

TALMUDIC METHODOLOGY
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Shiur #06: Does *Bedikat Chametz* Target the *Chametz* or the House?

The first *mishna* in *Pesachim* presents the Rabbinic *mitzva* of *bedikat chametz*, the reason for which is subject to a famous debate between Rashi and Tosafot. Rashi maintains that searching for *chametz* is part of the effort to avoid the prohibition of *bal yeirae* and *bal yimatzei*. By contrast, Tosafot believe that the act of *bitul* – renunciation and nullification of the *chametz* – should be sufficient to alleviate any *bal yeirae* concerns. Instead, Tosafot claim, the *Chakhamim* instituted the *mitzva* of *bedikat chametz* to avoid any danger of possibly eating the *chametz*. The prohibition of *chametz* is unique in that it is not only forbidden to eat *chametz*, but additionally *chametz* must be physically eradicated; unlike other prohibited foods, *chametz* entails an additional prohibition of possession – *bal yeirae*. In the spirit of this Torah-installed *chumra*, the *Chakhamim* installed their own “*chumra*” in the form of *bedikat chametz* – not only to avoid ownership of *chametz* in a passive manner and not only to perform *bitul*, but to actively search for any remnants of *chametz*.

Tosafot and Rashi debate the reasoning behind the *takana* of *bedikat chametz*; they do not address the formulation of the *takana* of *bedikat chametz*. Was the obligation formulated around actual *chametz* or around a different axis?

This distinction emerges in an interesting question posed by the *gemara* (4a) about a rented house. Should the landlord perform *bedikat chametz* because it is HIS *chametz* in the rented house, or should the renter perform it because he currently owns the house through rental? The *gemara* may be questioning whether the obligation of *bedikat chametz* applies to the actual CHAMETZ or to the structure or home within which *chametz* is located. If the obligation applies directly to *chametz*, the owner of the *chametz* should presumably be obligated – in this instance, the landlord. However, if the obligation is to search a home for *chametz*, perhaps that obligation should devolve upon the current resident – in this instance, the renter.

This question of whether the obligation of *bedikat chametz* is a *chovat chametz* or a *chovat bayit* also affects an interesting detail about the syntax of the *berakha* recited on *bedikat chametz*. Rabbenu Tam (quoted by the Rosh in his comments to *Pesachim* 7a) claimed that *mitzvot* that are immediate actions generate a *berakha* beginning with the phrase *al*, such as “*al netilat lulav*,” The *mitzva* of

lulav which entails a rapid and quickly ending act of lifting the *lulav*. By contrast, extended *mitzvot*, such as *tefillin* – which are worn for a duration of time – generate a *berakha* beginning with the prefix *lam-ed*, such as “*le-haniach tefillin*.” The *gemara* is clear that the *berakha* recited on *bedikat chametz* is “*al bedikat chametz*.” The Tosafot Rid (*Sefer Ha-Makhria*) questions this language, given that *bedikat chametz* may be a repetitive and extended activity. If one discovers *chametz* after the initial *bedika*, he must perform an additional act of *bedika* and removal. As such, *bedika* should be classified as an extended *mitzva* and should warrant a *berakha* beginning with *lamed*.

Perhaps Rabbenu Tam maintained that *bedikat chametz* obligates cleaning the HOUSE and not removal of *chametz*. As such, only one *mitzva* exists – assuring the house remains empty of *chametz*. Even though a person might be obligated to perform continual acts of *bedika*, all activities would be considered one halakhic process of purging the home from *chametz* and would warrant a *berakha* beginning with *al* and not one beginning with *lamed*.

Perhaps the most stunning question affected by the nature of *bedikat chametz* is the question of *hachra'at ha-sefeikot*, how to manage in a situation of doubt. We would expect that, if faced with a *safek* with regard to this *mitzva*, we should incline toward *kula* (leniency), since *bedikat chametz* is a Rabbinic requirement. Nevertheless, in numerous contexts, the response to a *safek* about *chametz* yields a *chumra* (stringency). The first *mishna* in *Pesachim* (2a) obligates *bedika* in any area in which *chametz* MIGHT be located. Why can't a homeowner clean the KNOWN *chametz* and claim that all other areas of the house are considered *safek*, and therefore exempt from *bedika*? This trend resurfaces in the *gemara's* discussion (9a-10a), in which several *safek* cases regarding an already cleaned house are discussed. The *gemara* raises several solutions but never suggests the overarching principle of *safek de-Rabbanan le-kula*.

Both the Ra'avad and Rabbenu Dovid claim that unlike most halakhic laws, which were instituted about CERTAINTIES, *bedikat chametz* was instituted specifically to address UNCERTAINTIES. The Torah prohibits ingesting ACTUAL *neveila* meat. Facing meat of uncertain identity, we either rule stringently or leniently depending on whether it is a *de-oraita neveila* or *de-Rabbanan neveila*. By contrast, *bedikat chametz* was instituted to remove UNCERTAINTIES regarding the presence of *chametz*. Hence, a situation of uncertainty – a case in which we are not sure about the presence of *chametz* – cannot be simply dismissed based on the principle of *safek de-Rabbanan le-kula*. The principle of ruling leniently about a *safek de-Rabbanan* doesn't apply to a *safek* about *chametz*.

Chametz may be different from regular *issurim* because we are more inflexible about this *issur* in general due to the stringencies of the Torah itself – the punishment of *karet* and the unique prohibition of *bal yeiraeah*. This inspires the *Chakhamim* to be equally stringent about *bedikat chametz* and instruct us to not simply eliminate certain *chametz*, but also to attend to possibilities of *chametz*.

Once the obligation is defined as addressing even a “possible” *chametz* situation, we cannot dismiss the specter of possible *chametz* based on the *de-Rabbanan* principle of *safek de-Rabbanan le-kula*.

From the wording of Rabbenu Dovid (and less explicitly from that of the Ra’avad), it appears that the reason that this *bedikat chametz* obligation is different and addresses “possibilities” rather than certainties is due to the fact that it is a house-based obligation. Had the obligation been defined as eliminating *chametz*, it would have targeted the object known as *chametz*, and in cases in which we are uncertain about the existence of *chametz*, we would have ruled leniently. Since, however, the obligation concerns cleaning a house, it inherently addresses cases of POSSIBLE *chametz*. A house ALWAYS has possible *chametz* (perhaps in addition to CERTAIN *chametz* in the kitchen). Once the *bedika* obligation was imposed upon a house, it was inherently defined as an obligation to search for possible *chametz*.

The question of whether *bedikat chametz* targets *chametz* or targets a home with potential *chametz* may also affect the reason that certain locations are excluded from *bedikat chametz*. The *gemara* (8a) exempts an exposed courtyard from *bedikat chametz*, since the birds will inevitably consume the *chametz* there. Would this apply to any situation in which animals can be counted on to remove remaining *chametz*? Indeed, the Beit Yosef cites an opinion in the name of Rabbenu Yerucham that a kitchen would be exempt from *bedikat chametz* if the number of chickens freely circulating would assure certain removal of the *chametz*. The exemption thus is not limited to a courtyard. However, if this were true and the exemption applied universally to all animal-congested areas, why was the rule articulated about a courtyard, rather than in a more general fashion regarding ANY area where animals roam?

Perhaps *bedikat chametz* entails a dual obligation – both to eliminate *chametz* as well as to clean the home. Typically, these two components overlap, but they do entail two very different obligations. Since the obligation is dual, *bedikat chametz* can only be exempted in the face of dual exemptions. A courtyard is exempt because in addition to the presence of birds, it is also not an integral part of the home. Birds will likely remove *chametz*, and their presence eliminates one element of *bedika* – chasing down potential *chametz*. However, in an actual home environment, the second element of *bedika* is binding – cleaning the home. The exemption from *bedikat chametz* only applies to a *chatzer*, in which two elements exist: birds who will likely consume *chametz* and the absence of a house-based obligation that would have been obligatory even in the likelihood of the animals consuming the *chametz*.

Rashi appears to adopt this perspective. The *gemara* exempts a roof of an attached balcony (a *yetzia*) from *bedikat chametz*. Rashi claims that this exemption only relates to a heavily slanted roof, upon which no *chametz* remains because it will definitely slide off. Several *Rishonim* question Rashi’s limitation of

the *bedika* exemption to a heavily sloped roof; even a flat roof should be exempt, since the birds can easily access the *chametz* - just as in a *chatzer*. Evidently, Rashi believed that a *chatzer* is only exempt because the birds will likely eat chametz, as well as the fact that it does not structurally belong to the home, which eliminates the second element of *bedika*. Unlike a *chatzer*, the roof of a balcony is integrated into the home. Even though birds will likely access *chametz* there, the possibility of *chametz* still triggers the obligation to thoroughly search the home and its affiliated balconies.