

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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Shiur #13: The Purpose of Bedikat Chametz

The famous first mishna of Masekhet Pesachim begins by describing the mitzva of bedikat chametz, requiring one to search for chametz by candlelight on the evening prior to the 14th of Nissan. The mishna does not, however, provide a source or purpose for this obligation. An ensuing gemara (4b) establishes that the prohibition of bal yeira'eh (which forbids possessing chametz) may be avoided, very simply, through a verbal declaration of 'bittul' – a renunciation of interest in, and ownership of, one's chametz. If mere bittul can solve this prohibition, then why is the potentially onerous obligation of bedika imposed?

Tosafot address this issue and respond that the Rabanan instituted bedika as a 'backup' to bittul. Chametz is a particularly severe prohibition, yielding a punishment of karet when violated, and also invites a very risky situation, in that people are not generally accustomed to abstaining from leavened products. The Chakhamim, therefore, demanded taking additional precautionary measures, even beyond bittul. Tosafot explain that although bittul does avoid violating bal yeira'eh, any chametz still extant runs the risk of mistakenly being eaten during Pesach. It is therefore necessary to physically eliminate chametz, which we accomplish through bedika and biur.

Other Rishonim adopt Tosafot's basic logic but supply different concerns which motivate bedika. For example, Rabbenu Peretz cites Rabbenu Yechiel as attributing the need for bedika to the concern that one's lack of earnestness might undermine his bittul. Unless a person issues this declaration with full intent to renounce interest in his chametz, it does not take effect. Bedika, by contrast, is physical, thus avoiding any legal complications of this sort. Other Rishonim (see Or Zarua, citing Rabenu Menachem Ha-chasid) suggest that one might rescind his bittul, thereby reinstating bal yeira'eh concerns. Of course, this position assumes that bittul is subject to retraction – a possibility that depends upon our understanding of bittul (see Yhe- Pesachim a series of shiurim on Masechet Pesachim shiur # 11 for a broader discussion of the nature of bittul chametz). This concern is also cited by Rabbenu Ovadya Bartenuira, in his commentary to the first mishna of Pesachim.

In short, Tosafot and other Rishonim suggest that bedika was instituted in order to address the potential risks that remain even after bittul, such as lingering concerns about eating the chametz, or possible deficiencies in the bittul itself.

If, however, we view bedika as a Rabbinic ordinance, the question arises as to why the gemara derives its details from pesukim. One gemara (7b), for example, infers the use of a candle from pesukim, and another (10b) deduces the schedule of bedika from the iterations of the term 'hashbata' in the Torah. If bedika were merely Chazal's effort to cover bittul loopholes, it should have no referent in the Torah.

These derashot, which reflect a Biblical basis to bedika, indeed, led some to apply a more fundamental nature to this obligation. In particular, one position in the Geonim attributes a highly important and irreplaceable role for bedika, claiming that bittul is ineffective for known chametz, and can operate only upon unknown or undiscovered chametz. As such, bittul alone is an insufficient tool to solve bal yeira'eh. Instead, bedika is necessary at a de-oraita (Biblical) level to complement bittul: the former eliminates known chametz, while the latter dispossesses unknown chametz – together creating a bal yeira'eh-free environment. In fact, the Kessef Mishna cites a variant reading of the Rambam (Hilkhos Chametz U-matza 2), whereby the Rambam likewise limited the efficacy of bittul to unknown chametz, thus necessitating bedika. (The text of the Rambam in the prevalent editions, however, allows bittul to operate on all forms of chametz.)

This approach, too, is subject to challenge, in light of the gemara's discussion (6b) concerning the need for the bittul declaration even if one had performed a thorough bedika. Initially, the gemara reasons that some chametz might not be discovered and purged, thus necessitating bittul even after bedika. The gemara then asks, "Let him perform bittul upon discovering the unfound chametz." Meaning, one can avoid bal yeira'eh by declaring bittul immediately upon discovering the chametz. Ultimately, the gemara responds that one might tarry and delay the bittul, thus violating the prohibition against possessing chametz. The gemara's comments clearly imply that bittul can be effective even on known and visible chametz, in direct opposition to the aforementioned view in the Geonim.

Undoubtedly the most intriguing defense of bedika is proposed by Rashi (2a), who writes that it is necessary for avoiding bal yeira'eh. Rashi's statements clearly cannot be taken literally, since the gemara (4b) already determines that successful bittul alone solves bal yeira'eh. One option toward understanding Rashi's view may be to distinguish between the prohibition of bal yeira'eh and the actual mitzva of 'tashbitu' (literally, 'you shall eliminate' – Shemot 12:15). Many Rishonim question whether or not there exists an independent mitzva to destroy chametz. Does the Torah merely forbid owning chametz, and one must remove chametz to avoid violating this prohibition, or is there also an actual obligation to destroy chametz? The Minchat Chinuch deliberates on this issue and suggests that if, indeed, there exists a separate obligation, one who does not own chametz on the 14th may have to purchase some, in order to fulfill the mitzva. Rashi, perhaps, felt that although bittul alone solves bal yeira'eh, bedika must be performed to fulfill the mitzva of tashbitu. He therefore explained the bedika requirement as intended to rid the house of chametz in accordance with the Torah's command to eliminate all of one's chametz.

This approach, though suggested by some writers, can be challenged along two fronts. Firstly, Rashi justifies bedika on the basis of 'bal yeira'eh' – the prohibition - and not upon 'tashbitu' – the obligation. Secondly, Rashi himself (4b s.v. be-bittul) implies that thorough bittul qualifies as a fulfillment of the tashbitu requirement.

A more reasonable approach to Rashi's comments is suggested by the Ran (among others). He claims that at the level of Torah obligation, EITHER bedika or bittul suffices independently to eliminate bal yeira'eh concerns. When Rashi claims that bedika solves bal yeira'eh, he meant that it is ONE of the means available for addressing this issur. The Rabanan demanded both bedika and bittul to prevent certain lingering concerns, but as far as Torah law is concerned, either method suffices; the issur of bal yeira'eh is flexible enough to allow multiple solutions.

The Ran's reading of Rashi gives rise to another question. How can bedika independently solve bal yeira'eh, given the possibility that one might fail to locate all the chametz? The bittul declaration covers all possible chametz – both discovered/known and unknown. Bedika, by contrast, may be limited in scope by practical issues; one can never ascertain that he has eliminated all the chametz in his possession. How, then, may this limited bedika cover all our bal yeira'eh concerns?

Several Rishonim address this issue within Rashi's position. Rabbenu David claims that after a rigorous bedika, one will be excused from bal yeira'eh upon undiscovered chametz because he will be considered an 'onnes' – a person who violated due to circumstances entirely beyond his control. (Rabbenu David's actual language is, 'lo nitna Torah le-mal'akhei ha-sharet' - the Torah was not assigned to angels, but rather to fallible humans). This solution, however, is questionable, since classic criteria of 'onnes' do not seem to have been met by someone who failed to locate all his chametz. The Ran adopts a different strategy, claiming that after thorough searching a person may rely upon a chazaka (compelling presumption) that no more chametz remains in his possession. In general, many positions claim that chazaka is unreliable if active examination can expose the true data, but once an examination has been performed, chazaka may be employed. One might argue, however, that in this situation, it is perfectly normal for chametz to avoid inspection, and thus a chazaka does not necessarily exist establishing the nonexistence of chametz after bedika.

Another interesting option emerges from Tosafot (21a), who claim that bal yeira'eh does not apply at all to unknown chametz. Rashi may have very well adopted this position, as well, and thus reasoned that bedika completely eliminates bal yeira'eh. Chametz which one discovers through searching is physically destroyed, while unknown chametz is not included at all in the prohibition of bal yeira'eh. This may very well be an elegant solution for Rashi's premise that bedika alone solves bal yeira'eh, despite the likelihood of undiscovered chametz even after bedika.