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לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Bedikas Chametz when Leaving Home for Pesach by Rabbi Yosef Melamed

Is someone who will not be in his house over Pesach obligated to do bedikas chametz before he leaves?

Does someone staying in a hotel over Pesach need to do bedikas chametz in his hotel room?

As Pesach approaches, many have begun cleaning for Pesach, which will culminate in *bedikas chametz* (checking for *chametz*), this year on the Thursday night before Pesach. This article will discuss whether someone who is away from home for Pesach must perform *bedikas chametz*. This question applies both to the house that one is leaving behind as well as to the new place where one is staying for Pesach. An examination of the sources of this topic will provide a better understanding of these halachos.

The obligation of *bedikas chametz*: The Torah's instruction that "*chametz shall not be seen nor found*" (see Shemos 12:19, 13:7) teaches that one who possesses *chametz* on Pesach transgresses a negative Torah commandment. The Mishna (Pesachim 1:1) further teaches that one must search for *chametz* on the evening of the 14th of Nisan¹. The Gemara (ibid. 4b) explains that this obligation is *mid'Rabanan* (Rabbinic); on a *di'Oraysa* (Scriptural) level, it suffices for someone to be *mivatel*² (nullify) his *chametz*. By declaring that one does not desire the existence of his *chametz*, the *chametz* is effectively removed from his ownership³, thus removing the aforementioned Torah prohibition. However, Chazal instituted an additional obligation of *bedikas chametz*.

The Rishonim offer two explanations for this additional requirement. Rashi (Pesachim 2a s.v. *bodkin*), as explained by the Ran (Pesachim *dapei haRif* 1a s.v. *ela*), explains that we are concerned that one may not nullify the *chametz* with the full intent necessary to effect removal of its ownership and will thus transgress the prohibition against owning *chametz*. Tosafos (Pesachim 2a s.v. *or*; see also Ran *ibid.*), however, explain that once one has been *mivatel* the *chametz*, there is no concern of violating the prohibition against owning it, but Chazal were still concerned that one may find *chametz* on Pesach and mistakenly eat it. These two explanations have ramifications in halacha, as will be discussed. Regarding the final halacha, the Magen Avraham (431:2) and Shulchan Aruch Harav (433:19) all rule that the main reason for the enactment of *bedikas chametz* is the concern that one may eat the *chametz*.

One who leaves home: The Shulchan Aruch (Orach Chaim 436:1), based on the Gemara (Pesachim 6a), rules that someone who travels away from home in a caravan or ship before Pesach must do *bedikas chametz* before his departure, unless he appoints someone else to perform the *bedika* for him at the proper time. However, this is only so if the person departs within thirty days of Pesach. However, if the traveler sets out more than thirty days before Pesach, he is exempt from the obligation to do *bedikas chametz*⁴. The Gemara (*ibid.*) explains the reason for the distinction between thirty days and earlier based on the halacha (see Orach Chaim 429) that the laws of Pesach should be studied beginning thirty days before Pesach in preparation for Pesach. As such, laws pertaining to Pesach which are applicable earlier than Pesach itself, such as an early *bedikas chametz*, begin thirty days before Pesach (see Bach 436:8 for another example of a law relating to Pesach that begins from the thirty-day mark). This thirty-day mark translates into Purim day (Mishna Berura 429:2). The obligation to do *bedikas chametz* when traveling within thirty days applies even if the

¹ This year, with Pesach beginning on Motzoei Shabbos, *bedikas chametz* takes place on Thursday night, the night of the 13th, as one cannot check for *chametz* on Shabbos night.

² This is accomplished through the recitation of *kol chamira*, which is recited both after *bedikas chametz* as well as after the burning of the *chametz*.

³ See Ran (*ibid.* s.v. *umahu*) for an explanation of how *bitul* effects this relinquishing of possession.

⁴ However, he must still say the *bitul* on Erev Pesach (Rema Orach Chaim 436:1). See also Mishna Berura (*ibid.*:5) who cites a dispute whether this exemption is specific to the obligation to search for unknown *chametz*, whereas known *chametz* must still be destroyed, or if it also excludes the need to destroy known *chametz* as well.

person does not plan on returning home until after Pesach (Shulchan Aruch 436:2 as explained by Mishna Berura *ibid.*:2). According to Rashi that the reason for *bedikas chametz* is due to of the prohibition against owning *chametz*, it is understandable why one who will be away from home is still obligated to do *bedikas chametz*, since there is still a concern that the *bitul* will not be done properly and the traveler will own *chametz*. However, according to Tosafos' explanation of the concern that someone may eat *chametz*, there would be no such concern if one will not be home on Pesach. The obligation of *bedikas chametz* in this scenario must therefore be explained as a *lo plug*, a Rabbinic extension of the decree to all cases, even those that do not present the original concern, in order to keep things uniform (Mekor Chaim 436:Biurim 1)⁵.

Bracha when the *bedika* is done before the 14th: The Rema (Orach Chaim 436:1) rules that the *bracha* for *bedikas chametz* is not recited when the *bedika* is done before the evening of the 14th. This is because the text of the *bracha*, *al bi'ur chametz*, (upon the destruction of *chametz*), indicates that the blessing made upon *bedikas chametz* was only instituted on a *bedika* which is done as part of a current, ongoing process of getting rid of *chametz*. When the *bedika* is done earlier, there is a significant gap before the rest of the process of ridding oneself of *chametz*, which occurs on Erev Pesach, takes place, and so the *bracha* cannot be made (see Bi'ur Hagra *ibid.*:1; see also Mishna Berura *ibid.*:4). The Bi'ur Halacha (*ibid.* s.v. *vilu yivarech*) cites a dispute regarding whether the halacha follows the Rema and does not reach a clear conclusion on the matter. Other *poskim* do not question the Rema's ruling (Shulchan Aruch Harav 436:1, Aruch Hashulchan Orach Chaim 436:6). Practically, since the rule is that when in doubt regarding whether one must recite a *bracha*, it is not recited, a *bracha* should not be made.

***Bedika* procedure when leaving home:** The Magen Avraham (*ibid.*:1) writes that in the case of an early *bedika*, the *bedika* should be done by candlelight on the final night before departing. (This would be the night before if departing by day and the night of departure if departing by night.) In the event that one is very busy preparing for the imminent departure, and it will be difficult to perform the *bedika* the final night before departing, the *bedika* may be pushed back a night (Kaf Hachaim 436:6). All activities that are prohibited on the night of the standard *bedikas chametz* prior to the *bedika* (such as eating a bread meal or learning within a half hour of nightfall; see Orach Chaim 431:2) are prohibited before performing an early *bedika* as well (Pri Migadim 436:Eishel Avraham 1). Upon completing the *bedika*, the *bitul* should be done immediately as with a regular *bedikas chametz* (Mishna Berura 436:3). However, in the text of the *bitul*, the standard wording of "*di'ika birshusi*" (I nullify all *chametz*... "in my possession") is changed to "*birshusa hadein*" (I nullify all *chametz*... "in this premises"), since in this case one may still own other *chametz* outside of this house until the day of the 14th (Shaar Hatziyun *ibid.*:5). An additional *bitul* should be made on the day of the 14th, as with a regular *bedika* (see Rema Orach Chaim 434:2 and Mishna Berura *ibid.*:11).

Selling to a non-Jew: May one who will be away from home sell his home to a non-Jew and thereby circumvent the obligation of *bedikas chametz*? The Mishna Berura (436:32) cites a dispute whether one who plans to sell his *chametz* on Erev Pesach must do a *bedika* on the night of the 14th. On the one hand, the *chametz* has not been

⁵ *Lo palug* is a concept encountered in many places in the Talmud (see Kesubos 52b for example). A full discussion of *lo palug* is beyond of the scope of this article.

⁶ The exception is a year such as this one where Pesach is on Motzoei Shabbos, and the standard *bedikas chametz* takes place on Thursday night, which is the night of the thirteenth of Nisan. Since the normal time is pushed back to the thirteenth, a *bracha* is recited on Thursday night.

sold at the time the obligation of *bedikas chametz* takes effect. On the other hand, selling the *chametz* may be a fulfillment of getting rid of the *chametz*, and planning to sell the *chametz* is comparable to finding the *chametz* and setting it aside to burn it on the next day (ibid.). The Mishna Berura concludes that although one may rely upon the lenient opinion, it is commendable for a person to arrange for his *chametz* to be sold on the 13th of Nissan, thus avoiding any possible obligation of *bedikas chametz* on the night of the 14th.

The Mishna Berura is discussing a case where someone is staying home for Pesach, but is selling some of his *chametz* or some of the rooms of his premises over Pesach. The logic of selling the *chametz* a day early would only be a solution for someone who would otherwise perform *bedikas chametz* on the night of the 14th; selling the *chametz* on the 13th thus precedes the obligation of *bedikas chametz*. However, in the case of someone who will be leaving home for Pesach before the night of the 14th, selling the *chametz* early can only work if it is done prior to the final night before departure, which is when the obligation of *bedikas chametz* takes effect. However, one can still fulfill this preferable approach by appointing an agent to sell the *chametz* of his entire property before Pesach (which is how the vast majority of people sell their *chametz* to a non-Jew)⁷ before departing. This is comparable to the case of someone leaving home before Pesach but appointing someone else to perform *bedikas chametz* on his behalf, in which case, as noted earlier, an early *bedika* need not be done⁸.

However, the Shulchan Aruch (Orach Chaim 436:3) cites the Ravva that one has a personal obligation (i.e., the obligation is upon the person, not the property owned by the person) to perform *bedikas chametz*. Accordingly, selling the *chametz* to a non-Jew will not absolve this obligation. Therefore, one must perform some sort of *bedika*, either in his new location, or by leaving one room unsold, where he can perform his *bedika* (see Shu"t Chasam Sofer Orach Chaim 131, cited in Mishna Berura 436:32). The Mishna Berura (ibid.), based upon a dissenting view cited in the Rema (ibid.:3), is lenient in this matter. However, some *poskim* recommend that one who is going away for Pesach and will not perform a *bedika* elsewhere (see further) should leave one room for *bedikas chametz*.

The above discussion pertains to the obligation to check the home one is leaving for Pesach. What about doing *bedikas chametz* in the new place where one is staying for Pesach?

Rental: The Shulchan Aruch (Orach Chaim 437:1), based on the Gemara (Pesachim 4a), rules that a renter must do *bedikas chametz*. However, in the event that the landlord is Jewish, the Gemara (ibid.) distinguishes between whether the house was rented before the evening of the 14th, in which case the tenant must do the *bedika*, or whether the house was rented afterwards, in which case the landlord must do the *bedika*. This distinction is codified in the Shulchan Aruch (ibid.). In the latter scenario, though, if the landlord did not do a *bedika*, the tenant must do so (Shulchan Aruch ibid.:3; Bi'ur Halacha ibid.:1 s.v. *al*). However, it is unclear if such a *bedika* is part of the original Rabbinic enactment of *bedikas chametz* and would require a *bracha*, or if it is a separate obligation that would not require a *bracha* (see Ran Pesachim *dapei haRif* 1b s.v. *hamaschir*; Sefer *Bedikas Chametz Ubi'uro* 9:fn. 15). Here, again, a *bracha* should not be made due to the uncertainty (Sefer *Bedikas Chametz Ubi'uro* 9:8).

Hotel: The obligation to do *bedikas chametz* in a new place of residence is contingent upon the understanding of the obligation of *bedikas chametz* in a *shul* or *bais medrash* (cited in Shulchan Aruch Orach Chaim 433:10)⁹. The Shulchan Aruch Harav (ibid.433:36) and the Mishna Berura (ibid.:43) rule that one performing *bedikas chametz* in a *shul* or *bais medrash* recites a *bracha* on the *bedika*. This indicates that the obligation of *bedikas chametz* in a *shul* is part of the original enactment of *bedikas*

chametz and thus warrants a *bracha*¹⁰. A *shul* or *bais medrash* does not belong to any single person, and so *chametz* that is in such a place does not belong to any specific person. Why, then, is there a requirement of *bedikas chametz*? The Aruch Hashulchan (Orach Chaim 433:12) explains that this obligation must be based upon Tosafos' reason of the concern of eating *chametz*. Although the *chametz* may be ownerless, there is still a concern of eating the *chametz*, and so a *bedika* must be performed with a *bracha*. However, according to Rashi's reason of a concern of owning *chametz*, a *bracha* cannot be made¹¹.

Based on this, if the reason for *bedikas chametz* is the concern of owning *chametz*, there would not be an obligation of *bedikas chametz* in a hotel room, where the contract does not stipulate that the guest is renting the room; technically, the hotel reserves the right to move a guest to a different room if it so wishes. Indeed, some *poskim*, based upon this line of reasoning, rule that a *bracha* should not be recited when performing *bedikas chametz* in a hotel¹². However, if the reason for *bedikas chametz* is the concern of eating *chametz*, a *bracha* may be recited upon *bedika* in a hotel, since there is, indeed, a concern of eating *chametz*.

The Shevet Halevi (1:135) offers an alternate explanation for the need of *bedikas chametz* in a *shul*. Although according to Rashi, the original reason for the obligation of *bedikas chametz* is the concern of owning *chametz*, Chazal, based upon this concern, created an obligation for *bedikas chametz* upon those with the rights to use the property, regardless of whether they actually own the property or the *chametz*. Based on this, the Shevet Halevi (10:68) rules that a *bracha* should be made when doing *bedikas chametz* in a hotel, since regardless of halachic ownership, the hotel has granted the right of use of the room to the hotel guest. Additionally, as discussed above, many *poskim* rule that the main reason for the obligation of *bedikas chametz* is the concern of eating the *chametz*. The Mishna Berura's ruling that a *bracha* is made when searching a *shul* or *bais medrash* indicates that he agrees with one of the two reasons given, and so a hotel would also require a *bracha*. This is the consensus of other modern-day *poskim* as well (Chovas Hadar *Bedikas Chametz* 13; Chut Shani Pesach page 88:4; Tamtzis Halachos pg. 45 (17) in the name of Rabbi Yosef Shalom Eliashiv)^{13,14}.

Guest in a private home: The obligation to do *bedikas chametz* in the room of a private home where one is staying (e.g., one's parents' home) is less clear. Based on what has been explained, according to the reason of the concern of eating *chametz*, one could posit that the obligation applies in the room where the guest is staying, since this concern applies to the guest, and not to the host, who will not be using the room. Accordingly, a *bedika* must be done and a *bracha* can be made. This is the opinion of some *poskim* (Shulchan Shlomo Pesach 5:18; see also Mishna Berura 436:28). However, the Shevet Halevi (4:44), based upon his aforementioned explanation, rules that a *bracha* cannot be made, because the informal nature of a house guest means that the host is not actually giving the right of usage to the guest, but is merely allowing the guest to use the room for the time being. A recommended resolution to avoid the question of a *bracha* would be for the guest to hear the *bracha* from the host when the host makes his *bracha* on his *bedika*.

In concluding, *bedikas chametz* is an integral part of Pesach. Properly understanding its application when one is going away from home for Pesach will ensure that one can fulfill this important mitzvah properly even when staying elsewhere for Pesach.

¹⁰ As opposed to the obligation to check any area which may contain *chametz*, which is separate from the main enactment of *bedikas chametz* and would not warrant a *bracha*, as was explained regarding a rented home.

¹¹ A *bedika* must still be performed in areas of the room that are actually being used, since any place of use which may contain *chametz* must be checked before use (see Ran Pesachim *dapei haRif* 1b s.v. *hamaschir*), though this is not included under the actual obligation of *bedikas chametz*, but is a separate requirement.

¹² Though a *bedika* must still be done; see previous footnote.

¹³ The *bedika* procedure should be done as regular. Someone who has the custom of hiding pieces of *chametz* before *bedikas chametz* should do so in a hotel as well.

¹⁴ If the landlord/hotel owner is not Jewish, the Jewish guest makes a *bedika* with a *bracha*. If the landlord/owner is Jewish, see above regarding whether the landlord or renter/guest is obligated in *bedika* and the ramifications regarding the renter/guest making a *bracha* upon his *bedika*.

Points to Ponder:

Must bedikas chametz be performed on a car and, if yes, should a bracha be recited upon checking it?

Must someone who leaves home before Purim but plans on returning on Pesach perform a bedika before departing?

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