



Chametz After Pesach

The *Mishna* in the second chapter of *Pesachim* (2:2) rules that *Chametz* owned by a non-Jew throughout Pesach is permitted to benefit from and consume after the holiday, but that *Chametz* that was owned by a Jew during Pesach is prohibited, both to consume and to benefit from. This ruling in the *Mishna* is a rabbinic decree and not biblical. Our Sages decreed that since the Torah prohibited having any type of *Chametz* in Jewish possession during Pesach, such *Chametz* becomes prohibited in any fashion. Early authorities call this a “*k’nas*,” a rabbinic penalty, on transgressing the severe prohibition of possessing *Chametz* on Pesach (see *Rambam Chametz Umatzah* 1:4). *Chametz* which was owned by a Jew during Pesach is called in halachic language “*Chametz Sheavar Alav Hapesach*”, i.e., *Chametz* which was in a state of prohibition during Pesach (as opposed to *Chametz* owned by a non-Jew).

The parameters of *Chametz* after Pesach are unique. In other rabbinic decrees, there is a distinction between the perpetrator of

the sin and others. For example, if a person deliberately transgresses and cooks on Shabbat, the food is prohibited forever for the transgressor, but the law is different for others (see *Shulchan Aruch* OC 318:1). Regarding *Chametz* that was owned by a Jew on Pesach, however, every Jew in the world is forbidden to consume such *Chametz*. The *Aruch Hashulchan* (OH 448:7) explains that since *Chametz* is a necessity, there are concerns that if *Chametz Sheavar Alav Hapesach* were permitted to some and prohibited to others, people would find loopholes to consume the *Chametz*.

The same is true if someone verbally nullified the *Chametz* but did not destroy it on time

Another parameter of the prohibition of *Chametz* after Pesach is benefit. Not only is consumption prohibited, but any type of benefit from the *Chametz* is prohibited as well. This includes selling it and using the funds. Feeding one’s animals such *Chametz* is also considered benefit.

Early authorities (*Tur* OC 448) rule that even if one mistakenly forgot that he had *Chametz* somewhere and did not perform a *bedika* (checking for *Chametz*), such *Chametz* is still prohibited to eat or benefit from after Pesach. The same is true if someone verbal-



ly nullified the *Chametz* but did not destroy it on time, even if he accidentally forgot; the *Chametz* is still prohibited after Pesach (*Shulchan Aruch* OC 448:5, *Mishna Berura* 448:25). These stringencies are based on the logic that if our Sages would allow accidental *Chametz Sheavar Alav Hapesach*, it would be used as a loophole. Those who want to keep such *Chametz* over the holiday would claim that it was accidental, when in fact it was kept on purpose.

Later authorities tackle the status of *Chametz* where the individual was forced, (in Hebrew, “*anoos*”) meaning he had absolutely no control and is completely free of blame. For example, in a case where an individual checked properly for *Chametz*, found nothing, and followed the Sages obligation to verbally nullify all possible *Chametz* in one's domain, what would be the status of *Chametz* found after Pesach? Would it also be considered *Chametz Sheavar Alav Hapesach*? The *Pri Chadash* (448:5) *Noda B'Yehuda* (OC 19) and others rule stringently and prohibit consuming or benefiting from such *Chametz*. The logic of these *poskim* is that a loophole is still possible, and under no circumstances would our Sages allow an opportunity for anyone to claim they are not liable when the act was done with intent to keep the *Chametz*. *Elya Rabbah* (448:13) and *Mishna Berura* (448:9) are slightly less

stringent, and in such a case would allow one to benefit from but not consume the *Chametz*. However, *Chok Yaakov* (448:20), *Aruch Hashulchan* (448:8), and others are lenient. According to those *poskim*, the rabbinic decree should not be extended so far. As such, in a case where the possession is completely inadvertent and there is absolutely no responsibility of the owner who left *Chametz*, our Sages did not decree such a rule regarding *Chametz* after Pesach.

In summary:

- Our Sages decreed that *Chametz* that was owned by a Jew on Pesach is prohibited to eat or benefit from.
- This prohibition extends not just to the owner of the *Chametz*, but also to all Jews.
- Benefit includes selling the *Chametz* and using the funds, as well as feeding the *Chametz* to one's animals.
- Even *Chametz* which was accidentally left over Pesach is part of this decree.
- In a case where *Chametz* was left completely inadvertently, later authorities disagree and there is room to be lenient. ■

Kashrut Questions in Israel?

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