



Bitul and Biur chametz

1. After one does Bedikat Chametz and again after burning one's Chametz in the morning, one should do Bitul including the text of LiBateil VeLehavei Hefker.¹
2. Everyone in the family should say the text of Bitul Chametz.²
3. If one is selling his Chametz via his local rabbi, it is preferable to burn his remaining Chametz after the sale takes effect.³

1. The Gemara (Pesachim 4b) establishes that if one does Bitul Chametz, he need not physically get rid of the Chametz on a d'oriata level. D'rabanan, though, one still must do Bedikat Chametz. Rashi (s.v. BeBitul) explains that Bitul satisfies the Torah's command of Tashbitu, the positive Mitzvah to remove one's Chametz from his ownership. Tosfot (s.v. MiD'oraita), however, argue that Bitul does not fulfill the Mitzvah of Tashbitu but simply makes one's Chametz ownerless (Hefker) and thereby avoids the prohibition of owning Chametz on Pesach. See Ran (Pesachim 1a) and Rambam (Chametz U'Matzah 2:2) for an elaboration of this dispute.

The Hagahot Maimoniyot (Chametz U'Matzah 3:8) writes that based on the opinion of Tosfot, the text of the Kol Chamira should include "LiBateil VeLehavei Hefker." Although the Beit Yosef 434:2 writes that the Minhag is to say Kol Chamira without any reference to Hefker, the Mishna Brurah 434:8, Kaf HaChaim 434:26-7, and Chazon Ovadia (p. 55) advise saying it.

Rav Yehuda (Pesachim 6b) explains that after doing Bedikat Chametz, one must do Bitul. The Gemara explains that Chazal instituted it at this time because one already is involved in getting rid of his Chametz through Bedikat Chametz. If one would wait until daytime to do Bitul, he might forget to say it before the beginning of the sixth hour, at which point the Chametz becomes forbidden and Bitul thus becomes impossible. The Rosh 1:9 quotes Rashi, who writes that some have the Minhag to do Bitul at the end of the fifth hour when burning their Chametz. Based on the Rosh, S"A 434:2 writes that one should do Bitul at night and again during the day at the end of the fifth hour. The Rama adds that one should make sure that the Bitul of the daytime is done after one burns the Chametz so that he can fulfill the Mitzvah of Biur Chametz.

2. Rabbi Hershel Schachter (OU Kosher Pre-Pesach Webcast 5770, min 4-5) said that since nowadays all members of the household have their own spending money and sometimes buy Chametz, it is proper that everyone do his own Bitul Chametz.

The Ran (3b s.v. VeKatav) quotes the Baal HaItur, who says that one may appoint an agent to do Bitul Chametz according to the general principle of Shlucho

Shel Adam K'moto (Kiddushin 42b). The Ran, however, quotes those who disagree because they understand Bitul to be based on Hefker, which cannot be done through an agent. The Beit Yosef 434:4 asserts that even if Bitul is based on Hefker, in reality it is more lenient than Hefker, because when the Chametz becomes forbidden one will not really own the Chametz. Thus, by declaring that one isn't interested in the Chametz, one doesn't violate owning Chametz on pesach (see Mekor Chaim 431 s.v. Lechen).

The Tur and S"A 434:6 rule that one may appoint an agent to do Bitul. Mishna Brurah 434:15 writes that in extenuating circumstances, one may rely on S"A.

3. The Mishna (Pesachim 21a) records a dispute between Rabbi Yehuda, who holds that one must burn one's Chametz in order to fulfill Biur Chametz, and Rabanan, who say that one can fulfill Biur Chametz even by throwing it to the wind or into the ocean. The Rosh (2:3) quotes a dispute amongst the Rishonim regarding which opinion is normative. While the S"A 445:1 rules like Rabanan, the Rama says the Minhag is to burn it.

Rabbi Mordechai Willig (Am Mordechai Moadim p. 152-3) defends the Minhag of those who burn the Chametz in the morning before going to work even though it is before the Rabbi sells the rest of their Chametz. He explains that even though they aren't burning their last K'zayit, nonetheless, they fulfill Tashbitu when the Rabbi sells the Chametz on their behalf. He bases this argument on the Tur 436, who according to the Pri Chadash 436:3, holds that selling one's Chametz to a non-Jew is a fulfillment of Tashbitu. He adds that even though there is a Mitzvah to burn the Chametz, Rosh and Beit Yosef maintain that if one gets rid of his Chametz before the fifth hour, even Rabbi Yehuda agrees that one need not burn it.

Rabbi Hershel Schachter (B'ikvei HaTzon B'ikvei HaTzon p. 76) argues that some Rishonim hold that one does not fulfill Tashbitu by selling one's Chametz (see Tosfot Rabbenu Peretz Pesachim 28b). Accordingly, if one burns his Chametz in the morning before the Rabbi sells the rest of one's Chametz, one might not fulfill Tashbitu. Furthermore, the Bracha one made before Bedikat Chametz may turn out to be a Bracha Levatala.