PESAH, to sell or not to sell your Hamets?

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Historically, Sephardic Jews did not practice the mekhirat hamets (selling of Hamets) procedure. They got rid of it before Pesah began. The only exceptional case in which Sephardic rabbis authorized selling the Hamets was the case of a food-store owner. In this case, a non-Jew would make a down payment for the total of the merchandise and from the moment he made that payment the Hamets merchandise would belong completely to the buyer, and he would be entirely responsible for the goods. So, for example, if the goods were stolen during Pesah, the buyer will have to pay for them to the seller after Pesah. The buyer would also rent the store for the duration of Pesah and he would have the keys of the store, which granted him total access to the premises of the store. The buyer could have used, consume or even trade the merchandise during Pesah, and if he wished so, he could pay the balance and keep the merchandise for himself. As you can see, although the intent was that the seller would buy back the Hamets after Pesah, the selling transaction was real, legal and binding. The rabbis would not have accepted any selling transaction which would not have complied with Jewish and local Law because obviously, they took very seriously the prohibitions of owning Hamets during Pesah.

Except for food business owners no one in Sephardic communities would sell his Hamets. What would they do with their left overs of Hamets food?

1. Buying before Pesah whatever would be necessary until Pesah, avoiding to have extra Hamets food close to Pesah.
2. Whatever left overs of Hamets, should be given to a non-Jew as charity or as a gift, or if that is not possible, it would be disposed of. Disposing of Hamets the day before Pesah, even of valuable Hamets, is a Biblical Mitsva. So this is not considered “waste” (□□□□□ □□).
3. If some Hamets accidentally had not being detected, then the bitul Hamets, the formula of renunciation to our ownership of any undisposed Hamets in our properties, would

prevent the transgression of owning Hamets during Pesah.
If one follows these simple steps, then there is no need to sell any Hamets.
In our days most Sephardic communities arrange a Hamets-selling system in which community members empower a rabbi to sell their Hamets. This procedure is an exceptional Halakhic leniency. In other words, a procedure that relays in a minority opinion in opposition to the opinion of most Rabbis. Why? Because many of the conditions that would be normally required for a normal selling transaction, *as per the vast majority of halakhic authorities*, are not met in this sell. Explaining all the problems involved in this procedure would exceed the scope of this text, so I wrote a separate text **Appendix 1** where I briefly discuss the main Halakhic objections to this selling.
Still, many Rabbis offer and even encourage their community members to sell their Hamets. The reason for this is that they fear that otherwise most people would keep their valuable Hamets at home. Obviously, I would not question the validity of this argument, since every Rabbi leads his community according to what he considers the best for his congregants.

Personally, I don't sell my Hamets (and I'm sure many other people do the same) and I encourage my community members to do the same. However, at the end of the day, as with every other halakhic leniencies or stringencies which we adopt or reject, selling or not selling the Hamets is a personal choice each individual has to make.
Recommendations:
1. I would obviously encourage Sephardic Jews to preserve the ancient Minhag and not selling your Hamets. See **Appendix 2**
2. If you choose to sell your Hamets, sell it through your community Rabbi, and avoid using online forms.