



## Overview

## Halacha Highlight

### Moving *chometz* with one's hand or foot

Shulchan Aruch Siman 446 Seif 3

דוחפו בקנה

He should push it with a stick

Shulchan Aruch (סעי' ג') writes that if *chometz* rolls from the rooftop of a gentile's home onto one's own rooftop one must remove it from his property. Even though one will not violate *Chol HaMoed*, nevertheless, one is obligated to remove that *chometz* from his possession out of concern that he may mistakenly eat that *chometz* (מייב סק"יט). If it is discovered on Shabbos one may not move the *chometz*, so the only option is to cover it with a utensil. If it is found during *Chol HaMoed* one must push it off of one's property with a stick. The reason a stick must be used is that it is prohibited to touch it by hand since there is a concern that one may mistakenly eat the *chometz*.

Teshuvos L'Horos Nosson (ח"ה סי' ל') was asked whether it is permitted for one who sees bread on the street to pick up that bread and place it in a more secure location so that it should not remain in a state of disgrace. The basis of the concern is Magen Avrohom's ruling (סי' קפ"א סק"יא) that when one sees bread on the ground one must pick it up instead of leaving it there. He responded that it is prohibited and he based his ruling on another ruling of Magen Avrohom (סי' שמ"ג סק"ג) that when a child is sick and permitted to eat *chometz* on Pesach one may not touch the *chometz* out of concern that he may mistakenly eat it. He then writes that it would seem that one may not even move the *chometz* to a more secure location with his foot. The fact that one must construct a partition or cover *chometz* with a utensil indicates that one must assure that one does not mistakenly eat *chometz* so certainly it is prohibited to make physical contact with *chometz*. As far as the prohibition against leaving bread in a disgraced location, that prohibition is in force only when one is able to move it to another location but not when there is a prohibition against moving it.

The Divrei Chaim once commented caustically on this tendency. "There is a very severe error which abounds in the thinking of many of our simple folk regarding their religiosity. When it comes to certain prohibitions they are extremely careless, disregarding them as a matter of rote. Yet when it comes to other prohibitions—or even stringencies—even the simplest person would never ever be lenient.

"My dear people, I am telling you the absolute truth when I declare to you that lashon hara is also a grievous sin! You all know to be careful in every regard when it comes to *chometz* on Pesach, so why are the mitzvos bein adam l'chaveiro less important in your eyes? Lashon hara is a very serious prohibition which leads to the direst outcomes, and is certainly much worse than a *chumrah* on Pesach. How is it that with every *chumrah* on Pesach you are careful, yet when it comes to lashon hara—for all its insidious power to harm—you ignore your duty?"

נפלאים מעשיך, דף צ"ח

### Siman 446 Seif 2:

There is an opinion that the 2<sup>nd</sup> day of Yom Tov is considered like *Chol HaMoed* regarding the halacha of destroying *chometz* that was found.

❖ There is a disagreement whether one may burn *chometz* on the 2<sup>nd</sup> day of Yom Tov and later authorities ruled that if one nullified his *chometz* he should cover it with a vessel and burn it during *Chol HaMoed* but if he did not nullify it he may move it to throw it into the sea or an outhouse. (M.B. 8)

### Siman 446 Seif 3:

If a gentile lives next door to a Jew and *chometz* rolls from the gentile's roof onto the Jew's roof the Jew should push it off with a stick. If it is found on Shabbos or Yom Tov he should cover it with a vessel (since it is prohibited to move it on Shabbos and Yom Tov).

❖ Although he does not own the *chometz* he must remove it from his property out of concern he may inadvertently eat it. (M.B. 9)

❖ When *Chol HaMoed* arrives he should push it from his roof to the gentile's property or to the public domain. (M.B. 11)

### Siman 446 Seif 4:

If one found "bread" in his home on Pesach and does not know if it is *chometz* or *matzah* it is permitted for consumption since we assume it came from the last thing that was in his home. If it is spoiled in a manner that could not have happened over Pesach then it is certainly *chometz*. If, however, enough days passed that it is possible that it spoiled to this degree, and the custom is to bake hot "bread" every day one could be lenient since it may be assumed that every day hot "bread" was baked and placed on this "loaf" and that is why it is so spoiled.

❖ Later authorities write that even if the *chometz* is found in a hole he may rely on the presumption that it is *matzah* unless it is found in a hole that is hidden and then he must destroy it immediately. (M.B. 13)

## Stories to Share

### Misplaced Priorities

ש"ע ס' תמ"ו, ג' ונתגלגל החמץ מגגו של עכו"ם לגגו של ישראל הרי זה דוחפ"ו...

As we find on today's daf, the halachah is that a Jew must avoid having all *chometz* on his property—even *chometz* owned by a non-Jew that rolled into the Jew's property should be returned by pushing it with a stick. If it is Shabbos or Yom Tov, this is forbidden since the *chometz* is *muktzah*. Instead one must put a vessel on the *chometz* until after Shabbos or Yom Tov.

No one would give a moment's thought before fulfilling these halachos and myriad others to the letter. Strangely, people are often less careful and sometimes ignore other halachos despite their great importance.