

# HALOCHOSCOPE

**This week's question:**

Someone had adopted the personal practice of eating only hand-baked *Shemura Matzo* for the entire *Pesach*. He now finds it difficult to keep up the practice. Does he require *Hataras Nedarim*, annulment of his oath, to be permitted to eat regular matzos? Is this the kind of practice that one should not change?

**The issues:**

- A) *Matzo Shemura*; hand baked or machine made *matzos*
- B) What kind of practice is considered a *neder* undertaking?
- C) The uniqueness of *chumros*, stringent practices, on *Pesach*

**A) *Matzo Shemura*; Hand matzos vs. machine matzos**

In former times all matzos were hand baked. Apart from the fact that machines are a relatively recent innovation, matzos were not produced commercially. Everyone wanted to bake his own matzos. The advent of the machines raised a major controversy. Some poskim banned them absolutely, proclaiming matzos baked on these machines to be *chameitz gamur*, totally *chameitz*. Others actually preferred the machines over hand made matzos. The entire German community, including some of Judaism's greatest scholars, is reputed to have eaten only machine matzos. A third group banned them for less serious reasons or permitted them under pressing circumstances. Thus, they showed a preference for hand matzos, considering them 'more kosher for pesach'.

The most commonly raised concern about machines is *lishma*. *Matzo* used for the *seder* must be made with intent for the *mitzvah*. The Torah requires *matzo* to be *shemura*, guarded. This could mean that it must be watched so that no *chameitz* is mixed into it, and that it does not become *chameitz*. However, this is so obvious that a *passuk* would not specifically require it. Talmud says that the watching must be done with intent for the *matzo* of the *mitzvah*. This includes the entire production. At the minimum, from the kneading on must be *lishma*. Ideally the harvesting (including, according to a minority view, reaping) should be *lishma*. If this is not possible, the milling should be *lishma*.

To qualify for *lishma*, the person processing the *matzo* must be a Jew mentally capable of the correct intent. The argument is made that a machine can be no better than a monkey. The other view maintains that while a monkey can process by himself, a machine needs to be operated. In addition, just as the human rolling dough uses a rolling pin, the machine operator turns a crank. Early machines were mechanical. Electric machines have no crank. Those in support of machine matzos consider the intent when beginning the activation of the machine *lishma*. Some producers introduce some form of manual activity to satisfy *lishma*. However, this slows down the production, increasing the risk of *chimutz*, according to some poskim. Some people use hand matzos for the *seder*, when *lishma* is a greater issue, and machine matzos for the rest of *pesach*.

The next major concern is about *chameitz*. Two issues are raised: cleaning between batches and idle time. Hand matzos are produced, mostly, using straight wooden utensils and flat surfaces. These are easily scraped clean between batches. Machines use metal, with some uneven surfaces and cracks. Bits of an old batch might adhere to the surface, and might be left long enough to become *chameitz* before being mixed into the next batch. Cleaning is not done with water. This could mix with bits of dough, and might not dry properly before the next batch is introduced. Machines also take longer to clean well, extending the chance that the dough stuck in them becomes *chameitz*.

Leavening takes time as the yeast goes through its stages. The stage at which it is considered *chameitz* is reached eighteen minutes after the flour and water come into contact. As long as the dough is 'occupied' by being kneaded or handled, it does not get a chance to leaven. The poskim debate whether the eighteen idle minutes are consecutive or whether smaller spans can also cause the same level of leavening. If the dough is warmed by continuous activity, it is possible that short spans can cause leavening. Eighteen total minutes are certainly more of a concern when it is kept warm. Thus, all parts of the dough must be tended to until it enters the oven. In addition, no more than one *shiur challah*, the volume big enough for the *challah* obligation, may be kneaded at one time. The Rabbis determined that a larger amount can not be tended all at once.

Early machines rotated the dough. It was not all tended all the time. Some had a long production time due to the magnitude of the batches. This raised a double concern, the magnitude as well as the time. Though poskim maintained that the bulk of the dough can be tended by a big machine, provisions were introduced to reduce the time and batch size. Early machines used round 'cookie cutters' for the matzos. Leaving extra, expensive matzo dough pieces in between. This was recycled in the next batch. After a few batches, there could be some dough that had been left untended for a total of eighteen smaller spans. The introduction of square matzos, with no spare scraps, removed this concern. However, some producers still recycle the edges of the rolled dough.

Ideally, one should bake his own matzos. Nowadays, many people buy hand baked matzos, and it is also possible to participate personally in baking machine matzos. Hand matzos provide more jobs and livelihoods, but so do hand written books! On the other hand, cheaper mass-produced machine matzos provide more food for the poor. There is a concern that a profit driven manufacturer might be less than scrupulous. However, commercially produced hand matzos raise the same issue, but without the additional issue of mass-production. The amount of 'savings' by cutting corners on a large batch of dough means that it is more likely that large amounts of *chameitz* could reach the market.

While one particular model might meet with the approval of a Rav, others might not. Manufacturers and consumers might take liberties in comparing them, remembering leniencies but forgetting the stringent requirements. This concern is based on a Talmudic precedent. Designs on matzos are forbidden. They delay the production. Bysus was able to design with a mold, avoiding the delay. Nonetheless, even the designs of Bysus were prohibited so no-one should draw the wrong conclusions. Traditionally we take a conservative line on new innovations, for this very reason.

The proponent poskim pointed out *halachic* redeeming features of machine matzos. The crew producing hand matzos worked twelve hours a day on their feet. Tiredness led

to concern that they would be unable to give sufficient attention needed to prevent *chameitz*. This concern has a precedent in the laws of slaughtering. There was also some concern that at the end of the day the utensils were not cleaned correctly. Left to steep in water, they could become *chameitz*. As for limiting the continuous movement of the dough, the claim was made that machines could provide *more* movement than hands.

*Shemura* is only required for the *seder*, when the *mitzvah* applies. For the rest of *pesach* one may not eat *chameitz*, but need not eat matzo. Therefore, any other matzos need not be made *lishma*. The verse saying that matzos must be *shemura* does not apply to them, so they need not necessarily be watched. However, we have already mentioned that one must still watch them for *chameitz*. In addition workers who would be disqualified from *lishma* can also not be relied on for *chameitz*. Therefore, for most of the process, the poskim require partial *shemura*. Furthermore, the poskim cite the prevailing custom to eat *shemura* for the whole *pesach*. This refers to flour supervised from the time of reaping or milling. In addition, some poskim maintain that there is indeed a *mitzvah* to eat matzo for the entire *pesach*, but no obligation. For these reasons, many adopt the practice to eat *shemura* for the entire *pesach*. Commercially produced 'non-*shemura*, non-*lishma*' machine matzo is supervised, but not necessarily qualified as *shemura* in all respects. [See Psachim 37a 40a 46a 48a-b, Poskim. Tur, B.Y. Sh. Ar. OC 453:4 456:1-2 459:2 460:1-2 4, commentaries. Divrei Chaim 23-24. Avne Nezer OC 372. Maadanei Shmuel 110:24. Sdei Chemed, Chameitz Umatza 13:12-13.]

#### **B) Pious practices that are considered Nedarim and Shevuos**

In general, a vow or oath in undertaken consciously with a verbal proclamation. For whatever reason, the person feels the need to ban himself from a product or practice, or to adopt a new practice. It would be outside the boundaries of established *halacha*. Ideally, one should not undertake additional practices. The Torah and the Rabbis are wise enough to prohibit what is necessary and permit the rest. However, there are occasions when it is considered praiseworthy to undertake a ban or adopt a new practice. If the practice is an approved pious practice, beginning the practice it might be considered initiating a *neder* or *shevua*. If he performs it three times, he has established a trend. He must now keep the practice as though he had verbally adopted it. To avoid making new praiseworthy practices into *nedarim*, one should verbally stipulate a counter resolution before starting the practice. He should say that he is doing this '*bli neder*'.

Once a practice or ban has been adopted, it is binding. The way to release the *neder* is by obtaining annulment from a *bais din* panel of three. They find the practitioner to have erred in his initial undertaking, and to have undertaken it without full awareness. Therefore, it is considered a mistaken undertaking, that could never have really taken effect. If the practice was based on a difference of opinions, the mentality of the practitioner must be analyzed, as well as the reasons for the opinions.

Some practices are considered optional by all accounts. These would be considered voluntarily adopted *neder* type practices. Others are considered partially or debatably compulsory. They are trace to the rulings of the rabbinate in certain communities, that are binding *halachically* on the members. They might be traced to a debate between the poskim. Some might believe that they are obligatory, others would contend it, and others might consider them preferable. If one assumed that he was obliged in one of these, he

would need to research his obligation. If he is truly obliged, no annulment could relieve him of it. If he is not obliged, because the requirement does not apply to him, he might have adopted it by mistake. He thought he was obliged. He does not need annulment. If one knew it was voluntary in his case, but wanted to adopt it anyhow, he requires annulment. [See Pesachim 51a Nedarim 15a, Tur Sh. Ar. YD 214:1, commentaries.]

### C) *Chumros on Pesach*

The Talmud forbids scalding flour in hot water, though it kills the yeast. It is like telling a *nazir*, banned from grape products, to steer clear of a vineyard. On this basis, we prefer to restrict ourselves from otherwise permissible products on *pesach*, to avoid laxities in forbidden products. For example, Scripturally, *chameitz* mixtures are permissible when the *chameitz* is undetectable by taste. If this amount is mixed in on *pesach*, it is forbidden Rabbinnically. Other forbidden foods are forbidden year round. *Chameitz* is not, and its familiarity can cause mistakes. There is also a *kabalistic* assurance that one who refrains from absolutely any particles of *chameitz* will not sin the whole year. Thus *chumros* abound on *pesach*, and could have the status of a *minhag-neder*. On the other hand, due to the *mitzvah* of *simcha*, rejoicing, on *yomtov* and to the dubious or controversial origins of some *pesach chumros*, poskim sometimes say that no annulment is required. One should adopt a new *chumra bli neder*, to avoid the issue. Alternatively, some have the practice to allow leniency on the eighth day of *pesach*. [See Psachim 40b etc.]

In earlier generations, the issue of non-*shemura* or machine matzos was truly controversial. Those forbidding them believed them to be *chameitz*, and others at least suspected it. Nowadays, while many refrain from them for a variety of reasons, everyone agrees that under reliable supervision they are not *chameitz*. No-one considers them *chameitz* possessed by a Jew after *pesach*. Machines minimize human error, but hand matzos have not been 'changed'. In addition, modern supervised matzos fulfill the minimal requirements of *shemura* to comply with the *minhag yisroel*. One might have adopted the *chumra* due to the added supervision from reaping, or because all matzo-eating is considered a *mitzvah*. If so, he has done so to take into account a stringent view. If he changes his mind, he must determine whether he now disagrees with that view, in which case, he does not need annulment. If he did not mean to side with it in the first place, but acted in precautionary stringency, he needs annulment. If he mistakenly believed that some people believe non-*shemura* to be forbidden, he does not need annulment.

**On the Parsha ...** Sit at the entrance of the Ohel Moed day and night seven days. And watch the watch of Hashem ... [8:35]. Haamek Davar says the expression of *shmirah* refers to Torah study, specifically the Oral Law. The *kohanim* had to study Torah during the days of *miluin*. Unlike a *mitzvah* that has a specific time, Torah study applies at all times, because it acts as constant protection - *shmirah*. Perhaps the usage of the word *ushmartem es hamatzos*, watch the matzos, which in its context refers to the matzo at the *seder*, is also meant to indicate the constant nature of this *mitzvah*, throughout *pesach*. At any time one eats matzo on *pesach* he fulfills this *mitzvah*. [See Netziv, here, Toldos 26:5, Bo 12:17.]

☆ Sponsored by 'your name here'. ☆

© Rabbi Shimon Silver, March 2007.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com