

## Bedika and Mechira for Yeshiva Students

1. If a Yeshiva student is leaving his dorm or apartment within 30 days of Pesach, even if he isn't returning on Pesach, he has an obligation to do Bedikat Chametz the night before he leaves, without a Bracha, but with a flashlight.<sup>1</sup> One shouldn't eat, work, or learn prior to performing this Bedika, just like one who performs Bedika on the 14<sup>th</sup>.<sup>2</sup>
2. Some authorities question the sale of complete Chametz, however, most authorities allow it and such is the minhag.<sup>3</sup> Even if one wants to observe this stringency, it is advisable to perform Mechirat Chametz for mixtures of Chametz.<sup>4</sup>
3. Many authorities maintain that there is no obligation to check sefarim for Chametz crumbs.<sup>5</sup>

1. The Gemara Pesachim 6a says that one who leaves his house within 30 days of Pesach, should do Biur even if he doesn't plan on being home during Pesach. Rambam (Chametz 2:16) explains that this includes doing Bedika. S"A 436:1 agrees. Mishna Brurah 436:6 writes that one should do Bedika with a candle the night before leaving. Rama 436:1 writes that there's no Bracha for this Bedika since it's not performed on the night of the 14<sup>th</sup>. Torat HaYeshiva 14:2 applies this halacha to a Yeshiva student in dorms.

Taz 436:2 writes that besides the Bedika, one should do Bitul on Erev Pesach; Magen Avraham 436:1 argues that one should also do Bitul after the Bedika as one does by Bedika on the 14<sup>th</sup>. Biur HaGra 436:4, Mishna Brurah 436:3, and Kaf HaChaim 436:8 agree.

Halachos of Pesach (p. 86) quotes Rav Moshe saying that a flashlight is better than using a candle and Rav Aharon Kotler as saying it is equivalent to a candle. Halichot Shlomo 5:11 writes that if one can't use a candle, one should use a flashlight. Chazon Ovadyah (p. 38) agrees.

2. Pri Megadim E"H 436:1 writes that one who does Bedika the night before leaving his house, shouldn't eat, work, or learn just like one who performs Bedika on the 14<sup>th</sup>. Kaf HaChaim 436:7 and Nitai Gavriel 28:4 agree. See S"A 431:2 and Mishna Brurah regarding the laws of not eating, working, or learning within a half hour of Tzeit HaCochavim.

3. The institution of Mechirat Chametz is based on a Tosefta (Pesachim 2:6) that says that a Jew on a boat with a non-Jew may sell his Chametz to the non-Jew and then buy it back after Pesach. This is codified by the Rambam (Pesach 4:6) and S"A 448:3. The Beit Yosef 448:3 writes that selling it before Pesach and buying it back is Ha'arama (a scheme to avoid a prohibition) and yet it is permitted.

Gemara Shabbat 139b says that a certain Rabbi slept on a non-Jew's boat on Shabbat claiming that he intended to sleep, even though he knew the non-Jew would sail the boat across the river. The Gemara says that his claim was HaAramah, but is permitted since it's only an issar derabbanan and he was a talmid chacham. Bechor Shor (Pesachim 21a) learns from here that Ha'aramah is permitted only if the issue is derabbanan. He writes that after Bitul, the issue of owning Chametz is only derabbanan and Ha'aramah is acceptable. Bet Efraim 1:33 and Minchat Bikkurim (Tosefta 2:7) agree.

Mekor Chaim 448:11 rejects the Bechor Shor and explains that in Gemara Shabbat HaAramah was only permitted on an issar

derabbanan because the Rabbi was actually violating an issar, however, by selling Chametz, one circumvents the issue altogether.

Rav Solovietchik (quoted by Rav Schachter in Nefesh HaRav p. 177) held that one shouldn't sell Chametz BeEyn. [Halachos of Pesach (pg 32) defines Chametz BeEyn as mixtures which have a majority or equal amount of Chametz in comparison to the non-Chametz ingredients.] This opinion is based on the idea that Ha'aramah shouldn't be performed except for Derabbanan issues. According to this, one may rely on Rabbeinu Tam (Pesachim 42a D"H VeElu), who holds that mixtures of Chametz are only a derabbanan issue of Bal Yeira'eh.

Rav Schachter in Belkvei HaTzon (siman 15) writes to defend the minhag that Ha'aramah is acceptable to avoid an issar, but not to exempt one from a mitzvah because at the end of the day, one didn't fulfill the mitzvah. Therefore, selling one's Chametz only avoids the issar, and one may still fulfill the mitzvah of Tashbitu with burning the last unsold kezayit.

Halachos of Pesach (p. 123) records the practice of Rav Aharon Kotler not to sell Chametz BeEyn. However, Halachos of Pesach quoting Rav Moshe Feinstein, Tzitz Eliezer 20:51(2), and Yalkut Yosef 448:3(1) permit selling all forms of Chametz. Halachos of Pesach (p. 123) writes that most poskim allow the sale and that such is the minhag.

4. Halachos of Pesach (p. 123) writes that sometimes those who desired not to sell Chametz unknowingly retained Chametz items. He adds that a student in a dorm should not assume that his Chametz was sold for him; rather, he should specifically request his father (or another individual) to be his representative to sell his Chametz.

5. Halichot Shlomo 5:6 writes that even though there's a dispute whether the possible existence of crumbs necessitates Bedika, since the crumbs in sefarim would be disgusting sefarim don't require Bedika. Chazon Ovadyah (p. 35), Or Letzion 1:32, Rav Mordechai Willig in Am Mordechai (p. 154), and Halachos of Pesach (p. 72) quoting Rav Moshe Feinstein agree. Maaseh Rav #178, however, writes that one should do Bedika on sefarim that he used during a meal. Chazon Ish 116:18 and Mishna Halachot 7:64 agree. Orchot Rabbenu (vol 2 pg 6) records the Steipler and Chazon Ish's practice to check sefarim in advance of the night of 14<sup>th</sup>.