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**TALMUDIC METHODOLOGY**  
**By Rav Moshe Taragin**

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**Shiur #11: The Prohibition of *Bal Yeira'eh* and *Bal Yimatzei* (Part 3 of 3)**

**Rashi's View of *Bal Yeira'eh***

In the previous two *shiurim* ([#09](#) and [#10](#)), we outlined the unique dimensions of the prohibition of *bal yeira'eh* and *bal yimatzei*. Unlike typical *issurim* which depend solely upon legal ownership, regarding this issue, ownership may not be sufficient OR it may even be necessary. By stipulating a prohibition to "see" *chametz* or to "have *chametz* found," the Torah is clearly diverting us from a purely ownership-based view of the prohibition.

Several interesting comments of Rashi may be combined to provide a unique view of his opinion. This opportunity is rare because Rashi's style is more of a running commentary; in addition, his comments are often brief or even terse. The combination of these factors often makes it difficult to determine Rashi's true opinion about a particular *halakha*. Unlike many other *Rishonim*, who wrote "essay pieces" about *gemarot* in which they address a broad topic (and often reference their own related statements), Rashi's brief statements often "seem" episodic and compartmentalized. Often, we are left to conjecture about his view. In the case of *bal yeira'eh*, however, several comments may yield a clear picture.

The two most clarifying comments are actually inversely related. The first comment surrounds a *gemara* (6a) that discusses a person who leaves his home prior to Pesach without intent to return. If he leaves before 30 days prior to Pesach without intent on returning, he does not have to rid himself of the *chametz* in his home. The *gemara* parallels this with someone who converts his residence into a storehouse; if the conversion occurs at least 30 days prior to Pesach without intent to re-convert to a residence, the *chametz* does not have to be addressed. Most *Rishonim* maintain that the *gemara* assumes that a person will perform *bittul*, and is merely discusses the ADDITIONAL need for physical removal. Even though *bittul* will obviously be performed, and *bal yeira'eh* thus neutralized, the danger of actually EATING the *chametz* requires an ADDED physical removal under ordinary circumstances. The parameters of when a

person leaves and his intent on returning govern the question of whether the danger of eating *chametz* has to be addressed through *bedika*.

Rashi does not mention the performance of *bittul*, and his ensuing comments suggest that he does not require *bittul* in this case. Rashi equates these situations to one in which a building collapsed upon *chametz*, *chametz shenafila alav mapolet*, which, according to the *gemara* (*Pesachim* 31b), does not require *bittul de-oraita*. Taken on its own, the *mishna* describing *chametz* under a collapsed building seems very logical. As the *chametz* has been **physically** destroyed by the rubble, no further action is necessary. If this were the reasoning, however, Rashi could not have possibly compared the scenario of someone departing 30 days before Pesach to *chametz* under a collapsed building. In the case of a traveler, the *chametz* is perfectly intact, yet Rashi does not require any action, similar to the fact that the *gemara* does not require any action (*mi-de'oraita*) for *chametz* under a collapsed building.

Evidently, Rashi maintains that *bal yeira'eh* is determined by personal INTEREST in the *chametz*. If a person departs without interest in his *chametz*, converts his room (and the *chametz* on the floor) into a (non-food) storage area, or allows his *chametz* to remain lodged under a collapsed building, he has indicated his lack of interest in, or connection with the *chametz*. Indeed, in previous *shiurim*, we discussed the position of many *Rishonim* who claimed that involvement and affiliation with *chametz* and not legal ownership enables *bal yeira'eh*. Rashi EXPANDS this principle in two ways:

- 1) Not only can affiliation with *chametz* ENABLE *bal yeira'eh* even in situations where no ownership exists, but it can DISABLE *bal yeira'eh* even in situations in which ownership DOES exist. This is a new and more extreme application of the aforementioned principle.
- 2) The level of affiliation can be defined in purely subjective terms. If the owner journeys away from his *chametz* or positions it under storage, he has PERSONALLY demonstrated his disinterest in the *chametz*. Typically, affiliation was indicated by “institutionalized” measures, such as accepting legal liability for *chametz* or placing the *chametz* in a particular physical possession. Rashi allows a person's own attitude to determine the level of connection with the *chametz*.

A second comment of Rashi (6b) relates to an interesting *gemara* that questions the need for *bittul*, why is *bittul* necessary? If physical removal was performed, *bal yeira'eh* has been addressed. The simple answer (and one which evidently both Tosafot and the Ramban asserted) is that *bittul* is geared to solve *bal yeira'eh* for *chametz* that was **not** located and physically removed. Rashi differs, evidently maintaining that simply checking for *chametz* disqualifies the concern of *bal yeira'eh*. Even if some *chametz* was not located and was not **physically** removed, the very pursuit of THAT *chametz* with intent to remove would eliminate *bal yeira'eh*. Again, Rashi is consistent – a subjective and non-

institutionalized display of DISINTEREST (through searching for, though not necessarily locating *chametz*) is sufficient to solve *bal yeira'eh*.

In fact, Rashi explains the need for *bittul* to help solve a very limited scenario. If the unfound *chametz* would appear on Pesach and the person would tarry in burning it, he might temporarily violate *bal yeira'eh*. To avoid this danger, *bittul* was instituted. Once again, Rashi presents consistent logic. No *bal yeira'eh* existed prior to the discovery of the unfound *chametz*. As it was pursued with intent for removal, no association exists and no *bal yeira'eh* is violated. If the person were to burn the *chametz* IMMEDIATELY upon discovery, he would still be immune to *bal yeira'eh*, since he has not demonstrated any INTEREST in the *chametz*. However, since he might TARRY and place temporary value upon the *chametz*, he may violate *bal yeira'eh*. This *issur* is based solely upon affiliation with *chametz*; that affiliation is defined in purely subjective terms.

A third comment of Rashi is perhaps the most radical. The *gemara* (5b) disqualifies *bal yeira'eh* for *chametz* which a person does not own (and, as the *gemara* adds later, one does not accept financial *acharayut* for). Presumably, this determines that any *chametz* which is not yours does not engender *bal yeira'eh*. Yet Rashi comments that only *chametz* belonging to a Gentile is immune to *bal yeira'eh*. The clear implication of Rashi is that if a Jew owns the *chametz* (and has not attended to *bal yeira'eh*), another Jew would violate *bal yeira'eh* (and practically be allowed/obligated) to remove that *chametz*. This striking conclusion was developed and adopted by the Vilna Gaon (comments to *Orach Chayim* 443) and obviously changes the entire picture of *chametz* and *bal yeira'eh*.

Rashi is unclear about which Jews would be in violation of *bal yeira'eh* for "another Jew's" *chametz*: would every Jew violate *bal yeira'eh* or just those who have some connection (family member, neighbor)? Ultimately, however, this radical position of Rashi stems from his previously stated opinions. *Bal yeira'eh* is based on a connection with the *chametz*, even in the absence of any legal title. According to Rashi, that connection exists between one Jew and another Jew's *chametz* and is sufficient to enable *bal yeira'eh* even though there is absolutely no legal or monetary title upon another person's *chametz*.

Having aligned these three statements of Rashi, we may consider an additional statement of Rashi. On his comments to *Pesachim* (6a), Rashi indicates that unseen *chametz* does not entail a violation of *bal yeira'eh*. He returns to this issue in his comments to a later *gemara* (21a), although in this instance, he is merely explaining a *hava amina* of the *gemara*. The concept that violation of *bal yeira'eh* requires visibility was already discussed in a previous *shiur* and was attributed to several *Rishonim* (*Kesef Mishna*, Rabbenu Dovid). However, seen against the backdrop of these previous three statements of Rashi, it is better understood. *Bal yeira'eh* is gauged by personal connection and not legal ownership. Without question, a person is less connected to unseen *chametz* and therefore does not violate *bal yeira'eh*.

It should be noted that most *Rishonim* who adopt this “visibility requirement” do so regarding the lone *issur* of *bal yeira'eh*; they all agree that invisible *chametz* would still entail a violation of *bal yimatzei* – effectively eliminating any halakhic *nafka mina*. Rashi implies, however, that the *chametz* that is not visible does not entail a violation of *bal yeira'eh* OR *bal yimatzei*. This would be an additional extreme statement of Rashi, but would be parallel to his other comments.

Of course, Rashi's position about the nature of *bittul* is also logically consistent. Tosafot maintain that the efficacy of *bittul chametz* was based on *hefker*. By denouncing ownership the person can avoid *bal yeira'eh* because the *chametz* is no longer his. Again, in consistent fashion, Rashi (see his comments to 4a, s.v *chovat*) claims that *bittul* is a manner of subjectively redefining *chametz* as DIRT and demonstrating lack of INTEREST. Presumably, an act of *hefker* would also disable *bal yeira'eh*, since the person would no longer own the *chametz*. However, according to Rashi, *bittul* is not *hefker* and *hefker* is not NECESSARY. By displaying disinterest in the *chametz*, the person has created disassociation and has eliminated *bal yeira'eh* and *bal yimatzei*.

Of course, an act of *bittul* is more objective, legal, and institutionalized than merely traveling away from the *chametz* or converting one's house into a storage area. That is why many *Rishonim* agree with Rashi's definition of *bittul* but do not agree with his more extreme positions.