The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ת"נ סעיף ו'

Halacha Highlight

Feeding a child chometz

Mishnah Berurah Siman 450 Seif Koton 18

ולענין קטן שנחוץ לו לאכל ולשתות חמץ

Regarding a child who must eat and drink chometz

Mishnah Berurah (ס"ק י"ח) discusses the case of a child who must be fed chometz over the course of Pesach. He presents a hierarchy of how to best handle such a situation, beginning with the preferred manner to provide the child with the chometz that he needs and works from there to less preferred methods of addressing this situation. With each step he emphasizes certain points that require caution to assure that one does not violate any prohibitions and takes the necessary precautions to keep one as far from transgressing a prohibition as possible. The first couple of steps involve using a gentile to feed the Jewish child the chometz. This is preferred to having a Jewish child and certainly a Jewish adult feeding the ill child chometz.

Seemingly it should be prohibited for one to ask a gentile to feed chometz to a Jewish child based on the general prohibition against asking a gentile to perform a prohibited act on behalf of a Jew – אמירה לנכרי (See מ"ב סי' שמ"ג סק"ה). Rema, however, ruled that one may ask a gentile to perform a melacha on behalf of a child since a child is categorized as someone who is sick but whose life is not in danger – חולה שאין בו סכנה. Clearly then it is permitted to ask a gentile to perform a prohibited act for a child who is actually ill. It is also evident from this discussion that asking a gentile to feed chometz to an ill child is not considered as though one is feeding something prohibited to a child which Shulchan Aruch and Mishnah Berurah indicate is a Biblical prohibition (סי' שמ"ג סק"ד). Sefer Orchos Shabbos (ח"ב פכ"ד הע' כ"ט) cites Yam Shel Shlomo and Teshuvas Chasam Sofer both of whom write explicitly that asking a gentile to feed a prohibited food to an ill child is not considered as though one is feeding a prohibited food to a child.

Stories to Share

The Forgotten Warehouse

ש"ע ת"ג, ו': "אסור לקנות חמץ לאינו יהודי בפסח..."

On today's amud we find that it is forbidden to even purchase chometz for a non-Jew on Pesach.

Preparing for Pesach includes many extra duties that can sometimes be overwhelming. It is a recurring nightmare for some nervous types that they will only remember after Pesach that they forgot to sell their valuable chometz before the festival. Unfortunately, this actually happened to one wealthy businessman. He forgot to sell the huge quantities of chometz in his warehouse. He only remembered after chatzos on Erev Pesach.

He quickly rushed to a rabbi he was close with who had a close non-Jewish friend who would purchase the community's chometz each year. The rabbi quickly sold the forgotten chometz in another sale to the non-Jew.

After Pesach the businessman wondered if he could have benefit from this forgotten chometz.

When he asked Rav Yitzchak Silberstein, shlit"a, the great posek was himself unsure. "The Mekor Chaim writes that a non-Jew cannot acquire chometz from a Jew on Pesach since the Jew cannot sell what is not his. Chometz on Pesach is not owned by a Jew; yet the verse makes it considered owned by him to allow him to transgress the prohibition to own chometz on Pesach. Presumably, according to this Mekor Chaim, this chometz was never sold to the non-Jew since he was unable to sell what was not his."

But when Rav Silberstein asked, Rav Yosef Shalom Eliyashiv, zt"l, he permitted the chometz after Pesach. "Even the Mekor Chaim (and the Chasam Sofer, who holds the same) never discussed chometz before Pesach which one nullified by his declaration of bitul. Bitul alone is not enough since we are afraid that he may come to eat the chometz or that he will not nullify the chometz wholeheartedly. But if one sold such chometz Erev Pesach, the sale is valid. Only chometz which transgressed בל יראה ובל ימצא is forbidden after Pesach. Since one does not transgress יבל יראה ובל ימצא until Pesach itself, this chometz is permitted even according to the Mekor Chaim."

חשוקי חמד, פסחים, ע' צ"ג-צ"ו

Overview

Siman 450 Seif 6:

It is permitted to tell one's slave on Pesach that he should take some money and purchase food even though one knows that he will purchase chometz. A Jew may not tell the slave to obtain food and he will pay the bill, but some authorities permit this unless one gave money ahead of time to the shopkeeper or took the chometz by hand. It is prohibited to acquire chometz for a gentile on Pesach even using the gentile's money.

- If the slave is hired for a year he should not eat chometz in the Jew's home because it raises suspicions. (M.B. 14)
- One may not say, "Take this money and purchase some chometz from the shopkeeper to eat," since it appears as though he is the Jew's agent. It is permitted to instruct him to purchase chometz with money that he is given that becomes his. (M.B. 15)
- It is problematic if one tells the slave to go and eat chometz or if one knows that he will eat chometz because it appears as though the shopkeeper is the Jew's agent. (M.B. 16)
- Halacha follows the lenient opinion but l'chatchila one should be stringent with regards to one's slaves whom one is obligated to provide with food by giving them money to purchase food for themselves rather than purchase the food and charge it to the Jewish homeowner. (M.B. 17)
- If a child must eat chometz on Pesach it is best for the child to be transported to a gentile's home to eat there while avoiding making a proprietary act on the chometz. If the gentile will not do this for free one may promise him payment after Yom Tov but one should not give him money before Yom Tov. If the child cannot be transported to the gentile's house the gentile may bring the chometz to the Jew's home but should be instructed to clean up all the crumbs before he leaves. If it will be difficult to find a gentile who will come over each time the child wishes to eat the chometz may be stored in the Jew's home but he must state explicitly that he does not wish to acquire the chometz. If it could be stored together with the rest of one's chometz that is preferable but if not it should be behind a partition or at least covered by a utensil. Furthermore, it should be a child that feeds the child that is ill rather than an adult. (M.B. 18)
- If one gave money to the shopkeeper and told him to give food to one's slave it is comparable to feeding the slave chometz since the shopkeeper is an agent of the Jew and this is prohibited even if one does not know that the slave will eat chometz. In Yoreh Deah Shulchan Aruch asserts that this restriction is limited to where the money remains the Jew's until the shopkeeper spends it but if the shopkeeper may spend the money immediately it is permitted. Many authorities, however, disagree with this position. (M.B. 19)
- If one takes the chometz into one's hand it is prohibited even if he did not give the gentile any money since he acquires the chometz when he takes physical possession of it. (M.B. 20)
- Even if he doesn't take physical possession of it it is prohibited since there are authorities who maintain that a Jew acquires property from a gentile as soon as he gives him money. (M.B. 21)
- If one did not have intent to acquire the chometz nor did one ever accept responsibility for the chometz one may be lenient and eat it after Pesach. (M.B. 22)
- It is prohibited to tell a gentile on Chol HaMoed to purchase chometz on his behalf but b'dieved if it was never brought into the Jew's home the chometz is permitted after Pesach. (M.B. 23)
- Pri Megadim permits a Jew to broker on Pesach a transaction between gentiles for grain even if some of the grain became chometz. (M.B. 23)