

THE
MAHARSHAM
PROJECT



שו"ת מהרש"ם

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Who Owns the Crumbs?

A father and son live under one roof but run separate households. Erev Pesach arrives, and a simple question turns complicated: who searches for the chametz, and who makes the bracha?

A wealthy father and his grown son share a large property in Galicia. The son has his own rooms, his own servants, and runs what amounts to his own household. He only joins his father's table from time to time. But there is one critical overlap: the kitchen and bakery serve both households. The night of bedikas chametz arrives. Every Jewish home must be searched for chametz by candlelight, with a bracha beforehand. **Can the son make his own bracha and search his own rooms? Or must he stand beside his father, hear the father's bracha, and search as a delegate?**

TRANSLATOR'S NOTE

The Maharsham does not name his correspondent or his city. But the questioner was clearly a serious talmid chacham. His letter arrived packed with references to Eruvin, the Ran on Nedarim, and Tosafos in Bava Metzia. The Maharsham engages him as an equal, praising several of his arguments while redirecting others.

To **a certain scholar**, unnamed, location unknown.

THE QUESTION

A father and his grown son share a large property. The son has his own rooms, his own servants, and runs what amounts to his own household. He only joins his father's table from time to time. But the kitchen and bakery serve both of them. Food is prepared in one place and sent to each.

The night of the fourteenth of Nissan arrives. The question is straightforward on the surface: Can the son make his own bracha and search his own rooms? Or must he go stand beside his father, hear the father's bracha, and search only as a delegate?

The questioner laid out the problem with precision. The Shulchan Aruch rules that if members of a household are not present when the bracha is recited, they cannot be sent to search elsewhere. You do not make two brachos on a single mitzvah. That would seem to require the son's presence at the father's bracha.

But the son has his own quarters. Maybe this is really his home, not his father's.

He pointed to the Gemara in Eruvin (72a): brothers who eat at their father's table but sleep in their own rooms each need a separate eruv. That suggests the son here has an independent domain.

But then he raised the counterargument himself: any chametz left over from the shared kitchen belongs to the father, not the son. If the son does not own the chametz in his rooms, what right does he have to search for it under his own bracha?

THE MAHARSHAM'S ANALYSIS

1. The Shared Kitchen Complicates Everything

The Maharsham begins with the questioner's Eruvin proof but complicates it. Tosafos there offer a view that when family members all use one kitchen for cooking and baking, it is as though they all eat and sleep in one place, even if they physically do not. Under this reasoning, the son's separate quarters would not give him independent status at all.

However, the Maharik and the Beis Yosef conclude you cannot rely on this reasoning alone to be lenient. The shared kitchen argument, standing by itself, is not strong enough. So in principle, the son could be treated as a separate householder for eruv purposes. But for the narrower question of whether a bracha might be unnecessary, where we are cautious about brachos in vain, even this weaker argument carries weight.

2. Who Owns the Food on the Table?

The questioner cited the Ran in Nedarim (34b), who establishes that food remaining after a meal belongs to the host, not the guest. The Maharsham agrees and expands the point considerably.

When exactly does a guest acquire ownership of food placed before him? Different Rishonim debate this. Rashi in Nedarim holds the guest acquires immediately. The Shiltei Gibborim, cited by the Rama, rules that a guest who takes his portion and uses it for kiddushin has effected a valid transaction, proving the food was his to give.

But none of this helps the son. Whatever a guest may acquire during a meal, anything left over returns to the host. The Mishnah in Beitzah (40a) makes this explicit: a host who has invited guests may not send portions home with them unless he formally transfers ownership through a third party. Mere invitation does not equal acquisition.

The Maharsham brings further proof from the Magen Avraham (175:4), who rules that a guest may not recite birkas ha'mazon over a cup of wine, because the wine is not his. Even having been explicitly invited does not make the host's wine the guest's property for purposes of a bracha.

3. The Son Supported by His Father: Adult or Minor?

The questioner cited Tosafos in Bava Metzia (12b), where Rabbeinu Tam rules that an adult son supported at his father's table is treated like a minor regarding acquisition. His hand is his father's hand.

The Maharsham affirms this and adds support from the Rosh in Bava Metzia regarding the prohibition of ribbis: a son supported by his father is so fully within his father's economic domain that transactions between them raise the same concerns as direct lender-to-borrower interest. The Shulchan Aruch in Yoreh Deah (380:3) even prohibits such a son from performing labor for his father during the father's mourning period, because the son's earnings belong to the father.

But there is a critical exception. The Rama (Orach Chaim 366:10) rules, and this is the accepted halacha, that if the adult son has a wife, being supported by his father does not strip him of independent legal standing. A married son retains full acquisition rights.

Even so, the Maharsham concludes, without an explicit act of transfer from the father, the son does not automatically own the leftover chametz in his rooms. It remains the father's property by default, just as a wife's leftover food provisions belong to the husband.

4. Does Walking Between Rooms Break the Bracha?

If the son were to rely on his father's bracha and then walk to his own quarters to search, does the walk itself constitute an interruption requiring a new bracha?

The Pri Chadash rules that walking is an interruption. But the Maharsham cites the Magen Avraham (589:4), who holds that within a single mitzvah, walking does not interrupt, just as one who hears shofar blasts, walks somewhere, and must hear additional blasts need not repeat the bracha. The Machatzis HaShekel explains the distinction: once a mitzvah has been completed, walking before a new one constitutes an interruption. But when the mitzvah is still in progress, walking is merely part of its performance.

Bedikas chametz requires searching every room. One might argue, then, that walking between rooms is simply part of the search, not an interruption at all. The Maharsham acknowledges this but notes that the Noda BiYehuda draws a distinction between shofar and bedikah that weakens the parallel. He concludes that the question of walking as an interruption remains genuinely uncertain.

5. The Elegant Solution

Faced with uncertainty on multiple fronts, the Maharsham does not leave his questioner tangled in doubt. He offers a clean, practical resolution.

A few days before bedikas chametz, the father should give the son all the chametz remaining anywhere on the property as a gift. Once the son owns the chametz outright, he is unquestionably obligated in the search and may recite his own bracha without any doubt whatsoever.

The gift requires no special kinyan. The son's rooms, even though they are technically the father's property or at most borrowed, function as his *chatzer* and automatically acquire the chametz on his behalf. The Maharsham gathers an impressive array of sources proving that a borrowed courtyard acquires just as effectively as an owned or rented one, citing Tosafos in Bava Metzia (9b), the Ritva on Bava Basra (87), and the Gemara in Gittin (77a).

He notes with evident pleasure that two of his talmidim independently found supporting proofs. His talmid R' Yehoshua pointed him to the Tosafos in Bava Metzia. His talmid hacharif R' Eliezer brought the proof from Gittin.

The Maharsham then invokes the Terumos Bikkurim (Siman 19), who rules that when a situation involves possible doubt about an unnecessary bracha, one should actively create the conditions that remove the doubt and bring oneself into a clear obligation. There is nothing wrong with engineering certainty. All the more so here, where the solution is simple and elegant.

6. A Parting Chiddush: Thieves in Eretz Yisrael vs. Chutz La'aretz

Having resolved the practical question, the Maharsham cannot resist sharing a new insight sparked by the discussion. The Ran in Nedarim (34) explained a passage in the Gemara by saying that a person does not ordinarily anticipate theft or loss of food given to him, so such a possibility is not on his mind when he acquires it.

But the Maharsham finds a Gemara in Eruvin (21a) that distinguishes between Eretz Yisrael, where thieves are uncommon, and chutz la'aretz, where they are not. If that is so, the Ran's reasoning, that one does not anticipate theft, may apply only in Eretz Yisrael. In chutz la'aretz, where theft is common, a person does have it in mind, and the halachic calculus shifts accordingly.

He offers this not as a ruling but as a gift to his correspondent: "Since Your Honor stirred this question in me today, I will write it for you."

THE P'SAK

The father should give the son all remaining chametz as an outright gift several days before bedikas chametz.

Once the son owns the chametz, he is fully obligated in the search and may recite his own bracha independently, "without any doubt whatsoever."

The Maharsham frames this not as a stringency or a leniency but as wisdom: "It is proper to do this and not enter oneself into a doubt about an unnecessary bracha."

For the household in question, this meant a small, dignified act of transfer a few days before Pesach. And then father and son, each in his own quarters, each with his own candle, could search for chametz with full confidence that every bracha spoken was spoken with right and reason.

HISTORICAL CONTEXT

This teshuvah opens a window into the domestic arrangements of prosperous Galician Jewish families in the late nineteenth century. The son in this case is no child: he maintains his own servants and his own living quarters. Yet he remains "supported by his father's table," a legal and social category that carried real halachic weight. Extended family compounds, with shared kitchens serving multiple households under one roof, were common enough that the question was not theoretical.

The Maharsham's solution reveals his characteristic approach. Rather than forcing a ruling on uncertain ground, where the sources pointed in different directions on questions of ownership, acquisition, and the reach of a bracha, he found a practical mechanism that

resolved every doubt simultaneously. The gift of chametz is not a legal fiction. It is a genuine transfer of ownership that transforms the son's status from dependent to householder. The answer was already present within the system. The Maharsham simply showed where it was.

The playful aside about thieves in Eretz Yisrael versuschutz la'aretz is vintage Maharsham: a scholar who cannot encounter a sugya without leaving a chiddush behind, even when the practical question has already been answered.



KEY TERMS

Bedikas chametz —The search for leavened bread conducted by candlelight on the night before Pesach. It requires a bracha and must cover every room where chametz might be found.

Samuch al shulchan aviv —Literally "supported at his father's table." A legal category describing an adult child who remains economically dependent on a parent, with significant implications for property rights and acquisition.

Chatzer —A courtyard or enclosed property that can acquire items on behalf of its owner. The Maharsham's ruling hinges on the principle that even a borrowed courtyard acquires for the borrower.

FOOD FOR THOUGHT

- The Maharsham rules that one should proactively create conditions of certainty rather than remain in halachic doubt. When is this approach appropriate, and when might it be better to simply follow the more cautious path?
- The questioner's son maintains his own household but remains financially connected to his father. At what point does a child, in halacha and in life, truly become an independent householder?

From the Maharsham's Techeiles Mordechai on Parashas Bamidbar

תכלת מרדכי

Why Hashem Counts Us by Name

Why count Klal Yisrael at all? The Maharsham, citing the Pnei Yehoshua, gives a beautiful answer. The Torah was given to Klal Yisrael as a whole, yet within that whole, every single Yid has the power to acquire the merit of the entire Torah for himself. The very name **יִשְׂרָאֵל** spells it out: **י** שֵׁשִׁים רְבּוּא אוֹתִיּוֹת לַתּוֹרָה. There are six hundred thousand letters in the Torah, and each Yid corresponds to one of those letters.

On this foundation the Maharsham draws a distinction. There is *chashivus ba'min*, importance only as part of a category, and *chashivus ba'ish*, importance as a singular individual. By the nations, only the species counts; the individual disappears into the mass. By Klal Yisrael, the opposite is true. Each Yid is an *ish*. As David HaMelech says, **וְלִצִּיּוֹן יֵאמַר אִישׁ וְאִישׁ יָלַד בָּהּ**, "of Tzion it shall be said, this man and that man were born in her."

With this the Maharsham reads a famous pasuk: **אֶחַת דִּבְרֵי אֱלֹקִים, שְׁתֵּים זֹ שָׁמַעְתִּי**. "One thing Hashem has spoken; two things I have heard." The Aseres HaDibros were spoken in the singular: **אֵלֹהִים, לֹא יְהִי לְךָ**. Not as a king to a crowd, but as one Father to one child. From this, says David HaMelech, I learned *shtayim*, two things at once. First, that each of us must strive for an individual *sbeleimus*. Second, **וְלֵךְ ה' חֶסֶד**, that this very demand is itself a chesed, because no one but Hashem can read the inner striving of each heart and reward each man as an *ish*.

Now the language of our parsha opens up. **לְמִשְׁפְּחוֹתָם, לְבֵית אֲבוֹתָם**, by families and by ancestral house: these are the collective frames. **בְּמִסְפָּר שְׁמוֹת כָּל זָכָר לְגֻלְגֻלְתּוֹ**, by the number of names, every male, by his head: this is the individual reckoning. And this is what Rashi means when he says **מִתּוֹךְ חֲבָתוֹן מוֹנֶה אוֹתוֹן**. The *chibah* is not only that Hashem counts us at all. It is that He counts each one of us by name, by head, as an *ish* who carries his own letter in the Torah and his own avodah before the Kisei HaKavod.

COMING NEXT WEEK

*A robber returns every penny he stole.
Is he now a trustworthy witness, or does the Torah demand something more?*



WHO WAS THE MAHARSHAM?

Rabbi Shalom Mordechai HaKohen Schwadron, ben HaRav Moshe (1835–1911), served as the Rav of Brezhan in Galicia for over 40 years. He is best known for his seven-volume Shut Maharsham, containing thousands of teshuvos on every area of halachah, and his Da'as Torah commentary on Shulchan Aruch. Regarded as one of the foremost poskim of his generation, his rulings are cited in halachic works to this day.

PRINCIPAL SOURCES

Gemara: Eruvin 21a, 72a-73b; Nedarim 34b; Bava Metzia 9b, 12b, 90a; Sanhedrin 71a; Beitzah 40a; Gittin 77a; Kiddushin 47; Bava Basra 51b, 87; Arachin 30a. **Rishonim:** Ran (Nedarim); Tosafos (Eruvin, Bava Metzia, Bava Basra); Rosh (Bava Metzia); Rashi (Nedarim); Ritva (Kiddushin, Bava Basra); Rabbeinu Yerucham; Shiltei Gibborim. **Shulchan Aruch & Nesei Keilim:** OC 8, 170, 175, 301, 366, 370, 432, 589, 639; EH 28, 57, 70; CM 97, 108, 138, 142, 175, 200, 202, 294; YD 380. Taz, Magen Avraham, Machatzis HaShekel, Pri Chadash, Shach, Beis Shmuel, Bach, Chok Yaakov, Pri Megadim, Elyah Rabbah, Levushei Serad. **Acharonim:** Maharik; Maharit I:12; Maharival II:61; Noda BiYehuda (Mahadura Kamma OC 41); Ketzos HaChoshen (200, 202); Nesivos HaMishpat (200); Sefer Yehoshua; Terumas HaBikkurim (19); Magid Mishneh (Hil. Eruvin); Radba"z I:148; Avoda HaGershuni (121); Teshuvos R' Akiva Eiger (133).

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When the path forward is uncertain, a wise posek does not force a ruling through the thicket. He finds the clearing that was there all along.

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