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

Overview

Siman 450 Seif 7:

It is prohibited to lease a utensil to a gentile on Pesach so that he could use it to cook chometz. However, it is permitted to lease a donkey to transport chometz. Some authorities permit the use of chometz utensils to heat water for bathing as well as other forms of benefit and this is the custom.

- The reason is that one wants the continuing existence of the chometz because if the chometz was not in the utensil it would crack. (M.B. 24)
- Later authorities explain that this ruling follows the opinion that permits profiting from items prohibited from benefit except for idolatry but according to the stringent position regarding profiting from items prohibited for benefit one would not be permitted to lease one's donkey to transport chometz. Even according to the stringent position the restriction applies only if the donkey was leased to transport chometz but if it was leased for a period of time and the gentile uses it to transport chometz it is permitted. (M.B. 25)
- One does not benefit from the chometz taste that comes out of the walls of the utensil. This allowance is limited to utensils used for purposes other than cooking but cooking utensils must be stored away and may not even be used for bathing or laundering. However for occasional use one may be lenient. (M.B. 27)
- There is a disagreement whether it is permitted to sell a chometzdik utensil to a gentile on Pesach. (M.B. 28)

Stories to Share

The Jewish Baker

מ"ב ס' ת"נ, ס"ק כ"ה: "משום משתכר באיסורי הנאה שאסור..."

On today's amud we find that a Jew may not earn money for working with chometz products on Pesach.

Years ago, finding a job in America that did not clash with halachah observance was very difficult. A person who refused to work for eight days for any reason could expect to be dismissed.

One man worked as a baker in a non-Jew's bakery. As Pesach approached, the baker became more and more anxious. He was sure that it was better for him not to work with chometz on Pesach; but what choice did he have? He knew that if he took off for religious reasons, he would surely lose his job. On the other hand, perhaps there was some way he could work in the factory?

When this question reached Rav Moshe Feinstein he ruled that it was definitely prohibited. "If a person works in a bakery and will lose his job if he does not work during Pesach, I cannot think of any way this could be permitted halachically. Firstly, he is profiting from isurei hana'ah, which is prohibited. Secondly, he is responsible for what he bakes and this is therefore considered a non-Jew's chometz for which a Jew is responsible. Regarding this situation the gemara and Shulchan Aruch rule that the Jew transgresses the Torah prohibition of chometz. Even though the chometz is in the non-Jew's property, what is in the baker's hand counts like in his home and he transgresses this prohibition."

But Rav Moshe offered a brilliant solution for this baker. "His only recourse is to find a non-Jewish baker to replace him for Pesach. This is definitely permitted and is a plausible way for this man to keep his source of income during the rest of the year!"

אג"מ, חו"מ ח"א, ס' ד'

Halacha Highlight

Desiring the continued existence of chometz

Shulchan Aruch Siman 450 Seif 7

אסור להשכיר כלי לאינו יהודי בפסח וגו'

It is prohibited to lease a utensil to a gentile on Pesach etc.

Shulchan Aruch rules that one may not lease a utensil to a gentile on Pesach so that he can use it to cook chometz on Pesach. Mishnah Berurah (ס"ק כ"ד) explains that the reason this is not permitted even though the gentile is doing this on his own volition using his own chometz is that it violates the prohibition of רוצה בקיומו—wanting the continued existence of the chometz. The reason leasing the utensil in this case violates that principle is that if the chometz were to spill out the utensil would shatter. Since the Jew does not want his utensil to shatter he wants the continued existence of that chometz.

The principle of רוצה בקיומו requires elaboration. Seemingly, when one sells his chometz to a gentile before Pesach he is doing so because he wants to be able to purchase back that chometz after Pesach. Why doesn't that sale violate the prohibition of רוצה בקיומו? Teshuvas Machaneh Chaim (ח"ב סי' כ"ה) explains that generally when a person sells his chometz to a gentile he has no particular interest in the chometz that he sold. The reason he does not destroy all of his chometz is out of concern for the financial loss that he would suffer if he were to destroy all of his chometz. However, if the gentile would reimburse him the value of all the chometz he would have no problem destroying that chometz. In contrast, when a person is interested in the existence of specific chometz and would not accept market value to sell the chometz because he specifically wants the existence of that chometz he violates the prohibition of רוצה בקיומו. Consequently, one who purchases chometz before Pesach so that it will be available immediately after Pesach violates this prohibition since it appears as though he wants the continued existence of that chometz so that it will be available immediately after Pesach. Other authorities adopt a lenient position about this matter and contend that the prohibition of רוצה בקיומו is violated only when one intends to generate a profit from the chometz and not when one intends to eat it after Pesach (פסקי תשובות אות ז').