The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Mar 21, 2026 ■ ג' ניסן, תשפ"ו
סימן ת"מ סעיף ב'-ד'

Overview

Siman 440 Seif 2:

If one is not responsible for the *chometz* he is not obligated to destroy it even if the gentile is under his control, e.g. a resident alien who lives with one in a courtyard. One must construct a partition ten tefachim high so that he should not mistakenly eat the *chometz*. If a gentile put *chometz* in a Jew's home without permission he should cover it with a vessel. This applies only on Yom Tov but if it is before Yom Tov he must construct a partition.

- One should not accept a deposit of *chometz* on Pesach even if he does not accept responsibility. (M.B. 10)
- A partition made from a sheet is not sufficient. (M.B. 12)
- The reason covering *chometz* with a utensil is not sufficient is out of concern that someone will have a need for the utensil and will uncover the *chometz*. (M.B. 13)
- When Yom Tov is over one should construct a partition in front of the *chometz*. (M.B. 15)

Siman 440 Seif 3:

One is not responsible for the *chometz* a gentile brings into his home. Even though the Jew sees the *chometz* he is not responsible for it but it is prohibited to eat at a table where a gentile is eating *chometz*.

- The intent of Shulchan Aruch is that one should not eat on the same table as a gentile who is eating *chometz*. (M.B. 17)
- Eating with a gentile raises the concern of eating even a crumb and thus it is prohibited even if one does not know the gentile. It is permitted, however, for a gentile to eat on a Jew's table if he does not eat there. (M.B. 18)

Siman 440 Seif 4:

If a Jew gives his *chometz* to another Jew or a gentile, even if the custodian accepted responsibility the owner nevertheless violates the prohibition against owning *chometz*.

- The custodian also violates a prohibition since he accepted responsibility for the *chometz*. (M.B. 20)

Halacha Highlight

Sharing a table with a gentile who is eating *chometz*

Shulchan Aruch Siman 440 Seif 3

אבל אסור להעלותו עמו על השלחן ואפילו בהפסק מפה

But it is prohibited to eat at the same table as a gentile even if a cloth is used as a separation

Shulchan Aruch (סע' ג') writes that on pesach one may not sit at a table together with a gentile to eat even if something is put on the table as a separation. Mishnah Berurah (ס"ק י"ח) explains that although it is permitted for one person eating *fleishigs* to eat at the same table as one who is eating *milchigs* as long as there is a separation between them, regarding *chometz* this is not allowed. The reason for the distinction is that when it comes to *fleishigs* and *milchigs* the concern is that they may share food and inadvertently violate the prohibition against eating *milchigs* and *fleishigs* together. To assure that this does not occur it is sufficient to put something on the table to serve as a barrier between the two people to remind them not to share food. The concern on Pesach is that it is prohibited to consume even a crumb of *chometz*. When two people share a table together it is highly likely that some crumbs will become scattered and the Jew could end up eating a crumb of *chometz*. Therefore, the barrier to remind them not to share food is insufficient. Additionally, even if one does not know his tablemate, which also allows people to share a table if one is eating *milchigs* and the other is eating *fleishigs*, one may not share a table with a gentile who is eating *chometz* out of concern for the crumbs.

Since the size of the table that one would share with the gentile does not effect this halacha, one must be cautious at parks or amusement parks not to sit together at a table where gentiles are eating *chometz*. Some Poskim take this concern a step further and contend that if tables are lined up in a row one may not eat at one end of a table if a gentile is eating *chometz* even if he is sitting at another table in that row of tables (ע' פסקי תשובות אות ג').

Stories to Share

Taking Responsibility

ש"ע סי' ת"ם, ב': "ואם אינו חייב באחריותו אינו חייב לבערו..."

A certain man rented his premises to a non-Jew the entire year. The non-Jew used it as a commissary to sell alcohol, much of which was chometz. When the Jew learned about the prohibition of even taking responsibility for a non-Jew's chometz, he wondered if he had a halachic problem. In this particular instance, the non-Jew's whiskey was covered by the Jew's insurance policy against fire and the like. Of course the whiskey was chometz, so in a way he was responsible since if something happens to the non-Jew's chometz his insurance would pay him and he would pay the non-Jew. Yet he certainly wasn't watching the non-Jew's chometz and didn't even care if it was destroyed since the insurance would pay, not him. Yet maybe this was like taking responsibility for a non-Jew's chometz while it was in his house?

When he asked Rav Shlomo Zalman Auerbach about this, the gadol ruled that there was no problem with their arrangement, "It is definitely permitted to cover a non-Jewish tenant's chometz with the Jewish owner's insurance policy. The problem of taking responsibility is only if the Jew cares about the non-Jew's chometz and does not want it to be destroyed. If the Jew is indifferent about the non-Jew's chometz, even if it rests in a place owned by the Jew, this does not constitute achrayus and is not a transgression of the halachah not to have chometz under one's auspices during Pesach."

הר המור, פסח, במאמרו של הרב שלמה זלמן אויערבעך במאמרו בענין חמץ שקבל עליו אחריות