

HAMEITZ AND UNCOVERED PITS

The Limits of Ownership and Responsibility

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Whenever I ask my children to straighten the living room floor, I can be certain to hear at least one version of the refrain: “but **that** isn’t mine!” And I endeavor to explain again how **that**—the Legos or papers or whatever is sitting in the middle of the carpet at that moment—may not be yours, but you still have to clean it up! Just because something does not belong to you doesn’t mean you are not responsible for it. This is a lesson we can learn from the requirement to rid our homes of *hameitz* before Pesah.

The Talmud (Pesahim 6b), emphasizes this point:

דָּאָמַר רַבִּי אֶלְעָזָר (מִשְׁמוֹ רַבִּי יִשְׁמָעֵאל): שְׁנֵי דְבָרִים אֵינָן בְּרִשְׁוֹתָא שְׁל אָדָם, וְעֶשְׂאוֹן הַכְּתוּב בְּאִילוֹ בְּרִשְׁוֹתָא, וְאִילוֹ הוּא בּוֹר בְּרִשְׁוֹתָא הַרְבֵּי, וְחֶמֶץ מִשְׁשׁ שְׁעוֹת וּלְמַעְלָה.

As R. Elazar said [in the name of R. Yishmael]:¹ Two items are not in a person’s possession and the Torah still holds him responsible as though they were his property. And they are: an open pit in the public domain, and *hameitz* from the sixth hour and onward.

Responsibility is a key characteristic of ownership. When something belongs to us we are responsible to care for it. This sense of natural responsibility leads us to care for our families, for our homes, and for our property. Sometimes we extend this sense of ownership and responsibility more broadly, feeling accountable to our neighborhood, our country, and even our planet.

When we want someone to feel obliged to take care of something, we suggest they should feel a sense of ownership. Parents tell their children

“this is **your** pet.” Politicians tell their constituents “these are **your** streets.” The NYC Parks department recently planted a new tree outside my apartment building. The tree is adorned with a metal tag reading, in large black letters, “I’M YOUR NEW TREE,” alongside a QR code linking to instructions on how to care for this tree. The tree is not mine, of course, but the sign is intended to engender a feeling of ownership that will lead to a feeling of responsibility, and maybe even some behavior change.

R. Elazar challenges the simplicity of the model that responsibility stems from ownership. Contrary to what we expect, sometimes the zone of responsibility outpaces that of ownership. Even when we have done right with respect to our belongings, our turf, there may still be more to do. The boundaries of our responsibility lie outside of our personal domain. To teach this lesson the Talmud equates two very different examples—an uncovered pit and an undiscovered breadcrumb.

שמות כא:לג-לד

וְכִי־יִכְתֹּחַ אִישׁ בּוֹר אוֹ כִּי־יִכְרֶה אִישׁ בֹּר וְלֹא יִכְסֶּנּוּ וְנִכְל־שָׁמָּה שׁוֹר אוֹ חֲמוֹר: בַּעַל הַבּוֹר יִשְׁלַם כְּסָף.

Exodus 21:33-34

When a person opens a pit—or when a person digs a pit and does not cover it—and an ox or an ass falls into it, the one responsible for the pit must pay restitution.

If you dig a pit and leave it uncovered, then someone, or some animal, might fall and get hurt. If they do, that is on you. The Hebrew uses the term, “*ba’al ha-bor*,” which we would normally translate as, “the owner of the pit,” but

here means, “the one responsible for the pit.” That is because this law holds true even if you dig the pit in a public area, where you are not really the owner. In the public domain, the land—and the hole in that land that we dug—do not technically belong to us, yet the liability for the pit remains ours. Lack of ownership over the danger doesn’t release us from responsibility to prevent potential harm.

The Torah’s warning about responsibility for the dangerous pit is quoted in the Talmud 29 times, but only once in Pesahim. Here, the concept is brought to expand our understanding of responsibility beyond that of ownership, and to help us better understand the *mitzvah* of ridding ourselves of *hameitz*.

Getting rid of our *hameitz* is a three-step process. First, we search. Then, we sell or destroy what we found. Finally, we recite what sounds like an incantation that nullifies any remaining crumbs we missed:

כָּל חֲמִיצָה וְחֲמִיעָה דְּאִיכָּא בְּרִשְׁוֹתֵי, דְּחֲזִיתִיהּ וְדִלָּא חֲזִיתִיהּ, דְּבַעַרְתִּיהּ וְדִלָּא בַּעַרְתִּיהּ, לְבַשְׁל וְלִהְיוּ הֶפְקֹר קַעֲבָרָא דְאֶרְעָא.

All *hameitz* in my possession, whether I have observed it or not, whether I have seen it or not, whether I have removed it or not, is hereby nullified and ownerless as the dust of the earth.

Nullification feels like magic. This catch-all declaration allows us to drop our shoulders and relax. If there is a remaining crumb we missed, that’s okay—it is as if it doesn’t exist, or at least it no longer belongs to us. The line has echoes of the Vidui on Yom

1 Our printed edition of Pesahim omitted the full attribution, but it is found in many manuscripts of Pesahim and in the printed edition of Bava Kamma 29b. It seems that the original statement was attributed by R. Elazar (b. Pedat) to the earlier teacher, R. Yishmael (some versions read R. Shimon instead, who lived slightly after R. Yishmael).

Kippur when we atone for sins we committed unknowingly. Both rituals offer us a clean slate, wiping away mistakes we may not even be aware of, crumbs we never even found.

And yet, if we do find crumbs after the sixth hour on the 14th day, after we have recited this magical wipe-out incantation, we are not off the hook. The Talmud (in our passage on Pesahim 6b) explains that, although the magic worked and the *ḥameitz* is no longer ours, we are still responsible for it.²

The same is true of our lives. It might be tempting to walk through life making pronouncements like this one. We might wish we could nullify our problems and disown them. But it's not that simple. Just because I don't take ownership of something doesn't mean I am free from responsibility for the consequences. We must learn to feel and act responsible, even when we might look the other way and claim a problem isn't really ours to fix.

But where does this responsibility end? Feeling that **everything** falls on our own personal shoulders is a recipe for paralysis. No one person can take responsibility for every pit and every crumb everywhere. We must learn how to look beyond the boundary of our own property to see our liability in the world, without feeling overwhelmed and overburdened.

Cleaning for Pesah can offer us a window into this balance between responsibility for the small personal domain and the responsibility to fix the world at large. The holiday operates on two planes, demanding of us two simultaneous and very different tasks. We should clean the tiny crumbs behind our sofa, and also contemplate liberation and freedom. The two jobs might feel completely unrelated. The Talmud—through reminding us of our responsibility for the pit—attempts to bridge the two, offering us a third option between the extremes. We need not feel responsible for everyone and everything everywhere, but we do need to look beyond our personal domain. If we each push ourselves to take responsibility for a wider circle, we will eventually encompass the world.

This year as we clean, searching for every last crumb, let's also make time to explore what pits—real or meta-

phorical—we may be leaving uncovered out in the world. Let's try to expand beyond the circle of our personal ownership, look out into the world around us, and ask what it would look like to take responsibility. ◇

2 If we find *ḥameitz* in our possession even after the verbal declaration of ownerlessness, we still might be in violation of owning *ḥameitz* on Pesah and, if we haven't sold our *ḥameitz*, it must be destroyed.