

THE SEARCH FOR CHOMETZ

by Rabbi Doniel Neustadt

The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

QUESTION: Should ten pieces of chometz be hidden throughout the house before the search for chometz takes place?

ANSWER: The poskim differ in their views regarding this practice. There are four basic approaches:

1. The Rama (1) states that the custom is to hide pieces of chometz around the house before the search takes place. Since it often happens that no chometz is found during the course of the search, the blessing over the bedikah could possibly be a berachah l'vatallah. To avoid this eventuality, one would be required to hide some chometz before the bedikah begins.
2. Although l'chatchilah pieces of chometz should be hidden, The Rama himself holds that if they were not, the blessing would nonetheless be valid, for the mitzvah is to search for chometz, even in the event that one does not find any.
3. Many poskim (2) hold that one need not be concerned about a berachah l'vatallah at all and one need not hide any chometz before the bedikah.
4. Some poskim (3) hold that the practice of hiding chometz should be abandoned. They are concerned that some pieces may be lost or overlooked, with the result that chometz will remain in the house over Pesach.

Mishnah Berurah agrees with the poskim who are not concerned about the possibility of a beracha l'vatallah. He nevertheless states that it is not proper to discontinue a long-standing Jewish custom (4). Indeed, the majority of homes today observe this time-honored practice (5).

Nowadays, there is an additional reason for maintaining this custom. The halachah demands that the home be thoroughly searched during bedikas chometz. Any place into which chometz may have been brought during the year must be checked. In many homes, however, the search has become merely ritualistic, taking but a few minutes with no serious search conducted. One reason why the bedikah has become perfunctory is that today, homes are thoroughly cleaned and scrubbed for days or even weeks before the search takes place.

Consequently, most people assume that no chometz will be found and are satisfied with going through the motions. Although there is a possible justification (limud zechus) for people who conduct such a perfunctory bedikah (6), many other poskim do not agree with this leniency and require that a proper bedikah be conducted.

In order to satisfy the views of all poskim, it is recommended (7) that one hide chometz around the house before the bedikah. Since the searcher is aware that there definitely is some chometz to be found, he will necessarily have to conduct a proper bedikah. Therefore:

- Unless one has a custom to the contrary, ten (8) pieces of bread should be hidden in various places around the house before the bedikah begins.
- 2. Care must be taken that the pieces are wrapped well so that no crumbs will escape. Only hard pieces should be used. The exact location of the pieces should be recorded and carefully checked. Upon concluding the search the pieces must be properly discarded (9).
- 3. Each piece should be smaller than 1 fl. oz (10).
- 4. The custom has become that the pieces are hidden by household members who are not going to be searching the house (11). However, the searcher himself may also hide the pieces (12).
- 5. Some poskim (13) rule that a person who is leaving home for Pesach and therefore conducts his bedikah in advance of the 14th of Nissan without a blessing (14), need not hide pieces of chometz.

TA'ANIS OF THE BECHORIM

QUESTION: Who is considered a bechor in regard to ta'anis bechorim on erev Pesach?

ANSWER Concerning ta'anis bechorim, any first born male who is over thirty days old, whether first-born to his father or to his mother, is considered a bechor. A first-born of a kohen or a levi is considered like any other bechor in regard to ta'anis bechorim (15).

The status of a bechor born by cesarean section (16), or of a first-born non-Jew who converts (17), is a matter of disagreement among the poskim. It is therefore recommended that these bechorim participate in a seudas mitzvah and thereby satisfy all opinions (18).

QUESTION: Must the bechorim attending the siyum actually hear the Talmudical tractate being completed? Must the bechorim partake of the food at the siyum?

ANSWER It has become customary for the bechorim to exempt themselves from fasting by participating in a siyum and eating what is served: The bechorim gather around the

person who is concluding the tractate and listen as the tractate is completed. Food is then served and eaten by the participants (19).

If a bechor did not hear the tractate being completed, or if he did not understand what was said at the siyum, or if he is an a mourner during the first seven days after a relative's death who may not learn Torah, some poskim rule that it is as if he did not participate in the siyum and he therefore may not eat (20). Other poskim are more lenient (21). Some poskim recommend that such a person participate in the siyum by sharing the expense or by preparing the food, etc (22).

The same difference of opinion applies to one who hears the tractate being completed but does not partake of the food being served. Some poskim rule that a minimum of approximately 2 fl. oz. of food or drink (23) must be consumed at the siyum meal in order for a bechor to exempt himself from fasting. If that minimum amount is not eaten, then it is considered as if the bechor has not participated in the siyum (24). Other poskim are more lenient and rule that eating at the siyum is not mandatory at all. As long as one heard the tractate being completed, one may eat at any time thereafter (25).

An analysis of the above discussion yields the following conclusion: There is a basic dispute among contemporary poskim as to which element of the siyum is the one which releases the bechor from his obligation to fast. Some reason that the main element is the completion of the tractate itself. Consequently, actually hearing and understanding what is being said is mandatory; partaking of the food is secondary. The other view holds that participation in the siyum is the element that releases the bechor from the fast. Consequently, the primary consideration is to join in the meal. Listening to and understanding what is being said is not mandatory.

It follows, therefore, that one can safely rely on either of the above two opinions. One cannot, however, rely on a combination of both views, since they contradict each other in their basic understanding of what a siyum accomplishes. One who did not hear or understand the actual siyum, must partake of the siyum meal. One who is unable to partake of the meal, must hear and understand what is being said. But one who did neither--who did not hear or understand nor partake of the meal--has not exempted himself from the fast.

Obviously, in order to fulfill the requirements of all the poskim, one should l'chatchilah listen and understand the proceedings, and partake of the siyum meal.

FOOTNOTES

1 O.C. 432:2.

2 Gra, Chayei Adam and Chok Yaakov quoting the Ra'avad.

3 Taz, quoted by Sha'ar ha-Tziyun 432:11.

4 There are also additional reasons--especially according to Kabbalah--for this ancient custom.

5 Chok Yaakov, Shulchan Aruch Harav, Kitzur Shulchan Aruch and Aruch ha-Shulchan all note this custom.

6 See Sha'arei Teshuvah O.C. 433:11 (also quoted by Kaf ha-Chayim) who says that the masses do not conduct a through check since they rely on the cleaning process done before the bedikah. In his view, this may be relied upon even if a professional non-Jew did the cleaning. See Chochmas Shelomo (433:11) and Da'as Torah (433:2) for similar rulings.

7 Ruling of Harav S.Y. Elyashiv (quoted in Seder ha-Aruch, vol. 3, pg. 27-28). See also Chok Yaakov 232:14 and Machazik Berachah 232 who advance a similar idea.

8 This is the custom, based on the Arizal, quoted by the Mishnah Berurah.

9 Mishnah Berurah 232:13-14.

10 Sha'arei Teshuvah 432:7. Together, though, all the pieces should total at least one ounce--see Orchos Rabbeinu, Pesach 5 quoting Harav Y.Y. Kanievsky.

11 See Chok Yaakov 232:14.

12 Harav S.Y. Elyashiv (quoted in Seder ha-Aruch, ibid.). This was the also the custom of Harav Y.Y. Kanievsky (Orchos Rabbeinu, Pesach 5) and Harav Y. Teitelbaum (Hagadah Divrei Yoel 108).

13 Minchas Yitzchak 8:35. See Kinyan Torah 2:82 who disagrees.

14 As ruled in O.C. 436:1.

15 Mishnah Berurah 470:2

16 See Chok Yaakov 470:2; Kaf ha-Chayim 470:3.

17 Shevet ha-Levi 8:117.

18 Harav Y.S. Elyashiv (Seder ha-Aruch, vol. 3, pg. 44).

19 Mishnah Berurah 470:10.

20 Ben Ish Chai (1:96-25); Chazon Ovadiah, pg. 99; Harav S.Y. Elyashiv (Siddur Pesach

K'hilchaso, pg. 168)

21 Minchas Yitzchak (9:45); Harav M. Shternbuch in Teshuvos v'Hanhagos (1:300) quoting Harav Y.Y. Kanievsky who says that it is customary to be lenient in this matter, provided that the participant is sincerely "happy" with the siyum taking place. See also the lenient ruling of Harav Y.Y. Fisher concerning a mourner (Pnei Baruch, pg. 463). Harav M. Feinstein is also quoted as being lenient (Moadei Yeshurun, pg. 132).

22 Minchas Yitzchak, ibid.

23 A koseves for solids or melo lugmov for liquids--otherwise it is not considered as if he broke his fast (see O.C. 568:1) at the time of the siyum

24 Minchas Yitzchak, ibid, Chazon Ovadiah, pg. 99; Teshuvos v'Hanhagos 1:300.

25 Harav S.Y. Elyashiv, ibid; Teshuvos Devar Yehoshua 2:81.

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