

Words

יטמין - To hide

ויקבל פקדונות - To accept as a deposit

רישא - Beginning

דקיבל עליה אחריות - You have accepted responsibility

ובעיתו לשלומי - Need to pay

כדולכון דמי - It is like it is yours

אין זקוק לבער - You don't need to burn it

הפקידו אצלו - They have given you something to watch over

יחד לו בית - You designate a specific place in your home

מאי קאמר - What is it saying?

הכי קאמר - This is what is saying.

אסיפא קאי - It is referring to the end

כי קא מעייל - When he enters.

שומר חנם - A guard that guards for free (they are *not* responsible for anything out of their control, but they are responsible if it was their fault)

שומר שכר - A guard that gets paid (takes responsibility if the guarded thing is lost or stolen)

Pesachim 5b

אמר מר, "יכול יטמין, ויקבל פקדונות מן הנכרים, תלמוד לומר לא ימצא." הא

Master said, "I would have thought that you can hide it (your chometz), or to accept it as a deposit from a non-Jew, but it is not allowed because of **בל ימצא**."

But didn't

אמרת רישא, שלך אי אתה רואה, אבל אתה רואה של אחרים ושל גבוה. לא

The beginning (of the case the gemara was talking about) say, you are not allowed to see chometz that is yours, but you can see chometz that belongs to others. It is not

קשיא, הא דקביל עליה אחריות, הא דלא קביל עליה אחריות. כי הא דאמר

difficult. One case, you have accepted responsibility over the chometz, one case you have not. Just like happened

להו רבא לבני מחוזא. בעירו חמירא דבני חילא מבתייכו. כיון דאילו מיגנב

When Ravah was talking to the בני מחוזא. "Burn your chometz that belongs to soldiers that was in your house. Since if it were stolen

ואילו מיתביד, ברשותיכו קאי, ובעיתו לשלומי, כדילכון דמי ואסור."

Or got lost, it is your responsibility, and you would have to pay for it, it is not allowed."

How do you define responsibility?

Rash

The Ri says that our gemara is referring to a paid watchman, who is responsible if the items are lost or stolen. But if you are unpaid, you are not responsible enough to violate בל יראה/בל ימצא. He got this from the language of the gemara, when it says "דאילו מיגנב ואילו מיתביד".

The Bahag says that even an unpaid watcher is responsible enough to violate בל יראה/בל ימצא. When the gemara says that the items were lost or stolen, that happened because you were negligent.

Pesachim 6a

תנו רבנן נכרי שנכנס לחצירו של ישראל ובציקו בידו, אין זקוק לבער.

The rabbis teach of a case where a non jew is walking onto the property of a Jewish person and chometz is in their hand, you do not need to burn it. (Because you're not responsible for it)

הפקידו אצלו, זקוק לבער. יחד לו בית, אין זקוק לבער. שנא' לא ימצא.

If they ask you to watch it, you must burn it. If you specify a place in your home [for them to store their chometz], you do not need to burn it. Because the pasuk says, "you can't own it"

(This is weird, why does the Gemara quote a seemingly contradictory pasuk, it's quoting the Isur as the proof for the case where it is allowed.)

מאי קאמר? אמר רב פפא ארישא קאי, והכי קאמר, הפקידו אצלו זקוק לבער

What is it saying? (How is this a proof?) Rav Pappa says it is referring to the beginning (the שנאמר is explaining case #2), this is what it meant to say, if a non jew asks you to watch it, you must burn it

שנאמר לא ימצא. רב אשי אמר לעולם אסיפא קאי. והכי קאמר יחד לו בית אין

Because the pasuk says not to own chometz on pesach. Rav Ashi says it is really referring to the end (the 3rd case). This is what it meant to say, if you designate a place in your house, then you don't

זקוק לבער שנאמר לא ימצא בבתיכם. והא לאו ידידה הוא, דנכרי כי קא מעייל,

Have to burn it, because the pasuk says "don't own it in your house" This specific place in your home is not yours, because when the non-jew

לביתא דנפשיה קא מעייל.

Enters, he is like entering his own house.

The History of Mechirat Chometz

"The Laws of Pesach" - Rav David Brofsky

Almost every Jewish community has the practice of Mechirat Chometz. But it's not so simple, and it is subject to halachik controversy. It used to be that when one sold chometz, it was permanent. They gave it to the non Jew forever. It also used to be done on an individual basis. Now, it's communal.

Mishna Pesachim 21a

Any time that you are permitted to eat chometz, you can also feed it to your animals, **or sell it to a non-jew**, or get benefit from it. But once the **איסור** starts, you can't even get indirect benefit from it.

Pesachim 13a

There was once a story about a non-jewish man who deposited a bag full of chometz with a Jew. And a mouse ate a hole into the bag, so the chometz was spilling out. So the longer he waits, the more money the dude is losing. If he sells it right away, he can sell the bag for the most money. If he waits, it will be worth less. But what if the guy wants his food, then he'll be mad! So he waited for 4 hours, because maybe he will come back. But by the 5th hour, the **איסור** is fast approaching and he needs to get rid of it, so he sells it.

Tosefta Pesachim 2:12

What if a Jew is on a boat on the 14th, and he has a lot of chometz? He can sell it to a non-jew, actually give it to him, then buy it back after פסח. But that's only if you actually give it to him.

Orech HaShulchan

Because of this Tosefta, our modern Mechirat chometz is okay. (The sale is not a joke)

Ritvah

If you take advantage of this Tosefta, and sell your chometz temporarily every year, that's bad. This tosefta was an extreme case. If someone does that, fine them. Don't give them back *their* chometz and everyone other Jew who has done that.

Terumat Hadeshen

Based on the Tosefta, we should be actually giving the chometz to him.

Bach

In this country (Poland), a majority of Jewish business is with producing alcohol. It's impossible to empty out the factories. We can say that in this case, it is allowed to sell the chometz and lease the storehouse itself.

Rabbi Jachter

We sell our chometz to someone like a lawyer, accountant, real estate guy. Someone who is knowledgeable in sales, to show that it is a real sale. We put all the chometz in one place where we will not go into. Rav Shlomo Zevin said that the practice of selling individually continue for 250 years beyond the Bach. But that wasn't great, because it will seem like an act. Not everybody will be knowledgeable about how these things work. And if you don't know about the 6th hour פסח, you might sell it later.

So starting in the 19th century, the Rabbis sell the chometz. Many Rabbis have people sign a document called the power of attorney, which is a legal document letting the Rabbi sell on your behalf.