The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תמ"ז סעיף א'

Overview

Siman 447 Seif 1 (a):

Chometz on Pesach prohibits a mixture from benefit even in the minutest amount, whether it mixes into a similar food or a dissimilar food. The entire mixture must be burned, and it is not sufficient to redeem the value of the chometz and sell the rest. However, utensils used to cook chometz are permitted after Pesach and need not be broken or kashered. **The halachos of mixtures involving chometz are the same as mixtures involving other prohibited food except that what other foods prohibit at shishim, chometz will prohibit in the slightest amount. If other mixtures do not require sixty and removal of a קליפה or נטילת מקום is sufficient, the same will apply to chometz. For example, if two hot foods touch without a liquid medium, it is sufficient to remove a קליפה the same as by other prohibitions. Similarly, if a chometz loaf touches matzah and they are both hot but there is no liquid to bubble; only the point of contact must be removed since the chometz does not penetrate any further.**

- Biblically, chometz is no different than other prohibited foods but Rabbinically it is treated more stringently because people aren't accustomed to avoid it and according to some it is a דבר שיש לו מתירין. (M.B. 1)
- Where there are other factors for leniency one may utilize the She'iltos who maintains that chometz on Pesach is nullified in sixty. (M.B. 2)
- Later authorities write that where there is a substantial loss one may sell the food to a gentile minus the value of the chometz. (M.B. 3)
- Even if one cooked a large quantity of chometz on Pesach the utensil is permitted for use after Pesach. (M.B. 4)
- Removing the קליפה is actually not sufficient and כדי נטילה must be removed. (M.B. 6)
- If matzah had fat on it when it touched chometz the matzah becomes prohibited since the fat takes the prohibited chometz taste and infuses it throughout the matzah. If other matzos touch the one that became prohibited it is sufficient to remove כדי קליפה or to sell it to a gentile. (M.B. 8)

Halacha Highlight

Chometz on Pesach prohibits in any proportion

Shulchan Aruch Siman 447 Seif 1 (a)
חמץ בפסח אוסר תערבתו ... במשהו
Chometz on Pesach prohibits a mixture ... in the slightest amount

Shulchan Aruch writes that chometz that becomes intermingled with other foods on Pesach prohibits the mixture even if the chometz is a very small proportion of the mixture. It also doesn't matter whether the chometz become intermingled with a similar type of food or a different type of food. Mishnah Berurah (סק"א) explains that Biblically, chometz is no different than other prohibited foods. In the event that it gives taste to the mixture (the general assumption when the prohibited food is more than one-sixtieth of the mixture) it is prohibited, but if not it is nullified. In the case of chometz on Pesach, Chazal prohibited chometz regardless of the proportion of chometz to the mixture. There are two explanations for this stringency. One approach is that eating chometz on Pesach carries the punishment of kares which is more severe than the punishment for other prohibited foods so to assure that one does not violate such a weighty transgression they prohibited a mixture that has any chometz in it. A second explanation is that since chometz will be permitted after Pesach it is considered דבר שיש לו מתירין—something that will become permitted and as such not subject to the laws of bitul – nullification.

Sha'arei Teshuvah (סי' תס"ז סק"ל (ס"ב)) maintains that the Rabbinic injunction prohibiting chometz on Pesach in any proportion is limited to chometz that belonged to a Jew before it became intermingled with the other food. Chometz that belonged to a gentile or was ownerless remains subject to the standard halacha that prohibits a mixture if it is more than one-sixtieth of the total volume. Many other Poskim disagree and contend that the Rabbinic injunction is in force regardless of who owned the chometz before it became intermingled. A third position differentiates between chometz that belonged to a gentile that prohibits mixtures in any proportion and chometz that was ownerless that prohibits the mixture if it is more than one-sixtieth (פסקי תשובות אות א').

Stories to Share

The Contract

ש"ע תמ"ז,א' "בין במינו בין באינו מינו במשהו..."

Today's daf discusses the parameters of forbidden chometz on Pesach.

The Sharei Tzion, zt"l owned a large grain store in the middle of the open market of Djerba, Tunisia. One year he sold the chometz of his store to a friendly non-Jew. The buyer studied the contract carefully and decided that if he were to sell the expensive products of the store, there was nothing the Sha'arei Tzion could do to him in court.

When the Sha'arei Tzion heard that the buyer was selling chometz out of his shop, he rushed to verify the rumor. The moment he saw it was true he confronted the man. "How dare you sell my property?" he demanded.

"What do you mean? I am merely selling what you sold me," replied the non-Jew nonchalantly.

After Pesach, the Sha'arei Tzion summoned the non-Jew to the local court, where the man made the same claim to the gentile judge as he had to the Sha'arei Tzion.

"How do you propose to answer his claim?" asked the judge.

The Sha'arei Tzion responded, "I have a grain shop. Although it is true that I sold him the chometz in it, who told him that what he is selling is chometz? Only leaven is genuine chometz. Even matzah is made of unleavened grains—the fact of the merchandise being grain does not necessarily mean that it is leaven. It is more than likely that my shop contains no actual chometz at all. I merely sold it to him to ensure that if some of the grain had inadvertently become leavened, I would not transgress the prohibition of owning chometz for the week of the festival. How dare he sell my property without permission?"

The judge ordered the gentile to pay for every bit of grain sold!