

HALOCHOSCOPE

This week's question:

Bedikas chametz, the search for leaven products, should be performed the night before Erev Pesach, 13th of Nissan. If one is leaving town, he performs it the night before he leaves. If one has an office or other place of work where he has brought chametz during the year, he must search that place as well. If his work-place will be closed at night, or will be closed on the night of the 13th of Nissan, may he search there earlier? If the place of work is a commute away from his home, may he consider his last day of work before Pesach as though he is 'leaving town'? Would this allow him to search there earlier, saving him from the need to return there on the night before Pesach? Is the ruling any different if he plans to stay away from his work-place for the duration of Pesach?

The issues:

- A) Timing of bedikas chametz
- B) One who leaves town before Erev Pesach
- C) How far away may be considered 'leaving town'?

A) Timing of bedikas chametz

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 all of 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. [Try looking 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. In our case, however, the home has now been searched. Why 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 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. 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*.

The difference between these ways to view it applies in a case such as ours. Assuming one has more than one location to search, he would recite one *brocha* on his search of all of them. [There is a minority view that one might be obliged to recite separate *brochos*, if they are far enough apart to constitute a break in his performance of the *mitzvah*.] If he searches one of them on an earlier night, he will not lose his *brocha* on the *bedikah* on the remaining locations on the correct night. [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) How far is 'out of town'?

In our case, the business owner, or worker has an additional set of considerations. He might not be going into his workplace during *Pesach*. He would like to be considered like one who leaves before *Pesach* with no plans of returning. However, he has time to 'get back' before *Pesach* and search. He might be going in to work during *Pesach*, but feels that he should be considered the same as one who leaves ahead of time, so that he may do his *bedikah* early. Is he obliged to go back to his work-place on the night of the 14th to do his *bedikah* then, or may he do it on an earlier night?

One way to view the question is whether he would be obliged to exert himself, if there is a valid way to do *bedikah* early. This would depend on how far away one must be, to avoid being obliged to go to a given location. In the case of a traveler, the terms used are those of a long distance traveler. However, this is used because part of the discussion addresses the concern that he cannot rely on getting back in time.

One could compare this to one who remembers about known *chametz* on *Erev Pesach*. If he has time to get home to destroy it, he should do that. Otherwise, he relies on *bitul*. However, in our case, the person will do a full *bedikah*, albeit early. He will also remove any known *chametz* ahead of time. In regard to some obligations, a distance that one would travel there and back in one day is not considered 'travel'. In this respect, a daily commute would not qualify. In regard to other obligations, traveling less than eighteen, or sometimes, seventy-two minutes, is considered close.

A totally unrelated consideration would help in our case. The Talmud dictates that one should not be out and about by night. This applies to traveling outside a built up area. Nowadays, this could apply to traveling where there is a need to use deserted roads. Although people ignore this dictum, it is logical to assume that the Rabbis would not create an obligation that involves violating this dictum. Therefore, one could do his *bedikah* on an earlier evening, early enough to travel back before the roads are deserted, yet late enough to be considered searching after dark. [See Psachim 2a 6a 46a 49a, Kesubos 61b-62a, Poskim. Tur Sh Ar OC 90:16 92:4 240:1 436:1 444:7, commentaries.]

In conclusion, there is ample room to allow an early *bedikah*, albeit with no *brocha*. Furthermore, this person will indeed recite his *brocha* at home on the correct night. Therefore, in light of the circumstances, including the late hour that he would need to travel to his work-place afterwards, he may do his *bedikah* early.

On the Parsha ... For the cloud of Hashem was upon the Mishkan by day, and fire would be in it by night – in the eyes of all Israel, in all their travels. [40:38] The Torah is saying that the fire was not a separate entity. The cloud of the daytime lit up as a fire by night. [Haamek Davar] Why could it not be a fire all the time? Perhaps the answer lies in the additional words 'in the eyes of all Israel'. By day, a fire can not be seen so well, whereas a cloud, that blocks out daylight, can be seen very easily. חזק חזק ונתחזק

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