The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Apr 2, 2022 ■ א' ניסן, תשפ"ב
סימן תמ"ח סעיף ג'

Overview

Siman 448 Seif 3 (a):

If chometz remained in a Jew's possession for Pesach it is prohibited for benefit even if it remained in his possession due to shogeg or ones.

- This penalty is a Rabbinic enactment for violating בל יראה ובל ימצא. (M.B. 7)
- Shogeg is when one is unaware of the presence of the chometz. (M.B. 8)
- Ones refers to where one is aware of the chometz but due to circumstances beyond his control could not destroy it. (M.B. 9)
- Bais Hillel was asked about the status of grain that a Jew had in the possession of a gentile. On Pesach the gentile ground the grain into flour and baked it into loaves. These loaves were delivered to the Jewish owner immediately after Pesach. He ruled that the Jew may not eat the loaves but may derive benefit from their value. Chok Yaakov asserts that the loaves are even permitted for consumption. Bais Meir also agrees that the loaves are permitted for consumption but offers a different rationale for his position. (M.B. 9)

Stories to Share

The Resourceful Rav

ש"ע ס' תמ"ח, ג': "חמץ של ישראל שעבר עליו הפסח ..."

On today's amud we find that even chometz owned by a Jew during Pesach accidentally is also prohibited after Pesach.

Rav Pinchas Bilitzer was the Av Beis Din of Serentsch and would sell his chometz each year, like all other Jews. One Pesach at the seder, just when they had reached שפוך חמתך על הגויים, they noticed a non-Jew standing at the door, obviously very uncomfortable. He was the very same non-Jew who had signed the document of sale for all the chometz of the city, which he had brought with him.

After the rav invited him in he said, "Look, I am a very simple person, and I wouldn't mind this sale as a general rule, but my family is very upset about it. They are afraid of lawsuits and all sorts of other complications, and would prefer that I just nullify the sale right now."

Everyone was at a loss for words, except the resourceful rav. "Why don't you come in and sit down and we can talk about this?"

He poured the man a cup of wine and said, "You are certainly one hundred percent within your rights to nullify the sale for whatever reason you like. I did not sell you only my goods, however. The entire Jewish community participated in this sale. I obviously cannot speak for them and must get all of them to agree to nullify the sale. I am afraid this will take me about eight days. If you are willing to wait eight days, I guarantee to nullify the sale on behalf of all of us…"

ספר עולמו של אבא (לרבי אשר אנשיל יהודה מילר), ע' ק"ט

Halacha Highlight

Chometz that belonged to a Jew on Pesach

Shulchan Aruch Siman 448 Seif 3 (a)

חמץ של ישראל וכו'

Chometz that belonged to a Jew etc.

Shulchan Aruch teaches that chometz that was in the possession of a Jew over Pesach is prohibited for benefit. Regardless of whether the reason it was in the Jew's possession was the result of a shogeg, e.g. he was unaware of the presence of the chometz, or whether it was an ones, he was aware of the presence of the chometz but due to circumstances beyond his control was unable to destroy it, the chometz is prohibited for benefit after Pesach. The scope of the prohibition from benefit not only means that one may not sell the prohibited chometz and benefit from the proceeds of the sale, but in the event that after Pesach one cooked chometz that had been in the possession of a Jew on Pesach the pot must be kashered. One leniency, however, that applies in this case is if the pot used to cook the prohibited chometz was made of earthenware. Although normally it is not possible to kasher earthenware that absorbed a prohibited taste, in this case halacha is lenient and allows a person to perform hagalah three times on the earthenware to permit its continued use (פסקי תשובות אות ד').

Biur Halacha (ד"ה חמץ של ישראל) references a dispute related to stolen chometz. If Reuven stole Shimon's chometz and it remained in Reuven's possession for Pesach is that chometz permitted for benefit for Shimon after Pesach? Noda B'Yehudah maintains that Shimon may indeed benefit from that chometz after Pesach, but other authorities disagree and maintain that the chometz is prohibited for Shimon after Pesach.

If a child finds chometz and brings it into his home on the 7th or 8th day of Pesach and when his father realizes he rebukes the child for bringing chometz into his home and then covers the chometz with a utensil, the chometz after Pesach is permitted for consumption. The reason is that it is a Rabbinic enactment that allows a father to take possession of the lost objects that his son finds and since the father did not violate the Torah prohibition of owning chometz on Pesach it is permitted for benefit (פסקי תשובות אות ג').