

על פי התורה אשר יורוך

Yorucha

weekly overview

A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY OVERVIEW VIDEO

Corporate Chometz: Part II

Rav Yosef Kushner

THE PROHIBITION TO DERIVE BENEFIT FROM CHOMETZ:

It is forbidden to derive benefit from chometz on Pesach even if you do not own it. For example, it would be forbidden to feed any chometz to an animal on Pesach.

An application of this prohibition is that the Bais Yosef rules that it is forbidden to actively make money through working with chometz on Pesach. Accordingly, it would be forbidden for a Jew to work as a watchman for a warehouse full of chometz, as he would be benefiting from chometz on Pesach. It would also be forbidden to have a job stocking shelves of chometz in a supermarket on Pesach for the same reason. Furthermore, even if only part of one's job involves working with chometz, if they would not be able to keep the job if they would refuse to do that aspect of the work, they would be considered to be benefiting from chometz. Consequently, if part of a nurse's job would be to serve chometz food to patients on Pesach, and she would be unable to refuse this chore and still keep her job, she would be forbidden to do her job on Pesach.

In an interesting teshuva, an individual asked Rav Moshe Feinstein if he may work in a non-Jewish bakery on Pesach. The man states that he would be willing to work for free, without taking any money from his work on Pesach, but only working so that he doesn't lose his job. Rav Moshe rules that it is forbidden because if one works in order to keep his job, that is considered benefitting from chometz.

It would thus seem that the only solution for someone with such a job would be to take off from work for the duration of Pesach.

This prohibition extends even to passive profits one derives from chometz. In this vein, the Shulchan Aruch (450:4) states that if a non-Jew uses a Jew's oven to bake chometz on Pesach and is willing to pay him for the usage, the Jew is not permitted to take the money as this would be deriving benefit from chometz. Having said this, we must clarify that if a Jew rents out a storage facility to a non-Jew, who stores chometz in it on Pesach, there is no prohibition to accept the rent money. The difference is that the renter of the warehouse has to pay rent no matter what he stores in the facility, and he even must pay if he leaves it empty; therefore, it cannot be said that the Jewish owner is benefiting specifically from the chometz.

Thus, if a businessman would own a fulfillment center and would charge for a certain amount of space per month, there would be no concern if a non-Jew would store chometz there. If, however, he would charge a fee for each pallet stored, he would not be allowed to take money for pallets of chometz stored over Pesach. Similarly, if a Jew owns a trucking company and he charges the renter per load, he would be allowed to accept the payment even if the non-Jewish renter uses the truck to transport chometz, as he would have to pay him the same price no matter what he put on the truck. However, if the renter is being charged by weight or per pallet, there would be a problem of accepting payment if part of the load was chometz.

ROTZEH B'KIYUMO, WANTING THE CHOMETZ AROUND:

In addition to all of the above, there is another prohibition known as "rotzeh b'kiyumo", benefiting by having the chometz around.

To illustrate, the Shulchan Aruch (450:7) rules that one cannot rent a pot to a non-Jew if he knows the renter will use it to cook chometz on Pesach. The reason for this is because if the pot would be on the fire with nothing inside of it, it would become ruined; therefore, the owner wants the chometz inside the pot to exist. Since he is benefitting through the existence of the chometz, it is considered a forbidden benefit derived from chometz on Pesach.

This could apply in many contemporary scenarios. To name one: If a person owns a nursing home and utilizes a food service company that serves chometz food to the residents, he wants this chometz to exist and is thereby benefiting from it, which could present a halachic problem that he would need to discuss with his Rov.

Another example would be if someone owns a vending machine that dispenses chometz on Pesach. Even if he sold the chometz before Pesach, if he is going to collect the money in the machine afterwards, he wants the chometz to exist so that he can get that money. This may present a problem that would need to be addressed by a competent halachic authority.



SIGN UP NOW TO LEARN IN-DEPTH

☎ 888.485.8223(VAAD) ✉ YORUCHA@BAISHAVAAD.ORG ↗ BAISHAVAAD.ORG/YORUCHA

Want to receive practical Q&A daily videos on the Yorucha topcis?

↗ **baishavaad.org/daily**
☎ **732.232.1412**