Laws of Chametz and Matzah Chapter 4 - Lo Yera'eh and Lo Yimatzei - Part 1 (Auto Translated)

English

Auto Translated

Shiur Overview

Lecture Notes: Chapter 4, Laws of Chametz and Matzah – Details of the Laws of Lo Yera'eh and Lo Yimatzei

Overview

Chapter 4 delves into the **detailed laws of lo yera'eh and lo yimatzei** – after the previous chapters taught about the mitzvah of tashbitu, and in Chapter 1 the general principles of lo yera'eh. Now we learn the details: which chametz one may keep on Pesach, which not, which conditions make chametz "yours," and how one can exempt oneself through sale or gift.

Law 1 – The Foundation: His in Any Place Where It Is

Rambam's Words:

Chametz belonging to a Jew, even if hidden, even in another pit, even deposited with a non-Jew – one transgresses on it. Chametz belonging to the Temple or to a non-Jew – even in his house – is permitted, and this is not his.

Explanation:

The Torah forbids having chametz that is **yours** – wherever it may be found. But chametz that is **not yours** (belonging to a non-Jew or to the Temple) is permitted even in your house.

Insights and Explanations:

a) The Derivation from the Verses – Three verses build upon one another:

1. **"Lo yera'eh lecha chametz"** – One might think that only when one **sees** it, does one transgress. If it is hidden under a roof, or deposited with a non-Jew – one does not transgress.

2. **"Se'or lo yimatzei bebateichem"** – This teaches that even if one doesn't see it, if it **is found** – one transgresses. But only "bebateichem" – in your house.

3. **"Bechol gevulecha"** – Chazal expound "bechol gevulecha" as **"bechol reshutecha"** (not the simple meaning referring to the borders of Eretz Yisrael, but rather **your domain** anywhere).

b) "Lecha" – Excludes Others' and Hekdesh:

After expanding that it applies anywhere in your domain, the word **"lecha"** comes back and excludes: only **your** chametz, not belonging to others (non-Jews) and not belonging to the Temple (hekdesh). In both verses it says "lecha/lachem" – and the word "lachem" is the key: only what is **yours** is forbidden.

c) The Rambam's Foundation – Everything Depends on "His," Not on Location:

The Rambam teaches that **the only condition is ownership** – if it is yours, you transgress even if it lies with a non-Jew. If it is not yours, you do not transgress even if it lies in your house. **It is not the reality of where it lies, but the legal status of whose it is.**

d) Dispute Between Rambam and Ramban:

- **Rambam**: It need only be **his** – even his in another's possession (deposited with a non-Jew) one transgresses biblically.

- **Ramban and other Rishonim**: It must be **both his and in his domain** – both conditions together. Therefore, if you deposited your chametz with a non-Jew, you do **not** transgress biblically, because it is not in your domain.

There are many places in the Gemara that imply one may not deposit chametz with a non-Jew on Pesach, which supports the Rambam.

e) Chametz of a Non-Jew in a Jew's Domain – Partition by Rabbinic Law:

Chametz belonging to a non-Jew in your house is biblically permitted. But **rabbinically one must make a partition ten handbreadths high** – so that one will not come to stumble (so one won't come to eat it). This is a rabbinic decree.

f) Chametz of Hekdesh – Practical Question:

How does one know that chametz is hekdesh? There's no sign on it. **There was a system** – special bags or markers, one knew what was what.

Law Regarding Responsibility – Chametz of a Non-Jew for Which a Jew Accepted Responsibility

Rambam's Words:

Chametz of a non-Jew for which a Jew accepted responsibility – one transgresses on it, it becomes like his.

Explanation:

If a Jew accepted responsibility for a non-Jew's chametz (that if it is lost, he must pay), it becomes like his and he transgresses.

Insights and Explanations:

a) Why Does Responsibility Make It "Like His"?

Essentially it is not yours – why should responsibility make it like yours? **Responsibility means that if it is lost, you must replace it – therefore "on some level" it is yours.** This is not a technical halachic category, but a real reality – you bear financial responsibility for it.

b) Great Innovation – Responsibility Goes According to Reality, Not According to Halachic Definition:

The responsibility that makes it "like his" does not depend on what halacha defines as responsibility, but on what the reality is. Even if one did not formally accept responsibility, but the non-Jew is an **"alman"** (a strong/violent person) who will practically force the Jew to return the chametz – one also transgresses. **Here we don't go with the legal theory, here we look practically.**

This means: if in practice you will have to pay or will get back the chametz – it is like yours, even without a formal acceptance of responsibility.

c) But – After Pesach It Is Permitted:

Although one transgresses lo yera'eh and lo yimatzei, **one may derive benefit from it after Pesach** – because essentially it is a non-Jew's chametz. This is not like chametz she'avar alav haPesach of a Jew, which is forbidden in benefit.

Law Regarding Collateral – Chametz of a Non-Jew That Is Collateral in a Jew's Hand

Explanation:

If a non-Jew gave chametz as collateral to a Jew:

- If the non-Jew said **"keneihu me'achshav"** (acquire it now, if I don't pay) – it is **in the non-Jew's domain retroactively** when he doesn't pay, and it is **permitted**.

- If the non-Jew did **not** say "keneihu me'achshav" – it is a **deposit** (merely collateral), and it is **forbidden** after Pesach.

Insights:

The distinction is: with "keneihu me'achshav" the chametz becomes the non-Jew's retroactively when he doesn't pay – therefore on Pesach it was the non-Jew's. But without this – it remains a deposit in his hand, and he transgresses.

Law Regarding Sale of Chametz – Selling or Giving as a Gift to a Non-Jew

Rambam's Words:

A Jew who had chametz and the fifth hour arrived – he may sell it to a non-Jew or give it as a gift, provided that it be a complete gift, without condition.

Explanation:

One may sell or give chametz to a non-Jew before Pesach, but it must be a **genuine sale/gift** – without any condition.

Insights and Explanations:

a) What Does "On Condition" Mean That Is Forbidden?

For example: "I sell it to you now, but you must hold it until after Pesach" or "I sell it to you on condition that I will buy it back" – **this is not a sale**, and one transgresses lo yera'eh and lo yimatzei.

b) What May One Say – Hint and "Bought From Him for Much Money":

- One may **hint** to the non-Jew that after Pesach there is what to do with this chametz.

- One may tell him **"I will buy it back from you for an expensive price"** – this is a **great innovation**: even though the non-Jew knows he will make a good business, it is valid, because it is not a **condition** but rather a **hint/promise**.

- **"Bought an animal for much money"** – one may sell it to him cheaply, and say that one will buy it back expensively.

The Distinction: A **condition** (conditional sale) nullifies the sale. A **hint** or promise that one will buy it back is not a condition – the sale is valid, and the non-Jew is the owner in actuality.

c) Why Is This Leniency Needed?

Why shouldn't one make a genuine sale? **The case is when the Jew has no way to have chametz after Pesach** – he needs it to eat, he is dying of hunger. Therefore one needs this leniency of how to make a valid sale with a practical possibility to get it back.

It is not clear whether one can learn from this that ab initio one may not make such a sale when one doesn't need it, but **the simple understanding is that one can work with it.**

d) Rabbeinu Manoach's Explanation:

Rabbeinu Manoach teaches that the main point is: **one may hint to him and one may tell him that after Pesach there is what to do with it – it's not just a sale in concealment.** But **on condition** – "I sell it to you on condition that I will help you" – **is forbidden**.

e) Another Opinion:

Another approach/opinion is mentioned that learns the opposite, but **that explanation is very forced** and was not maintained, because that one was a great pauper who had to grab the money and pull back from the deal.

Full Transcript

Chapter 4, Laws of Chametz and Matzah – Lo Yera'eh U'lo Yimatzei

Overview of the Chapter

We are going to learn Chapter 4, the laws of lo yera'eh u'lo yimatzei (it shall not be seen and it shall not be found). Until now we have learned about the laws of the mitzvah (commandment) of tashbitu, that was the last two chapters. And now we are going to learn, in the first chapter we learned about the prohibition of eating chametz, yes? We learned the general principles of lo yera'eh, but we didn't learn the details of it. Now we are going to learn the detailed laws of lo yera'eh u'lo yimatzei, and so we will continue to learn which chametz one may keep on Pesach, the distinctions. Okay? Right? Yes.

Halacha 1 – The Exposition of the Verses: Lo Yera'eh, Lo Yimatzei, B'chol G'vulecha, Lecha

The Exposition of the Verses

It says in the Torah **"lo yera'eh u'lo yimatzei"**. Sorry, it says in the Torah **"lo yera'eh lecha chametz"**. One would have thought that one may not transgress lo yera'eh, one may not see it. If one doesn't see it, how does one not see it? For example, it's hidden under his roof, or it's not by him, it's by a non-Jew, he deposited it with a non-Jew, then there is no transgression.

Therefore there is another verse **"se'or lo yimatzei b'vateichem"**. One sees that lo yimatzei, the simple meaning is that it should not be found, even if one doesn't see it, even if it's not in your house, or it's not in front of you.

If so, fine. One would only transgress in his house. What about when it's not in his house, in his field, in his second city? Therefore it says **"b'chol g'vulecha"**. "B'chol g'vulecha" the Sages interpret as "b'chol reshutecha" (in all your domain).

Not the simple meaning, the simple meaning of "b'chol g'vulecha" means not only in the Beit HaMikdash (Temple), but in the borders of Israel, where Jews live. But the Sages expound that it means "b'chol g'vulecha" – "b'chol reshutecha".

The Exclusion of "Lecha"

It comes out that one could think that if so, we have already learned that one may not have chametz even when one doesn't see it, and even when it's not in your house, but in your domain. If so, what if I have in my domain chametz that belongs to someone else, it's of a non-Jew or of hekdesh (consecrated property)?

Therefore it says **"lo yera'eh lecha"**. "Lecha" here goes back to being an exclusion. That is, seemingly earlier we said "lo yera'eh" but not only yera'eh, but even yimatzei. And here we go back and say that the prohibition of "lo yera'eh" is to exclude that chametz of others, of hekdesh, may be seen, but you shall not see that of others and of the Most High.

It comes out like this: Your chametz is lo yimatzei even b'chol g'vulecha, but chametz of someone else is chametz... and is even in your borders. Hey, could one say the opposite? Then one would have had to say "lacho", from the word "lacho". By both it says "lacho", "she'eino nimna yikach lo lachem", and by olat imo it says "lacho". So you can't say even not "lacho". No, it must be "lacho". On that "lacho" you transgress even in all those cases. But if it's not "lacho", that's not what we're talking about. Therefore, of hekdesh, of a non-Jew, one doesn't transgress at all.

The Principle: His Own Anywhere, Others' Even in His House

To what is this comparable? He says, to what is this comparable, it comes out, chametz of a Jew, even if it's in his domain, even hidden, even in another pit, even deposited with a non-Jew, as long as you count, there is a prohibition and chametz, one transgresses on se'or, and on matzot. Chametz of hekdesh, of a non-Jew, even if it's in his house, is permitted, and it's not his.

Up to here comes out the halacha, that the main prohibition is one's own chametz. The Sages made, the Sages like to make everything into abstract learning. It's not the reality, it's in your house, not in your house, it makes no difference at all. The main prohibition is abstract, it's yours. "Lacho". Even if it's not lying in your house, even if it's lying...

Ger Toshav and Partition

Now, here there is a matter, here there is a halacha, even a ger toshav (resident alien) who is under the control of a Jew for all his needs, and he gives him chametz on Pesach, it's no matter at all. One acquires a ger toshav for Pesach matters, but not that he should have chametz.

But here there is one law that one must make a partition. This is a dispute from the Rabbis. This is a whole reality, chametz of a non-Jew one doesn't transgress on, but one must make a partition ten handbreadths high so that one won't come to a mishap. And this is perhaps a rabbinic decree, simply so that one shouldn't, simply so that one shouldn't eat. Seemingly it makes sense.

Chametz of Hekdesh – How Does One Know?

And this is by a non-Jew's chametz. By hekdesh's chametz there is indeed a question, because one is... anyway exempt from it. To distinguish a thousand thousands of distinctions, people have a fear of the Holy. How does one know that it's hekdesh? Is there a sign? One doesn't know. One sees that it's hekdesh. It's not so clear.

When the Sages say that Jews were careful, this means that there was a system in place. There were special bags, I don't know what. One knew what was what. One knew what was what.

Dispute Between Rambam and Ramban – His Own Alone or His Own in His Domain

Okay. This is a matter to delve into in Pesachim. Okay. Not so simple. There are others, there is a dispute. The Ramban... the Rambam learns that everything depends on whether it's his, and even his own in another's hand he transgresses. The Ramban and the others argued that no, that it must be both. They indeed learned that it must be both his own and in his domain. Therefore if you deposited chametz, not yours, not yours, it's not in your domain, even if it's yours you don't transgress biblically. So other Rishonim learned. Okay.

Speaker 1: That it must be both conditions together?

Speaker 2: Yes, both his own and in his domain. The Rambam learns that it must only be his own, even his own in his domain, in a non-Jew's hand. It's a Baraita, there are many places in the Gemara where it's implied that one may not deposit chametz with a non-Jew on Pesach. But, um, yes.

Halacha 3 – A Non-Jew Who Deposited Chametz with a Jew: The Law of Responsibility

Okay, so, here comes the halacha of responsibility. "Kesef kodshei kodashim eretz Yisrael", but the Jew does perhaps have a bit of ownership. What does ownership mean? Yes? They learned, what if you have a non-Jew's chametz? One learns that a non-Jew's chametz one doesn't transgress on. But what if you have responsibility? You are indeed liable, because accepting responsibility is enough, it becomes like his own.

Why Does Responsibility Make It "Like His Own"?

Here there's a bit of a... although essentially, ah, although essentially what is it? Essentially it's not yours, but responsibility makes it as if it's yours regarding this matter? One might have said, regarding responsibility it's permitted, you may use it after Pesach, because it's a non-Jew's.

Innovation: Responsibility Goes According to Reality, Not According to Halacha

Now, not only that, not only that, but, not only that, but even if you didn't accept responsibility, but he's a wicked person the non-Jew, a violent non-Jew, how does one say? Violent. And he what? He will hold the Jew responsible, even his own in his domain. Here one doesn't go with the abstract learning, here one looks practically. Not only that, which is an interesting thing. You can say, okay, because something doesn't fit so abstractly. In any case practically he will hold him responsible and it will come back.

Explanation: The Reality of Responsibility

The first abstract learning one must also understand. Why is responsibility like his own? What is special about responsibility? Responsibility, you can say responsibility, why? Because as if, what does responsibility mean? If it gets lost, it's mine. Although as if technically it's not mine, but basically, on some level it's mine. So, this is not about the law of responsibility, this is about the reality of responsibility. So, this is the same thing, that if I will have to replace it it's mine,

that means that it's for yes. One must understand. But so stands here the halacha. This one must understand. Yes.

That the responsibility doesn't work with what the halacha says that it's indeed responsibility, but with what the reality is. Even if it's... yes. And it seems, we would have said that initially this was the simple meaning. The beginning, the reason for responsibility, not about the halacha. The word is not as if Israel and rule mechayeh uneh. The word is, that this means a type of responsibility. And you know in by the that you bear responsibility for it.

Speaker 1: Again?

Speaker 2: That responsibility is what happens between the two things, not what the halacha goes and says that it's responsibility. If in practice you have responsibility... I say that... yes.

Speaker 1: I didn't understand what that means to say?

Speaker 2: Nothing. Let me when words. Whatever responsibility there is relevant, it seems... I haven't looked into it yet, if it seems that it's built on the fact that you will have to replace it! You don't have chametz that you will have to replace it if it gets lost. Above, what difference if it's a halacha tikra responsibility, if it's a technical responsibility, over all my responsibility. That's the responsibility?

Speaker 1: Yes.

Halacha 5 – A Jew Who Pledged Chametz to a Non-Jew: Collateral

Speaker 2: Okay, what if a Jew made not a deposit, but a pledge? He pledged chametz, borrowed money from a non-Jew. How so, if he says... if he told him... he knows lecha'i that ekni is still after Pesach, and he indeed didn't do it. Seemingly, right. That then it's in the non-Jew's domain and it's permitted. If he was then before Pesach, if he didn't say after Pesach, it comes out a deposit and it's prohibited after Pesach. Okay.

Halacha 6 – Selling Chametz to a Non-Jew

Now we have the halacha of sale. Right? What does one see from the halacha? That... a deposit... a pledge means... it's the non-Jew's and prohibited. A complete, a time, Pesach is perhaps night and can still pay. But after he didn't pay, it became the non-Jew's prohibited. More after Pesach. But if it wasn't the prohibited, if the deal was that it becomes the non-Jew's afterwards, it was his on Pesach. Very simple. It was proven. It's only prohibited after. Yes? Right? No, it's not right.

Rabbi, are you here? Hello? Yes, weren't you here? Ah, ah. Ah. Ah. I sometimes make a mistake with the student. Student.

The Case: A Jew and Non-Jew Who Were on a Ship

And the Jew needs very important chametz. He had chametz, and the fifth hour comes. What does he do? Can he sell it to a non-Jew, or give it to him as a gift, provided...

But the gift must be a real gift. This is the halacha of selling chametz. He may not do it with a condition, etc.

Speaker 1: A condition?

Speaker 2: He tells him, "I'm selling it to you now, but you must keep it until after Pesach" or such a thing. This is not a sale. This is not a sale. This must be a complete gift. Or a gift or...

What One May Say – Hint and "Purchased with Much Money"

But one can indeed do certain things, and this is far from normal. Why is this not a normal case? Why does one need the ship? Because who then? Why shouldn't he make a serious sale? Because here is the simple meaning of the ship, he has no way to have chametz after Pesach. The Jew has to die of hunger. Therefore there is this case. It's not clear if one can learn from this that initially one may not. I don't know. The simple understanding is that one can work it out.

One can even say to the non-Jew... ah, so clear. One can even say to the non-Jew... yes, this is indeed clear. Even "purchased an animal with much money". That is, I'll give you cheap.

"A non-Jew purchased from him with much money", that is, I will buy it back from you for an expensive price. This is even a great innovation.

One can even say, "It could be that you'll make a good business", yes. But one may not tell him a condition. Well, by us one transgresses on "lo yera'eh u'lo yimatzei". Why?

Explanation: "Purchased an Animal with Much Money"

Even that which one purchases an animal is also that. He tells him, "I don't need bread". He says, "You don't need? Take more bread". He says, "I already bought an animal". "Bo v'kach mimeni" means, even if you don't need it, buy for two hundred. Does that mean? You've already taken from a non-Jew, now take from a Jew. But this is just a word. Here perhaps the seriousness is lacking, because the non-Jew isn't buying it because he needs it now. But Yosef didn't make any condition. And so learns Rabbeinu Manoach.

Speaker 1: Why?

Speaker 2: Ah, I see, I see. Not clear. The other opinion that he brings afterwards, he brings the other way opposite. But that one is a very strange interpretation, and he says that that one didn't hold out because that one was a great poor person. He was a poor person what does he do? And only that way pained him, but also meanwhile he grabs the money, and then he withdrew from the deal. I don't know. A Jewish story.

The Main Point: Hint Yes, Condition No

The main point seemingly is not that. The main point seemingly is, one can hint to him and one can tell him... we say clearly that after Pesach there is what to do with it, it's not just a sale in concealment. This we may say, but on condition, to say "I'm selling to you on condition that I will help you" or something like that...