The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תמ"ח סעיף ה'-ו'

Overview

Siman 448 Seif 5:

Chometz that is found in a Jew's home after Pesach is prohibited even though he made a declaration of nullification.

- The same applies if one declared the chometz ownerless and the prohibition means that it is prohibited for benefit. There is a disagreement whether the same halacha applies if one searched for chometz in addition to the declaration of nullification and in a circumstance of loss one may rely upon the lenient opinion that permits the chometz for benefit. (M.B. 25)
- If one was travelling with chometz and there was no gentile to whom to sell the chometz so he declared it ownerless in the presence of witnesses there is a debate whether he may take possession of that chometz after Pesach. The majority of Poskim adopt a stringent position but in a case of significant loss it may be sold to a gentile or exchanged for something else. If one was travelling and realized that he had chometz in his home and there is no gentile to whom to sell the chometz and he declared it ownerless he may be lenient and take possession of it after Pesach since it was not in his physical possession on Pesach to be able to sell or burn. (M.B. 25)

Siman 448 Seif 6:

It is prohibited on Pesach to feed with one's chometz someone else's animal or even one that is ownerless.

- Just like one may not feed his own animal so too he may not feed an ownerless animal and the same restriction applies to chometz that had been in a Jew's possession on Pesach – חמץ שעבר עליו הפסח. (M.B. 26)
- Shulchan Aruch refers to the animal of a gentile. (M.B. 27)
- One benefits from the satisfaction of feeding the animal. Bais Yosef writes that one may not even feed an animal with chometz that one finds. (M.B. 28)

Halacha Highlight

Finding chometz after Pesach

Shulchan Aruch Siman 448 Seif 5

אסור אף על פי שבטלו

It is prohibited even though he nullified it.

Shulchan Aruch (סע' ה') writes that if someone finds chometz in his home after Pesach it is prohibited even though he made the declaration of nullification. Mishnah Berurah (ס"ק כ"ה) explains that the chometz is prohibited not only for consumption but it is prohibited for benefit as well. He also notes that the same ruling applies if someone had declared his chometz ownerless. Even though through his declaration of nullification or that it should be ownerless he does not violate בל יראה, nevertheless, the chometz is prohibited for benefit. The reason is that Chazal were concerned that if the chometz was to be permitted after Pesach because he made the declaration of nullification a person may just retain possession of his chometz and tell everyone that he declared it ownerless before Pesach so that it should be declared permitted. Moreover, according to a number of authorities even if a person performed a proper search for chometz the chometz that he finds after Pesach will be prohibited for benefit since Chazal did not want to make distinctions as far as when this halacha applies.

Teshuvas Noda B'Yehudah (או"ח מהדו"ק סי' י"ח ד"ה אמנם מכתבו) rules that even if one makes his declaration of nullification in the presence of others so that we are certain it was properly done, chometz found in his possession after Pesach will be prohibited for benefit. The reason is that there is a concern that at some point he will not make the declaration in the presence of witnesses and will assert that he nullified the chometz when in fact he did not. Teshuvas Chasam Sofer (או"ח סי' קי"ד ד"ה אמנם) maintains that Chazal looked deeply into the mindset of people and realized that if people know that they may benefit from their chometz after Pesach by merely making a declaration of nullification they will not make that declaration with proper intent even if the declaration is made in the presence of witnesses and he would consequently violate the prohibition of בל יראה.

Stories to Share

The Local Rabbi?

ש"ע ס' תמ"ח, ה': "חמץ שנמצא בבית ישראל אחר הפסח..."

On today's amud we find that chometz which was not sold is forbidden after Pesach.

Once, while traveling through Lithuania, a certain rabbi spent time with one of the local rabbonim in a small town. During the course of their conversation, the visiting rabbi complained, "I always find it so difficult to arrange the sale of chometz for the Jews of my community. I don't speak Lithuanian, and it's very hard to explain the process to a goy when there is a language barrier."

The local rabbi seemed surprised. "I don't speak the language either, but I've never had a problem. I just sell the chometz to a non-observant Jew!"

The visitor was shocked. "How can you sell it to a Jew? That chometz cannot be used after Pesach!" He then told this story to the townsfolk, who were naturally outraged. After hearing this, they demanded that their rabbi tell them who had ordained him. To their indignation, they found that he was not ordained at all.

When the town insisted upon his resignation, the local rabbi said, "Just wait one month. If within that time I don't bring you a semichah from a prestigious rav, I will leave."

Sure enough, before the month was out, the local rabbi returned with semichah! One man suspected foul play, and after talking with the returned rabbi in learning, he was certain of it. This man traveled to Rav Chaim Brisker and, together, they figured out what had happened. The false rabbi had brought a forged semichah!

לולי תורתך, ע' 344-345