroys his *chametz*. Perhaps the home and family factor combined with the thoroughness factor make the early *bedikah* as ideal as the *bedikah* on the later night. [See Psachim 4a-b, Poskim. Tur Sh Ar OC 432:2 433:11 (Kaf Hachaim 91) 436:3 (Chok Yaakov 17 Kaf Hachaim 45), commentaries. Chayei Adam 119:18. Moadim Uzmanim VIII:45.]

In conclusion, they may do the *bedikah* on the earlier night. If it will make the *bedikah* more thorough, they should ideally do it then.

On the parsha .. he shall come, the one whose house it is .. he shall tell the kohain .. the kohain shall instruct **them to clear the house .. **they** shall remove the stones .. and **they** shall throw them outside the city .. **they** shall throw the dirt that they cut out .. **They** shall take other stones and **they** shall bring them .. and other earth shall **he** take .. **He** shall smash the house down .. and **he** shall take it outside the city .. [14:35-36 40-42 45]** Why does the Torah switch between “he” and “they”? Presumably, “he” refers to the homeowner throughout. “They” must refer to the members of his household. Apparently, this matter of *negaim* is a family affair. Indeed, the entire household is affected. Therefore, they must all participate in rectifying the situation.

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