

Torah Thoughts Tazria Metzora

5779:

Having enjoyed Purim and all its associated activities, we have begun to plan for Pesakh. One of the main ways of preparing is to observe the biblical tradition of removing all hametz from our homes by using it up, throwing it away, selling it or donating it to others who can use it.

In addition to all of these ways of observing the mitzvah of disposing of our hametz, halakha (Jewish law) has also devised another method. In addition to literally selling our hametz, we can also “sell” it. What's the difference between selling it and “selling” it? The second kind of selling is used for items whose disposal would actually cause financial harm. For example, if we own a great deal of liquor that we will not be drinking before Pesakh, which we do not wish to give away, destroy, or sell, we can enter into a legal fiction of sale prior to Pesakh, in which we sell all hametz to a non-Jew for a nominal sum. The agreement stipulates that all hametz purchased by the non-Jew reverts to its original ownership immediately after the conclusion of Pesakh.

The method we use when engaging in this legal fiction is to separate any hametz that we will ultimately use, after Pesakh, in a locked or otherwise inaccessible area of our homes. In addition, prior to the beginning of the holiday, we assign ownership of the hametz to an agent for sale. I am the agent of our community, and I will happily represent you in such a transaction. All you need to do is to sign the form in the synagogue office that includes your name and address, and then all hametz at the listed address will legally belong to someone else for the duration of Pesakh.

In this way, Jewish tradition provides us with a way to observe the letter of the law without causing serious financial loss to ourselves. It is yet another example of how halakha provides the latitude to interpret the laws of the Torah in a way that makes it easier for us to actually live according to the Torah.