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by Rabbi Yechiel Michel HaLevi Epstein

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from the Mishnah Berurah, Shulchan Aruch HaRav, and today's poskim.
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A NOTE ON METHODOLOGY

The Nature of this Work
This volume presents an original English elucidation and commentary, prepared through a combination of advanced language and translation technology and human editorial oversight. The methods employed were carefully configured to adhere to Orthodox Jewish *hashkafa* and to preserve fidelity to the original Hebrew text. Even so, this edition does not carry the authority of a translation prepared and certified by a full team of rabbinic scholars.

Usage and Limitations
This translation is intended as a tool to help advanced learners access the depth of the original work. It is **not** intended to replace the original Hebrew source, nor to serve as a substitute for study under a qualified teacher.

Because the nuance of Torah study often transcends any single method of preparation, we ask the reader to keep two things in mind:

1. **Verification:** Any novel insight, ruling, or conclusion drawn from this translation should be checked against the original Hebrew.
2. **Consultation:** All practical questions or derived lessons should be discussed with and verified by a qualified rabbinic authority before being relied upon.

The goal of this edition is to make these teachings accessible to a wider audience, but the responsibility for accurate understanding and practical application remains with the reader.

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also its light [shines] behind it, making it ineffective for illuminating the areas being searched. **וַאֲפִילּוּ בְּדִיעֲבַד לָא מְהַנֵּי כְּמוֹ לְאוֹר הַלְּבָנָה (שָׁם סְעִיף קָטָן ה).** — **and even after the fact it does not avail, just like [searching by] the light of the moon (ibid., se'if katan 5).** i.e., one who searched with a torch must search again. **וְיֵשׁ מִי שֶׁאוֹמֵר דִּבְדִיעֲבַד יָצָא (ט"ז סְעִיף קָטָן ג), וְאֵין כֵּן דַּעַת הָאַחֲרוֹנִים (אֵלִיָּה רַבָּה וּמק"ח).** — **And there is one who says that after the fact one has fulfilled [his obligation] (Taz, se'if katan 3), but this is not the view of the later authorities (Eliyah Rabbah and Mekor Chaim).** Having established the law regarding the torch, the definition of this term is now clarified: **וּמַהוּ "אֻבּוּקָה"? כְּשֶׁקִּלְעָן שְׁנֵי נֵרוֹת בְּיַחַד, אוֹ דְּבָקָן בְּיַחַד.** — **And what is a "torch"? When one braids two candles together, or sticks them together.** Since two flames burn as one large flame, it constitutes a torch. Furthermore, **וְדָווְקָא נֵר יְחִידִי, וְהַנֵּר צָרִיךְ לִהְיוֹת שֶׁל שַׁעֲוָה, וְלֹא שֶׁל חֵלֶב וְלֹא שֶׁל שׁוּמָן,** — **and specifically a single candle [must be used], and the candle must be of wax, not of tallow nor of [animal] fat,** The reason for this preference is **שֶׁמִּתְיָרֵא פֶּן יַטִּיף עַל כֵּלִים וּבְגָדִים. וּבְדִיעֲבַד – יָצָא.** — **because one fears lest it drip on utensils and garments. But after the fact — one has fulfilled [his obligation].** Since after the fact tallow or fat candles are acceptable, **וְלָכֵן אִם אֵין לוֹ שֶׁל שַׁעֲוָה – יִקַּח שֶׁל חֵלֶב, וְכֵן לֹא בְּשֶׁמֶן.** — **Therefore, if one does not have [a candle] of wax — he should take one of tallow. And similarly, one should not [search] with [a lamp of] oil.** Regarding oil, **וּבָזֶה יֵשׁ מִי שֶׁאוֹמֵר דְּלֹא יָצָא, מִפְּנֵי שֶׁמִּתְיָרֵא לְהַכְנִיסוֹ לְחוֹרִין וְסֶדָקִין, פֶּן יִשְׁפּוֹךְ הַשֶּׁמֶן (מָגֵן אַבְרָהָם שָׁם).** — **regarding this there is one who says that one has not fulfilled [his obligation], because one is afraid to insert it into holes and cracks lest the oil spill (Magen Avraham, ibid.).** However, **וְכֵן מַשְׁמַע בְּח"י, וְכֵן כָּתַב הַמָּגֵן וְחוּמְרָא יְתֵירָא הוּא (הָאֶלֶף).** — **this is an excessive stringency (and so is implied by the Chok Yaakov, and so wrote the Magen HaElef).** Since oil lamps are valid after the fact, **וְכָל שֶׁכֵּן הַנָּפְט שֶׁמַּדְלִיקִין עַתָּה בִּזְכוּכִית – דְּיָצָא בְּדִיעֲבַד.** — **all the more so kerosene, which is now lit in a glass [lamp] — one has fulfilled [his obligation] after the fact.** since the glass enclosure prevents spillage concerns. However, **אֲבָל בְּעֵצִים – וַדַּאי לֹא יָצָא, דְּהֲוֵה כַּאֲבוּקָה.** — **but with [burning] sticks of wood — certainly one has not fulfilled [his obligation], for it is like a torch.**

Halachic Divergences & Insights

Searching with a torch or oil lamp

Mishnah Berurah (Sk. 10) / Shulchan Aruch HaRav (Sections 8–9, Kuntreis Acharon Note 2): All three authorities rule that a search conducted with a torch is invalid and must be repeated. The *Aruch HaShulchan* rejects the *Taz*'s view that the search is valid after the fact. The **Shulchan Aruch HaRav** (Section 9) also requires another search, but gives weight to the *Taz* and rules that no blessing is recited over it.

For a search conducted with an oil lamp, the **Mishnah Berurah** (Sk. 10) records a dispute among the Acharonim. The *Aruch HaShulchan* and the **Shulchan Aruch HaRav** reject the *Magen Avraham*'s stringent view and consider the search valid after the fact. The **Kuntreis Acharon** (Note 2) explains that the Talmudic word ner itself means an oil lamp. He also notes that the search for chametz is a Rabbinic obligation and that most authorities are lenient.

When wax is unavailable, the **Shulchan Aruch HaRav** (Section 8) prefers kosher animal fat to tallow, because the concern that it may drip applies only to dairy utensils. He prefers

tallow to oil, because an oil lamp does not illuminate holes and cracks as well.

Pearls from the Rebbe's Haggadah

Customs of the Search for Chametz

Likutei Taamim (P7b): The Rebbe records the practice of searching by the light of a wax candle and with a bird's feather. The chametz found during the search is placed in a small paper bag. Upon concluding the search, the bag, the feather, and any remnants of the candle are placed in the hollow of a wooden spoon, wrapped in paper (leaving the spoon's handle exposed), and secured with string wound around it several times. These customs are rooted in the rulings of the *Shulchan Aruch HaRav* (sections 433 and 445) concerning safeguarding the chametz found during the search so that nothing is dragged away by children or mice.

Halachic Divergences & Insights

Using modern tallow candles for the search

Netei Gavriel, Pesach vol. 1, 17:14; Daas Torah Yoreh Deah 64:1 (in the name of the Rebbe of Sieniawa); Avodas Yisrael, Shabbos HaGadol; Chukas HaPesach sk. 27; Orchos Rabbeinu, Pesach p. 2: The *Shulchan Aruch* excludes a tallow candle. The *Mishnah Berurah* (sk. 9) explains that one may fear that animal tallow will drip onto vessels and ruin them. *Netei Gavriel*, Pesach vol. 1, 17:14 rules that this concern applies only to candles made from actual animal tallow. Candles called tallow candles today are made from chemical materials and petroleum products. Their drippings do not render vessels forbidden, so they may be used for the search even as a first preference. *Daas Torah* Yoreh Deah 64:1 records the same ruling in the name of the Rebbe of Sieniawa.

Some nevertheless prefer wax candles for reasons rooted in Kabbalah (*Avodas Yisrael*, Shabbos HaGadol; *Chukas HaPesach* sk. 27). *Orchos Rabbeinu*, Pesach p. 2 records that **R' Yaakov Yisrael Kanievsky** used a tallow candle for the search.

§3 וּמְחוּיָב לִבְדוֹק כָּל הַמְּקוֹמוֹת שֶׁהִכְנִיסוּ בָּהֶם חָמֵץ, — And one is obligated to search all the places where chametz was brought, as well as **וְכֵן הַמְּקוֹמוֹת שֶׁיֵּשׁ לְחוּשׁ שֶׁמָּא בָּא שָׁם עִם פִּתּוֹ כְּשֶׁהָיָה לוֹ אֵיזֶה תַּשְׁמִישׁ שָׁם. — and also the places where there is reason to suspect that perhaps one came there with his bread when he had some task there.** Since chametz may have inadvertently been left in such places, **וְלָכֵן כָּל חַדְרֵי הַבַּיִת וְהָעֲלִיּוֹת צְרִיכִים בְּדִיקָה. — Therefore, all the rooms of the house and the upper stories require searching. וְכֵן הַמַּרְתֵּפִים שֶׁיֵּשׁ שָׁם יַיִן, וְשֵׁכָר, וְשֶׁמֶן, וּשְׁאָרֵי מַשְׁקִין, וּמִינֵי אוֹכָלִים, שֶׁלִּפְעָמִים נִכְנָס בָּהֶם עִם פִּתּוֹ. — And similarly, the cellars where there is wine, and beer, and oil, and other beverages, and types of food, because sometimes one enters them with his bread. וְכֵן בֵּית הָעֵצִים, וּבֵית הַתֶּבֶן,**

וּבֵית הַעֵצִים, וּבֵית הַתֶּבֶן, וְכַיּוֹצֵא בָּהֶן. — And similarly, the wood-storage room, and the straw-storage room, and the charcoal room, and the like. These too require searching because one may enter them during a meal. However, **אֲבָל אוֹצָרוֹת יַיִן וְשֶׁמֶן, שֶׁאֵין מִסְתַּפֵּק מֵהֶן, אוֹ כְּשֶׁמִּסְתַּפֵּק נוֹטֵל בְּפַעַם אֶחָד מַה שֶּׁצָּרִיךְ, וְאֵינוֹ נוֹטֵל מְעַט מְעַט – אֵינָן צְרִיכִין בְּדִיקָה. — But storerooms of wine and oil from which one does not regularly take supplies, or when one does take supplies he takes at one time what he needs and does not take a little at a time — they do not require searching.** Since one does not enter these storerooms during a meal, there is no concern of chametz being left there. **וְכֵן אוֹצָר שֶׁל תֶּבֶן שֶׁאֵין נִכְנָסִין בּוֹ תָּדִיר – אֵינוֹ צָרִיךְ בְּדִיקָה, וְכֵן כָּל כַּיּוֹצֵא בָּזֶה. — And similarly, a storehouse of straw that one does not enter frequently — does not require searching, and so too all similar cases.** Applying these principles to contemporary practice: **וְכֵן אֲצִלֵּינוּ: תַּחַת הַמִּיטוֹת, וְתַחַת הַכִּסְאוֹת הַגְּדוֹלוֹת. — And similarly in our [homes]: under the beds, and under the large chairs [require searching].** since chametz frequently rolls into these areas. **וְכֵן תַּחַת הַתֵּיבוֹת וְהַמִּגְדָּלִים, כְּשֶׁיֵּשׁ הֶפְסֵק בֵּינָם לְהַקַּרְקַע – צְרִיכִים בְּדִיקָה, דְּהַרְבֵּה פְּעָמִים מִתְגַּלְגֵּל שָׁם חָמֵץ. — And similarly, under the chests and the cabinets, when there is a gap between them and the floor — they require searching, because many times chametz rolls there.** In addition to searching underneath, **וְכֵן הַתֵּיבוֹת הַקְּטַנּוֹת שֶׁבְּתוֹךְ הַמִּגְדָּלִים, וְשֶׁבְּתוֹךְ הַתֵּיבוֹת הַגְּדוֹלוֹת – צְרִיכִים בְּדִיקָה, דִּלְפָעָמִים מַצְנִיעִים בָּהֶם גְּלוּסְקָאוֹת וְכַדּוֹמָה. — And similarly, the small drawers inside the cabinets, and inside the large chests — require searching, because sometimes fine loaves and the like are stored in them.**

Halachic Divergences & Insights

Searching shared areas of an apartment building

Siddur Pesach KeHilchaso 12:6; Chok Yaakov, end of siman 445; R' Yosef Shalom Elyashiv: *Siddur Pesach KeHilchaso* 12:6 rules that each resident must search the stairwell from the building entrance to the floor where he lives. He must also search the boiler room, electrical closets, and similar shared areas if there is reason to suspect that chametz was brought there. This obligation follows the rule that a jointly owned courtyard requires searching, as explained in *Chok Yaakov* at the end of siman 445.

The same work reports in the name of **R' Yosef Shalom Elyashiv** that a resident is not responsible for the floors above his own. Paying building dues for cleaning and whitewashing those floors, or using them occasionally, is merely part of the neighbors' arrangement and gives him no ownership there.

The neighbors should preferably appoint one resident to search for everyone. He should recite the blessing over the search of his own home and have it cover the stairwell as well. He must not interrupt between them with conversation unrelated to the search.

§4 חוֹרֵי הַבַּיִת, וְזִיזִין הַבּוֹלְטִין מֵהַכְּתָלִים שֶׁאֵינָם גְּבוֹהִים הַרְבֵּה, שֶׁיַּד הָאָדָם שׁוֹלֶטֶת שָׁם בְּעָמְדוֹ עַל הַקַּרְקַע, וְלֹא נְמוּכִים הַרְבֵּה סָמוּךְ לָאָרֶץ – צְרִיכִים בְּדִיקָה. — Holes in the house and projections that protrude from the walls that are not very high — such that a person's hand can reach them while standing on the ground — and not very low, close to the ground, require searching. Since they are at a comfortable height for use, there is concern that chametz was placed there and some remained. However, **אֲבָל הַגְּבוֹהִים שֶׁאֵין יַד הָאָדָם מַגַּעַת שָׁם, וְהַנְּמוּכִים פְּחוֹת מִשְּׁלוֹשָׁה טְפָחִים סָמוּךְ לָאָרֶץ – אֵינָם צְרִיכִים בְּדִיקָה, שֶׁאֵין מִדֶּרֶךְ לְהִשְׁתַּמֵּשׁ שָׁם. — those that**

are high where a person's hand cannot reach, and those that are low — less than three handbreadths above the ground — do not require searching, because it is not customary to use them. Since they are not normally used for storage, we do not suspect that chametz was placed there. Nevertheless, there is an exception: **אַךְ אִם מְצוּיִים שָׁם תִּנּוֹקוֹת – צְרִיכִים הַנְּמוּכִים בְּדִיקָה, שֶׁהֵם מְשַׂחֲקִים בָּאָרֶץ וּמַטְמִינִים שָׁם חָמֵץ (מָגֵן אַבְרָהָם סְעִיף קָטָן ח).** — **However, if young children are found there, the low ones require searching, because they play on the ground and hide chametz there (Magen Avraham, Seif Katan 8).** Since children commonly play at ground level and may have placed chametz in low openings. Turning to the topic of roofs, **וְכֵן גַּג הַיָּצִיעַ וְהַמִּגְדָּל, שֶׁגַּגֵּיהֶם מְשֻׁפָּעִים; אוֹ אֶצְלֵינוּ שֶׁכָּל גַּגּוֹת שֶׁלָּנוּ מְשֻׁפָּעִים – אֵינָם צְרִיכִים בְּדִיקָה, מִפְּנֵי שֶׁאֵין מִשְׁתַּמְּשִׁין בָּהֶם, שֶׁאֵינָם רְאוּיִם לְשׁוּם תַּשְׁמִישׁ.** — **Similarly, the roof of the lean-to structure and the cabinet, whose roofs are slanted; or in our regions, where all our roofs are slanted — they do not require searching, because they are not used, as they are not fit for any purpose.** A slanted surface cannot serve as practical storage, so there is no concern that chametz was placed there. Moreover, **וַאֲפִילּוּ אִם הָיָה גַּג כָּזֶה בְּתוֹךְ הַבַּיִת, כְּגוֹן מִגְדָּל שֶׁגַּגּוֹ מְשֻׁפָּע – אֵינוֹ צָרִיךְ בְּדִיקָה.** — **Even if such a slanted top were inside the house, such as a cabinet whose top is slanted, it does not require searching.** This exemption, however, applies only to slanted surfaces, for **אֲבָל כְּשֶׁגַּגּוֹ שָׁוֶה – צָרִיךְ בְּדִיקָה, אַף עַל פִּי שֶׁגְּבוֹהִים הַרְבֵּה, מִפְּנֵי שֶׁבַּבַּיִת כַּמָּה פְּעָמִים עוֹמְדִים עַל הַכִּסֵּא וּמִשְׁתַּמְּשִׁים שָׁם.** — **when its top is flat, it requires searching, even though it is very high, because inside a house one frequently stands on a chair and uses the top of such furniture.** The flat surface makes it usable for placing items, including chametz. The *Aruch HaShulchan* now addresses a common feature of contemporary homes: **וְכֵן נִרְאֶה לִי אֶצְלֵינוּ עַל הַגַּג הַשָּׁוֶה שֶׁתַּחַת הַגַּג הַמְשֻׁפָּע, שֶׁקּוֹרִין "בוֹידִים", וְעוֹלִין בּוֹ בַּסּוּלָּם;** — **Similarly, it appears to me regarding the flat ceiling-space beneath the slanted roof in our regions, which is called "boidim" (attic), and which one ascends to by a ladder** — the ruling regarding such an attic space depends on its usage throughout the year, namely: **אִם מְשֻׁתַּמְּשִׁין בּוֹ לִפְרָקִים בְּכָל הַשָּׁנָה תַּשְׁמִישִׁים הַרְבֵּה – צָרִיךְ בְּדִיקָה, וְאִם לָאו – אֵינוֹ צָרִיךְ בְּדִיקָה.** — **if it is used from time to time throughout the year for various purposes, it requires searching; but if not, it does not require searching.**

Halachic Divergences & Insights

Low holes and attic spaces

Mishnah Berurah (Sk. 19, 23) / Shulchan Aruch HaRav (Seif 17, 23): The *Aruch HaShulchan* requires searching holes below three handbreadths when young children are present. The **Mishnah Berurah** (Sk. 19) and the **Shulchan Aruch HaRav** (Seif 17) add that these holes also require searching if one knows that chametz was placed in them even once during that year, even if no young children are present.

The **Mishnah Berurah** (Sk. 23) agrees with the *Aruch HaShulchan* that a commonly used attic must be searched. If searching it would require great effort, the *Mishnah Berurah* permits selling the space and any chametz there to a non-Jew. The **Shulchan Aruch HaRav** (Seif 23) also requires searching an attic that is used frequently. However, an attic is exempt if it is reserved for something that would never be retrieved during a meal, such as wine or beer that is never drawn during meals.

Halachic Divergences & Insights

Chametz in deep cracks beyond one's reach

Shulchan Aruch HaRav 433:19: *Shulchan Aruch HaRav* 433:19 extends the exemption for holes beyond one's reach to narrow, deep cracks in a floor or between a wall cabinet and the wall. One need not pry up boards or dismantle fittings to search places that a hand cannot enter. Even if chametz definitely fell there, one may rely on nullification. The search was enacted to prevent a person from eating chametz on Pesach, and chametz beyond one's reach will not be eaten.

This ruling appears to apply even to an olive's volume of chametz. If the chametz is visible, the proper course is to pour a caustic cleaning agent into the crack. This spoils the chametz beyond a dog's consumption, so it is no longer forbidden chametz on Pesach. The Kuntreis Acharon suggests that the exemption itself may apply only when the chametz is not visible.

§5 רֶפֶת שֶׁל בָּקָר – אֵינוֹ צָרִיךְ בְּדִיקָה, שֶׁאִם הָיָה שָׁם חָמֵץ – הַבְּהֵמוֹת יֹאכְלוּהוּ. — **A cattle barn does not require searching, for if there was chametz there, the animals would eat it.** We rely on the assumption that the animals consume any chametz present. Likewise, וְכֵן לוּל שֶׁל תַּרְנְגוֹלִים – אֵינוֹ צָרִיךְ שָׁם בְּדִיקָה, שֶׁאִם הָיָה שָׁם חָמֵץ הַתַּרְנְגוֹלִים יֹאכְלוּהוּ. — **a chicken coop does not require searching there, for if there was chametz there, the chickens would eat it.** The same reasoning applies, since chickens consume all small food items they find. Furthermore, וְכֵן קַרְקַע הַבַּיִת שֶׁהַתַּרְנְגוֹלִים מְצוּיִים שָׁם – אֵינוֹ צָרִיךְ בְּדִיקָה (שָׁם סְעִיף קָטָן ט). — **the floor of the house where chickens are commonly present does not require searching (ibid., Seif Katan 9).** Since the chickens would eat any chametz that fell on the floor. However, there is a partial exception: וּמִכָּל מָקוֹם תַּחַת הַמִּיטוֹת – צָרִיךְ בְּדִיקָה, דְּשֶׁמָּא גָּרְרוּ שָׁם חֲתִיכָה גְּדוֹלָה שֶׁאֵין יְכוֹלִין לְאָכְלָהּ. — **Nevertheless, under the beds requires checking, lest the chickens have dragged there a large piece that they cannot eat.** Since chickens sometimes drag food to secluded spots but cannot consume oversized pieces, some attention is needed. However, וְלָכֵן דַּי בְּכִיבּוּד, וְאֵינוֹ צָרִיךְ בְּדִיקָה (שָׁם). — **Therefore, sweeping suffices, and a formal search is not required (ibid.).** Because the concern is only about large, visible pieces rather than hidden crumbs, thorough sweeping is adequate without requiring a candlelight search. This leniency, however, applies only where chickens are present, for אֲבָל כְּשֶׁאֵין תַּרְנְגוֹלִים – צָרִיךְ בְּדִיקָה, שֶׁמָּא נִגְרַר לְחוֹר וְלִסֶּדֶק, וְהַתַּרְנְגוֹלִים מְחַטְּטִין מִשָּׁם. וּכְשֶׁאֵין תַּרְנְגוֹלִין – נִשְׁאֲרוּ שָׁם. — **when there are no chickens, a formal search is required, because perhaps chametz rolled into a hole or crack — and when chickens are present, they peck it out from there, but when there are no chickens, the chametz remains there.** Without chickens to remove bits of chametz from cracks and holes, a thorough candlelight search becomes necessary. Additionally, וּפְשִׁיטָא שֶׁצְּרִיכִין לִבְדוֹק תַּחַת הַכִּסְאוֹת וְהַסַּפְסָלִים (שָׁם). — **It is obvious that one must search under the chairs and benches (ibid.).** Since chametz commonly falls and collects under seating, especially where people eat, a candlelight search is always required there.

HALACHIC DIVERGENCES & INSIGHTS

Searching a floor where chickens are present

Shulchan Aruch HaRav (Seif 25) / Mishnah Berurah (Sk. 24): The *Aruch HaShulchan* states without qualification that the floor of a house where chickens are present does not require searching. The **Shulchan Aruch HaRav** (Seif 25) limits this exemption to a house where no chametz was eaten during the entire 30 days before Pesach. If chametz was eaten there during those 30 days, the floor must be searched by candlelight. Some chametz certainly fell, and the possibility that the chickens ate it does not remove that certainty.

The **Mishnah Berurah** (Sk. 24) similarly cites opinions that require a formal search when chametz was eaten there close to Pesach. The definite presence of chametz is not overridden by the possibility that the chickens ate it.

§6 **וְכָתַב רַבֵּינוּ הַבַּיִת יוֹסֵף בְּסְעִיף ו:** — **The Beis Yosef wrote in Seif 6:** He ruled regarding the courtyard as follows: **(וְכֵן אֶמְצָעָהּ שֶׁל חָצֵר – אֵינָהּ צְרִיכָה בְּדִיקָה, שֶׁאִם הָיָה שָׁם חָמֵץ – הָעוֹרְבִים וּשְׁאָרֵי עוֹפוֹת הַמְצוּיִים שָׁם יֹאכְלוּהוּ. וְהָנֵי מִילֵי מִסָּפֵק חָמֵץ. אֲבָל וַודַּאי חָמֵץ – לֹא.) עַד כָּאן לְשׁוֹנוֹ.** — **"Similarly, the center of a courtyard does not require searching, for if there was chametz there, the ravens and other birds found there would eat it. This applies only to doubtful chametz, but not to definite chametz." End of his words.** According to the Mechaber, when chametz is definitely known to be present in the courtyard, one cannot rely on the birds to eat it. The Rama, however, raised a difficulty with this ruling: **וְכָתַב עַל זֶה רַבֵּינוּ הָרַמ"א, וְזֶה לְשׁוֹנוֹ: (אֲבָל לְקַמָּן סִימָן תמה סְעִיף ג מְבוֹאָר דְּמוּתָּר לְהַשְׁלִיךְ חָמֵץ בְּמָקוֹם שֶׁהָעוֹפוֹת מְצוּיִים. וְכָל שֶׁכֵּן שֶׁאֵין צָרִיךְ לְבַעֵר מִשָּׁם, אֲפִילּוּ חָמֵץ וַודַּאי, עַד לְאַחַר זְמַן אִיסּוּרוֹ.) עַד כָּאן לְשׁוֹנוֹ.** — **The Rama wrote on this as follows: "But later, in Siman 445, Seif 3, it is explained that it is permitted to cast chametz in a place where birds are found. All the more so, one does not need to remove it from there, even definite chametz, until after the time of its prohibition." End of his words.** The Rama thus points out an apparent contradiction between the Mechaber's strict ruling here regarding definite chametz and his lenient ruling in Siman 445. Several resolutions have been offered to reconcile the two rulings: **וְיֵשׁ שֶׁתֵּירְצוּ דְּכָאן מַיְירֵי לַחֲצִירוֹ, וְשָׁם מַיְירֵי לָרְחוֹב וְלַחָצֵר שֶׁל הֶפְקֵר (ב"ח, וְט"ז סְעִיף קָטָן ה).** — **Some resolved that here it refers to one's own courtyard, while there it refers to the public thoroughfare or an ownerless courtyard (Bach, and Taz, Seif Katan 5).** According to this first resolution, the distinction is based on ownership: in one's private courtyard, definite chametz must be removed, but in an ownerless public area, one may rely on the birds. A second resolution was proposed: **וְיֵשׁ שֶׁתֵּירְצוּ דְּוַודַּאי קוֹדֶם זְמַן הַבְּדִיקָה – סָמְכִינַן גַּם עַל וַודַּאי חָמֵץ שֶׁיֹּאכְלוּהוּ.** — **Others resolved that certainly before the time of the search, we rely even regarding definite chametz that the birds will eat it.** According to this view, before the night of the fourteenth when the obligation to search takes effect, one need not be concerned. However, this leniency has a limit: **אֲבָל אִם רוֹאִין בְּשָׁעַת הַבְּדִיקָה חָמֵץ – וַודַּאי מְחֻוַיָּב לְבָדוֹק. וְאֵין סוֹמְכִין עַל מַה שֶּׁיֹּאכְלוּהוּ, דְּאֵין סָפֵק מוֹצִיא מִידֵי וַודַּאי** — **if one sees chametz at the time of the search, one is certainly obligated to search for it. One may not rely on the birds eating it, for a doubt does not override a certainty** — meaning, the uncertain possibility that birds will consume the chametz cannot override the certain knowledge that chametz is present. This is the position of **(ח"י, וְזֶהוּ גַּם כַּוָּונַת**

.הַמָּגֵן אַבְרָהָם סְעִיף קָטָן י, וְהַלְבוּשׁ, כְּמוֹ שֶׁכָּתַב הָאֵלִיָּה רַבָּה) — (the Chok Yaakov; and this is also the intent of the Magen Avraham, Seif Katan 10, and the Levush, as the Eliyah Rabbah wrote). A third resolution was also proposed: **וְיֵשׁ מִי שֶׁמְּחַלֵּק בֵּין לֵיל אַרְבָּעָה עָשָׂר, דְּאָז אֵין סוֹמְכִין עַל מַה שֶּׁאוֹכְלוּהוּ לְקוֹדֶם אַרְבָּעָה עָשָׂר (מַק"ח סְעִיף קָטָן ז).** — **There is one who distinguishes between the night of the fourteenth — when one does not rely on the birds eating it — and before the fourteenth (Makor Chaim, Seif Katan 7).** According to this view, the Mechaber's stringency regarding definite chametz applies only from the night of the fourteenth onward. Having presented the three resolutions, the *Aruch HaShulchan* states his own opinion: **וְלַעֲנִיּוּת דַּעְתִּי נִרְאֶה עִיקָּר כְּתֵירוּץ הָרִאשׁוֹן.** — **In my humble opinion, the primary resolution is the first one.** That is, the resolution of the *Bach* and *Taz* distinguishing between one's own courtyard and a public area. His reasoning is as follows: **שֶׁהֲרֵי מַה שֶּׁאָמְרוּ בַּגְּמָרָא (ט א) דְּאֵין סָפֵק מוֹצִיא מִידֵי וַדַּאי – זֶהוּ בִּרְשׁוּתוֹ, בִּמְקוֹמוֹת שֶׁחַיָּיב לְבְדוֹק.** — **For what the Gemara stated (9a) — that a doubt does not override a certainty — this applies within one's own domain, in places one is obligated to search.** The principle restricting reliance on uncertainty applies specifically to one's own property where the duty to search exists. And in such cases, **וּבְכַהֲאי גַּוְונָא אֲפִילּוּ כַּמָּה יָמִים מְקוֹדָם, אִם רַק הוּחְזַק חָמֵץ – וַדַּאי חַיָּיב לְבְדוֹק וּלְבַעֵר.** — **in such a situation, even many days beforehand, if chametz was established as present, one is certainly obligated to search and remove it.** Within one's own domain, there is no temporal leniency for definite chametz. However, the ruling in Siman 445 addresses an entirely different matter: **אֲבָל לְקַמָּן סִימָן תמה כָּתַב לְהֶדְיָא רַבֵּינוּ הַבַּיִת יוֹסֵף, וְזֶה לְשׁוֹנוֹ: (קוֹדֶם זְמַן אִיסּוּרוֹ – יָכוֹל לְהַשְׁלִיכוֹ בְּמָקוֹם שֶׁהָעוֹרְבִים מְצוּיִים שָׁם. וְאִם מְצָאוֹ לְאַחַר זְמַן אִיסּוּרוֹ, אַף עַל פִּי שֶׁהַמָּקוֹם הֶפְקֵר – לֹא יַנִּיחֶנּוּ שָׁם, אֶלָּא יְבַעֲרֶנּוּ.) עַד כָּאן לְשׁוֹנוֹ.** — **But later, in Siman 445, the Beis Yosef wrote explicitly, and this is his language: "Before the time of its prohibition, one may cast it in a place where ravens are found. And if one finds it after the time of its prohibition, even though the place is ownerless, one may not leave it there, but must destroy it." End of his words.** The *Aruch HaShulchan* draws attention to the fact that this ruling clearly refers to casting chametz into an ownerless, public location: **הֲרֵי לְהֶדְיָא מַיְירֵי שֶׁמַּשְׁלִיכֶנּוּ לְמָקוֹם הַמּוּפְקָר, וְאֵין עִנְיָן זֶה לָזֶה כְּלָל. וְכֵן עִיקָּר לְדִינָא.** — **This clearly refers to casting it into an ownerless place, and one matter has nothing to do with the other at all. And this is the primary ruling for practical law.** The *Aruch HaShulchan* thus concludes that the two rulings address entirely different scenarios and there is no contradiction. He then adds a parenthetical note defending this position against the *Magen Avraham*'s objections: **(וּמַה שֶּׁהִקְשָׁה הַמָּגֵן אַבְרָהָם: דְּאִם כֵּן מַאי פְּרִיכָא מֵרָבָא דִּילְמָא כָּאן מַיְירֵי בְּוַודַּאי חָמֵץ? וְכוּוָנָתוֹ לְד' ח'. וְלֹא קָשֶׁה כְּלָל: דְּכָל בְּדִיקָה הַבַּ"ח – הַמְעַיֵּין יִרְאֶה שֶׁהַדִּין עִם הַב"ח. וְהַגר"ז סְעִיף כח כָּתַב כְּפִי דִּבְרֵי הַמָּגֵן אַבְרָהָם, וְלַעֲנִיּוּת דַּעְתִּי הָעִיקָּר כְּהב"ח וְהט"ז. וְדַיֵּיק וְתִמְצָא קַל.)** — **All the objections raised there against the Bach — one who examines the matter carefully will see that the law is with the Bach. The Graz (Alter Rebbe), in Seif 28, wrote in accordance with the Magen Avraham, but in my humble opinion, the primary ruling follows the Bach and the Taz. Examine this carefully and you will find it straightforward.)**

Halachic Divergences & Insights

Relying on birds to remove definite chametz

Shulchan Aruch HaRav (Seif 28) / Mishnah Berurah (Sk. 28): The **Aruch HaShulchan**, following the *Bach* and *Taz*, distinguishes between one's own courtyard and an ownerless public area. Definite chametz in one's own courtyard must be searched for and removed. The leniency in Siman 445 applies only to ownerless public areas.

The **Shulchan Aruch HaRav** (Seif 28) follows the *Magen Avraham*'s approach. He permits placing even definite chametz in one's own courtyard when ravens are present, because they are presumed to take any chametz they find. However, one must inspect the courtyard at the beginning of the sixth hour. Any chametz that remains must be destroyed immediately.

The **Mishnah Berurah** (Sk. 28) agrees with the *Aruch HaShulchan*'s practical conclusion. One may not place chametz in a private or shared courtyard and rely on birds to eat it. Even *bedi'eved*, if one did so, one must search for and remove it. In an ownerless public area, one may discard chametz and declare it ownerless before the prohibition begins.

Halachic Divergences & Insights

Balconies are not treated as a courtyard

Kinyan Torah 3:83; Siddur Pesach KeHilchaso 12:5: The Mechaber exempts the middle of a courtyard from searching, relying on the ravens and other birds. *Kinyan Torah* 3:83 rules that the open balconies of our buildings, although they carry the legal status of a courtyard, require searching in every case: people eat on them through the year and regularly bring chametz there, so one may not rely on birds having eaten it. It is closer to the case of the roofs of their houses (*Shulchan Aruch* seif 5, and *Mishnah Berurah* sk. 23), which required searching because they were commonly used.

Siddur Pesach KeHilchaso 12:5 adds that an enclosed balcony, or one with a roof over it, certainly requires searching, since its status is that of a room of the house.

§7 **וְכֵן בָּרֶפֶת וְלוּל שֶׁנִּתְבָּאֵר – אֵינוֹ אֶלָּא בְּסָפֵק חָמֵץ.** — **Similarly, regarding the cattle barn and chicken coop that were discussed — the leniency of relying on the animals applies only to doubtful chametz,** i.e., when it is uncertain whether chametz was ever brought there. However, **אֲבָל כְּשֶׁהָיָה וַודַּאי חָמֵץ, אֲפִילּוּ הַרְבֵּה יָמִים מְקוּדָּם – כָּל שֶׁזֶּהוּ בִּרְשׁוּתוֹ אֵין סוֹמְכִין עַל אֲכִילַת הַבְּהֵמוֹת וְהַתַּרְנְגוֹלִים, וְחַיָּיב לְבָדְקוֹ וּלְבַעֵר.** — **but when there was definitely chametz, even many days beforehand — as long as it is in his domain, we do not rely on the eating of the cattle and chickens, and he is obligated to search and destroy it.** Since the presence of chametz was established with certainty, the possibility that the animals ate it does not offset that certainty. **וְצִדְדֵי הֶחָצֵר – אֲפִילּוּ בְּסָפֵק חָמֵץ צָרִיךְ בְּדִיקָה;** — **And the sides of the courtyard — even for doubtful chametz, they require searching;** because ravens are not commonly found at the edges of the courtyard. **וְרַק אֶמְצָעָהּ שֶׁל חָצֵר, שֶׁשָּׁם הָעוֹרְבִים מְצוּיִים – אֵינוֹ צָרִיךְ בְּדִיקָה בְּסָפֵק, אֲבָל לֹא צִדְדֵי הֶחָצֵר.** — **Only the center of the courtyard, where ravens are commonly found**

— does not require searching in a case of doubt, but not the sides of the courtyard. Since only in the open center can we rely on the ravens having consumed any chametz there. **וְאָצְלֵינוּ לֹא נָהֲגִנוּ כְּלָל לִבְדּוֹק בֶּחָצֵר, מִפְּנֵי שֶׁאֵין אָנוּ רְגִילִין לֶאֱכוֹל בֶּחָצֵר. — In our regions, we have not practiced at all to search in the courtyard, because we are not accustomed to eat in the courtyard.** Therefore there is no concern that chametz was brought there. There are additional reasons as well: **וְעוֹד: אָצְלֵינוּ הַכְּלָבִים וְהַחֲזִירִים מְחַטְּטִין בַּחוֹרִין וְאוֹכְלִין. — Furthermore, in our regions the dogs and pigs dig in the holes and eat.** So any chametz present would certainly have been consumed. **וְעוֹד: דַּאֲנוּ רְגִילִין לְכַבֵּד הֶחָצֵר. — Furthermore, we are accustomed to sweep the courtyard.** which would remove any chametz that might be present. **וְעוֹד: דְּעַד הַפֶּסַח בְּרוֹב הַשָּׁנִים עֲדַיִן אָצְלֵינוּ זְמַן הַחוֹרֶף, וְאֵין מָצוּי כְּלָל שֶׁיִּמָּצֵא חָמֵץ בֶּחַצֵּרוֹת, שֶׁאֵין אוֹכְלִין בֶּחָצֵר מִפְּנֵי הַקּוֹר. — Furthermore, until Pesach in most years it is still wintertime in our regions, and it is not at all common to find chametz in courtyards, since people do not eat in the courtyard because of the cold.**

§8 חוֹר שֶׁבֵּין יְהוּדִי לַחֲבֵירוֹ – זֶה בּוֹדֵק עַד מָקוֹם שֶׁיָּדוֹ מַגַּעַת, וְזֶה בּוֹדֵק עַד מָקוֹם שֶׁיָּדוֹ מַגַּעַת; — A hole in a wall between one Jew and his fellow — this one searches as far as his hand reaches, and that one searches as far as his hand reaches; i.e., each homeowner searches his side of the hole to the extent he can reach. **וְהַשְּׁאָר מְבַטְּלוֹ בְּלִבּוֹ, וְדַיּוֹ. אֲבָל בִּיטּוּל צָרִיךְ, דְּשֶׁמָּא נִתְגַּלְגֵּל שָׁם מְעַט חָמֵץ. — And the remainder, he nullifies in his heart, and that is sufficient. However, nullification is required, for perhaps a bit of chametz rolled there.** Even though neither person can physically reach the middle of the hole, each must nullify any chametz that might have rolled from his side into the unreachable area. **וְשֶׁבֵּינוֹ לְבֵין אֵינוֹ יְהוּדִי – אֵינוֹ צָרִיךְ בְּדִיקָה כְּלָל, — And a hole between a Jew and a non-Jew — the Jew does not need to search it at all,** according to the original Talmudic ruling, and the reason is: **דְּשֶׁמָּא יֹאמַר הָאֵינוֹ יְהוּדִי שֶׁהוּא עוֹשֶׂה לוֹ כְּשָׁפִים, וְיָבוֹא לִידֵי סַכָּנָה. וְלָכֵן דַּי בְּבִיטּוּל. — for perhaps the non-Jew will say that the Jew is performing sorcery against him, and it will lead to danger. Therefore, nullification alone is sufficient.** Since nighttime candlelight searching would appear suspicious, the Sages required only nullification. **וְאַף עַל גַּב דְּשִׁלּוּחֵי מִצְוָה אֵין נִזּוֹקִין – הֵיכָא דְּשָׁכִיחַ הֶזֵּיקָא שָׁאנֵי (ח ב), וְאֵין סוֹמְכִין עַל הַנֵּס. — And even though agents of a mitzvah are not harmed — where harm is common, it is different (Pesachim 8b), and we do not rely on miracles.** Since the danger from a suspicious neighbor is considered a commonly occurring hazard, the mitzvah protection does not apply. **וּמִכָּל מָקוֹם בְּוַודַּאי חָמֵץ – צָרִיךְ לְהוֹצִיאוֹ בַּיּוֹם (ט"ז סְעִיף קָטָן ו). — Nevertheless, when there is definitely chametz there — he must remove it during the day (Taz, seif katan 6).** Because daytime use of the hole is normal and will not arouse suspicion. **וּכְמָדוּמֶה שֶׁהָאִידָנָא חַיָּיב לִבְדּוֹק, דִּבְיָמֵינוּ לֹא יֹאמְרוּ הָאֵינוֹ יְהוּדִי שֶׁעוֹשֶׂה כְּשָׁפִים, וְיוֹדְעִים שֶׁעוֹסֵק בְּדָתוֹ. — And it seems to me that nowadays he is obligated to search, for in our times the non-Jew will not say that the Jew is performing sorcery, and they know that he is engaged in his religious practice.** Since the concern that originally motivated the exemption no longer applies, the full obligation to search — even at night — is in effect.

Halachic Divergences & Insights

Searching a hole between Jewish and non-Jewish homes

Mishnah Berurah (Sk. 30-31) / Shulchan Aruch HaRav (Seif 22): The *Aruch HaShulchan* rules that nowadays a Jew must fully search a hole between his home and

a non-Jewish home, even at night. Non-Jews today would understand that the Jew is performing a religious practice and would not suspect sorcery.

The **Mishna Berurah** and the **Shulchan Aruch HaRav** retain the Talmudic exemption from searching at night. The **Mishnah Berurah** (Sk. 30) explains that searching holes by candlelight at night appears suspicious. One should instead search by daylight on the fourteenth of Nissan. The Acharonim rule that even definite chametz should be searched for by day rather than at night, but it must certainly be nullified (Sk. 31).

The **Shulchan Aruch HaRav** (Seif 22) likewise directs the Jew to search the next day by daylight as far as his hand reaches. Nullification is sufficient for the rest, even if chametz is definitely present.

§9 כּוֹתֶל שֶׁנִּשְׁתַּמֵּשׁ בּוֹ חָמֵץ בַּחוֹרִין, וְנָפַל וְנַעֲשָׂה גַּל; — **A wall whose holes were used to store chametz, which then collapsed and became a mound** — i.e., the wall fell and formed a heap of stones and earth, with chametz possibly buried beneath it. **אֲפִילּוּ אֵינוֹ גָּבוֹהַּ שְׁלוֹשָׁה טְפָחִים,** — **even if it is not three tefachim high, and a dog could search there — nevertheless, one does not need to search beneath it, since there is a danger of scorpions.** Even though the mound is low enough for a dog to detect chametz beneath it, the Sages exempted one from searching due to scorpion danger. **וְהַכֶּלֶב יָכוֹל לְחַפֵּשׂ שָׁם – מִכָּל מָקוֹם אֵינוֹ צָרִיךְ בְּדִיקָה תַּחְתָּיו, כֵּיוָן שֶׁיֵּשׁ בָּזֶה סַכָּנַת עַקְרָב.** — **This applies in their warm countries. But in our regions, this danger does not exist, and one is obligated to search.** Since scorpions are not found in colder climates, the exemption does not apply there. **וְזֶהוּ בִּמְדִינוֹת הַחַמִּים שֶׁלָּהֶם. וְאֶצְלֵינוּ לֵיכָּא סַכָּנָה זוֹ, וְחַיָּיב לִבְדוֹק.** — **And in a place where snakes are common but not scorpions — one is also obligated to search (Magen Avraham, seif katan 13), because the danger from a snake is not as great as from a scorpion.** The exemption was granted specifically due to scorpion danger; snakes do not present the same level of risk. **וּבְמָקוֹם שֶׁנְּחָשִׁים מְצוּיִים וְלֹא עַקְרַבִּים – גַּם כֵּן חַיָּיב לִבְדוֹק (מָגֵן אַבְרָהָם סְעִיף קָטָן יג), מִפְּנֵי שֶׁאֵין בְּנָחָשׁ סַכָּנָה כְּמוֹ בָּעַקְרָב.** — **As for why we are concerned about danger even though agents of a mitzvah are not harmed — this is not comparable to the previous case of commonly occurring harm,** The *Aruch HaShulchan* now explains the distinction between the scorpion case and the non-Jewish neighbor case discussed in the previous seif: **וְהָא דְּחַיְישִׁינַן לְסַכָּנָה, אַף עַל גַּב דִּשְׁלוּחֵי מִצְוָה אֵינָן נִזּוֹקִין; וְלֹא דָּמֵי לְהַדִּין הַקּוֹדֵם דִּשְׁכִיחַ הֶזֵּיקָא,** — **for that refers to a person causing harm, not a scorpion; a scorpion is not categorized as commonly occurring harm.** The non-Jewish neighbor's hostility is a frequent and predictable danger, but scorpion stings are not. Nevertheless, there is a different reason for the exemption: **דְּזֶהוּ בְּאָדָם וְלֹא בָּעַקְרָב, דְּעַקְרָב לֹא מִיקְרֵי שְׁכִיחַ הֶזֵּיקָא. אָמְנָם בְּכָאן חַיְישִׁינַן, שֶׁמָּא מִכְּבָר אָבְדָה לוֹ מַחַט בַּמָּקוֹם הַזֶּה, וְאַחַר שֶׁיִּשְׁלִים בְּדִיקָתוֹ, שֶׁאֵינוֹ עוֹסֵק עוֹד בְּמִצְוָה – יְחַפֵּשׂ אַחֲרֵי הַמַּחַט, וְאָז יִשְׁכְּנוּ הָעַקְרָב, וְיָבוֹא לִידֵי סַכָּנָה.** — **Rather, here we are concerned that perhaps he previously lost a needle in this place, and after he completes his search for chametz, when he is no longer engaged in the mitzvah — he will search for the needle, and then the scorpion will sting him, and he will come to danger.** He is protected during the mitzvah itself, but once the search concludes, the Sages feared he would continue digging for personal reasons. **וְאֵין זֶה רַק לְעִנְיַן סָפֵק חָמֵץ.** — **This exemption applies only to doubtful chametz.** That is, the exemption from searching a mound due to scorpion danger applies only when it is uncertain