Laws of Chametz and Matzah, Chapter 2 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Chapter 2 — Laws of Chametz and Matzah (Rambam)

Law 1: The Positive Commandment of Removing Chametz

The Rambam's Words

"It is a positive commandment from the Torah to remove chametz before the time when eating it becomes forbidden, as it says 'on the first day you shall remove leaven from your houses.' From the oral tradition they learned that this 'first' refers to the fourteenth day. And proof of this is what the Torah wrote 'you shall not slaughter upon chametz the blood of My sacrifice,' meaning you shall not slaughter the Pesach offering while chametz still exists, and the slaughter of the Pesach offering is on the fourteenth day after midday."

Plain Meaning

There is a positive commandment from the Torah to nullify/destroy chametz before the time when it becomes forbidden to eat chametz. The verse "on the first day you shall remove leaven from your houses" refers to the 14th of Nissan, as was received through the oral tradition.

Insights and Explanations

1. **Problem with the plain meaning of "on the first day":** "On the first day" cannot mean the first day of Pesach, because by then one is already deep into the prohibition. The Rambam therefore says it is "from the oral tradition" — a tradition from Moshe Rabbeinu — that "first" means the 14th day. If it were stated clearly in the verse, the Rambam would not have needed to say "from the oral tradition."

2. **A suggestion for understanding "on the first day":** "On the first day" can mean the first day when there is a prohibition of chametz — and that is erev Pesach (the 14th of Nissan), when the prohibition of chametz already begins from midday. This would fit with the Rambam's approach.

3. **"Seven days" vs. eight days:** If "on the first day" already means erev Pesach, doesn't that make eight days, not seven? The answer: "Seven days you shall eat matzot" speaks only of the mitzvah of matzah — seven days. But the prohibition of chametz begins already from erev Pesach midday, which makes eight days of chametz prohibition. On the first day of chametz prohibition (erev Pesach) there is the mitzvah of tashbitu, but not yet the mitzvah of matzah.

4. **The proof from "you shall not slaughter upon chametz the blood of My sacrifice":** The Rambam brings as proof the verse that one may not slaughter the Pesach offering while chametz still exists. Since the slaughter of the Pesach offering is on the 14th day after midday, "on the first day you shall remove" must also mean the 14th day.

5. **Question: Why does the Rambam bring a new verse?** In chapter 1, the Rambam already brought the verse "you shall not eat leavened bread with it" as the source that erev Pesach is already forbidden. Why does he bring here a new verse "you shall not slaughter upon chametz"? The distinction: "You shall not eat leavened bread with it" speaks of eating (eating chametz), but "you shall not slaughter upon chametz" speaks of having chametz — "while chametz exists" — which is more relevant to the mitzvah of hashbatah (removing the chametz from one's domain).

6. **Question: Why isn't "you shall not slaughter upon chametz" a prohibition on having chametz on erev Pesach?** If the verse "you shall not slaughter upon chametz the blood of My sacrifice" means that one may not have chametz at the time of slaughtering the Pesach offering, why doesn't the Rambam count it as a separate prohibition? The Rambam brings it only as "proof of the matter" — support for the interpretation that tashbitu means erev Pesach. No clear answer is given.

7. **Why do we need a positive commandment of hashbatah when there is already "lo yera'eh"?** If there is already a prohibition of "lo yera'eh v'lo yimatzei," why do we need another positive commandment of tashbitu? The answer: It is a simple thing in the Torah that there is both a prohibition and a positive commandment on the same matter — "lav v'aseh."

Law 1 (continued): What Does "Hashbatah" Mean — Bitul B'lev

The Rambam's Words

"What is this hashbatah stated in the Torah? That one should nullify the chametz from one's heart and consider it like dust, and place in one's heart that there is no chametz at all in one's domain, and all chametz that is in one's domain is like dust and like something that has no use whatsoever."

Plain Meaning

The hashbatah of the Torah is bitul b'lev — one should regard the chametz as dust, as something that has no value at all, and one should think that one has no chametz at all in one's domain.

Insights and Explanations

1. **Bitul alone suffices — the Rambam's approach:** The Rambam learns from the Gemara that "bitul alone suffices" — it is enough to nullify the chametz in one's heart, without physically removing it. From the Torah, one does not need to search for and remove chametz — it is enough to think that the chametz is like dust. A rejected interpretation — that the Torah means only "remove the chametz that is lying on your table" — is "certainly not true," because with bitul alone one does not need to remove anything.

2. **Question: Is bitul also the plain meaning of "lo yera'eh"?** If the Rambam says that hashbatah from the Torah is bitul b'lev, is this also the plain meaning of "lo yera'eh v'lo yimatzei"? The Rambam says "what is the hashbatah stated in the Torah" but does not say "what is lo yera'eh stated in the Torah" — which is interesting. From the Torah, one may indeed have chametz in the house — one just may not "hold onto it." Lo yera'eh v'lo yimatzei is fulfilled through bitul b'lev, not through physical removal.

3. **Dispute: Does chametz physically remain after bitul?** One side says: yes, "all chametz that is in one's domain is like dust" — even if it lies there, it is like dust. The other side says: it is not reasonable that from the Torah one means that chametz should remain lying — "all chametz that is in one's domain" means chametz that has remained (not what one has intentionally left), and this one nullifies.

4. **"His actions prove" question:** If someone has nice chametz in his house, doesn't "his actions prove" that he holds onto it — "his mouth and heart are not equal"? The answer: He regards it as dust, he doesn't hold onto it at all. Practically, if he truly doesn't hold onto it, it will naturally go out. But this is a practical matter, not a law.

5. **Chametz sheb'lev — the Chassidic interpretation:** The Chassidic concept of "chametz sheb'lev" is brought in. But the Rambam's innovation is deeper: Chassidim mean that only matters of the heart can be nullified in the heart, but the Rambam says that even actual, physical chametz can be nullified in the heart — because the essence is the heart. Everything else (the physical removal) is only rabbinic.

Law 2: Searching for Chametz is Rabbinic — The General Rule

The Rambam's Words

"But from the words of the Sages — to search for chametz in its hiding places and holes, and to check and remove it from all one's territory."

Plain Meaning

The Sages enacted that one should search for chametz in all hiding places, remove it and destroy it.

Insights and Explanations

1. **Searching for chametz — Torah law or rabbinic?** According to the Rambam, searching for chametz (the searching and removing) is a rabbinic law, not Torah law. From the Torah, bitul b'lev is sufficient. The Sages enacted that one must go search everywhere in one's entire domain.

2. **Bedikat means bi'ur, not just searching:** "Bedikat chametz" doesn't mean just searching — it means bi'ur (destroying/removing). The proof: the blessing is "al bi'ur chametz," not "al bedikat chametz." This shows that the entire process — searching, finding, and removing — is one mitzvah of bi'ur. Bedikat chametz is essentially a "proactive bi'ur," a practical hashbatah.

3. **The Rambam doesn't state the reason for rabbinic bedikat:** In the Gemara there is a dispute: Rashi says the reason is lest he come to eat it; other Rishonim say the reason is lest he did not nullify with a complete heart. The Rambam does not explicitly state the reason.

4. **Where the Rambam places bedikat — shows the reason:** Because the Rambam places bedikat chametz next to tashbitu (not next to the prohibition of eating, not next to lo yera'eh), we see that according to the Rambam, bedikat is a rabbinic interpretation/fulfillment of tashbitu. Rabbinically, tashbitu means not only bitul b'lev, but actually removing it in practice.

5. **Question from Acharonim: Can bedikat become Torah law?** If according to the Rambam bedikat is a fulfillment of tashbitu rabbinically, the Acharonim ask: if someone did not nullify in the heart, does bedikat then become a Torah commandment? One can hear this in the Rambam — because if bitul b'lev is the Torah way, and one did not do it, one perhaps needs a practical hashbatah. And "all the more so" — if hashbatah in the heart works, certainly it also works when one throws it out in practice.

6. **"Put your money where your mouth is" — prove the bitul:** One can view rabbinic bedikat as "proof" that the bitul is genuine — "let's see if you really mean it." If you keep the chametz and you say you are nullifying it, that is not consistent.

7. **Important principle in understanding the sugya — bitul vs. bedikat:** From the Torah it says "tashbitu" — a normal householder understands this as take the chametz and throw it out. But the Sages (scholars of the Talmud) learn that the essence of "tashbitu" is bitul. Therefore bedikat is rabbinic. But this doesn't mean that once people conducted themselves with bitul alone and then the Sages came and enacted bedikat because it became a stumbling block. On the contrary: **People always used to check** — this is the normal custom. Only the scholars, the Gemara, learn that fundamentally from Torah law this is not required, because bitul alone is sufficient.

8. **Distinction between types of rabbinic laws:** There are decrees that came to prevent a new problem (as people did not conduct themselves that way before). But bedikat chametz is different — people always conducted themselves this way, only the Sages figure out that from Torah law it is not required. This brings leniencies and details in the laws of bedikat.

9. **Analogy from Shabbat:** By Shabbat, "tishbot" means that one should not do actions — the thought of "all your work is done" comes through not doing work. By chametz, however, the thought (bitul) itself is sufficient from Torah law.

Law 3: Time and Manner of Bedikat

The Rambam's Words

"One searches for chametz at night from the beginning of the night of the fourteenth by candlelight. Reason: because at night all people are found in their homes, and candlelight is good for searching."

Plain Meaning

The Sages enacted that one should search for chametz at night on the 14th of Nissan, with a candle.

Insights and Explanations

1. **"Candlelight" — to exclude what?** "Candlelight" doesn't mean to exclude daytime (because during the day one simply doesn't do it), but rather to exclude a torch or other illumination — a candle is specifically better for bedikat.

2. **Two separate reasons:** (a) At night — because all people are in the house; (b) With a candle — because candlelight is good for bedikat. These are two separate reasons.

Law 3 (continued): One Does Not Establish a Study Session — Not Beginning to Learn

The Rambam's Words

"And one does not establish a study session at the end of the thirteenth day, and likewise a scholar should not begin to read in his house, lest he be drawn in and prevented from bedikat at the beginning of its time."

Plain Meaning

One does not set up a public lecture at the end of the 13th day, and even a scholar alone should not begin learning, so that he will not be drawn in and miss the time of bedikat.

Insights and Explanations

1. **"Midrash" vs. "reading":** "Midrash" means a fixed public lecture; "to read" means learning privately. "Reading" doesn't necessarily mean Scripture — it means learning in general (even Gemara). Because it cannot be that a scholar learns only Scripture.

2. **"Lest he be drawn in" — the principle that Torah draws:** The entire law is built on the fact that learning Torah is a "thing that draws" — it pulls a person in. This is parallel to the law that one may not begin a meal before Minchah (or before a mitzvah), because one will be drawn in.

3. **The Ran's innovation regarding Torah scholars:** The Ran says that what it says "the time of Torah scholars is from Shabbat to Shabbat" means most Shabbatot, because it can certainly happen that a scholar doesn't come home Friday night because he got caught up in a difficult sugya. A scholar cannot have a "fixed schedule" for when he finishes — because learning must be "his work is temporary," it is a thing that draws.

4. **[Digression: Practical moral lesson]** If someone has a fixed time when he must finish (like picking up a child), for him there is no "lest he be drawn in" — he always knows when he finishes. The law speaks of learning that doesn't have a fixed end time.

5. **[Digression: The Ropshitzer Rebbe]** R' Yerushalayim Mordechai had study partners, and he would never stop on his own — the study partner always had to close, because the Rebbe would have learned without end. This is an example of "lest he be drawn in."

Law 4: One Does Not Search by Moonlight or Sunlight

The Rambam's Words

"One does not search by moonlight or by sunlight… nor by torchlight, but only by candlelight."

Plain Meaning

Bedikat chametz must be specifically with a candle (light), not with moonlight, not with sunlight, and not with a torch.

Insights and Explanations

1. **What "by sunlight" means:** Not that during the day sunlight is not good (because later the Rambam says that an achsadrah can indeed be checked by sunlight), but rather it means that at the beginning of night, at sunset, one should not rely on the last rays of sun, but use a candle.

2. **"By candlelight" is specific:** Not that the Sages only gave an idea of illumination and one can substitute. A person would have thought that a torch is even better because it is a greater light, but the Gemara says that a torch is difficult to check with because the light doesn't go into narrow places.

3. **Practical application for today:** A flashlight has a similarity to a candle because it shines focused light to a specific place, better than a large light which is more similar to sunlight or torchlight. (This is not a practical ruling but a study comparison.)

Law 5: Achsadrah by Sunlight; Middle of the Courtyard

The Rambam's Words

"In what case are we speaking — in holes and hiding places… but an achsadrah that has much light, if one checked it by sunlight, that is sufficient. And the middle of the courtyard does not require bedikat because birds are commonly found there and they eat any chametz that falls there."

Plain Meaning

The law of a candle is only for dark places — holes and hidden corners. An achsadrah (open place with much light) can be checked with sunlight. The middle of the courtyard doesn't need bedikat at all because birds eat everything there.

Insights and Explanations

1. **The "but" of achsadrah:** The "but" is not the opposite of holes and hiding places specifically, but rather the opposite of a room where it is not bright. Even a room without windows needs a candle — the distinction is between bright and dark places.

2. **Innovation regarding today's houses:** In ancient times, houses did not have large windows, therefore only an achsadrah (which has no walls) was illuminated enough. But today, where every room has large windows, practically every room during the day has the law of achsadrah — one can check by sunlight.

3. **The essence of bedikat is that one should see:** It is not a decree of Scripture on a candle per se.

4. **Middle of the courtyard — presumption:** One relies on a presumption that birds eat everything. This shows that one can rely on logic and presumption in bedikat chametz.

Law 6: A Hole Between a Jew and His Neighbor / and a Non-Jew; As Far as His Hand Reaches

The Rambam's Words

"A hole in the middle of a house between him and his neighbor — this one checks as far as his hand reaches and this one checks as far as his hand reaches, and the rest he nullifies in his heart."

Plain Meaning

A hole between two houses — each one checks from his side until where his hand reaches, and the rest is nullified in the heart.

Insights and Explanations

1. **The enactment is only as much as is applicable:** The Sages did not obligate breaking a wall or doing extreme actions. Where one cannot physically reach, bitul b'lev is sufficient — because bitul b'lev is the essence from Torah law, and bedikat is only an enactment as much as it is feasible.

2. **"His hand reaches" without special tools:** "Where his hand reaches" means without special equipment — without a

ladder, without special tools.

Regarding a Hole Between a Jew and a Non-Jew

The Rambam's words (according to certain versions): A hole between a Jew and a non-Jew — does not require bedikat, because of danger.

Insights

1. **The Maggid Mishneh does not have this passage.** In the printed edition it appears in "Ishtana'i Rav Shilat."

2. **Connection to the Rambam's approach that witchcraft doesn't exist:** The Gemara's reason why not to check by a non-Jew's hole is because the non-Jew will think the Jew is doing "acts of witchcraft." But according to the Rambam who doesn't believe in witchcraft, the reason is problematic — the non-Jew also shouldn't believe in witchcraft.

3. **Dispute in the Gemara:** The Maggid Mishneh brings that there is a dispute in the Gemara whether one must be concerned — perhaps therefore the Rambam omitted it.

4. **The main principle:** The Sages did not decree the decree in a place of danger — this is a broader principle that rabbinic laws are not applied where there is danger.

Law 7: Any Place Where One Does Not Bring Chametz Does Not Require Bedikat

The Rambam's Words

"Any place where one does not bring chametz does not require bedikat."

Plain Meaning

A place where one does not put chametz does not need bedikat.

Insights and Explanations

1. **What does "one does not bring" mean:** Not that one doesn't put every day, but rather that there is no reason to think that one ever put chametz. Even if it is a place where perhaps a servant sometimes puts down his bread — that already counts as "bringing."

2. **Interesting presumption:** By the middle of the courtyard one relies that birds have eaten it, but here one relies on logic that one did not bring it in at all. Both are presumptions that exempt from bedikat.

Law 8: Which Places Require Bedikat and Which Do Not — Details

The Rambam's Words

Places like a yetzi'ah (small storage with a sloped roof), refet bakar (cattle shed), lulin (chicken coop), matben (place for straw), wine storehouses and oil storehouses from which one does not use, house of large fish — do not require bedikat, unless one knows that one brought chametz into them. But places like beer storehouses, wine storehouses from which one uses, salt house, wax house, house of small fish, wood house, house of brine, the middle holes of the house — require bedikat. And if one knows with certainty that one did not bring chametz there, it does not require bedikat.

Plain Meaning

The distinction is between places where one does not go in the middle of a meal (like large wine barrels, large fish that need a knife — not practical to take during a meal), and places where one does go in the middle of a meal (beer, wine that one draws from, salt, wax for candles when they go out, small fish, wood, brine, holes in the middle of the house).

Insights and Explanations

1. **The principle of knowledge vs. presumption:** By places that don't have a presumption of chametz (first group) — one does not need to check, **unless one knows that one once brought chametz there**. By places that do have a presumption (second group) — one must check even if one doesn't know, because **generally one brings chametz into them**. But — **if one knows with certainty that one did not bring chametz, it does not require bedikat**. Clear knowledge always goes — stringently and leniently — stronger than a general presumption.

2. **Shekhar = beer from dates:** The shekhar spoken of here is presumably non-chametz beer (from dates), but the place where one keeps it needs bedikat because one goes there in the middle of a meal.

Law 8 (continued): Checking a Wine Cellar — Two Outer Rows

The Rambam's Words

"When one checks a wine cellar, one checks from it the two outer rows — which is the top one and the one below it."

Plain Meaning

When one checks a wine cellar, one does not need to check the entire cellar, only the two outer rows — the top row and the second one below — because these are the places most exposed to a person when he enters.

Insights

In the Mishnah there are two approaches for how to check the cellar; the Rambam rules that one checks the two outer rows.

Law 9: We Are Not Concerned Lest a Weasel Dragged

The Rambam's Words

"We are not concerned lest a weasel dragged chametz to a place where one does not bring chametz, for if we are concerned... we would be concerned from city to city, and there would be no end to the matter."

Plain Meaning

One does not need to be concerned that a weasel (mouse/animal) perhaps dragged chametz to a place where one does not put chametz. Because if one begins to be concerned like this, there is no end — one would have to be concerned from house to house, from city to city.

Insights and Explanations

1. **The Rambam's interpretation vs. Rashi:** The **Ma'or Einayim** brings that the Rambam's interpretation in the Mishnah is different from Rashi. **Rashi** learns that the law of "we are not concerned lest a weasel dragged" speaks **after bedikat chametz** — one should not fear that after the bedikat an animal dragged chametz back. **The Rambam** however learns that this is a law in **a place where one brings chametz** — one does not say that every place becomes

a "place where one brings" just because an animal can drag there.

2. **"From city to city" according to the Rambam:** According to Rashi, "from city to city" means that one would have to be concerned that an animal drags chametz from one city to another (after bedikat). According to the Rambam it means that one would have to check everywhere because everywhere an animal can bring. The language **"and there is no end to the matter"** fits very well with the Rambam's interpretation — it speaks of a principle that one cannot exaggerate concerns.

3. **[Digression: Rabbinic doubt in bedikat chametz]** Bedikat chametz is rabbinic, and normally by rabbinic doubt one goes leniently. Therefore one sees that the Sages were indeed stringent — one must check even places where there is only a doubt whether one brought chametz there (like the middle holes of the house). The answer: This is not a stringency on concerns, but rather **this is the mitzvah itself** — the Sages defined the obligation of bedikat this way, that places with a presumption of chametz require bedikat. But one was not stringent **without measure** — boundaries were indeed set (like "we are not concerned lest a weasel dragged").

Law 10: He Put Down Ten Loaves and Found Nine

The Rambam's Words

He put down ten loaves (ten pieces of bread/rolls) [after the bedikat], and when he comes back before bi'ur chametz he finds only nine — he must be concerned and needs to check a second time.

Plain Meaning

If one of the ten pieces of chametz has disappeared, one must check again, because one knows that somewhere in the house there is a piece of chametz that one doesn't see.

Insights and Explanations

1. **Source of the custom of ten pieces:** From this Rambam appears the source for the custom that one puts away ten pieces of bread before the bedikat.

2. **Loaves = whole pieces, not crumbs:** The Rambam speaks of loaves — whole pieces (rolls/breads), at minimum a kezayit. Less than a kezayit would perhaps be a different law.

3. **Why must one be concerned — it's a rabbinic doubt?** Here it is not a mere concern, but rather **it is almost certain** — he knows that there is a piece of chametz that is missing. The place is **"checked out"** — one knows for certain that somewhere here is chametz that he doesn't see.

4. **Distinction between this law and "we are not concerned lest a weasel dragged":** There it is a pure concern without any basis. But **here there is basis** — he counted ten and finds only nine, it is a reality that something is missing.

5. **"Perhaps he miscounted":** The innovation is that **even though one can argue that he miscounted**, nevertheless one must be concerned.

Law 10 (continued): He Saw a Mouse Enter the House with Chametz in Its Mouth

The Rambam's Words

"If he saw a mouse enter the house with chametz in its mouth after bedikat — he needs to check a second time. Even if he found crumbs in the middle of the house — we do not say he already ate that bread in this place, but rather we are concerned that he left it somewhere in a hole or window. If he found nothing — he must check for it."

Plain Meaning

When one sees a mouse enter the house with chametz after the bedikat, one must check again. Even if one finds crumbs in the middle of the house, one must still be concerned that he hid the whole piece somewhere in a hole or window.

Insights and Explanations

1. **Crumbs are not proof by a mouse: It is not the way of a mouse to make crumbs** — a mouse doesn't crumble like a person (or a child). Therefore, if one finds crumbs, these are just crumbs that were already there before, and it has nothing to do with the mouse's chametz.

2. **One must check even when one finds nothing:** If one finds nothing at the holes and windows — **he must check for it** — one must continue searching.

Law Regarding Crumbs — General Principle

Insights

1. **Crumbs themselves never require bedikat.** The Rambam does not say that one must pick up the crumbs. When one finds crumbs (by a child who brought in bread), one is exempt from bedikat — this shows that crumbs have no significance at all. They are not only "like dust" (like something one renounces), but they are truly nothing — they have no halachic significance as chametz.

2. **Distinction between mouse and child:** The way of a child is to crumble while eating — a child crumbles when it eats, so crumbs by a child show that it ate there. But it is not the way of a mouse to crumble — a mouse doesn't crumble, so crumbs by a mouse show nothing.

Law 10 (continued): Law of Doubts in Bedikat Chametz — Nine Piles of Matzah and One of Chametz

The Rambam's Words

"He put down nine piles of matzah and one of chametz, and a mouse came and took, and we don't know whether it took chametz or matzah, and it entered a checked house — he needs to check."

Plain Meaning

A person prepared nine piles of matzah and one pile of chametz. A mouse took one and brought it into a checked room. One doesn't know whether it took chametz or matzah. The law is that one must check.

Insights and Explanations

1. **Kol kavu'a k'mechtzah al mechtzah:** The basis of this law is the principle of "kol kavu'a k'mechtzah al mechtzah" — everything that is fixed (standing in its place) gets a law like fifty-fifty, even when the majority is matzah. Therefore one cannot rely on the majority, and one must check.

2. **Explanation of the logic of kavu'a — why majority doesn't apply:** The original case is **nine stores** — nine kosher meat stores and one non-kosher. When a person is

standing **in** a store and doesn't know which one he is in, it is not appropriate to say "majority" — because he is **here**, in one specific place. "Majority" is a tool for when one doesn't know from where something **comes**, not when one is already there. The analogy: When a Jew comes from England, one can say "presumably he comes from London" — because most Jews in England live in London. This is **fresh** — the person is already away from there, and one uses majority to determine from where he came. But when a person **travels** to England and one tells him "presumably you're going to London" — that makes much less sense. He is **there**, he is in a specific place.

3. **One must remove the concept of "chances":** If one thinks in modern terms of probability, one will not understand the distinction between kavu'a and fresh — because statistically the chance is the same. But the Sages don't look at doubts through "chances" — they look at doubts differently. When one removes the concept "chances" and one looks at this with straight logic, the distinction between kavu'a and fresh is very natural and simple.

4. **The Ra'avad's approach by kavu'a:** The Ra'avad, who disagrees with the Rambam in other cases (because he holds rabbinic doubt leniently), would perhaps agree here, because by kavu'a it becomes truly an equal doubt (mechtzah al mechtzah), not just a doubt where one can be lenient because of rabbinic doubt.

Dispute of Ra'avad on the Rambam — Doubts in Bedikat Chametz

Ra'avad's Question

The Ra'avad does not agree with the Rambam's entire approach. His claim: all these doubts in the Gemara speak about bitul (which is from Torah law), but bedikat is only rabbinic. If so, one should say rabbinic doubt leniently, and one doesn't need to check at all when there is a doubt.

Questions on the Ra'avad

1. **Bitul is not specific:** Bitul is not on a specific piece of chametz — bitul is a general declaration that all chametz should be nullified. How does this help for the doubts? The Ra'avad's approach presupposes that bitul is specific, but in the Gemara it only says that one nullifies chametz from one's heart — not a specific piece

Questions on the Ra'avad (continued)

1. **Bitul is not specific:** Bitul is not on a specific piece of chametz — bitul is a general declaration that all chametz should be nullified. How does this help for the doubts? The Ra'avad's approach presupposes that bitul is specific, but in the Gemara it only says that one nullifies chametz from one's heart — not a specific piece.

2. **Bedikat means searching for doubts:** The very concept of bedikat — in holes and hiding places, searching in holes — is already a doubt-situation. One searches because perhaps there is chametz, perhaps not. So doubts are inherently part of the laws of bedikat.

Rambam's Logic (as presented)

The Rambam presumably holds that one does not say rabbinic doubt leniently by bedikat, because the very law of bedikat is that one must follow up and ensure — one cannot rely on doubts. This is the definition of bedikat itself — **bedikat chametz is fundamentally about doubt**.

Maggid Mishneh's Answer

The **Maggid Mishneh** answers the Rambam's approach with the same logic that **bedikat chametz is fundamentally about doubt** — therefore we are stringent in doubts. It is emphasized that it is important to first think of a logic oneself, before one sees that a great authority said it — because otherwise one becomes biased and one cannot objectively assess whether it is a good logic.

Practical Relevance

The Tur (Orach Chaim 439) brings the Rosh's rulings on these laws, and writes explicitly: "There are many laws of the Rambam in these rulings and I did not have the strength to write them" — he did not have the energy to write all the Rambam's laws. The reason is because many of these questions don't arise so practically.

[Digression: Rashi's Humility] Rashi on Parashat Va'etchanan by the Ten Commandments says that he will not repeat again what he already explained in Parashat Yitro. This is a sign of humility — Rashi imagined that the learner would go back to the first place. In contrast, today's books repeat everything, because one doesn't trust the public that they will go back and check.

Law 10 (continued): Two Piles, Two Houses, Two Mice — Cases Where One Does Not Need to Check

The Rambam's Words

When there are two piles (chametz and matzah), two houses (checked and unchecked), two mice — one takes chametz, one takes matzah — and one doesn't know who went where. Or: two checked houses, one pile of chametz, a mouse takes and one doesn't know to which house it went. Or: he was checking and didn't find — doesn't know whether the mouse left it here or carried it further. Or: he finds a piece of bread — doesn't know whether this is what the mouse brought, or something is still hidden. In all these he does not need to check a second time, for there is no fixedness here.

Plain Meaning

In all these cases one does not need to check again, because here there is no kevi'ut (fixedness).

Insights

Here the question is not by the piles (where it is kavu'a), but by the house — and there it is already **fresh** (not kavu'a). The piece of bread is already away from its place, and one can say **presumably it came from the majority** — that is, from the matzah pile.

Law 10 (continued): He Put Chametz in This Corner and Found It in Another Corner — Cases Where One Must Check

The Rambam's Words

He put chametz in one corner and finds it in another corner. Or: he left nine loaves and finds ten — where is the tenth from? Or: nine piles of matzah and one chametz, and one loaf separated (became fresh), and a mouse takes it and goes into a checked house. Or: a mouse with chametz, doubt whether it entered this house or not. In all these he needs to check.

Insights

Here there is **no majority** that helps — new concerns have been added (perhaps mice have brought more, perhaps this is a new piece of bread). By the case of "separated" — when the loaf separated from the piles — it is already **fresh** (not kavu'a), and one can indeed say majority, but the mouse took it and brought it into a checked house, which creates a new doubt.

Law 10 (continued): A Mouse Entered with a Loaf and a Mouse Exited with a Loaf — Hanging

The Rambam's Words

A mouse goes in with a loaf, then one sees a mouse go out with a loaf — we say it is the first that entered that is the last that exited, and he does not need to check. But: if the first was black and the second white — he needs to check. A mouse entered with a loaf, a weasel exited with a loaf — he needs to check. A mouse exited with a loaf (without having seen it enter) — he does not need to check.

Plain Meaning

One hangs one on the other — one says it is the same mouse with the same loaf. But when it is clear that it is not the same (different color, different animal), one must check.

Law 10 (continued): A Snake Entered a Hole with Bread in Its Mouth — Danger

The Rambam's Words

A snake went into a hole with bread in its mouth. The house is like a hole that requires bedikat, but the person may not check himself because there is a danger. And he is not obligated to bring it out — one also does not need to call a professional (snake catcher) to remove it.

Insights

1. **Danger exempts completely:** Once there is a danger, the Sages exempted completely — one does not need to go search for ways around (like calling a professional). This is parallel to the law by a non-Jew's house — one does not say that he must go buy gifts for the non-Jew or bring a lawyer, because once there is danger, one is exempt.

2. **Fits with the principle that bedikat is fundamentally about doubt:** Usually the Sages say that by rabbinic doubt one does not need to be concerned, but here they are stringent on doubt. How far does one go? Only when it makes sense — when there is danger, there is **no end to the matter** — one sets a boundary. Presumably the snake has not yet eaten the bread (therefore it took it), but one exempts the person from bedikat.

Law 11: A Kezayit of Chametz on the Beam (Chametz Up by the Roof/Beam)

The Rambam's Words

"A kezayit of chametz on the beam — one obligates the giver to bring a ladder to bring it down, for sometimes it falls from the beam."

Plain Meaning

A kezayit of chametz lying up by the beams of the roof — one obligates the person to bring a ladder and take it down, because it can fall down.

Insights and Explanations

1. **Question of "lest it fall" — what is the concern?** The reason "sometimes it falls" is strange. If the entire bedikat has nothing to do with eating (like the Rambam's approach that bedikat is a level of tashbitu), what do I care if it will fall or not? But if one says it has to do with "lest he come to eat it," it is very simple — when it falls down he can eat it.

2. **Answer if one doesn't go with the "eating" reason:** The chametz up by the beam is now in a place that is almost like "his hand does not reach" — a place that is exempt from bedikat. But because it can fall down, it will become a place obligated in bedikat. And on Yom Tov itself one cannot check, therefore one must take it down now on erev Yom Tov. The obligation is not because he will eat it, but because it will become a place obligated in bedikat when it will already be too late.

Law 11 (continued): Chametz in a Pit

The Rambam's Words

"If chametz was in a pit — one does not obligate him to bring it up, but rather he nullifies it in his heart and that is sufficient."

Plain Meaning

Chametz that is in a pit (bor) — one does not obligate him to take it up, but rather he nullifies it in his heart and enough.

Insights

1. **The distinction between beam and pit:** By beam — things fall down (gravity), so there is a real concern that it will come down. But by a pit — things don't go up by themselves, it is "the way of the world" that things fall down not up. Therefore by pit, bitul is sufficient.

2. **Bitul helps here:** This fits with both approaches: if it is about "lest he come to eat it" — it is not relevant because it won't come up; if it is about bedikat as a level of tashbitu — bitul is sufficient when it is in a place that is not accessible.

General Discussion: How Much Should Bedikat Cost?

1. **Cost of bedikat:** All bedikat costs money or time. The Sages obligated certain things, but there is a measure of how much a person must spend for a Torah commandment and for rabbinic. The matter of "professional service" is mentioned as an example of something that is "very expensive" — one cannot demand such expenses from a person.

2. **[Digression: Flexibility of halachah]** Halachah is "the most flexible system" — there is almost always a way out, a leniency. Most laws one learns in order to find that one really doesn't need to do as much as one thought. It is not ideologically strict, but practically.

Law 12: A Lump of Leaven That One Designated for Sitting

The Rambam's Words

"A lump of leaven that one designated for sitting — if one smeared its surface with clay, it is nullified, and it is permitted to keep it."

Plain Meaning

A leaven (sourdough) that has hardened and one designated it for sitting on like a bench — if one smeared it with clay

(mud/plaster), it is nullified and one may keep it.

Insights

1. **What is "a lump of leaven"?** The Geonim interpret it as a "grater" (rib-board), or when the dough itself became so hard that one uses it like a bench. The basket itself would break when one sits on it, but filled with hard dough it is strong enough.

2. **Why does smearing with clay help?** When one smears it with clay, one has transformed it from chametz to furniture. It is "former chametz" — one no longer looks at it as leaven, but as a bench. This one doesn't even need to nullify — it is simply no longer in the category of chametz.

3. **Connection to chapter 1 — leaven that is not fit for eating:** The answer is **not** because it is "not fit for eating" — because for leaven one transgresses even when it is not fit for eating (as learned in chapter 1). The answer is different: when one smeared it with clay and designated it for sitting, one has transformed it into furniture — it is no longer "dough," it is a "bench." This is a change of action/designation that removes it from the category of chametz entirely.

4. **If one did not smear with clay:** If one **did not** smear it with clay — then it remains chametz, even if one uses it as a bench, because it is still recognizable as leaven.

Law 12 (continued): Dough in the Cracks of a Kneading Trough

The Rambam's Words

"Dough in the cracks of a kneading trough — if there is a kezayit in one place, one is obligated to destroy it. And if not — if it comes to strengthen with it the breaks of the trough or to seal with it a hole, it is nullified in its minority."

Plain Meaning

Dough that sticks in the cracks of a bowl (baking bowl): if there is a kezayit in one place — one must destroy it. If it is less than a kezayit — it depends: if the dough serves to strengthen or seal a hole in the bowl, it is nullified to the bowl. If not — one must scrape it out.

Insights

1. **"Nullified in its minority" — what does it mean?** "Nullified in its minority" does **not** mean a regular bitul. Half a measure is also obligated in bitul! Rather the plain meaning is: because it is less than a kezayit (not a Torah measure), **and** it serves a function as part of the vessel (strengthening/sealing), one looks at it as if it is part of the bowl — it no longer exists as separate dough.

2. **If it does not serve a function:** If the dough just sticks in the cracks but the bowl would not fall apart without it — then one does **not** say that it has become part of the bowl. It remains dough that sticks on a bowl, and one is obligated to destroy it.

3. **Connection to smearing with clay:** If one would smear/glaze the dough (like by the lump of leaven with clay), it would also help here.

Law 12 (continued): Two Half-Olives in Two Places

The Rambam's Words

"If there were two half-olives in two places — if there is a thread of dough between them: whenever if the thread is lifted it lifts with it — one is obligated to destroy."

Half an olive in the house and half an olive in the upper story, or in the achsadrah, or in the house before it — since these half-olives are stuck to walls or floors — one is not obligated to destroy, but rather nullifies it in his heart and that is sufficient.

Plain Meaning

Two half-kezayits of dough in two separate places on the bowl, with a thread of dough connecting them — if the thread is so strongly connected that when one takes off the thread both pieces are pulled with it, one looks at it as one kezayit and one is obligated to destroy. If half-olives lie in different places in the house (upper story, achsadrah, another room) and are stuck to walls or floor — one is not obligated to destroy, but nullifies in the heart.

Insights

1. **The thread of dough itself also has a measure:** Even if both pieces are a bit smaller than two half-olives, the thread of dough itself can add to the measure, because it is also a piece of chametz.

2. **The basis of the obligation of bi'ur by half-olives is "combines through use":** The distinction between when one is obligated to destroy half-olives and when not, is based on whether it happens that the person will take them together. When pieces of dough lie in a place where one takes them together (like in a kneading trough/pot), it is significant. When it lies in different places stuck to walls — no one will take them together, therefore it is nullified.

3. **Practical example:** In a matzah bakery, if a piece of dough falls on the table where one works — one is obligated to destroy, because it happens that one picks it up and puts it back. But if it falls out the window to a completely different place — one is not obligated.

4. **Connection to crumbs:** This fits with what was learned earlier that crumbs one doesn't need to worry about — because bedikat chametz is only on something that one transgresses on, which is a kezayit.

5. **The bi'ur/bedikat has to do with what he will do with it:** The obligation of bedikat is connected to the practical reality — whether the person will use/eat it. It is not just a kezayit lying there, but a kezayit that he will gather together because he wants to use it.

Law 13: One Who Rents a House Generally on the 14th — Presumption of Checked

The Rambam's Words

"One who rents a house generally on the 14th — it is in the presumption of checked and does not need to ask. And if a woman or child said 'we checked it' — they are believed. All are believed regarding bi'ur chametz. And all are fit for bedikat, even women and slaves and children, as long as the child has understanding to check."

Plain Meaning

Whoever rents a house on erev Pesach (the 14th) can assume that the renter has already checked — presumption of checked.

One does not need to ask. Women, slaves, children are believed regarding bedikat chametz, and are also fit to check.

Insights

1. **Presumption based on honesty:** The Rambam speaks of a presumption that a Jewish person does what he must — since there was already an obligation of bedikat from the night before, one assumes that he fulfilled it.

2. **Belief of woman and child — because it is rabbinic:** Seemingly on a Torah law a woman and child would not be believed (on testimony). But since bedikat chametz is rabbinic, "all are believed regarding bi'ur chametz."

3. **Two points in "all are fit for bedikat":** (a) They are believed to say that they checked. (b) Their bedikat itself is valid — a greater law. This means not only that one believes them, but that the act of bedikat through them is valid.

4. **Measure of child for bedikat — practical, not halachic:** The measure of "a child who has understanding to check" is a practical thing — whether he understands what bread is, whether he knows what he must search for. This is not the regular measure of chinuch.

5. **Distinction between obligation and fitness:** The Rambam does not speak here of the obligation of bedikat (which women and slaves certainly have, like by every mitzvah), but of fitness — whether their bedikat is valid for others.

Law 14: One Who Rents a House to His Fellow — On Whom Is the Obligation of Bedikat?

The Rambam's Words

"If before he gave over the key the 14th arrived — on the landlord to check. And if after he gave over the key — on the renter to check."

Plain Meaning

The obligation of bedikat goes according to who has the key (control over the house) when the night of the 14th comes.

Insights

1. **The obligation turns on when it becomes due, not when Pesach is:** One might have thought that the obligation of bedikat is a condition in the mitzvah of Pesach — therefore it should turn on who has the house on Pesach. The Rambam says: no, when the obligation of bedikat becomes due (the night of the 14th), whoever has the key then — on him is the obligation.

2. **Perhaps a Choshen Mishpat law:** It may be that this is not only a laws of Pesach law, but a monetary/Choshen Mishpat law — who is responsible for the house when the obligation enters.

Law 15: One Who Rents a House in the Presumption That It Is Checked and It Is Found Not Checked

The Rambam's Words

"One who rents a house in the presumption that it is checked and it is found not checked — on the renter to check, and it is not a mistaken purchase. And even in a place where they check for hire — for he is doing a mitzvah."

Plain Meaning

If someone rents a house with the assumption that it is checked, and it turns out that it is not — the renter must check, and he cannot claim mistaken purchase, because bedikat chametz is a mitzvah.

Insights

1. **"For he is doing a mitzvah" — the principle:** One cannot say "if I had known I would not have rented" — because a Jewish person wants to fulfill mitzvot. Therefore it is not "disadvantageous" that he would not have rented — because he has benefit from the mitzvah.

2. **A difficult question on this principle:** What does it mean "because it is a mitzvah"? If the mitzvah costs money — the landlord made him lose money! The answer: Mistaken purchase must be "disadvantageous" — that no normal person would have rented in such a situation. But here, since bedikat chametz is a mitzvah, it is not certain that he would not have rented — because a person can agree to check (he has benefit from the mitzvah). Therefore it is not a clear mistaken purchase.

3. **Dispute of Mechaber and Rema regarding expenses:** There is a dispute between the Mechaber and Rema whether the renter can extract from the landlord the cost of bedikat (if one hires someone for hire). The Rambam only says that it is not a mistaken purchase (one cannot cancel the rental), but whether one can extract expenses — is a dispute. Since it is a dispute, one cannot extract (the one who extracts from his fellow, upon him is the proof).

Law 16: One Who Sets Sail or Goes Out in a Caravan — Bedikat When Traveling

The Rambam's Words

"One who sets sail or goes out in a caravan — within thirty days [requires bedikat]."

Plain Meaning

Someone who travels away on a long journey (by ship or with a caravan) — if it is within thirty days before Pesach, there is a law of bedikat.

Insights

1. **Explanation of "sets sail" and "goes out in a caravan":** "Sets sail" comes from sails — means he travels by ship. "Goes out in a caravan" means he goes out with a caravan through the desert (with camels).

2. **Thirty days before Pesach:** Thirty days before Pesach begins a "connection" to Pesach — there is already something of a law of Pesach. This is the measure for when the obligation of bedikat begins to affect someone who travels away.

Law 16 (continued): One Who Goes on a Journey Before Thirty Days — If His Mind Is to Return

The Rambam's Words

One who travels away before thirty days and his mind is to return before Pesach — he needs to check and then go out, because perhaps he will return on erev Pesach and will not have leisure to destroy.

Plain Meaning

If someone plans to return before Pesach, one cannot rely that he will have time to check when he returns. Therefore he must check before he travels away.

Insights

1. **Contemporary application:** The Rambam speaks of ancient times when one could less calculate travels — he speaks of setting sail, a big trip. Today, when a person flies with a plane, he knows exactly when he lands. Therefore the concern that he will not have time to check is much less realistic. The conclusion is that today one only needs to be concerned in a place where the concern is justified — only when there is a real reality that he will not have time.

2. **[Digression: Humorous remark]** He has not yet met a Brisker who travels away after Purim on Shabbat and already begins to check. "You can't be Brisker enough."

Law 16 (continued): One Who Goes on a Journey Before Thirty Days — His Mind Is Not to Return

The Rambam's Words

Before thirty days, if his mind is not to return before Pesach — he does not need to check.

Plain Meaning

Because before thirty days there is not yet an obligation of bedikat, and he does not plan to return, he is exempt.

Insights

1. **Question — bal yera'eh:** If he travels away and doesn't return, his chametz will remain in his house, and he will transgress bal yera'eh u'val yimatzei? The answer: Bitul — he can nullify the chametz. Bitul alone is sufficient from Torah law, and because the obligation of bedikat has not yet become due on him (before thirty days), and he is far from the place, he is exempt from bedikat.

2. **Principle in the obligation of bedikat:** The main innovation is that the obligation of bedikat is only relevant when it is close to him — when he is in the proximity of Pesach and in the proximity of his house. Before thirty days, when he is not there, the obligation is not due.

Law 17: Storehouse — Within Thirty Days

The Rambam's Words

If someone makes a place where one brings chametz into a storehouse (a warehouse/storage that one no longer uses for chametz): within thirty days — if he is going to clear it out before Pesach, he needs to check. But before thirty days — he does not need to check.

Plain Meaning

Similar to the law of one who goes on a journey — by a storehouse, the place ceases to be a place where one brings chametz, therefore the obligation of bedikat falls away.

Insights

1. **Parallel between one who goes on a journey and storehouse:** The Rambam puts together the law of one who goes on a journey with the law of storehouse.

2. **The distinction between before thirty and within thirty: Before thirty days** — even if he plans to remove the storehouse before Pesach, he does not need to check, because the obligation of bedikat has not yet become due. **Within thirty days** — when the obligation of bedikat is already there, and he plans to remove the storehouse, he must check **now**, because one fears that he will uncover it before Pesach and then he will need to check but will not have time. This is the same principle as by one who goes on a journey — the concern that he will not have leisure.

3. **Principle:** Both laws — one who goes on a journey and storehouse — revolve around the same principle: **Before thirty days there is no obligation of bedikat**, therefore one cannot obligate a bedikat. **Within thirty days** there is already an obligation, and therefore one must check when there is a concern that one will not be able to later.

End of Chapter 2

With this ends chapter 2 of the Laws of Chametz and Matzah. There remains another chapter regarding the laws of bedikat chametz (chapter 3).

Full Transcript

Chapter 2: The Positive Commandment of Removing Chametz – Nullification in the Heart and Searching for Chametz

Law 1: The Positive Commandment from the Torah to Remove the Chametz

Speaker 1:

Good, we are learning the second chapter of the Laws of Chametz and Matzah, and we thank all the supporters of the shiur, at their head the righteous rabbi, Rabbi Yoel Wertzberger, for once again dedicating this shiur for the year, and we are going to learn the second chapter of the Laws of Chametz and Matzah.

Yes. In the first chapter we learned all, not all, the main prohibitions of eating chametz, benefiting from chametz, bal yera'eh, erev Pesach. Now we are going to learn another thing which is essentially an obligation already on erev Pesach, getting rid of the chametz. We will see what this means.

Yes. The Rambam says, **"It is a positive commandment from the Torah to remove the chametz before the time of the prohibition of eating it, as it says 'on the first day you shall remove leaven from your houses'"**. He began the chapter with the positive and negative commandments, that there is a positive commandment from the Torah to remove the chametz, to destroy, to nullify the chametz before the time of the prohibition of eating it, as it says "on the first day you shall remove leaven from your houses."

Discussion: What Does "On the First Day" Mean?

There is a problem, what does "on the first day" mean? It cannot be that it means the first day of Pesach, because then one is already deep in the middle of the prohibition.

The Rambam says, **"from the oral tradition they learned"**, the sages discovered from the oral tradition, a law given to Moses at Sinai from Moses our teacher, **"that this 'first' is the fourteenth day"**, that the "first" must mean the first before Pesach, "on the first day," the first day before Pesach begins.

Or perhaps one could say the first day that there is a prohibition of chametz, and the prohibition of chametz already

begins on erev Pesach, that day there is the positive commandment of "you shall remove leaven from your houses."

It wasn't one hundred percent clear to me how the... I thought perhaps "on the first day" should already be from removing, but we don't know. It could be "on the first day" perhaps means the first day when there is a prohibition of chametz, and we already know, this is the next thing he is going to say.

But the verse says, look at the verse, it goes like this: "seven days... but on the first day you shall remove." It is very difficult to learn that it doesn't simply mean the plain reading of the verse. Unless we say that we should say that "but on the first day" you should already make sure that it is already so, and therefore it comes out that the mitzvah is already beforehand.

That is exactly why the Rambam says that it is from the oral tradition. If it were stated clearly, he would have had to say that it is written. It is not written. A commandment of removal is written, but that it is on the first day still on erev Pesach, that is a tradition.

But it is also necessary because of the thing that was already said that it must already be forbidden from midday.

Proof for the Matter: "You Shall Not Slaughter the Blood of My Sacrifice with Chametz"

The Rambam says, **"and proof for this matter is what the Torah wrote, 'you shall not slaughter the blood of my sacrifice with chametz'"**. Proof for this matter, a proof that "on the first day" means already the fourteenth day, is what the Torah wrote, it says in the Torah a verse "you shall not slaughter the blood of my sacrifice with chametz."

"That is to say, do not slaughter the Pesach sacrifice while chametz still exists", what does the verse mean? Do not slaughter the Pesach sacrifice while chametz still exists, one should not slaughter the Pesach sacrifice when the chametz is still there.

It is very interesting, because he brought the verse "you shall not eat chametz with it," it is the same thing, but... ah, that is what you asked before that... yes. But... that one was about eating, and this is about having. Because you have chametz. That is to say, do not slaughter the Pesach sacrifice while chametz still exists.

And when does one slaughter the Pesach sacrifice? **"And the slaughtering of the Pesach is on the fourteenth day after midday"**. It must be that "on the first day" means the fourteenth day.

It is interesting, because it is exactly the same thing as "you shall not eat chametz with it." It is interesting that the Rambam brings a new verse. He could have gone with the verse he already brought. But there is no difference, from both verses this is implied.

Speaker 2:

Why is it the same thing?

Speaker 1:

I don't know what exactly the difference is. Indeed not clear.

Speaker 2:

Okay, because there it says that there...

Speaker 1:

Let's say this, I have a question here. Because that one that "you shall not eat chametz with it" means that while the chametz still exists, or at the time when the chametz still exists, the Rambam also said that it is from the oral tradition.

Okay, perhaps there he only means that it is the time, but that at the time when one actually slaughters, that is perhaps yes the plain meaning. So a doubling of the plain meaning necessitates that already on erev Pesach one may not have any chametz. It comes out that a removal must be on erev Pesach, but this is a proof.

But the Rambam says yes, that this "first" is the fourteenth day. It is not like the explanation you said that it must already be removed, but on the first day. Therefore I think, on the first day of the prohibition of chametz.

Speaker 2:

But what does "seven days" mean? There are eight days it comes out. I mean, it doesn't all fit into the verse like that.

Speaker 1:

No, "seven days" refers to "you shall eat matzot." Only seven days is "you shall eat matzot."

What is the language of the verse? Seven days one shall eat matzot. But even before there is the mitzvah of matzah, still on the first day of the prohibition of chametz it should already be "you shall remove leaven from your houses." And he concludes "for whoever eats chametz."

If one goes with the plain reading of Scripture it is like this, you shall eat matzot. Why should you eat matzot? Because there is no chametz. The only thing you can eat is matzot. It is not like that, because we want it to be a mitzvah, not just a practical field.

He says, seven days there is a mitzvah of matzah. It could actually be that this is what the verse is saying, you should not think that all the days that there is a prohibition of chametz there is also a mitzvah of matzah, that the mitzvah of matzah already begins from erev Pesach at midday? No. The mitzvah of matzah is only there seven days. And the prohibition of chametz is already there eight days, and on the first of the eight days one should make the removal.

Not with the eight days, just to be clear. On erev Pesach there is a prohibition. On the first day of the prohibition of chametz there is the mitzvah of removal.

Not one hundred percent clear, but I go with the Rambam, because the Rambam says indeed that it is according to the oral tradition, we received it that this is what it means. There is also a bit of proof.

Discussion: The Relationship Between the Positive Commandment of Removal and the Negative Commandment of Bal Yera'eh

Right, this is just so we should have a positive commandment. That one must drive away all chametz, one would have known even without this positive commandment because of the negative commandment of having chametz, which we learned earlier that it is "but on the first day," the Gemara says from "but," or the Gemara says about "chametz shall not be eaten." "Chametz shall not be eaten," the prohibition of the fourteenth day. The Rambam learns it from "you shall not eat chametz with it." I say, I remember the other one, the Gemara says so from "but on the first day you shall remove."

But what? What are you saying?

Speaker 2:

What?

Speaker 1:

So again, now we are not talking about that prohibition. That is a different kind of prohibition. I mean, there is a prohibition to eat chametz. No, to have chametz. "It shall not be seen and it shall not be found" tell us. That one may not have chametz, and one may not eat. It could be that... very interesting. So on eating chametz there is a negative commandment, and on having there is a positive commandment. It seems.

And the verse perhaps "you shall not slaughter with chametz," which means before chametz, is not the same as what he said earlier, that one may not eat at the time of slaughtering the Pesach.

Speaker 2:

And why shouldn't that also be a negative commandment?

Speaker 1:

Also a negative commandment, it should be "you shall not slaughter the blood of my sacrifice with chametz," it should be a negative commandment of having chametz when one slaughters the Pesach sacrifice. He says it only as a proof for the matter. The Rambam says that there is such a negative commandment by the way. There is such a negative commandment. Why indeed not say a negative commandment? "You shall not slaughter the blood of my sacrifice with chametz," there is a negative commandment. I don't know. I don't know what is going on.

Fine, he says it only as a way of proof for the matter. A proof that removal means this. Yes, I don't know. I really don't know.

But again, this is just the Rambam's attempt to bring that the verse should make sense that it says this. The truth is that we know this because the sages tell us that it is a law given to Moses at Sinai.

Speaker 2:

Why shouldn't one say it as a negative commandment?

Speaker 1:

I'm telling you because... again, the source of all these definitions is not from the verse, let's be clear. It is from the oral tradition. That what is the law? This is the law. There is a mitzvah to remove, it is not the same as the prohibition of eating chametz on erev Pesach, it is also not the same as the prohibition of bal yera'eh the entire Pesach.

I would have told you something else, I thought you meant to ask this, I remember people ask this, why do we need to have the prohibition of removal at all? There is already a prohibition of bal yera'eh. If one may not have chametz seen, somehow you must get rid of it before Pesach. What then should you do?

This is simple, there are many times in the Torah, there is a negative commandment and a positive commandment, there is a prohibition of removal from "you shall remove." Yes, a positive commandment, he begins with a positive commandment, it was already said that there is a negative commandment on erev Pesach.

But it is interesting, why? Look, because let's learn the next piece, let's see. Let's try to learn the main law of searching for chametz also, because I have here something basic. As you are learning the Laws of Pesach, use these things, they are not the first.

Okay, it is indeed a wonder why "you shall not slaughter chametz" is not a negative commandment on having chametz from erev Pesach afternoon, I don't know. Already.

Law 2: What is the Removal Stated in the Torah – Nullification in the Heart

Speaker 1:

The Rambam says, what does the removal mean? He said "to remove." Now he is going to explain what removal means.

He says, **"What is this removal stated in the Torah? That he should nullify the chametz from his heart, and consider it as dust, and place in his heart that there is no chametz in his possession at all"**. He should nullify the chametz from his heart, he should consider it like dust, he should put in his mind, he should ensure... "and place in his heart" means he should think in his heart, he should ensure...

No, I can learn it both ways, because I think yes that the Torah also doesn't mean that crumbs should remain in his house. It means this, that you should know that you are not going to eat chametz, and therefore you should get rid of the chametz. It doesn't yet mean that you must search. The sages say that you must search.

No, no, no, that is not correct, that is not correct. The Rambam knew from the Gemara that mere nullification is sufficient. I only made all these statements because the Rambam says very many words about what is the meaning of the nullification.

Mere nullification is sufficient means that there is still chametz in his possession, he should think that it is not there. That is the meaning. When there is bread lying on his table, it doesn't help the...

Speaker 2:

Not correct, not correct, not correct. It does help, because he considers it as dust.

Speaker 1:

"And all chametz that is in his possession", right? He has chametz in his possession. If there is chametz in his possession, **"it is like dust. Like something that has no use at all"**, that would have been sufficient removal from the Torah. That is the meaning of the removal stated in the Torah.

Discussion: Is Mere Nullification Also the Plain Meaning of "Bal Yera'eh"?

So, this I ask, if I would have wanted to ask right away, this is also "bal yera'eh" stated in the Torah? Because it is very interesting, the Rambam says this about removal, but "bal yera'eh" also means this, one should think that it is not there.

This is a question for me, because seemingly one would have had to do searching for chametz from the Torah because of "bal yera'eh." The Rambam puts it in as removal, and you told me a minute ago that removal is basically the same thing as "bal yera'eh," just in positive language. It is very interesting that the Rambam doesn't say what is "bal yera'eh" stated in the Torah.

Speaker 2:

No, I hold one can learn the Rambam a bit differently, that the Torah doesn't say that one must search in the house. The Torah says, take out the chametz that is lying in your...

Speaker 1:

That is not true. That is not true. That is certainly not true. On your table that is prepared to eat for the next day or two lies chametz, take it out. And be removing, be nullifying what has remained. After that come the sages that one must go search everywhere in the entire domain.

That is certainly not true, because it is certainly not true that one must take anything out with the law of mere nullification. That is exactly what it says, that one doesn't need to take out.

The Blessing "Al Bi'ur Chametz" — Searching Means Removal

Speaker 1:

By the way, searching doesn't mean looking, searching means taking out. Removal. What blessing do we make on searching for chametz? "Al bi'ur chametz." Right when he says, he says he makes removal of chametz. Also true, but it is not true that the law of searching for chametz is only the looking. The law of searching for chametz is essentially to be removing, because certainly, one makes a blessing "al bi'ur chametz," not "al bedikat chametz". It is more a proactive removal, a proactive carrying out. Not only proactive, because one must actually do something.

Question: "All Chametz That is in His Possession" — Does it Mean Actually Chametz in the House?

Speaker 2:

But I don't believe, when one says the Torah's removal, chametz means that it can remain on his plate the bread. It means all chametz that is in his possession, certainly.

Speaker 1:

It means yes. It means yes, it is not any... it means that there is chametz, he doesn't consider it. So says the Rambam, **like something that has no use and the like**.

Question: "It Shall Not Be Seen by You and It Shall Not Be Found by You" — What About These Verses?

Speaker 2:

But the Torah says **it shall not be seen by you and it shall not be found by you**.

Speaker 1:

Ah, very good. I think that the Rambam means only specifically about the removal. It is not true, there is no doubt. You cannot make a new Torah against everything that is written. What is written is that regarding removal, you ask a question, if removal means to remove? The same thing, removal to remove doesn't mean literally. He means nullification, that is what he means.

Speaker 2:

What should I do?

Speaker 1:

That's how it is. The truth is that it is indeed nullifying, because he is never going to be able to use it anymore.

Speaker 2:

Yes, there is also the prohibition that one may not use it after Yom Tov.

Speaker 1:

It is practical, probably you are right that practically, if something has no use, probably it will be cleaned out, because he cleans before Yom Tov.

The Plain Meaning of Scripture: Removal Means Nullification in the Heart

Speaker 1:

I say in the plain meaning of Scripture it looks like this, that Pesach is different from all days, your meals are not chametz. And not only that, but you should also carry it out. To this he says, it doesn't mean that one must now go searching, but it doesn't mean that one must carry out. It means that one doesn't need to do anything, one only needs to think.

The Gemara Says This About Removal

Speaker 2:

I'm telling you what the Gemara says this. He says it regarding removal. Did the Gemara also hold about removal?

Speaker 1:

Yes, the Gemara says it mere nullification is sufficient, the Gemara says it about searching for chametz, "bal yera'eh" I think it says in the Gemara. One must understand more clearly. The Rambam here made a certain summary of the Gemara, and it is not one hundred percent simple that this is the simplest way to make the summary of the matter, but we are now learning how the Rambam laid it out, and this is how it looks from the Rambam.

Chametz in the Heart — The Chassidic Interpretation

Speaker 1:

But the Rambam says this that the removal means in the heart. How does one nullify chametz? How does one remove chametz? In the heart. The chametz in the heart. It is already the Chassidic interpretation. It is already chametz in the heart, but chametz, this is not chametz in the heart. It is much better, much more a subtlety in the Chassidic interpretation.

Innovation: Chassidim say that only matters of the heart can be nullified in the heart. The chametz says, no, even actual chametz can be nullified in the heart. Because the essence is the heart. Everything else is not important. Eh, we don't know. Rabbinically it is important, because it's not from the Torah.

Question: His actions prove otherwise — if he keeps nice chametz in the house

Speaker 2:

But the hashbata (removal) also comes with the fact that one baked chametz, one baked matzah, and one knows that one is not going to eat it now. If something remains, you say that you are practically like at a homeowner's... and in practice, if there is nice chametz in his house, doesn't his actions prove otherwise than what he did in his heart, that he does hold of it.

Speaker 1:

Why does he hold of it? He doesn't hold of it, rather because. It's like dust. By the way, the non-Jew will already take it out. The non-Jew also speaks in this context that it makes sense. If he has nice challahs, his... doesn't help, just as a person does in his heart, his mouth and heart are not equal.

Innovation: From the Torah one may indeed have chametz

Speaker 1:

Regarding this, when he says to search, this is the end of it. We say that in the Torah there is no actual mitzvah to physically go after it. There shouldn't be chametz, we know that chametz is no longer relevant, but it's not true that when he says that from the Torah bittul means that one may not have chametz.

One may indeed have chametz from the Torah, one just may not hold onto it.

Speaker 2:

You're right, presumably practically. If he doesn't hold it, it will have to come out. But this is already a practical matter.

Law 3: Checking for chametz is from the words of the Scribes

Speaker 1:

The Rambam concludes, but **from the words of the Scribes**, what the Sages did is, they forbade, they added, **to search for the chametz**. What do the Rabbis want? To search for the chametz also **in its hiding places and holes** everywhere, **and to check and remove it from all his borders**.

Speaker 2:

No, good. To remove it from everywhere.

Speaker 1:

This is one law like this, and afterwards when this comes in there are more details.

Speaker 2:

No, the innovation is because this would have been only during the day. Not only when the prohibition begins, then one should push it out, but one should make a special time for this even before.

Time of checking: Night of the fourteenth by candlelight

Speaker 1:

One checks for chametz at night from the beginning of the night of the fourteenth, and one should do it **by candlelight**, because it's at night. He says two reasons. He says, why does one do it at night? Because **at night all the people are found in their homes**. And why does one do it with a candle? Is because **the light of the candle**... Why does one do it at night by candlelight? Because **the light of the candle is good for checking**.

Speaker 2:

Yes, the light of the candle doesn't mean to exclude during the day. During the day one doesn't do it, but not without a candle. To exclude something without a candle, but to exclude with a torch, whatever other things.

And one does not establish a study session — Don't begin learning

Speaker 1:

The Rambam says further, **and one does not establish a study session at the end of the thirteenth day**, from the end of the thirteenth day, this begins before the beginning of the night after, one doesn't begin any new time of learning. **And similarly the scholar should not begin to read in his house**. It means, for the entire world one doesn't establish learning, and the scholars shouldn't even learn Torah, they shouldn't even be reading in their house. This simply means learning privately and individually. Publicly means a study session, but one expounds, but whatever, even alone he won't begin to learn. Because **lest he be drawn and prevented from checking at the beginning of its time**, so that there shouldn't be a concern that one will be drawn to it.

Discussion: What does "lest he be drawn" mean — Torah is something that draws

Speaker 1:

Here one learns the important thing about how one learns. If someone learns, there is no "lest he be drawn," he always knows when your time, when the learning ends, this is not the type of learning the Sages spoke of.

From this I say to those whom I have to go pick up the baby from the babysitter every day, that everything has been arranged, it ends still in order in the yeshiva here in Lakewood, whatever, so I don't understand how it can be. Afterwards they have complaints that I come late. What does that mean? There is indeed a law, if there were an obligation that one must come on time, there would be a solution to learn the first seder. But what? One speaks, one will arrive. One knows, it can begin that essentially the seder speaks indeed an hour later, the last hour is the "lest he be drawn" time. But learning is something that is drawing.

Clarification: "Midrash" vs. "Reading" — What does "to read" mean?

Speaker 2:

The kings is a thing that when one establishes in a study session one does it always in a study session, and only when one learns alone does one learn Scripture?

Speaker 1:

No, midrash is indeed a sense of Torah. I mean that midrash is actually a fixed lesson, a public lesson. And reading, I don't mean that reading in the Rabbis means specifically to read Scripture. I saw in my notes from before we spoke about this once. I mean that reading in the Gemara. Reading means to read. It means specifically. He's not over it, he's not for himself. That's what I mean, because it can't be that a scholar specifically Scripture, anything that he learns is... I remember that Rabbeinu ben Nachah said something about this, or others. So it says in the note from last time.

The Ran: The conjugal rights of Torah scholars is from Shabbat to Shabbat

Speaker 1:

Very important. The Ran has already been quoted many times. The Ran says that what it says that the conjugal rights of Torah scholars is from Shabbat to Shabbat, means most Shabbatot, because it can certainly happen that the scholar doesn't come home Friday night also, because he got caught up in a sugya, it was a difficult sugya that week. It can't be that the scholar is not such a thing that he can have a fixed schedule when he finishes his learning. Do you hear?

Right, because the learning must be his main occupation, because it's something that draws. As someone says, go to the thing that is most interesting, and stop. Everyone knows that when one looks at the scroll it ends up drawing. Yes, Torah is certainly so. Right.

Parallel: The law of a meal before Mincha

Speaker 1:

And just as it says that one may not begin a meal on Friday because he will be drawn in his eating. Not Friday, Friday is a different reason, but as one meant before Mincha, whatever, before Mincha, when one must do a mitzvah. There is the same law apparently. This is also about learning. It's very important that one should be drawn.

[Digression: The Ropshitzer Rebbe]

Speaker 1:

The Ropshitzer Rebbe, R' Yerushalayim Mordechai, had study partners. He would never say when it ends. The study partner always had to close it, because if not the Rebbe would have learned, he would have learned until Freiburg. I don't know, he would still be learning today also, if the other one doesn't make it stop. Tremendous.

Law 4: Details of checking for chametz

Speaker 1:

Law 4 — they learned it. It's very interesting, because here it already goes into details. That is, until now more or less it was like the general principles. Now, that it was said that the Sages indeed were that one should do checking for chametz, all the details of checking for chametz already come in, and afterwards one will speak all the details of the actual prohibition of chametz.

Interesting, you understand, I'm saying it a bit backwards. The Rambam always goes like this. I mean that he never goes like he says all the principles, and afterwards he begins from the beginning. Almost always something somehow it goes into things. Interesting.

The Rambam doesn't say the reason for checking

Speaker 1:

And the Rambam also doesn't say the reason why. Why did the Sages add the mitzvah of checking for chametz? Sometimes he says reasons, sometimes he doesn't say reasons. In the Gemara there is a well-known dispute where Rashi says about perhaps one will come to eat, other Rishonim say because perhaps he doesn't mean his nullification sincerely, perhaps the nullification is not sincere enough. So the other Rishonim the Rambam is in a certain sense.

Where the Rambam places checking — shows the reason

Speaker 1:

That is, the Rambam doesn't say... In the Gemara it indeed says some reason that he will find a nice piece and so on. Ah, we say, the Rambam, in the placement where he puts it, we see ourselves that it's a part of the law. And to be exempt with the law of tashbitu. Yes, it's seen from the Rambam. Because the Rambam, when he doesn't say a reason, one looks where he places it. If he would have placed it next to the prohibition of eating, one would have understood that it's a concern he will eat. No, the scholars toil over the Rambam, but I mean that one doesn't see only from eating, not from lo yera'eh.

Innovation: Checking is a rabbinic interpretation of tashbitu

Speaker 1:

The Rambam makes it look like it's the rabbinic interpretation as if on the subject of tashbitu. Rabbinically means tashbitu means they nullify. The Rambam says no, they nullify, they actually remove in practice. This is seen from the language of the Rambam. He doesn't explain. Why? He doesn't say that it was final as if one wouldn't have done. He puts it down, as if.

Question of later authorities: Can checking become from the Torah?

Speaker 1:

And therefore such later authorities come and ask such a question, for example, according to this Rambam, if one didn't do nullification, then will checking indeed be a Torah mitzvah? It can be, one can hear it in this Rambam, as if the Torah itself says indeed that one must remove it. But what then? The Torah says that in the heart is enough. If one didn't do in the heart... Or if one didn't do, you can know that the same thing. The Rabbis is also a fulfillment of tashbitu, because... This is with all the stringency, if removing it in the heart works with all the stringency that it works when one throws it out.

"Put your money where your mouth is" — prove the nullification

Speaker 1:

One can also look at it a bit, as if when a person does something in his heart, one says to him, let's see, put your, I know, your money where your mouth, I don't remember the expression. Let's see if you mean it sincerely. If you hold it and you

Law 2 — One does not check by moonlight or by sunlight

Speaker 1: But if you know that after the holiday one will anyway not use it, and you do the rabbinic enactment, then we know that the nullification was sincere.

Yes, but the Rambam doesn't say it, and they make speculations. Fine, but it looks like the point, that the Rambam understands that this is the...

I would have said, if you ask me, I would have said the opposite. I would have said, I mean that it's a bit it looks like still in the sugya of the Gemara. I would have said that simply simply is the plain meaning in the depth of the learning of the Gemara, of the Amoraim essentially.

Because the innovation that nullification alone suffices means it only says in the Gemara. I would have said, that it says in the Torah "tashbitu," why would a normal Jew understand, a homeowner's lesson? Certainly, he takes the chametz and throws it out.

The Sages say, come more, think into it, you'll see what is the matter of throwing out, that it should be there, the essence is indeed it should be nullified. It's essentially one can nullify.

But it's certain that the normal order is to check to be. It's not that it was, once one conducted oneself with nullification alone, and the Rabbis came and said, it becomes a stumbling block, as other laws are so.

It's more, always one used to do checking for chametz. Only the Rabbis, the Torah scholars understand that this is not essentially required from the Torah side. Why? Because from the Torah one can indeed nullify. But what? The actual removal is already rabbinic, consequently leniencies and details come out in this.

But you understand indeed that it's not so strong as... You understand to say for example by Shabbat, when it says "tishbot," one certainly means that you shouldn't do any actions. That you should think, this is also just such a thing as if all your work is done, but this is already that this one sees through not doing work.

I mean that there are rabbinic things that are more like a decree in order to remove a problem. It means, once one used to perhaps not conduct oneself this way? There are such decrees, there are sometimes what one always conducted oneself, and the Sages come and made a new fence with a stumbling block.

It doesn't look like checking for chametz is so, it's more that certainly one always used to check that it's chametz, only the scholars, the Gemara, learns that this is not essentially what

the Torah meant from the basic law, some such sort of distinction.

The Rambam's language: One does not check by moonlight or by sunlight

Speaker 1: Okay, so **"one does not check"**. We learned details, already, we learned that the checking must be at night. Now one goes to speak further, **"one does not check"**, one should do it **"by candlelight"**.

The Rambam said two things: one should do it at night, and one should do it by candlelight, because at night both the world is at home at night, and also the candle works well at night.

The Rambam says further, **"one does not check neither by moonlight nor by sunlight"**. The enactment of the Sages is one should do it specifically by a candle, and not use the light of the moon, or if one does it during the day, the sun.

Speaker 2: No, during the day yes the sun is good.

Speaker 1: I mean that "by sunlight" means to say a bit... You should do it specifically at night.

Speaker 2: During the day you mean the 13th, right, the day before, right.

Speaker 1: I mean but that it means at night, perhaps when it's still at sunset one needs a bit...

Speaker 2: Could be, yes, beginning of night, yes.

Speaker 1: I can understand it, because not this is the same thing as saying early. One can indeed check during the day in a lit room by sunlight. He's already going to say when the sunlight helps.

Speaker 2: Okay.

Specifically by candlelight — not a torch

Speaker 1: "And not by moonlight". He means to say that when the Sages said "by candlelight," they meant specifically. Not that they gave you an idea and you'll say, "ah, it can also be anything similar." No, they meant specifically a candle.

And not for example a torch. A person would have thought, a torch is even better than a candle, it's a bigger light. But the Gemara for example says that a torch is difficult to check with a torch, because the torch as if he doesn't go forward, he goes back, whatever, I don't remember exactly what the Gemara says why not a torch.

Only **"by candlelight"**, because the light of the candle is good, one can bend down and look with it.

Practical difference for law: Flashlight

For example, in today's reality one says that a flashlight has a similarity, because it shines to the place, the focused light.

Speaker 2: Yes, no question with "to buy candles" by the checking for chametz.

Speaker 1: Right, I mean to say, if you'll compare it to something, you'll say that a flashlight is like a candle, whereas let's say just a big light is more similar to sunlight or the light of a torch.

Already, it's not so important, we don't mean here to make the practical law.

Law 3 — In what case are these words said: in holes and hiding places; a porch; the middle of the courtyard

In what case are these words said — in holes and hiding places

Speaker 2: By my teachers and rabbis, the Rambam says the law that one must check... One can already do nothing with a candle. You know what one uses a candle for light? Seriously?

Speaker 1: But on the other hand, today people do checking for chametz much more thoroughly from a few days before the holiday.

Speaker 2: That's the other thing, one must know. Another conversation, not for now.

Speaker 1: Yes, the Rambam says, **in what case are these words said?** That one needs a candle, that one must check by candlelight, **in holes and hiding places**, in corners and in holes, in hidden places where there it's dark and hard to see, and the candle helps. And also the sun doesn't come there.

But, interesting, and presumably he would have also meant to say, or just so, in a room where there are no windows, such a kind of place, must be lit.

I tell you, the "but" he doesn't go the opposite of holes and hiding places, but he goes the opposite of a room where it's not lit.

Speaker 2: Right, but in the middle of the room one doesn't need any candle at all, you can indeed see.

Speaker 1: One can plainly sweep and see, yes.

A well-lit porch — sunlight is enough

Speaker 1: But a well-lit porch, a place where it's illuminated, a porch is a room that has no walls, consequently it's well illuminated, **so if he checked it by sunlight this is sufficient**, because the essence is one should see it, it's not some decree of the Scripture about a candle.

The middle of the courtyard — birds are found there

Speaker 1: The Rambam says further, **and the middle of the courtyard doesn't require checking**, in the courtyard one must also look in the corners, but in the center of the courtyard it doesn't require checking, **because birds are found there**, in such a place there are birds, **and they eat all chametz that falls there**, if something falls down the birds will eat it. Consequently one doesn't need any further checking, one can assume that the birds ate it.

Innovation: Today's houses with large windows

Speaker 1: Perhaps in former times there weren't so many windows, the picture that the Sages thought that it will be enough the sun is only a porch, which is open entirely from the side or from one side.

Today's Building Practices and the Law of Achsadra

Today they build with very large windows in every room, so during the day it's quite bright. I think that in the old way of building, a normal house didn't have large windows.

So today every room will have the law of an achsadra, a place that is illuminated. I mean during the day, what is a room with windows?

Speaker 2: Yes.

Law 4 — A Hole in the Middle of the House; A Hole Between a Jew and a Non-Jew

A Hole Between a Jew and His Fellow — As Far as His Hand Reaches

Speaker 1: The Rambam says further, now, the middle of the courtyard is because there's a chazaka that birds eat, therefore one doesn't need to check at all, or therefore it's truly nullified. If something, some crumb, falls down, we check, the checking

is not lacking in a place where we have that birds would certainly have eaten.

Speaker 2: Very good.

Speaker 1: Now, more laws of checking. The Rambam says, **"A hole in the middle of a house between him and his fellow"**, between two rooms there is a hole, and let's say it's a place where one puts chametz there. And what is the law?

One doesn't need to, as it were, dig up and do extra actions to actually reach everywhere in the hole, rather each one must try his best. **"This one checks as far as his hand reaches, and that one checks as far as his hand reaches"**. Each one must go into his part of the hole as far as it goes. **"And the rest he nullifies in his heart"**. The remainder, the place where it is... where both cannot reach, the bitul b'lev is sufficient.

Just as we learned that the bitul b'lev is indeed the main thing, and the enactment of the Sages regarding checking is only as much as is applicable. They didn't obligate doing something, I don't know, such things as throwing down a wall or such a thing.

A Hole Between a Jew and a Non-Jew — Concern for Danger

Speaker 1: Further, there is another line in the Rambam, in certain versions it's not there, he adds, but this is between two Jews that each one should search.

But if one lives next to a non-Jew, **"a hole between a Jew and a non-Jew"**, one should not check it, because the non-Jew will sense something, the non-Jew observes in the hole next to him, and he stands there at night dressed in his Shabbos clothes in honor of the mitzvah, with a candle, he goes to look out what he's doing here with some rituals, and he'll say "ma'asei kishufim", he's doing some witchcraft, he's bewitching me, he's making curses, I don't know what, he's doing a pulsa d'nura, and it will bring danger. One doesn't need to check in such a case.

Further, because of the same reason, what is only d'rabbanan one doesn't need to do it in a place when there's a concern for danger.

Discussion: The Maggid Mishneh Doesn't Have This Version; The Rambam's Position on Witchcraft

Speaker 1: The Rambam says further, all these things are... I just want to see about this, the Maggid Mishneh says that he doesn't have this piece in his version. I also see in my edition that I bring here, it indeed stands in the Ishtana'i of Rav Shilat.

And I think this has to do with the fact that the Rambam didn't believe in witchcraft. So even the non-Jews, according to the Rambam, don't believe in witchcraft. So if the non-Jew is a Rambamist...

Speaker 2: No, the Maggid Mishneh brings that there's a dispute in the Gemara, and there are those who say that one shouldn't be concerned.

Speaker 1: It could be that the Rambam rules that if the non-Jew is a Rambamist... I mean, the main point is indeed that the Sages didn't make the decree in a place of concern for danger.

Speaker 2: That's true, there the Gemara indeed took up about danger, about a place of common chazaka this means, one cannot take it upon oneself, and one can, it's a mitzvah.

Speaker 1: But I think that perhaps the non-Jew fell in by mistake, he already believes in witchcraft.

Speaker 2: Okay.

Principle: As Far as His Hand Reaches

Speaker 1: The Rambam says further, you've now learned about searching at night. It could be that it's included, if you understand yourself that for danger one doesn't need to, that means that as far as his hand reaches.

Speaker 2: Okay.

Speaker 1: That means, we see here that if one cannot...

Speaker 2: Ah, that's what yado maga'as means, true. Thank you.

Law 5 — Any Place Where One Doesn't Bring In Chametz Doesn't Require Checking

The Principle: A Place Where One Doesn't Bring In Chametz

Speaker 1: The Rambam says further, the laws, I just said one must check in holes, you'll become confused and think that one must check everywhere.

He says, no, I'm speaking about holes where it happens that one puts chametz there. But **any place where one doesn't bring in chametz**, a place where one doesn't put any chametz there, but what is meant by bringing in chametz, at least in the Gemara, is not where one doesn't put it every day, but where there's no reason to think that one put chametz, because even a place where the picture in the Gemara is that perhaps the servant will go put down his bread.

A place where one doesn't put any chametz, **doesn't require checking**.

Chazaka: Birds Have Taken It Away

This also fits with the law that in the courtyard one doesn't need to because of birds. It's an interesting chazaka like this, because they've already taken it away. One does put chametz, but they've taken it away. But one can rely on logic and on chazaka.

Examples of Places Where One Doesn't Bring In Chametz

So now the Rambam will enumerate examples of places. Ostensibly a house, we just spoke about a hole one must yes, but that's in the middle. There where the person reaches, he sometimes puts things in.

But holes above or below the house, where it's not the reach of where people normally put chametz. Or gag hayetzi'a, the roof...

Law 2 (Continued) — Which Places Require Checking and Which Don't

Speaker 1: He says that the yetzi'a is such a small storage place next to the house, and it comes with such a slanted little roof above it. And if yes that it's a slanted roof, it's not a place where one puts something because it will fall off. Or refes bakar, a stable, or u'lulin, a stable for chickens. Matben, a place where one keeps straw. V'otzros yayin v'otzros shemen she'eino mistapek bahem, because he's going to say the opposite of this. Otzros yayin v'shemen, like for example where it's stored away in large barrels that one doesn't go there in the middle of the meal to take. U'veis dagim gedolim, the place where large fish are stored, it's not the place where one comes in the middle of the meal to take fish, because one needs a knife beforehand, it's not practical.

Eino tzrichin bedika, ela im ken only, he knows that **zachrin eiz lahem chametz**, that one once put chametz there.

But what yes? Otzros shechar, the place where one keeps beer, it's different from otzros yayin that was spoken of earlier. Shechar we're speaking here presumably of non-chametz beer, yes? The beer of dates. But that one goes there in the middle of the meal, v'otzros yayin shemistapkin mimenu where the wine is, that one can go in the middle of the meal to take wine from there. U'veis hamelach, the same thing, the place where one keeps the salt. U'veis hasha'avah, the place where one keeps the wax to make candles. All these things one goes in the middle of the meal. The candle went out, one goes to take more wax for candles. U'veis dagim ketanim, the place where one keeps the fish, which is yes smaller pieces, ready to take at the meal. U'veis ha'etzim, the place where one keeps the wood, one goes in the middle of the meal to take wood. U'veis hamuryas, the place where one keeps the pickled fish. O chorei habayis ha'emtza'im, the holes of the house that are in the middle of the house, where it's the place where one reaches easily, v'chayotza ba'elu, similar places to this, yes **requires checking**.

Here one doesn't say if he knows, but even if he doesn't know, but this is the chazaka **she'stama asher machnisin lahem chametz**. The general matter is that in such places it happens that one brings in chametz.

The Principle of Knowledge vs. Chazaka

The Rambam says, even in these places it's not simple that the general assumption is stronger than your knowledge. **V'im yada b'vadai shelo hichnis sham chametz, eino tzarich bedika**. Everything when he doesn't know. When he doesn't know, I say that these things have a chazaka that no, these things have a chazaka that yes. But when he knows, one goes entirely according to his knowledge, l'chumra and l'kula.

Law 2 (Continued) — Checking a Wine Cellar, Two Outer Rows

Speaker 1: The Rambam says, **k'shebodek hamartef**, when one checks the wine cellar, the place where one keeps the wine. Wine used to be kept in a cellar, because it's a place where it stays cold, wine needs a good temperature. So how far must one check? One doesn't need to check the entire cellar, but the places where it makes sense that one would take from there. **Bodek mimenu shtei shuros hachitzonos**. In the Mishnah there are two opinions how in the cellar one must check, and the Rambam tells us the law, one must check the two outer rows. The two rows are the closest to where the person comes in, which is the most exposed. What does it mean? **She'hi ha'elyona**, the uppermost level, **v'sheshlematah mimenah**, the second level. Yes, these are the details of how it used to lie in the wine store.

Okay, another important thing that the Rambam said.

Law 2 (Continued) — We Don't Worry Perhaps a Weasel Dragged

The Rambam's Explanation vs. Rashi

Speaker 1: The Rambam says thus: What happens if a person has already... The Gemara says it if he has already checked, but a person can indeed now start thinking, and indeed, the place is not a place, beis dagim gedolim is not a place where I sometimes put down chametz, but it happens by chance, I'll be carrying things from one place to another. The Rambam says, no, ein choshin, one doesn't need to be concerned, **shema garrah chulda chametz l'makom she'ein machnisin bo chametz**. That perhaps everywhere should mean a place where one brings in chametz, because there are indeed animals that carry things. The Rambam says, no, **she'im nachoosh**, if one is going to be concerned from one place to another, one will start to be concerned more and more. It is indeed, one can always think such kinds of concerns, **nachoosh me'ir l'ir, v'ein l'davar sof**. Ostensibly one can start that birds eat, but in a whole place where we know for certain that birds come. But in any case, the Rambam says that one may not, one must indeed be concerned thus like a place, perhaps one put chametz, but not exaggerate.

Right, the Rambam's explanation, says the Ma'or Einayim, the Mishnah is explaining that the Mishnah doesn't speak, as Rashi learns that this speaks after bedikas chametz, that one should be afraid perhaps he now checked here, and later an animal came and took there. Rather the Rambam speaks that this is a law in a place where one brings in chametz. That one doesn't say, in every place is perhaps a place because some weasel can come.

The Rambam interprets, what comes in me'ir l'ir. Do you understand it thus?

Speaker 2: Yes, because me'ir l'ir there means in a city where the whole city already from yom chamishi, it's not the Rambam. The Rambam says that according to Rabbeinu it did happen.

Speaker 1: I don't understand the Rambam's explanation so well, because the question doesn't make any sense, or makes less sense in my head. That means the language me'ir l'ir. The word **v'ein l'davar sof** fits very well with the Rambam. One hears what the Rambam says that... that one cannot exaggerate concerns. Okay, everything nine, one is not concerned so further. But the whole matter of bayis l'bayis, me'ir l'ir, that sounds something else. The whole matter **v'ein l'davar sof** sounds more like Rashi's explanation that it speaks after the checking, and perhaps one didn't put back.

Digression: Safek D'rabbanan by Bedikas Chametz

Speaker 1: One can give it such a bit of a halachic principles thing, that all these things are indeed d'rabbanan's. Normally right one would say that safek d'rabbanan one doesn't need to be stringent, but you see indeed that the Sages said yes, perhaps one put chametz, one sees that one was indeed concerned about a safek d'rabbanan. Bedikas chametz is indeed the Rabbanan.

Speaker 2: Yes, but that's the mitzvah. It's not a mitzvah on concerns.

Speaker 1: What can you say places where there's a serious chazaka? In the kitchen. But going outside the kitchen is indeed only a safek d'rabbanan. But one sees that no, one was indeed stringent in this.

Speaker 2: Says Rabban, one wasn't stringent with this up to the measure. One was stringent in this...

Speaker 1: Ay, ay, ay. Now. Okay, further.

Law 3 — He Put Down Ten Loaves and Found Nine

Speaker 1: Now one will learn... yes, let's learn... once one learned that one may not be too concerned, one will learn what one can always be concerned about. What kinds of stories can always happen? According to the Rambam it fits very well. It's not at all a contradiction. This stands one concern, and it speaks that one shouldn't say that every place is a concern of bringing in chametz. But... and yes, further, but... what is... oh,

what does have a good reason to be concerned, he must yes be concerned.

What happens in such a case? A person checked on the night of the fourteenth, and there is the custom, it seems from here comes the custom that one makes ten crumbs. Yes, there is the number, ten crumbs. **"V'hiniach eser chalos"** — he put down ten pieces of bread, or ten... it seems chalos means ten k'zeisim. A chala means a...

Speaker 2: Yes, but he's speaking of whole ones, not crumbs. A chala means a loaf, a roll, I don't know how.

Speaker 1: Yes, but I'm just saying that simply a k'zayis, less than a k'zayis would perhaps be different, the law would already have been different. And but the chala means a whole piece.

Speaker 2: Yes, I'm just saying that he's speaking here of large pieces.

The Case and the Law

Speaker 1: And he comes back the next day when he wants to do bi'ur chametz, and he finds only nine.

Speaker 2: Yes, Rabbi, I mean to say, he comes back and he finds only nine, it means one of them has disappeared.

Speaker 1: So what would one when you could have said? One could have said, I know, one doesn't need to be concerned, it's only d'rabbanan, one doesn't need to be concerned. No, **"harei zeh choshesh"**, one must yes be concerned. And **"v'tzarich livdok pa'am shniya"**. The mitzvah of checking begins anew once. One must... it's indeed obvious, because he knows indeed now that there is...

Speaker 2: Ah, why?

Speaker 1: Because here one says a regular chulda, o achbar vadai. And what one says that one doesn't need to be concerned that a weasel carries from one place to another, is when we would have no reason to think so. But here there is indeed something, legs to the matter that it's a certainty. It's a certainty, it's yes certain. Where did the tenth piece go?

Speaker 2: It could be that one speaks here that it's not... if it's a certainty it wouldn't be a novelty. What you miscounted seeing ten was a mistake.

Speaker 1: What happened?

Speaker 2: Says to me, no, a weasel can come. What do you know for certain?

Speaker 1: The Rambam says, yes, certainly. The law is, I say this, you're perhaps right that one is yes concerned and one is not concerned. If I know, and the law is basically that now I know that there is lost a piece of chametz. It must specifically be a weasel, it could be an angel who knows.

Speaker 2: No, but I can still hear, what is the other? Because another logic would have been?

Speaker 1: There is no other logic. He doesn't want to say here that if there's certain chametz in the house one must check again. It's indeed obvious that there's a new obligation of checking. But here one can indeed also think that the weasel perhaps carried it very far away. It's further only a doubt. The weasel took it away, but once... every checking is a doubt.

Speaker 2: I understand what you're saying? He must check. If he checks and he doesn't find, he hasn't found. He was indeed discharged from his obligation of checking. But now you know for certain that here in this room there is some chametz. What did you find?

Speaker 1: Yes, not certain. You know for certain that it's not checked, it's the word not checked, because there's certainly some piece that is somewhere here, that is somewhere here and he doesn't see it.

Speaker 2: Yes.

Speaker 1: Now, and further, further.

Law 3 (Continued) — He Saw a Mouse That Entered the House with Chametz in Its Mouth

Speaker 1: V'chen, im ra'ah achbar shenichnas labayis, such a case, a person sees a mouse coming into the house, **chametz b'fiv achar bedika**, one has already checked for chametz, here he sees a little mouse with chametz. So also, although, one can think perhaps it's from somewhere else or what, but no, **tzarich livdok pa'am shniya**. It goes into your house, the little mouse travels into your house with chametz. So one must be afraid that the little mouse will leave it here somewhere in your house. So **tzarich livdok pa'am shniya**, one must make bedikas chametz again.

Even if he found crumbs in the middle of the house

Even if he found crumbs in the middle of the house, he found small crumbs, this makes him think, ah, the mouse ate it, and it crumbled when he was eating. **We do not say**, look, **he already ate that bread in this place and see the crumbs**, I have here even some proof that he ate it. No, this is only an assumption. And we don't do that, **rather we are concerned** that he indeed left it somewhere **in a hole or in a window**. Ah, you see the crumbs? Perhaps the crumbs were there. One must search anew.

Because indeed you see that a child is different, but a mouse, because it's not the way of a mouse to make crumbs. So, the crumbs have nothing to do with it. Presumably the mouse still kept the piece of bread somewhere, and the crumbs are just, he didn't notice before, there were crumbs. Or you did notice, not the point, it has nothing to do with it.

If he found nothing, if he finds nothing at all by the hole or window, **he must search for it**.

Law 9: A Child with Bread in His Hand – The Law of Crumbs

Speaker 1: You even have the raglayim l'davar (grounds for the matter), the crumbs are the evidence that the child ate the bread. Why? **It is the way of a child to crumble while eating**, children crumble when they eat, **but it is not the way of a mouse to crumble**, mice don't crumble. **And if he found no crumbs at all**, but if he didn't find any crumbs at all, further it's indeed the same law as before with the mouse, and one must search perhaps the child didn't eat it, but put it away somewhere.

Innovation: Crumbs Have No Significance at All

Speaker 1: Something we see here that's interesting is that the crumbs themselves, apparently one never needs to search for them. That's how it clearly comes out here, because it doesn't say that one must pick up the crumbs. And you see that if there are crumbs, we say "ah, he's exempt", because these are the crumbs from that. Crumbs are just nullified like that. I don't know what it says. It says here that crumbs are not something one needs to search for. That's what it says, I mean, apparently explicitly in the law. Crumbs should be ownerless.

Speaker 2: Ah, now they say regarding matzah crumbs.

Speaker 1: Yes, I don't know what it has to do with it. One doesn't need to make them ownerless. They're literally ownerless. They're not considered like dust, they are like dust. That's how it looks.

Speaker 2: Yes. I don't know. It's only an inference.

Speaker 1: No, that's actually how it is. In halacha they say that things that have no significance at all, small crumbs, are literally not important at all.

Speaker 2: Yes. Okay. Yes, continue.

Introduction to the Laws of Doubts in Searching

Speaker 1: So, now we're going to learn when there are doubts. Until now when we learned that it's certain that it's built on the same. It's built on the same situation, that means he had ten and only nine remain. But there's no doubt whether the nine are chametz or matzah. In short, everything is in a similar situation that he knows something remained, but it's not certain that there was a piece, rather such a doubt.

Dispute Between Rambam and Raavad: Whether These Laws Belong to Searching or Nullification

Speaker 1: And the Rambam learns that all these laws have to do with the laws of searching. Very interesting. The Raavad I think argues, because the Raavad says that he doesn't understand, if it's a doubt I should immediately be...

Speaker 2: Yes, you see that the Raavad argues?

Speaker 1: I want to leave it here in the law. Law 10, the Raavad says, that he doesn't agree with the whole thing, because the Raavad says that all these laws, the novelty stands in the Gemara, all these doubts are discussed learning about bitul (nullification) which is from the Torah, but searching is only rabbinic. It should just be that the moment there's a doubt it should be a rabbinic doubt to be lenient, and one shouldn't be able to make... Besides this, the Raavad disagrees on various of the Rambam's principles that he makes here.

In any case, the essential law, the Rambam doesn't look like he's rabbinic. It could be if there's a majority that it's a doubt, one needs to know. Rabbinic doubts one should indeed be stringent, but fundamentally, I mean that there's a dispute whether all these laws are with the laws of searching or with the laws of nullification.

Questions on the Raavad

Question 1: Searching Means Investigating Doubts

Speaker 1: I don't understand the Raavad's thing, because the entire law of searching in holes and cracks says that I don't rely on being. What does searching mean? That I don't rely. Searching in holes and cracks. One must search perhaps here in a hole. In a hole is already a doubt.

Speaker 2: Yes, but that's the same thing.

Speaker 1: The word searching means that one must investigate. That's included...

Speaker 2: No, I don't agree.

Question 2: Bitul Is Not Specific

Speaker 1: But the other thing I wonder about the Raavad is that bitul isn't... He can say about a whole world, everything is nullified, everything is nullified. How do all these great difficult doubts happen? Bitul isn't on the specific piece of bread. Bitul is that if there's any chametz, or... It's said along the way.

Speaker 2: According to you that's what's said.

Speaker 1: No, I'm asking. On the contrary, tell me. The Raavad said nothing about chametz that you don't know about. It only said that bitul means that he takes chametz and nullifies it. It didn't say anything, he nullifies a chametz from his heart. He didn't say about a specific one, he didn't nullify his, how is there all chametz is nullified.

Speaker 2: That's what you say.

Speaker 1: And that doesn't say, nothing was said, not even a bit was said. I say, in the Raavad it looks like something... The bitul must be specific. On that specific piece, he must know where it is?

Speaker 2: No, one must know that he's still obligated, only if he wasn't mevatel (nullify), he took it upon himself from the majority.

Speaker 1: All these doubts, to whom does it matter, I don't know. And how do such kinds of cases happen at all? And I remember that the Maggid Mishneh didn't have time to learn all these laws.

Speaker 2: Yes, let's see. No. One. Um... where, you're very busy. Yes yes. What yes yes?

Speaker 1: But someone talks about this, whether the searching must be specific on the chametz that one knows?

Speaker 2: Searching?

Speaker 1: I mean the bitul. We haven't learned anything until now about...

Speaker 2: But you see it yes here in the note of the Raavad.

Speaker 1: He doesn't mean that, he only means to say that it's not a topic of searching, he only means that one must nullify.

Discussion: How Does One Perform Bitul?

Speaker 1: Let's understand, a normal person must... Whatever the Rambam said that one must say something by the bitul?

Speaker 2: But in the Gemara you see that there's such a thing that one must do, right?

Speaker 1: The question is, the person must still nullify his chametz. If he has no chametz, let's say, by us it already says in the siddur one nullifies every week, you don't understand the case. But it doesn't say in the Gemara that there's such a siddur, and the Rambam doesn't have such a siddur. It says, if a person knows he has chametz, he must nullify. He must nullify now. And by the week, you think he nullified something easy, he'll say, one must actually nullify it. It's very difficult. I don't know if that's the truth.

Summary of the Dispute

Speaker 1: And the dispute is mainly said on the other question, whether there's a rabbinic doubt on the matter of searching. It looks like the Rambam held that we don't say on this a rabbinic doubt, perhaps because the service of searching itself is that one must investigate, one must ensure, and one can't rely on doubts. That's a nice reasoning that one must think about.

But I understand yes, the simple explanation, what you say that the simple explanation doesn't fit, I can't say it doesn't fit, because the whole thing is a bit theoretical. Just as in the Gemara there can be a thousand two, as if only he's obligated in a sin offering, and there's no one who brings a sin offering.

It's whether he transgresses or doesn't transgress. And what does transgress mean? Transgress is certainly only transgress if he's not mevatel, right? And that means he must nullify. You ask, as if to make a bitul on the side that he must. He can't, but we speak in such a way. It's practical, practical.

Digression: The Tur's Humility

Speaker 1: If I remember, I remembered the other day, or someone I saw in laws of Pesach writes about where is the Tur in the law, it's a sign for example how one looks in the Tur. If I remember, and... yes, if I remember, and the Tur is very good, I remembered. The Tur in Orach Chaim 439 brings the summary of the laws from the Rosh, not from the Rambam, and he presents it thus: There are laws of the Rambam in these halachic rulings, and I was unable to write them. And I wrote what seemed correct to me. He writes his total, and apparently the reason he does this is because there aren't so many questions. It's very possible, the reason there are so many small laws is because there's a law, we say a Shabbat HaGadol sermon, there's a law thirty days one must say sermons, one must speak about the laws of Pesach, there must be material, yes? There are enough practical things for Pesach, no?

I always have pleasure when I see such a piece, I always have pleasure when I see such a piece, for our imagination always that the poskim (halachic decisors) were angels, they always had strength to learn. The Tur tried, he made difficult work, he wrote a book on the entire Shulchan Aruch, not to mention the Beit Yosef.

But I'll tell you, I saw in Parshat Va'etchanan by the Ten Commandments, Rashi says on the first piece of the Ten Commandments, that the Ten Commandments were already explained in Parshat Yitro. And this is simply Rabbeinu's humility, he doesn't go over it again, because everywhere it must fit when one learns Chumash with Rashi of the week. Ah, that's because in Rashi's times it didn't go so poorly, he imagined that people would come back already.

Today's book, first of all, he wants to make his book big, paper is cheap. And secondly, he doesn't trust the public that you'll go back to check at all. One must repeat everything, all of them and more, ten times perhaps people will learn it.

Law 10: Nine Piles of Matzah and One of Chametz – Everything Fixed Is Like Half and Half

Speaker 1: Okay, let's go further. Says the holy Rabban, okay, let's try to learn, but if you know that a scholar is very happy with you.

Speaker 2: Yes, it's lively.

Speaker 1: Yes, it's similar to the laws of nine piles, wherever, nine stores. It's like this, two piles, there are two piles before. **He placed nine piles**, yes, here it begins.

Speaker 2: Yes, yes.

Speaker 1: He placed nine piles of matzah, a person prepared for his Pesach, and he left over nine piles of breads that are matzah breads, **and one**, and there was one pile of chametz. A mouse came **and took. And we don't know**, we don't know if he took chametz, or if he took matzah.

Speaker 2: Yes, the Gemara says on this, a weasel doesn't have prophecy, so he doesn't know to take only from the kosher ones, yes?

Speaker 1: No, I remember that here there's the joke in the Gemara. The Gemara also sometimes makes a good joke, a weasel has no prophecy.

And came to a searched house. And we don't know, we don't know if the house took from the pile, or if it was a good house, he only took from the matzah and saved it, or he took chametz, **and entered a searched house**. What's the law now? The law is **one must search**, one must search. Why? Because **everything fixed is like half and half**. Every thing that's fixed, gets, receives a law like half and half? And although there are here nine piles of matzah, but one doesn't go after a majority in such a thing, but one looks at it as equal.

Apparently the Raavad would also say here that we're only speaking regarding further. What is the Raavad on? It's certain. That means, one must ask on the other thing whether the Raavad also disagrees, because here it's literally a doubt. Perhaps it becomes literally a doubt, a weighing. A doubt weighing properly belongs to the topic of a rabbinic doubt. That's the principle.

Explanation of the Reasoning of Fixed – Why Majority Doesn't Apply

What does fixed mean? Because the piles are fixed. It means, the mouse took it from a place that's fixed. What happens in another case? It cuts piles. I mean that... It falls out? I don't know. I want to say, I mean that the beginners become very confused with the topic of fixed and separated and so on. I mean that the reasoning is very simple.

The original case means like this: I go into the nine stores, yes? It comes from the nine stores, right? The topic of fixed, yes? That's the original case of the fixed. And it makes very much sense, that the majority doesn't come. Majority is when it's... I don't know how I say it, but I'll tell you a story.

Come here, there were ten... I went into a Jewish town, he has here ten... I'll understand why a Jew would at all, but in short, there are ten Jewish butchers, nine are kosher, one is non-kosher. And he's now in a butcher, he doesn't know which butcher he's in now. Yes, something very good. And he asks, I say, what does presumably mean? I'm here! There's no presumably. Presumably is when you don't know where you are, when you don't know where something came from, when there's a doubt. There's no doubt, it's a doubt, but it's very difficult to say majority. I'm only in one store now. You're only in one store. The one store you don't know which it is. Yes, something like that.

I mean that everyone will hear... But you'll still say that every store he has a chance to enter there. It's not that the chance is... I don't know what the word chance is. No, instead of seeing... Let's remove the word chance, because it's a word we were taught from modern times and we don't know what it means. Today also no one knows what it means, there's no difference, it's another investigation.

I'm only saying that with straight thinking, you tell a person the story, and he says, as you say, where are you? Presumably you're where the majority is. But the word fixed also makes a lot of sense. I'm here.

You tell him, which is not so when a Jew comes from far away, yes, you ask him, where does a Jew come from? He comes from London, from England, he says. Most Jews from England come from London. Thirty Jews in Manchester also, I don't know, I have no idea, I'm telling the truth, but let's say, yes? Presumably you come from London, because most people who come from England come from London.

But a Jew travels to England, I see the difference, he travels to England, he says, where are you? Where should I travel? Presumably you should travel to London. What's the connection? Do you understand what the difference is? It depends where I'm going, I'm going there, and then I say I came from there, and the piece of meat or the chametz, the piece of bread is from there. It makes very little sense. Everyone can hear the difference that it's very different to say, ah, presumably you're there, because there's a majority there. It's not so... It's not the same majority.

It's very simple, the difference is very simple. One can say Torah insights on each one, but I mean that the basic difference, when one thinks of the picture of nine stores, everyone can see that it makes much less sense to say majority on such a kind of case than on another case. Certainly it doesn't become certain, it becomes a doubt. Understand?

Afterwards when one makes from this the abstraction and wants to apply it to other cases where there aren't the basic reasonings, indeed it becomes very complicated. But I mean that the original is very simple.

One Must Remove the Concept of "Chances"

The key to this is that you have to remove the word "chances," because if we think of chances the way we think in modern times, it will be the same by kove'a (establishing). Because you can say that at every storefront there's a chance that he'll walk in there, so there are nine chances. But if you remove the word chances and you say chachamim (sages) don't look at chances, rather they look at sfeikos (doubts) differently, then you understand the difference very well.

I also don't know what "chance" means, is that the truth. This is also, he says that a Jew comes from London. Very good, then I agree, because most people, most people live in London. Very good, it's a rov (majority), most Jews, most English Jews are from London. Very good, so he's probably from London. It's not certain, it's also a mistama (probably), but it's a rov. It's just levels of hachro'os b'sofek (decisions in doubt), true, and none of them is certain. It can certainly be that he comes from Manchester, it can also be that he comes from Leeds, two more Jews, okay? But... but if I travel to London, and I say, "I probably traveled to London, because most times one travels to London," that doesn't make sense. That makes much less sense, at least.

Speaker 2:

Okay, that's... that's an extreme case. It's true that the word "sense" is peculiar.

Halacha 11: Two Piles, Two Houses, Two Mice — There Is No Kevi'us Here

Speaker 1:

Okay, shnei tziburim (two piles). Let's learn further. Shnei tziburim. Let's make the case more complicated. There are two piles, **echad chametz v'echad matza** (one chametz and one matza), and there are also **shnei batim, echad baduk v'echad she'eino baduk** (two houses, one checked and one not checked), and there are also two mice, and one took chametz and one took matza, and we don't know who went to which house.

Or a similar case: **shnei batim bedukim** (two checked houses), two cleaned houses that were already checked, and there's one pile of chametz, **u'va achbar v'natal** (and a mouse came and took), and we don't know which one it went into. Or we do know which one it went into, but **badak v'lo matza klum** (he checked and found nothing), and he doesn't know if he left it here or went further with it. Or **she'badak** (that he checked), or he went in and he does find a cookie, but his question is whether the cookie is what the mouse brought, or perhaps there's still another cookie here.

So the halacha is **b'chol elu**... what? It seems for a blessing **b'chol elu eino tzarich livdok pa'am shniya, she'ein kan kevi'us** (in all these cases he doesn't need to check a second time, because there is no establishment here). Because now the question didn't happen now by the piles, the question is now in the house where it is, and the question is already... the incident has already passed. Here the question isn't which pile the mouse went to, because it went to both. The question is, or there are two mice, that's not the question. The question is, the piece of bread that's here, from which pile did it come? Probably it came from the majority. Very good.

Maggid Mishneh's Answer — The Essence of Bedikas Chametz Is Upon Doubt

Speaker 2:

By the way, he actually says that your reasoning that you said is what the Maggid Mishneh says, that the others who justify the Rambam's position is that actually **bedikas chametz ikaro al hasofek, machmirim b'sfeikos** (the essence of checking for chametz is upon doubt, we are stringent with doubts). Like the Ra'avad, the Rambam answers differently than the Ra'avad.

Speaker 1:

It's better that one says it oneself, because then one can think for oneself whether it's good reasoning, one doesn't become biased that the holy Ro'ah said it, I start to feel like I'm asking myself foolishness, I don't know. One shouldn't really learn that way, but it's important not to learn that way, because a person should also have his own opinion, no?

Speaker 2:

Yes, yes. Also this way it's his Torah, not... no, okay, it's a discussion in the way of learning.

Speaker 1:

Yes, further.

Halacha 12: Cases Where One Must Check — New Concerns

Speaker 1:

What happens here? **Hiniach chametz b'zavis zo** (He placed chametz in this corner), he placed chametz here, and he comes back, he finds it in another place. Someone moved it around. Can he think that the mouse took it from here and placed it here? Or can one think, no, the mouse took it from here and carried it completely somewhere else, and this the mouse brought completely from somewhere else.

O she'hiniach tesha chalos u'matza eser (Or he left nine loaves and found ten), he left nine, here he finds a tenth. From where is the tenth? Can he think, okay, fine, baruch Hashem, it's lying here together. Or can he think, no, once something happened here, a change, the mice here commanded, so who knows what else they did? Perhaps they brought another eleventh and it's lying hidden.

O she'hayu tish'a tziburin, tisha pe'os shel matza v'echad chametz, u'farash kikar meihem (Or there were nine piles, nine corners of matza and one chametz, and one

loaf separated from them), one bread disappeared from the whole thing, **v'ein yadu'a** (and it's not known), I don't know if the bread went away from the nine matza or from the one chametz. **U'va achbar v'natal hakikar she'farash v'nichnas l'bayis baduk** (And a mouse came and took the loaf that separated and entered a checked house), it went into a house that was checked for chametz.

O she'ba achbar v'natal chametz, v'sofek nichnas l'bayis zeh o lo nichnas (Or a mouse came and took chametz, and there's a doubt whether it entered this house or didn't enter), one saw a mouse going with chametz, and one doesn't know if it went in.

B'chol elu (In all these), all these one must check. Why? Because this isn't pirush (separation). There's no majority here, but this is the opposite of majority. Another one was added, there are other types of sfeikos (doubts) entirely. New concerns were added, perhaps mice come, perhaps mice come, perhaps mice come. So these things one must check, as we learned earlier. On such a type of doubt one must check, as we learned earlier.

Halacha 13: A Mouse Entered and a Mouse Exited — Talya (Attribution)

Speaker 1:

Further, more sfeikos. **Nichnas achbar l'bayis v'chikar b'fiv** (A mouse entered a house with a loaf in its mouth), and afterwards one sees a mouse running out also with a loaf in its mouth. So a person who has extra concerns could think, perhaps it's a new mouse? The mouse put down the loaf, and the new mouse is already a different mouse. It says, no, **omrim hu harishon she'nichnas hu ha'acharon she'yatza** (we say the first one that entered is the last one that exited). On the contrary, one can rely that it's the same mouse, and it went away with its account. This is a talya (attribution), that means like a talya, yes? We say.

But **haya harishon shachor v'zeh she'yatza lavan** (if the first was black and this one that exited was white), we don't say that in the meantime it became old, or I don't know what happened to it. Yes **tzarich livdok** (he must check), because then you can't say the one that entered is the one that exited.

Nichnas achbar b'chikar b'fiv, yatz'a misham chulda b'chikar b'fiha (A mouse entered with a loaf in its mouth, a weasel exited from there with a loaf in its mouth), it's the same thing **tzarich livdok**, because it's not the same one that went in and came out.

Yatza achbar b'chikar b'fiv (A mouse exited with a loaf in its mouth), then **eino tzarich livdok** (he doesn't need to check), because we say that this is the loaf that it had the whole time, not that once one sees a mouse with a loaf one must fear that there was more than one loaf.

Nachash she'nichnas l'chor u'fas b'fiv (A snake that entered a hole with bread in its mouth)? We know for certain that a snake went with a piece of bread. So then the halacha is like a hole that requires checking, but since it requires checking because we saw that the snake goes in there, the person himself certainly may not check because there's a concern of danger. But if a person thought, perhaps one must nevertheless make such an effort that he goes to call a professional and have it removed? **Ein chayav lo chova l'hotzi'o** (He is not obligated to remove it). This is probably a law in column A that one doesn't need to go so far, once there's a concern of danger one is completely exempt, one doesn't need to do that.

Danger Exempts Completely

Also for example by the non-Jew, we don't say for example that he must now go buy gifts from the non-Jew and bring down a lawyer to explain to him, because once there's danger, the same thing here, once there's danger the Chachamim exempted.

This Fits with the Foundation that Bedika Is Essentially Upon Doubt

Speaker 2:

Apparently this fits with what you said that the entire law of bedika is upon doubt, you would perhaps say that about this he says at the end.

Speaker 1:

It fits here very well at the end with the thing you said that the entire law of bedika is upon doubt. You see, usually Chachamim say one doesn't need to be concerned about a doubt. Here something they are stringent about a doubt, so how far does one go? He says only when it makes sense, and also here he thought that it's a danger. Also, probably the snake hasn't yet eaten the bread, because that's why it took it.

Kezayis Chametz She'b'shmei Kora — Chametz Up by the Ceiling

Speaker 1:

Apparently, this fits that you said that the entire law of bedika is upon doubt. You would perhaps say that about this came the other side, the one end of the matter. It fits here very well in the end with the thing he said that the entire law of bedika is upon doubt. Usually Chachamim say one doesn't need to be concerned about a doubt. Here something they are stringent about a doubt, so how far does one go? He says only when it makes sense, and also he hasn't eaten the bread, that's why he took it.

I mean, there's also a doubt that the bread is no longer there, because it ate it. Ah, I don't know, isn't the word doubt? And isn't it the word doubt? Both, it's certainly connected to this.

Digression: The Cost of Bedika

He also brings that the professional service, I don't know, the professional service is very expensive, one can't show a person. One sees all the time. I don't know, today's Lithuanians don't understand so well, but there's a measure of how much one must spend in the world. Every thing, exactly. The Chachamim will say, come here, all bedikas cost money, right? I mean, we learned, we're going to learn later about this, about money. But it costs time. Something, some effort, something the Chachamim obligated. But a hundred dollars? What does it mean it's expensive the professional service? Some professional service, it costs three hundred dollars.

And simply there are rules in this of how much a person must spend for a d'oraisa (Torah law), for d'rabanan (Rabbinic law). This isn't rules, this is the Rabbanan themselves. What does this mean rules? D'rabanan say, come here, so expensive? To such an extent, here it's also, it's both, it's... And one is exempt from such a thing. The whole thing is here one thing. And it's not that the person won't go on Pesach and eat it because it doesn't turn anymore.

Digression: The Flexibility of Halacha

In short, I'm just saying that halacha is very practical. I never understand, I've already said enough times, I never understand the person the halacha, one may not go against the halacha. I learn a halacha. The halacha is the most flexible system that was ever invented. For everything there's a heter (leniency). There's a heter, there's always a way out, there's always a heter. It's very not ideological, it's very not... The holy... Everything becomes a case if it's really... It's not all or nothing. There are times when one becomes strong, there are times when it's a thing that the halacha I should do, but most halochos aren't. Most halochos, the study of halochos is mostly to find. Yes, in such ways one actually doesn't need to.

Nu, can you stop a minute?

Speaker 2:

Kezayis chametz she'b'shmei kora.

Speaker 1:

Very good. Yes.

Halacha 14: Kezayis Chametz She'b'shmei Kora

Speaker 1:

So this is still from the halochos of how far one must check. As we learned like in the hole one must go until the place his hand reaches. The similar halacha is thus, **kezayis chametz b'shmei kora** (an olive's volume of chametz in the ceiling beams), an olive's volume of chametz that's up by the ceiling, by the beam above, **chayav hanosen l'havi sulam l'horido** (the giver is obligated to bring a ladder to bring it down), one obligates the person that he must bring a ladder to take it down. Why? **She'pe'amim yipol mi'shmei kora** (Because sometimes it will fall from the ceiling beams), it can fall down.

It's interesting actually this halacha. Here one actually sees a bit like the matter is that he's going to eat it. Because if it has nothing to do with eating, what does it matter to me if it's going to come down or not?

Explanations in "She'pe'amim Yipol"

Perhaps the word is that now it's in a place where bedika wasn't obligated, but it can become a place where bedika is obligated. Perhaps that's the word. Not about eating, rather when it's something that's like deep deep in a hole that will never come out from there, we didn't obligate bedika at all. First of all there's an issue of difficulty. But you see here that despite the difficulty one didn't change. He must bring a ladder to take it down, and the reason is shema yipol (lest it fall).

Shema yipol, is the simple meaning that because it can very easily become a place where one is obligated in bedika. I mean, if one doesn't say that the word is about eating, this would be the only thing I can think of. Now it's actually a place that's perhaps exempt from bedika, like something that's very deep in a hole. But it can come down and become a place that's obligated in bedika, that's why one must take a ladder.

The hole is obligated in bedika, but a place his hand reaches. I say that the kora (beam) would have been able to be called a place his hand doesn't reach. His hand reaches means without special equipment, without a ladder, without some special tools. But something that's in a hole won't come up. This can come down, and when it comes down it will become a place where bedika is obligated. On Yom Tov one cannot check.

Speaker 2:

Yes, my Gemara says something like this. About what?

Speaker 1:

No, he's talking about another plan when the Ra'avad. I didn't understand. What did he say about that?

Let's learn the next halacha, perhaps to say.

Halacha 15: Chametz in a Pit

Speaker 1:

Haya chametz b'bor (If chametz was in a pit), then once he's obligated to bring it up, because it won't come up. Things fall down, there's gravity. It's a custom of the world. They all follow Einstein's theory something. **Ein mechayvin oso l'ha'aloso, ela mevatel b'libo v'dayo** (We don't obligate him to bring it up, rather he nullifies it in his heart and that's sufficient).

Discussion: Why Does Bitul Help by a Pit?

About this bitul helps. So about this I want to think here, or if the word is always shema yavo l'ochlo (lest he come to eat it), it fits very simply, because it will fall down, he can eat it, so there's the concern that he'll eat it.

But if the concern isn't shema yavo l'ochlo, that the Chachamim established bedika simply as a greater level of tashbisu (removal), one can also hear that then when there are great chances that it will fall down, and on Yom Tov, the entire obligation of bedika is erev Yom Tov (the eve of the holiday), one must already now be concerned, because it can fall down it will become a place that's obligated in bedika. And one can think this way.

Speaker 2:

I understand, but according to all opinions, even the Rambam says that it has to do with tashbisu, the point of tashbisu is certainly so that he won't eat it. That means, the reason for bal yera'eh (the prohibition of having chametz visible). Bal yera'eh is also more important than eating.

Speaker 1:

Bal yera'eh, no, we say, bal yera'eh is also so one won't eat.

Speaker 2:

Also so one won't eat?

Speaker 1:

Yes. What did he mean? It's risk management? An extra thing?

Speaker 2:

No, it's not an extra thing. It's certainly so one won't eat. I mean that it's simply so.

Speaker 1:

Naturally okay, let's learn.

Halacha 15: A Lump of Leaven and Bitul Chametz

A Lump of Leaven That Was Designated for Sitting

Speaker 1:

Now we're going to learn how one can nullify, or leaven, let's not with this. How it becomes nullified, how one looks at the chametz is nullified.

So thus, **kapas se'or** (a lump of leaven), a person had for example a large pile of dough. Not a pile, kapas se'or is the bowl where one keeps the leaven. Ah, and the leaven became hardened. And the leaven remained inside, and now he uses the whole thing like a bench.

Speaker 2:

He says that it means the leaven itself, it became hard.

Speaker 1:

It became hard, and he uses the whole thing like a bench. Now he has a heavy bench, the bowl itself if he sat on it would break, but now it's filled with hard dough.

I understand what kupa (bowl) means? Kupa means the dough itself, or something that... not a sieve, I was mistaken, the sieve is the next halacha. He says yes kupos se'or looks like... the Geonim translate a sieve, or when the dough itself became like a bench. Hardened dough that starts being used like a bench. **Sheyichado lishiva** (that was designated for sitting) that was designated that from now one will sit on it.

So the question is whether we look at it as if it's chametz, or we look at it? No, the chametz is no longer there, now it's a bench. It depends.

So thus, **im tach pnei mit** (if he smeared its surface with clay), if he smeared it with clay, **harei zo bitla** (behold it is nullified) it became nullified from it, so the chametz is no longer chametz. That means, we don't look at it as if it's food, we look at it like a bench, **u'mutar l'kayma** (and it's permitted to keep it). Yes. You don't even need to nullify this. It's not such chametz that isn't... Look not only like it's no longer, it's former chametz. It's former chametz.

Explanation: Why Is It Nullified?

This is apparently, here comes in very much the Rav who learned in Chapter 1. That is, essentially all shiurim (measurements), perhaps they have raui l'achilah (fit for eating), the answer is not because it's not raui l'achilah. It's not enough that it's not raui l'achilah, because for a shiur one transgresses even if it's not raui l'achilah. But when one has completely destroyed it with this, you've made it destroyed, it's no longer any substance now. That's one way.

One can also think further with this matter of eating, it's also so, umitoch pnei avidus (and because of its being worked) there's no way at all that one should eat it. But it's not just that there's no way, it's become nullified, because for the world l'chatchilah (from the outset) it's not a thing that one eats, it's only a thing that one should make with other things with it. But now that it's become a bench, it's not just no.

Batzek Shebesidkei HaAreivah — Dough in the Cracks of a Bowl

Speaker 1:

Batzek shebesidkei ha'areivah, a person has a bowl, and bowls develop holes in them, and one uses it for the areivah, the bowl, the dish one uses for dough. And there where there are holes, it gets filled with dough. Dough is sticky.

So it is, **if there is a k'zayis in one place**, if there is such a large crack in the bowl that there is a whole k'zayis of dough in one place, **chayav l'va'er** (obligated to remove) one must scrape it out there and do everything. To be exempt from the chametz. You'll take it out, take it out. There's a whole k'zayis in one place.

V'im lav (and if not), if there isn't a k'zayis, it is so. It depends: **if it was used to strengthen the broken pieces of the bowl**, if one looks at the dough there as if this is the new pot, as if this is in place of the pot, or to seal, this is in place of holding pieces together, **or to seal a hole**, or to plug up a hole, **it is batel b'mi'uto** (nullified in its minority), it becomes nullified to the pot.

Explanation: What Does "Batel B'mi'uto" Mean?

But because it's a minority, it says here something like this, I'm not so clear, batel b'mi'uto is because it's less than a k'zayis. Can one say so, because it's less than a k'zayis, and it's not a shiur d'oraisa (Torah measurement), therefore one accepts that from now one also looks at it as if it's a part of the pot.

But if it doesn't hold together the pot, the pot wouldn't fall apart even without the dough, then one doesn't say that the dough has become nullified, it's now become a piece of plate. Rather there is a plate, and there is dough, and it's sticky on it. So there's still the obligation to remove it, to scrape it out and be meva'er (remove).

I bring here from the Shulchan Aruch HaRav, it makes sense that the previous law of toch pinah batit (inside a corner with mud) will also help here. If one smears everything around with mud, if he smears everything around with mud and further. If one has done something that he has glazed it, I don't know what one has actually nullified it. Every thing, if one takes a... I agree. But I mean, that's the point. Batel b'mi'utam doesn't mean that it becomes nullified. Half a line is also obligated. Obligation in nullified and everything. But because it's less, it's less important, one says, ah, it doesn't exist, it's a part of the bowl.

Two Half-Zaysim in Two Places

Speaker 1:

And further, **if there are two half-zaysim in two places**. What happens on the same areivah? On the dish there are two half-zaysim in two other places. Here there's a hole and a piece of dough stuck in here.

So it is, if **there is a thread of dough between them**, the two places are connected with another piece of dough, there's something like a bridge between them, a small piece of dough, then it is so **ro'eh** (one checks). **Kol she'ilu yinatel hachut, yinatel imo** (anything that if the thread is removed, it is removed with it). If the thread is so strongly connected to both pieces of dough, that if one removes the thread, it drags along, it drags along the two half-zaysim, one now looks at it as if it's one whole k'zayis, it's just that there's something that connects the two small pieces. **Chayav l'va'er** (obligated to remove).

Continuation: Half-Zaysim Connected by a Thread of Dough

Speaker 1:

V'im lav (and if not), meaning, if the two half-zaysim don't connect, essentially apparently even if it's a bit smaller than two half-zaysim, because one can simply calculate the thread of dough itself is something like a piece, it's a bit. V'im lav, if the thread is not strong enough or not big enough, and each half is a thing by itself, **eino chayav l'va'er** (not obligated to remove), because as we learned earlier, when it's in an areivah, then it becomes nullified to the areivah.

He says, in the words of the Torah that a small piece becomes nullified, is when it lies in a pot, one says that it becomes connected to the pot. But in a house, if a person simply has crumbs lying on the floor in the house, ah, simply in a wall, but **if the thread is removed and it is removed with it, one is obligated to remove it**, even if it's not there except to gather them.

Explanation: The Distinction Between Areivah and Bayis

Speaker 2:

I mean what he means to say here is like we learned earlier that one doesn't need to worry about crumbs. If a person has for example many small crumbs, so if all these small crumbs are somehow connected... It doesn't say crumbs, it says dough. Such a type of thing that it happens that a person seeks to make his dough a k'zayis, and he doesn't have, he takes a piece here, a piece there, so naturally it becomes, with this he makes his challah for Shabbos. Such a type of thing he is obligated to remove, because it happens that he will go take it.

Speaker 1:

I understand what is the hava amina (initial assumption)? Bedikas chametz means the pieces of dough?

Speaker 2:

No, bedikas chametz means k'zeisim.

Speaker 1:

Only k'zeisim?

Speaker 2:

Yes, only in such a manner that a k'zayis that one can put together, then it is, because bedikas chametz is on a thing that one transgresses on it on Pesach, which is a k'zayis as we learned.

Speaker 1:

I tell you, it fits with what you said earlier about the crumbs, here one also sees it, that one only speaks of when it begins to become something like a measurement. He doesn't say any measurement, he says half a zayis. Half a zayis means something like a measurement, but the point is that it's such a manner that one can take it together. I mean that presumably it's speaking of such se'or (leaven), that it's not a thing that one will go eat. I don't mean that people eat pieces of dough and peels. It could be it's all se'or, and it falls out, therefore it is... But v'im lav, if there isn't anything at all that unites the half-zaysim, no, excuse me, I got off track.

Half a Zayis in the House and Half a Zayis in the Upper Story

Speaker 1:

Okay, what happens when there is in his house, in one house, but it doesn't lie in one place? **Half a zayis in the house and half a zayis in the upper story**, or **half a zayis in the house and half a zayis in the achsadrah**, and in achsadrah we have... yes, okay, achsadrah. Or **half a zayis in the house and half a zayis in the house before it**, in another room, another house. **Since these half-zaysim are stuck to the walls or to the floors**, it doesn't lie in a place where it's easy to remove, **eino chayav l'va'er** (not obligated to remove). It's completely nullified, **ela mevatel b'libo v'dayo** (rather he nullifies it in his heart and that's sufficient), because he won't go take it together.

And again, this that one must take together, or in other words, if someone will say that here one sees that there are situations where one must indeed be meva'er a half-zayis, the answer is true, but the manner is when it's such a thing that it happens that he takes it together. It could be a person goes to a matzah bakery, and for example in the middle of baking the matzah, and a piece falls off, you can't say that this is a half-zayis, because it happens that one picks it up and puts it back in. But if it fell out the window, it's somewhere else, then that's not relevant. This is very practical...

Speaker 2:

As you say, one sees apparently that the removal, the checking, has to do with what he will do with it. He will eat it apparently. It's further connected with what one sees that it's such a type of thing that he can make, he will make from it a k'zayis, and he will apparently bake the k'zayis. It's not just a k'zayis, it will lie there, he will take it together because he wants to eat it.

Law 17: HaMaskir Bayis Stam B'Yud Daled — Chezkas Baduk

Speaker 1:

Okay, until here are the details of what one must check. Now we're going to learn a few laws about which person or which house one must check, not meaning the cases of someone renting or he travels away, not what we've seen until now the places in the house or parts of the house that one must check.

The law says so: **HaMaskir bayis stam b'yud daled** (one who rents out a house simply on the 14th), if someone rents a house erev Pesach, the 14th already, the 14th, and he doesn't say whether it's checked or not, apparently one must add here that we're speaking of an honest Jew, obviously. According to the Torah one speaks already of no wicked people, what there is in tribes and elders. **Harei zeh b'chezkas baduk** (behold it is in the presumption of being checked), we can assume that since there is already an obligation of checking from the night before, we assume that he is an honest Jew, and he has already done the law, he checked, **v'ein tzarich lish'ol** (and one doesn't need to ask), he doesn't need to ask. It's the law, but one doesn't need to. Should one clarify the nervousness. One doesn't need to clarify, one can assume the presumption and be calm.

If one knows that he didn't check, or he says that not, if he knows that he wasn't or whatever. But against the presumption there is however a single witness which is not simple. **V'amrah ishah o katan, "anu bedaknuhu"** (and a woman or minor said, "we checked it"), we checked, **harei elu ne'emanim** (behold these are believed), they are indeed believed. Why? Because apparently, on a d'oraisa (Torah law) they wouldn't be believed. But since it's a derabbanan (rabbinic law), **hakol ne'emanim al bi'ur chametz** (all are believed regarding the removal of chametz).

Further says the Rema, **"v'hakol kesherim livdikah"** (and all are fit to check). This is a new law. It means both, whether she can say that she herself checked, you need to know both that she is believed, and that let's already say that she is believed, that her checking worked. Yes, but the law "hakol kesherim livdikah" is a bit of a bigger law. Here it stands in this case, but there is a bigger law. What we learned that one must check for chametz is not that the father must, rather everyone is fit to check, **even women and slaves and minors, provided that the minor has understanding to check**. A minor one always checks for the specific mitzvah. The specific mitzvah of bi'ur chametz is the measure when he is a minor who already knows how to check for chametz. This is more a practical thing. If he is a minor, one tells him "go look for bread", he knows what bread is, he knows what he must check.

Speaker 2:

Yes, he says that then it's more like the obligation of chinuch (education). Here he doesn't say that a minor is not obligated

to check. Here we don't speak of obligation, here we speak of fitness.

Speaker 1:

No, that's true... Obligation is certainly that women and slaves, if they have chametz, they have the mitzvah, like everything, with the chinuch or with the... Very good.

Law 18: HaMaskir Bayis L'Chaveiro — Who Is Obligated to Check?

Speaker 1:

Further, **"HaMaskir bayis l'chaveiro"** (one who rents a house to his fellow). Or until now we learned about someone who rented a house after it was already the time of checking, it was on Pesach or the 14th. Very good. But now one can learn when... on whom is the obligation to check, whether on the renter or on the landlord?

The law says so: **"Im ad shelo masar hamafteach chal arba'ah asar"** (if before he handed over the key the fourteenth arrived), before one handed over the key, if one handed over the key still before the fourteenth, before the night of the 14th he means, right?

Speaker 2:

Yes, before the obligation of checking begins.

Speaker 1:

Then **"al hamaskir livdok"** (it's on the landlord to check), because he hasn't yet given the key, the obligation of checking fell on him when it's still his house. The opposite.

Speaker 2:

Yes, yes, it's a matter exactly the same.

Speaker 1:

But **"v'im mishemasar hamafteach"** (but if he already handed over the key), if he already handed over the key before that, then when the fourteenth happens, when it becomes night of the fourteenth, it's already the renter's, then the obligation goes up on the renter to check.

As if the point here is that one might have thought that the obligation of checking is a law and a condition in the mitzvah that happens only on Pesach. It's only that the obligation begins earlier. Therefore perhaps it should only depend on who has it on Pesach? One says no, when the obligation happens, when the night comes. It could also be that this is more like a Choshen Mishpat law, that the assumption is that whoever must do the... let's see, the next piece let's see.

HaMaskir Bayis B'Chezkas Shehu Baduk V'Nimtza She'eino Baduk

Speaker 1:

HaMaskir bayis, an interesting law. **HaMaskir bayis b'chezkas shehu baduk** (one who rents a house with the presumption that it is checked), he rents a house, as we learned that when he rents it there is a presumption, on erev yom tov there is a presumption, or in another manner there is such a presumption. And he takes it already checked, in practice he sees that it's not checked. The law is, **al hasokher livdok, v'eino mekach ta'us** (it's on the renter to check, and it's not a mistaken purchase). This is not enough to say that this makes it a mistaken purchase, that if he had known he wouldn't have bought it. Why? **V'afilu b'makom shebodkin b'sachar** (and even in a place where they check for payment), even if we're speaking of a place where one spends money to hire cleaning and to check. Why? Why isn't it called a mistaken purchase? **Sheharei mitzvah hu oseh** (for behold he is doing a mitzvah). It's a mitzvah to check for chametz. So you can't say that if I had known I would, obviously, there's reason to the matter, that if I had known I wouldn't have rented? No! Even if you had known you might have still rented, because it's a mitzvah. It's not just a burden, there's a mitzvah in this. Very good.

Discussion: Why Isn't It a Mistaken Purchase?

Speaker 1:

Very interesting. Because it's a mitzvah is what? Therefore he can't say that it's certainly a mistaken purchase. A mistaken purchase must be when it's an obvious mistaken purchase, and it's a certain mistaken purchase. It's indeed a mistaken purchase, I'm not telling you. But you're not a mistaken purchase, because in practice you have benefit that you do a mitzvah. It's funny, right? You agree with me that it's funny? Perhaps I don't know the word funny? It's interesting.

Speaker 2:

No, because what does it matter to you that it's a mitzvah? Because it's a mitzvah, let's say that it's a mitzvah, but if the mitzvah costs money, and you made me lose money. I was indeed privileged to do a mitzvah. Imagine that someone steals from me, but it's a mitzvah. I don't catch, you understand, I'm asking, it's a very basic thing.

Speaker 1:

But it must be in a place where it's very clear that no normal person would rent a house in such a condition. On this there is, and I come in, you're indeed not such a lover of mitzvos. It happens that you're a weak Jew, you indeed need to strengthen yourself in more love of mitzvos. But can you say that by all Jews this is called a mistaken purchase?

Speaker 2:

Very good, you're right. It's not a mistaken purchase, but he brings that it's indeed a dispute between the Mechaber and the Rema, that he must pay the money that he spent on the checking. Perhaps he indeed must explain this to him. A mistaken purchase must be simply something that is an "obvious", a regularity of things. That there are those who say indeed, that it can't be that he is exempt from paying. You're right, it's not a mistaken purchase. Why? Because a Jew can withstand checking. That's something like the assumption. But the question is whether he can extract from him the money, whether... he brings that if it's a dispute one can no longer extract. Hello, anyway, fine, let's go further.

Law 19: HaMafrish B'Yam V'HaYotzei B'Shayarah

Speaker 1:

Now we're going to learn whether one must check when one travels away. That is, he's not there at home, or he's not there now at the time of bedikas chametz.

The law says, **a mafrish b'yam** (one who sets sail), someone sets out, mafrish is an interesting expression. It's the spreading of the ship, one spreads out sails, no? It simply means that he is mafrish, he goes away from his city, he travels away to a sea country, or **or yotzei b'shayarah** (or goes out in a caravan), he sets out on a long journey with a caravan. I mean that usually, mafrish b'yam means with a ship. Yotzei

b'shayarah means he goes out with a camel, a desert, such a thing. With a caravan.

Speaker 2:

Yes, so it is, **within thirty days**, Pesach begins that thirty days there is already something like a fear of Pesach, something like a law of Pesach.

Law 19 (Continuation): HaMafrish B'Yam V'HaYotzei B'Shayarah — If His Intent Is to Return Before Pesach

So, he must check beforehand, before he travels away he must do the checking. **Before thirty days** it depends, **if his intent is to return before Pesach**, if he plans to return before Pesach, then the law is that he can't rely that he will return in time, **and he must check and afterwards go out**. Why? Because there is a concern **lest he return erev Pesach**, perhaps he will come back home at the last minute.

Innovation: The Contemporary Application of This Concern

Seemingly, we're talking here about earlier times when one couldn't calculate the routes as well, **and he won't have time to check**. Today also it's hard to calculate, when there isn't... he's not talking about such a trip, he's talking about such a major trip, a **mafris bayam** (sea voyage). Today a person, one can approximately calculate, he knows when he's on a plane, he knows when he'll land, he knows how late he'll be.

He hasn't yet encountered a Brisker who travels away for Shabbos after Purim and he starts checking him. You can't be Brisker enough, I'm afraid. Yes, I say this, I can imagine that a Brisker is against his will. But even, mafris bayam, we're not talking about that. Even the mafris bayam today, someone travels away for a major trip, but he knows, he knows that he lands erev Pesach at such and such time, he knows... Okay, in general also, today perhaps one only needs to be concerned in a place where the concern is justified. That's what I would say.

Law 19 (Continued): The Mafris Bayam — He Doesn't Intend to Return

Therefore **he doesn't intend to return**, if he doesn't plan at all to return for Pesach, **he doesn't need to check**. Why indeed? Why? Because he is **before thirty days**, before thirty there is no obligation of checking.

Question: Bal Yera'eh

But Pesach is going to come, he's going to violate bal yera'eh (the prohibition of having chametz seen) in his house.

Answer: Bitul

Okay, seemingly, bitul (nullification), bitul, he will nullify it. He can nullify it, as we'll take later. The obligation of checking hasn't yet come upon him, and it's far from him. The obligation of checking is only something that's relevant when it's close to him. That's what he means.

Law 19 (Continued): One Who Makes His House a Storehouse

And similarly, like a storehouse, he makes his house into a storehouse, it becomes a storehouse. The storehouse doesn't need to be a storehouse of chametz, it becomes **a place where chametz is brought in**. That's the point.

So **within thirty days** he needs to check first. So in the thirty days before Pesach he needs to check. So **if he intends to clear it out**, he's going to remove the storehouse **before Pesach**, **he needs to check**.

No, **before thirty days** even not. He says, before thirty days, when there is an obligation of checking, and one can't. There is an obligation of checking, and there is a place where chametz is brought in. There is an obligation of checking.

But **before thirty days**, when there is an obligation of checking, there is the same thing as returning. One is concerned, perhaps it will be discovered. And one means **now to clear it out before Pesach**, **he doesn't need to check**, because now there isn't yet the obligation of checking, and when it will be Pesach it won't be an obligation of checking as it were, a proper obligation of checking. Therefore he doesn't need to check.

Conclusion of Chapter 2

We have with this concluded Chapter 2 of the Laws of Chametz and Matzah. What does it mean we have with this concluded the Laws of... ah, there are still Laws of Checking for Chametz, there is still another chapter.