

ואם לא בדק בתוך המועד – And if he did not search within the time

OVERVIEW

The משנה teaches us that ר"י maintains that one is to search for חמץ on the eve of the fourteenth, the morning of the fourteenth and at the שעת הביעור¹. The חכמים, however, maintain that if he did not search on the (morning of the) fourteenth he should search בתוך המועד and if he did not search בתוך המועד he should search אחר המועד. There is a dispute between רש"י and תוספות as to the meaning of בתוך המועד (and לאחר המועד).



פירש הקונטרס² בשעה ששית³ –

רש"י explained that בתוך המועד means during the sixth hour.

רש"י disagrees with תוספות:

וקשה דלרבי יהודה קרי ליה שעת הביעור ולמה שינה לשונו⁴ –

And there is a difficulty with רש"י's interpretation; for ר"י refers to this time (which רש"י calls בתוך המועד) as שעת הביעור, so why does the משנה of the תנא change his expression? Why is this same time that both ר"י and the חכמים are referring to, called בשעת הביעור (according to ר"י) and בתוך המועד (according to the חכמים)? It should be referred to in this משנה with the same name (either שעת הביעור or בתוך המועד)!

תוספות offers his explanation:

אלא בתוך המועד היינו מתחלת שבע⁵ עד סוף הפסח –

But rather the term בתוך המועד refers to the time that is from the beginning of the seventh hour until the end of פסח.

תוספות anticipates a question; if בתוך המועד means till after פסח, then לאחר המועד must mean after פסח. What is the purpose of בדיקה after פסח? תוספות responds:

ולאחר המועד יבדוק כדי שלא יתערב לו חמץ של איסור בשל היתר ויאכלנו –

¹ The שעת הביעור is when we dispose of the חמץ, which is in the beginning of the sixth hour. The sixth hour (from eleven to twelve o'clock in a twelve hour day that begins at six) is when חמץ is already אסור (מדברנן). See following where all agree that משנה יא, ב (תוספות יב, ב ד"ה אימתי).

² בד"ה בתוך.

³ See previous footnote # 1.

⁴ See 'Thinking it over' # 1.

⁵ שעה תחלת שבע means (from) noon (onwards). However ששית is included when the חכמים say ב"ד (and they did not say י"ד שחרית as ר"י did, indicating a difference between them).

And one searches after the 'time' [holiday] in order that the forbidden חמץ should not become intermingled with the permissible חמץ and he will mistakenly eat the חמץ של איסור.⁶

ורש"י לא רצה לפרש כן מפני שפירש במשנה⁷ דבודקים שלא יעבור בבל יראה⁸: explains תוספות reluctance to accept interpretation:

And the reason רש"י did not want to explain it so (as תוספות did)⁹ is because he explained in the משנה that the reason we search for חמץ is in order that we should not transgress the prohibition of בל יראה. Therefore there would be no purpose in performing בדיקה after פסח, when there is no longer an איסור of וב"י.

SUMMARY

חצות means from אחר המועד (and שעה ששית means בתוך המועד רש"י maintains that until nightfall of פסח) while תוספות maintains that בתוך המועד refers to the time from פסח until the conclusion of פסח and אחר המועד means after the conclusion of פסח; חמץ שעבר עליו הפסח one has to be בודק even after פסח in order not to eat the הפסח.

THINKING IT OVER

1. Why cannot we explain (רש"י¹⁰) that בשעת הביעור means [only] in the beginning of the sixth hour¹¹ (but during the sixth hour itself is בדיקה לר"י just as it is to be אסור during פסח because שמא יבא לאכלו¹²), however the חכמים maintain that you are to be בודק חמץ בתוך המועד which is the entire שעה ששית (for they are not concerned יבא לאכלו)?¹³

2. It would seem that תוספות understands that according to רש"י the משנה is discussing a situation where he was not מבטל the חמץ; otherwise why is there an

⁶ The חמץ which was in his possession during פסח (for which he did not search [and was עובר on וב"י]) is forbidden to be eaten after פסח (this is commonly known as הפסח). The search for the חמץ after פסח is to separate this חמץ (in order not to eat it) and not allow it to get mixed up with any new חמץ which he acquires after פסח which is [obviously] מותר.

⁷ ב, א ד"ה בודקין.

⁸ See 'Thinking it over' # 2.

⁹ That בתוך המועד means from חצות until the end of פסח and that אחר המועד means after פסח. According to רש"י however there is no need for בדיקה after פסח (since there is no וב"י).

¹⁰ See footnote # 4.

¹¹ The שעת הביעור is as the משנה states שש בתחלת שש.

¹² See the גמרא later on this עמוד.

¹³ See אור חדש.

issue of ¹⁴ב"י. Why then would ר"י maintain that we cannot be בודק after זמן איסורו on account of the concern שמא יבא לאכלו, how can that concern prevent us from the בדיקה which is necessary in order not to be עובר on ¹⁵ב"י?!

¹⁴ See footnote # 8.

¹⁵ See מהרש"ל, מהרש"א (הארוך) וכו'.