Selling Chametz (Mekhirat Chametz)

Q: SELLING CHAMETZ: Pesach Question 3: What is the logic behind the custom of selling the Chametz before Pesach?

A: All the Chametz that one does not want to get rid of, because of its high value, like whiskey etc, is sold to a non-Jew by the Community rabbinate. In this selling, the Chametz comes to belong to the buyer at noon on Pesach eve, by means of a down payment made by the non-Jew. After the down payment is paid the buyer is responsible and legally accountable for the Chametz. The buyer then has until the last day of Pesach to pay for the remaining amount. Whereas the buyer fails to provide for the entire amount at its due time, the ownership of the Chametz is restored to its original owner immediately when Pesach is over. It should be noticed that usually the value of the Chametz sold to the non Jew is deliberately overestimated, a fact that does not affect the legality of the transaction, but prevents the non Jewish buyer from eventually closing the deal. This is, to all matters, a legally binding transaction. Therefore, technically speaking, even if the Chametz physically remained in the home of a Jew during Pesach (obviously, stored in a locked place), it did not belong to him. This kind of selling is NOT symbolic and has all the legal ramifications of any legitimate contract; therefore it has to be taken seriously.
The Shulchan Arukh, which is usually followed by the Sephardim, also talks about selling Chametz but only in a special case (if somebody owns a grocery store or so) and in a more substantial way: it requires that the sold Chametz will be physically transferred to the house or a deposit of the non Jewish buyer. This is why in some Sephardic communities people do not have the tradition to sell their Chametz they just get rid of it (this is also what I personally do and suggest to

you!). For more information about what is consider Chametz and what is not, please, see the Guide for Passover published by our community.