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פסחים ב' ע"א
 תוספות ד"ה אור לארבעה עשר

Since ביטול removes the חיוב of ימצא ובל יראה, why is חמץ בדיקת necessary?

On דף ד' ע"ב, the גמרא indicates that when one performs ביטול חמץ prior to the time of איסור, he will no longer transgress ובל יראה ובל ימצא. Furthermore, on דף ו' ע"ב, the גמרא states that ביטול חמץ is required even if one already performed בדיקת חמץ.¹ This raises the question: Since there is a חיוב to perform ביטול חמץ specifically, and ביטול חמץ itself averts the transgression of ובל ימצא, why is it necessary to perform בדיקת חמץ at all? This question becomes all the more pronounced on דף ד' בדיקת חמץ מדרבנן הוא דמדאורייתא בביטול בעלמא סגי ליה" where the גמרא states: דף י' ע"א and ע"ב ("בדיקת חמץ מדרבנן because ביטול alone suffices דמדאורייתא"). Why did the חכמים require בדיקת חמץ, even after the performance of ביטול חמץ?

שיטת רש"י

רש"י states that בדיקת חמץ is required in order to avoid the איסור of ימצא ובל יראה. This comment seems especially perplexing, for the process of ביטול חמץ addresses the איסור of ימצא ובל יראה, and thus, בדיקת חמץ should not be required! What does רש"י mean?²

¹ The גמרא there explains that ביטול חמץ has an advantage over בדיקת חמץ, as it addresses a particular situation which בדיקת חמץ can't. [The exact situation is spelled out in that גמרא, and there are a wide range of opinions in the ראשונים there about its details.] That is why the חכמים deemed בדיקת חמץ to be insufficient, and ביטול חמץ must always be performed.

² The ר"ן answers that, in the times of the משנה, the חכמים had not yet enacted that בדיקת חמץ is insufficient. As the אור חדש points out, nowhere in משניות is the דין of ביטול חמץ discussed. Thus, the משנה could be referring to someone who chose to perform בדיקת חמץ alone, without ביטול חמץ, in which case רש"י's comment makes perfect sense. Indeed, the מהרש"א on דף ו' דף י' on מהרש"א states that, according to רש"י, all משניות which discuss בדיקת חמץ refer to situations where ביטול was not performed. [The מהרש"ל there disagrees.]

According to this approach, רש"י could technically agree that after ביטול חמץ has been performed, the only reason the חכמים enacted בדיקת חמץ was to prevent one from inadvertently eating חמץ that may remain in his possession (along the lines of the explanation of תוספות). The reason רש"י wouldn't have explained the משנה this way is because he interprets it as a case where one performed בדיקת חמץ without ביטול חמץ, which was an acceptable option in the times of the משנה, and he therefore explains the purpose of בדיקת חמץ when ביטול חמץ was not done. Indeed, this is the approach of רבנו דוד.

It is clear that תוספות disagree; they hold that בדיקת חמץ alone was insufficient even in the times of the משנה. [The most likely explanation is that תוספות hold that there is only one obligation התורה – to perform ביטול חמץ, whereas the obligation of בדיקת חמץ is entirely מדרבנן, as might be construed from their words "אמאי הצריכו חכמים בדיקה כלל". As such, בדיקת חמץ alone is certainly insufficient, and always was, even in the times of the משנה. Alternatively, even if the obligation of בדיקת חמץ is התורה, they would hold that the חכמים already enacted in the times of the משנה that בדיקה alone is insufficient. For more about the role that בדיקת חמץ serves התורה, according to תוספות, see Shiur 2 footnote 9, and also Shiur 4 of ב' פרק.]

In any case, the פני יהושע considers the ר"ן's approach to be a דוחק, and also unnecessary in light of the ר"ן's own subsequent explanation of רש"י, as detailed in our elaboration of שיטת רש"י. Additionally, nowhere does רש"י mention the concern of יבא לאכלו in the context of בדיקת חמץ, and it is hard to imagine that he would have neglected to mention something as fundamental as the very basis of בדיקת חמץ, unless he disagrees with it.

One way of explaining רש"י³ Although ביטול חמץ must certainly be performed, nevertheless, the חכמים instituted that it should not be relied upon exclusively. In other words, even after ביטול חמץ, one must take all the steps that are required of one who has not performed ביטול. Since it is as if he has not performed ביטול, he now has a requirement to perform בדיקת חמץ to avoid the prohibition of בל יראה ובל ימצא!

Why did the חכמים decree that ביטול חמץ should not be relied upon exclusively? In the ראשונים, we find a variety of reasons⁴, including the following two:

- a) The חכמים were concerned that the ביטול may have not been performed whole-heartedly, thus rendering it invalid (ר"ן).
- b) The חכמים were worried that the individual might find a tasty piece of חמץ on פסח, and change his mind about the ביטול, thus invalidating it (רע"ב).

The common denominator between these approaches is that the חכמים were concerned that one's ביטול might be deficient, which would cause him to transgress ובל יראה ובל ימצא. Therefore, the חכמים mandated בדיקה, as another safeguard to prevent him from transgressing ובל יראה ובל ימצא!

It emerges that the words of רש"י contain two layers of meaning. רש"י is telling us:

1. If ביטול **was not** performed, בדיקת חמץ is required to avoid ומדאורייתא ובל ימצא.
2. If ביטול **was** performed, the חכמים were concerned that it might have been deficient, and they enacted בדיקת חמץ as another safeguard to protect him from ובל ימצא.

שיטת התוספות

argue with רש"י; they maintain that the reason for בדיקת חמץ is **not** in order to avoid transgressing ובל ימצא, for ביטול alone adequately addresses that purpose. Rather, the חכמים instituted בדיקה in order to prevent one from encountering חמץ on פסח and inadvertently eating it. Thus, ביטול and בדיקה serve two entirely different functions. ביטול serves to avoid transgressing בל ימצא, and בדיקה prevents one from accidentally encountering and eating חמץ on פסח.

לשיטתם are תוספות and רש"י

On דף ד' ע"ב, there is a fundamental מחלוקת between רש"י and תוספות about the mechanics of ביטול. According to רש"י's opinion, ביטול is the process of rendering one's חמץ as inherently insignificant – like the dust of the earth. According to תוספות however, ביטול is the process of being מפקיר

³ This explanation is based on the ר"ן; the פני יהושע states that it is a plausible explanation for רש"י.

⁴ Another way of explaining רש"י: The downside with ביטול is that it can be performed quickly and easily, without much focus, and the חכמים were concerned that one might forget to perform it entirely. That is why they instituted בדיקה:

1. Due to the effort it requires, it would be next to impossible for a person to forget it. Thus, even if the person forgot to do ביטול, he will remember to do בדיקה, which also has the power to circumvent the איסור of ובל ימצא.

(This explanation is **based** on the words of רבנו פרץ בשם רבנו יחיאל מפרי"ש. However, the way it is expressed there is that the חכמים enacted בדיקה to **remind** him to perform ביטול. This would imply that בדיקה alone does not address ובל ימצא, and its only function is to remind one to perform ביטול, unlike רש"י who holds that בדיקה itself addresses the concern of ובל ימצא. Nevertheless, their explanation can be adapted to explain the opinion of רש"י, in the above manner. See also רבנו מנחם אור זרוע סי' רנ"ו בשם רבנו מנחם who states "חיישינן שמא ישכח הביטול ומתוך כך תיקנו (א"ר"ח סי' ת"מ קו"א סק"א בהג"ה) that a person more instinctively abstains from חמץ which does not belong to him than from חמץ which does belong to him. That is why a מחיצה serves as a sufficient reminder not to eat the gentile's חמץ, but is insufficient as a reminder regarding his own חמץ.)

2. Furthermore, if a person is required to perform **two** things – ביטול and בדיקה – it is unlikely that he will forget **both**. This ensures that he does not violate the איסור of ובל ימצא (פני יהושע and חכמת מנוח).

⁵ On דף ו' ע"א, the גמרא discusses the חמץ of a נכרי in the רשות of a ישראל. The גמרא there establishes that there is no concern of ובל ימצא, but is still concerned that the ישראל might eat it. To address this concern, the חכמים mandated that the gentile's חמץ be cordoned off with a מחיצה, as a reminder that it may not be eaten. We see from this that a מחיצה is effective in addressing the concern of eating חמץ. If so, why did the חכמים require בדיקת חמץ to prevent one from eating his own חמץ, instead of just having him erect a מחיצה? The Alter Rebbe answers (א"ר"ח סי' ת"מ קו"א סק"א בהג"ה) that a person more instinctively abstains from חמץ which does not belong to him than from חמץ which does belong to him. That is why a מחיצה serves as a sufficient reminder not to eat the gentile's חמץ, but is insufficient as a reminder regarding his own חמץ.

(declaring ownerless) one's חמץ. In other words, ביטול is essentially a קנין through which one removes the חמץ from his possession. [The opinions of רש"י and תוספות (and the various ways of explaining them), as well as the opinions of the other ראשונים, are elaborated upon on ע"ב ד' ע"ב.]

One ביטול between these two approaches concerns an insincere נפק"מ:

According to רש"י, since ביטול is essentially a **thought-process** or **mindset**, it follows that an insincere mindset is meaningless. Similarly, it follows that one's former state of mind is nullified through a subsequent change of mind. However, תוספות holds that ביטול is a קנין, and is thus not (merely) a mindset, but primarily, a process of **speech** or **action** through which one **executes** the קנין.⁶ In this process, one's (indiscernible) thoughts are of no consequence, as per the famous principle "דברים שלב אינם דברים" ("matters of the heart are of no consequence"). Thus, תוספות is not concerned about one's thoughts being insincere or short-lived, for the ביטול still remains valid.

That is why רש"י's reason for the תקנה of חמץ בדיקת was in case the ביטול was insincere, or in case the מבטל changes his mind, for according to רש"י, these things disqualify the ביטול. However, תוספות would not accept this approach, for according to them, an insincere ביטול or change of mind does not disqualify the ביטול. [שו"ת רעק"א קמא סי' כ"ג וחי' הרי"מ שו"ת או"ח סי' ז']

Another נפק"מ between these two approaches concerns one's attitude towards the חמץ after ביטול:

According to רש"י, the process of ביטול requires one to adopt the attitude that his חמץ is truly insignificant. However, according to תוספות, the process of ביטול merely renders it ownerless, but it does not necessarily reduce the חמץ's significance in the eyes of the מבטל.

That is why תוספות's reason for the תקנה of חמץ בדיקת was in case one will want to eat any חמץ he encounters, for the process of ביטול has not reduced the significance of the חמץ in his eyes. However, רש"י does not adopt this approach, for according to him, the process of ביטול changes one's attitude towards the חמץ. After undergoing such a process, there is far less concern that he will want to eat חמץ that he now regards as truly insignificant.

דף י' ע"ב of סוגיא The

רבא discusses חמץ perched on top of a high beam, which can only be removed with a tall ladder. רבא asks: Are we to say that the חכמים do not trouble him to remove the חמץ, being that there is no reason to expect it to come down during פסח, and thus, it is unlikely that he will encounter the חמץ and inadvertently come to eat it? Or, are we to say that he must remove the חמץ, for it might otherwise fall down during פסח, and he may inadvertently eat the חמץ when he encounters it?

This סוגיא is clearly focused on the concern that one may encounter and inadvertently eat חמץ on פסח. From this, תוספות proves that the reason for חמץ בדיקת is in order to prevent one from encountering and inadvertently eating חמץ!

דף י' ע"ב on גמרא rejects תוספות's proof, for the גמרא is clearly not talking about **searching** for חמץ which may or may not exist, but rather, about how to deal with "חמץ ידוע" (חמץ that is **known** to exist). Generally speaking, when one **knows** that he has חמץ, he must certainly remove it before פסח, so that he should not inadvertently eat it. This, then, is the גמרא's question on ע"ב ד' ע"ב; must one remove חמץ which he **knows** to exist even in a case

⁶ Many ראשונים (including the ר"ן) subscribe to the view that ביטול is a form of הפקר, albeit a unique form of הפקר which applies only to חמץ, and which is primarily a thought-process. However, תוספות holds that ביטול is essentially the typical הפקר. Accordingly, the פרי מגדים writes (א"א סי' תל"א סק"ב) that תוספות certainly invalidate the ביטול if it wasn't verbalized.

⁷ This rule applies only to a process which occurs **primarily** through speech or action, in which case one's (indiscernible) thoughts are of no consequence. However, when a process occurs **primarily** through thought alone, then one's thoughts are certainly of relevance – even if they are indiscernible. This is why רש"י holds that insincerity or a change of heart will invalidate the ביטול – even when these thoughts are indiscernible – for רש"י holds that the process of ביטול occurs through thought alone, and any verbal declaration of ביטול is nothing more than a disclosure of one's thought process. [רעק"א]

where it is highly unlikely that he will encounter it and come to inadvertently eat it, such as when it is on top of a beam? However, there is no indication from that גמרא whatsoever as to why one must **search** for חמץ that is **not known** to exist! Thus, that סוגיא it is not relevant to בדיקת חמץ.

The פני יהושע explains in greater detail:

- ❖ When חמץ is **known** to exist in a certain location, and it is **known** that one will encounter the חמץ during פסח, the concern that he might inadvertently eat it is not farfetched at all. That is why the גמרא on ע"ב דף י' takes for granted that such חמץ must **certainly** be removed. Indeed, the גמרא on עמוד א' דף ו' is similarly concerned with regards to חמץ that was discovered on פסח.
- ❖ When חמץ is **known** to exist in a certain location, but it is **unknown** whether one will encounter it during פסח, it is questionable whether he must worry about inadvertently eating it on פסח. This is why the גמרא on ע"ב דף י' **asks** about the removal of חמץ on top of a beam.
- ❖ With regards to unknown חמץ however, the concern that he might inadvertently eat it is subject to **many** doubts: Who is to say that חמץ exists on his property? Even if חמץ is present on his property, who is to say that he will encounter it during פסח? Even if he encounters it during פסח, who is to say that he will be interested in eating it? Even if he is interested in eating it, who is to say that he will forget that it is אסור for him to do so! Thus, רש"י holds that such a farfetched concern could not possibly be the חכמים' reason to require one to undergo the laborious task of performing the בדיקה.⁸

Even with רבינו יחיאל's defence, רש"י's position remains difficult: Even if the גמרא on ע"ב דף י' does not prove whether תוספות's reason for בדיקה is correct, it still seems to prove that רש"י's reason is incorrect! רש"י holds that the חכמים required בדיקה out of the concern that one's ביטול might be deficient, which would cause him to transgress ובל יראה ובל ימצא. If so, why would רבא ask whether חמץ at the top of the beam must be removed? According to רש"י, it most certainly should be removed, for even were the חמץ to remain at the top of the beam throughout פסח, he would still be transgressing ובל יראה ובל ימצא in the event that his ביטול was deficient!

The אור זרוע answers: (דף כ"א ע"א on) תוספות makes the point that "לא ימצא", which literally means that no חמץ shall be **found** in your possession, also means that no חמץ shall be "מצוי" – **available** in your possession. Applying the point of תוספות here, the אור"ז asserts that חמץ perched on top of a high beam is considered "unavailable", and one does not transgress ובל יראה ובל ימצא. The only question of the גמרא is whether one must remove it, since he **knows** the חמץ to exist, and if it falls down, there is the (likely) concern that he will encounter the חמץ and inadvertently eat it⁹.

⁸ רבינו יחיאל מפרי"ש and תוספות are essentially debating the following issue: Are we more concerned that one might come to eat unknown חמץ, or חמץ on top of a beam?

תוספות holds that the concern of לאכול שמה יבא **certainly** applies to unknown חמץ, whereas the גמרא is **uncertain** if it applies to חמץ on top of a beam. In other words, we are more concerned that one might come to eat unknown חמץ than חמץ on top of a beam. The explanation: If the unknown חמץ does exist, it may very well be located in an accessible location, whereas חמץ on top of a beam is located in a very inaccessible location.

According to רבינו יחיאל מפרי"ש however, the reverse is true – the concern of לאכול שמה יבא **does not** apply to unknown חמץ, whereas the גמרא is **uncertain** if it applies to חמץ on top of a beam. In other words, we are more concerned that one might come to eat חמץ on top of a beam than unknown חמץ. The explanation: There is greater worry about encountering חמץ know to exist than חמץ not known to exist.

Summary: In defining the parameters of לאכול שמה יבא, we see that תוספות focuses on the חמץ's **accessibility (i.e. location)**, whereas רבינו יחיאל מפרי"ש focuses on the **likelihood** of the **person** encountering such חמץ.

⁹ **Question:** According to this explanation, if the חמץ falls down from the beam, there will be **two** problems. Firstly, there is the worry the person may come to inadvertently eat it, and secondly, there is the worry that he will transgress ובל יראה in the event that his ביטול was deficient, for now it is מצוי. If so, when discussing the חמץ falling, why does the גמרא only mention the former problem, and not the latter problem? [Perhaps one might answer that it is more likely for the person to inadvertently eat it than for his ביטול to be deficient.]