

POSSESSING THE DISPOSSESSED

An item that is

lost or stolen remains the property of its owner. Were he to retrieve it, he would not require a *kinyan* to regain ownership. Nevertheless, it is outside of his control—*aino birshuso*. The Gemara (Bava Kama 69b) says that just as one cannot sell, gift, or be *makdish* something he doesn't own, he is likewise restricted when the item is his but not *birshuso*, because his lack of control compromises his ownership.

Does

one violate *bal yeira'eh uval yimatzei* for *chametz* that isn't *birshuso*, like a package that has been handed off irretrievably to the postal service?

R'

Moshe maintains (Igros Moshe Orach Chaim 1:146) that the sender lacks the full

measure of possession required to violate *bal yeira'eh*, even if the *chametz* remains his until it reaches the buyer. To the Chazon Ish (Orach Chaim 118:4),

ownership per se is sufficient for *bal yeira'eh*.