

## Introduction

Dear

Friends:

I hope

this finds you well at this difficult time.

We at the

Bais HaVaad are pleased to present to you this next issue of the Business Halacha Review. In this publication, we aim to provide an overview of essential

issues in day-to-day *dinei mamonos*—business halacha—one topic at a time.

In this

issue, we tackle *mechiras chametz* issues that pertain to businesses. But first, a very brief history of *mechiras chametz*.

The

permanent sale of chametz to a non-Jew before Pesach in order to avoid violating

*bal yeira'eh uval yimatzei* is mentioned in the Mishnah.<sup>[1]</sup>

The Tosefta<sup>[2]</sup>

goes further and discusses selling and physically transferring chametz and then

repurchasing it after Pesach, and this method is codified by the Rambam<sup>[3]</sup> and Shulchan Aruch.<sup>[4]</sup>

But *mechiras chametz* in its current form—where the chametz remains on the seller's premises and is repurchased after Pesach—dates only to

the 17th century CE, when decrees in European countries excluded Jews from many

occupations. This brought many Jews into the liquor business, where a pre-Pesach fire sale of a producer's entire inventory would mean financial ruin.

The Bach<sup>[5]</sup> confronted this issue in 1630s Poland, where most Jewish commerce, as he

attests, was in liquor. He permitted a distiller to sell his supply to a non-Jew—without physical transfer—and then buy it back after Yom Tov, provided

he also sold the warehouse and gave the buyer the key.

By the

early 19th century CE, this approach had spread from the liquor merchants to

encompass the general population, and rabbanim arranged mass sales on behalf of

those in their communities who had appointed them as *shluchim*. This was initially controversial, as some *poskim* viewed the sale as an ineffective *ha'aramah*. But rebuttals of the objections, and strong affirmations of the practice, came from such luminaries as the Chasam Sofer,<sup>[6]</sup>

paving the way to its wide adoption. More recently, the Mishnah Berurah<sup>[7]</sup>

even ruled that one can obviate the need for *bedikah* in a hard-to-check spot by selling that area and any chametz it contains.<sup>[8]</sup>

Still, some observe a *chumra* not to sell chametz gamur, i.e., foods that are *asur min HaTorah*.

Please

feel free to contact us to obtain a recording of a symposium we held on *mechiras chametz* for businesses.

May the Torah in these pages help you to have a *chag kasher*. May that, in turn, make it *samayach* as well. And may we soon see *refu'os vishu'os* for all *Klal Yisrael*.

Rabbi Nosson Kaiser

Editor in Chief

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<sup>[1]</sup> פסחים כ"א ע"א

<sup>[2]</sup> פסחים פ"ב ה"ו

<sup>[3]</sup> הל' חו"מ פ"ד ה"ו

<sup>[4]</sup> או"ח סי' תמ"ח סעיף ג'

<sup>[5]</sup> שם סעיף ב'

<sup>[6]</sup> שו"ת או"ח קי"ג ויו"ד ש"י

<sup>[7]</sup> סי' תל"ג ס"ק

כ"ג

<sup>[8]</sup> ומ"מ דנו הפוסקים אם צריך למכרו לפני שחל חיוב בדיקה באור לי"ד