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CHAMETZ AND MATZAH

A Halakhic Perspective

God is the source of all being. The consummation of human life is reunion with its sources; yet the essence of human life is its individual existence.

A rabbinic metaphor compares the creation of man to the emission of a ray from the sun. Just as a ray partakes of the substance of light, so is man of the nature of the Divine. "He blew into his nostrils the living spirit — [*of His own spirit*]" (Genesis 2:7). But the simile is incomplete, for, while a ray never returns to its origin and is ultimately dissipated in darkness, man's destiny need not be such. If death is not to be total darkness, then life must not be a constant moving away from God. Yet, if life in this world is to be at all possible, man's personality must have distinct identity and must be separated from God.

Perhaps another analogy is in order. A satellite stays in its own orbit around the earth as long as the centrifugal force repelling it from earth is balanced by the centripetal force attracting it. Should the equilibrium be upset in either direction, the end is inevitable. Similarly, man must withdraw from, as well as progress towards, God.

Is it possible to be separated from God and yet not to flee from him? Or must withdrawal of necessity imply rejection? The system of the *Mitzvot* provides the framework within which man may assert both his own identity as well as his dependence upon God.

In general, the commandments are of two types, positive and negative. While both express the will of God, yet it is clear that

in performing certain mandatory *Mitzvot*, man actively subdues his own will to that of his Maker. Man acts upon nature, not for his own purposes, but as an instrument of God's will.

Man becomes an agent of God's will to the extent that he subdues and eliminates all other possible motives for his deeds and makes the will of God his only desideratum.

Now it is precisely this attitude which is taught with respect to this class of positive commandments. Only one consideration matters: the love of God! The worth of these actions is not determined in the human context at all. As far as man can or needs to know, their worth lies in the fact that God wills them. Thus the Rabbis taught, "Be not like servants that wait on their master in order to receive a reward." Any hoped-for result that has value for man *qua* man is a reward, and we are bidden to disregard it, for God's will alone should be the criterion for our actions.

Naturally, there are degrees of submission to the will of the Almighty. Probably no two people perform a *Mitzvat Aseh* (positive commandment) with the same devotion. In one the human will is more completely subdued than in the other. But, insofar as the individual is thought of as interacting with his environment, his significance stems from the quality of his responses to that environment — from his deeds alone. Any other agent acting in the same way could replace him without changing the existing pattern of inter-relationships. This is so even when the given individual is not only the subject, but also the object of a particular act. For example, we are commanded to eat *Matzah*. In this case we act upon our own bodies, as well as upon the *Matzah*, for it is not sufficient that *Matzah* be consumed — each one of our bodies must be involved in the eating. Yet, interestingly enough, this commandment is fulfilled even when performed under duress; if one is forced to eat *Matzah* on the Seder night against his own will, he has fulfilled his obligation. In general, the effect of the mandatory commandments is to erase the particularity of man and identify him with the universal Will.

If, however, we isolate man (as far as possible) from his milieu, his individual existence becomes central. If all that mat-

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ters is that God's will be done, the doer need have no individual character beyond that of serving as a willing tool in the hands of God. However, if the individual withdraws from active participation in his environment and ceases to be a doer, the fact that he *is*, cannot be explained in terms of his acts, for he does not act at all. Then consciousness becomes the arena wherein events unfold and take on significance.

Man is now conceived of not as a "doer" but rather as a "knower" and "feeler." Emotions, imagination, and thought are the stuff of which life consists. Insofar as he can become independent of the world, man comes into his own.

Many negative commandments serve this purpose — to assert the identity of the self through self-denial. By obeying the prohibitions, man really extricates himself from involvement with the world, withdraws into himself, and declares his self-sufficiency.

Thus the *Mitzvot* in their totality make possible the delicate balance between submission and assertiveness which keeps man, so to speak, in orbit about God. Excesses in either direction are fraught with danger. One should not undertake obligations the Torah does not require. Holiness in the *human* context is the desired goal, not supernatural sanctity in which the human identity is obliterated. Similarly, asceticism and extreme self-denial are sinful, inasmuch as they represent a rejection of God's world and an inflation of the self.

INDEPENDENCE AND SUBORDINATION

The mighty drama of the exodus serves as the focal point of Jewish history and inspiration. Jews were redeemed from Egypt to become "holy men," holy in their humanity and human in their holiness. By reliving the events of the exodus every Passover we reopen the channels of divine inspiration flowing from the great redemption. The relevant commandments exemplify the ideal of "human holiness." The commandments of *Chametz* and *Matzah* — negative and positive together — are the hub of the Passover observance.

The removal of external restraints does not yet constitute free-

dom. True freedom is a state of mind, an awareness of independence and self-sufficiency. Abstention from bread, a major element of diet, not just for a day or two, which might be only coincidental, but for over a full week, cultivates and affirms the personal sense of freedom. The power to grant or withhold bread has always been the oppressor's major tool of enslavement. Only he can be truly free, whom even bread does not hold in its thrall. For this reason the Torah makes the commandment of *Chametz*, in a sense, the very touchstone of Jewish identity. "If any one eats what is leavened, that person shall be *cut off from the congregation of Israel*, whether he is an alien or a native of the land" (Exodus 12:19).

On the other hand, complete independence must be balanced with subordination to Him Who is alone the Fountain of life. "Unleavened bread shall be eaten for seven days . . . And you shall tell your son on that day, 'It is for this that the Lord did for me when I came out of Egypt' " (Exodus 13:7-8). *For this — that I might eat Matzah . . .*

Through obedience to God's dictate to eat the "bread of poverty," we acknowledge and express our submission to the Master of all.

We are forbidden to utilize *Chametz* (derived from five species of grain). On the other hand we are bidden to eat *Matzah*: And *Matzah* is not just any non-*Chametz*. *Matzah* is only such bread made of species of grain which *could* have become *Chametz*. The two *Mitzvot* of *Matzah* and *Chametz* are thus seen to be complementary — advance and withdrawal, involvement and disengagement in counterbalance.

There are seven commandments in all concerning *Chametz* and *Matzah*:

- (1) We are bidden to remove all *Chametz* on the fourteenth of Nissan.
- (2) It is prohibited to eat or derive any benefit from *Chametz* on the fourteenth day of Nissan from noon onwards, and
- (3) For seven full days thereafter. (In order to forestall error, rabbinic law advances the prohibition to use *Chametz* one hour, and to eat it, two hours before noon on the fourteenth).

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- (4) We must refrain from using anything containing a mixture of *Chametz*.
- (5) It is further commanded that no *Chametz* of our own be anywhere in our domain.
- (6) Nor may we possess any *Chametz* even if located elsewhere.
- (7) Finally, we must eat *Matzah* on the first night of Pesach.

TYPES OF CHAMETZ

What is *Chametz*? It is a fermentation product of grain. The Mishnah lists five grains as potentially *Chametz* or *Matzah*. Of these, wheat is the most commonly used generally for bread and is also to be preferred for *Matzah*.

As to the primary strains of wheat and barley there is universal agreement. These grains have always been widely cultivated. However, the other three present some difficulties. Maimonides lists the five kinds of grain as "two varieties of wheat, namely, חטה and כוסמת; and three varieties of barley namely, שעורה, שבולת שועל and שיפון." (So also in the commentary on the *Mishnah Kilayim* 1:1 according to the manuscript reading given by Yosef Kapach, contrary to the usual printed versions where שיפון is described as a variety of wheat). Rashi translates שבולת שועל as oats (*avena sp.*) and שיפון as rye (*secale cerealis*). However, the *Arukh* cites another view that identifies שבולת שועל as rye, and שיפון as spelt. It is not clear what כוסמת is according to this view. Of course, in practice, this presented no difficulty, since the custom developed quite early to refrain from eating most grains (and in the west, from legumes as well). In practice, only wheat (and, in rare instances, barley) was used on Pesach and prepared, of course, as *Matzah*.

A number of reasons are given in the *Poskim* for the custom banning legumes, although, strictly speaking, they cannot become *Chametz* and therefore should be permitted in all forms.

- (1) Kernels of the five (*Chametz*) species are often found mixed in stores of other (non-*Chametz*) grains such as rice and legumes.

- (2) Flour from the "five species" is indistinguishable from that milled from other varieties, and furthermore bread and pastries are made from these "other" flours and if they were permitted, people might be led to disregard the prohibition on *Chametz* altogether.
- (3) Certain diseases warp wheat and make its kernels appear like a different species. Therefore, all grains are banned to prevent the possibility of inadvertently using wheat under conditions which lead to leavening.

It would seem that the uncertainty in identifying all of the "five species" might have been a contributing factor in forbidding all related varieties. However, the extended prohibition applies only to actually eating legumes, etc., whereas genuine *Chametz* is forbidden for any use and even its possession is proscribed.

OTHER PROHIBITIONS

The Torah singles out the interdiction on *Chametz* for especially severe treatment. As we have seen, fully six commandments elaborate the basic prohibition. It is one of the rare instances where the Torah itself enjoins precautionary regulations.

Seven days you shall eat *Matzot*; on the previous day you shall put away leaven out of your houses, *for* if any one eats what is leavened — that person shall be cut off from Israel (Exodus 12:15) . . . For seven days no leaven shall be found in your houses, *for* if any one eats what is leavened . . . that person shall be cut off from the congregation of Israel (*Ibid.* 19).

In addition, the laws of *Chametz* differ from the laws about Kashruth in that the Torah specifically prohibits even a mixture containing *Chametz*, "You shall not eat *anything* containing leaven" (Exodus 12:10).

Because of the unique severity of the Torah's prohibition of *Chametz*, rabbinic law holds that even a mere dash of *Chametz* on Pesach is enough to render a mixture unfit for use. Of course, if the mixing took place before the prohibition of *Chametz* takes effect, this rule does not apply.

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Since *Chametz* is the usual food, there is considerable risk that through oversight or forgetfulness one may come to partake of it on Pesach. It has already been pointed out that the Torah itself enacts preventive injunctions. So, too, the Rabbis. In particular, they instituted the search for *Chametz* on the eve of the fourteenth. Any *Chametz* found is then destroyed — usually by burning — the following morning. Moreover, to provide for the possibility that some *Chametz* was overlooked, the possession of all *Chametz* is renounced and is declared to be of no account.

The Torah prohibits the possession of *Chametz*. By inference, *Chametz* belonging to a non-Jew is permitted even in premises belonging to a Jew. In ancient times it was not difficult to prevent the accumulation of *Chametz* before Pesach. Any surplus could easily be sold to non-Jews for their own use, and the residue, if any, could be destroyed.

But with the invention of the distillation of alcohol from grain, and with the involvement of many Jews in this industry about 350 years ago, it was no longer possible to consume all stocks of alcohol before the Passover. To curtail production long in advance of Pesach would have endangered the livelihood of many Jews. On the other hand, dumping of large quantities on the market would also lead to tremendous losses. This is why the practice developed to look for a non-Jewish buyer who did not deliver the full purchase price right away, nor, for that matter, might he ever do so, but who, if he could count on selling the merchandise back after Pesach at a profit, would be willing to buy on credit. In time the Rabbi was generally authorized to act as agent on behalf of all the members of the community to sell all their *Chametz* on such a credit arrangement.

Naturally, there were some authorities who questioned the legality of a procedure which soon took on the appearance of a mere fiction. The procedure was justified since all the legal forms of a sale were observed and the tacit understanding with respect to repurchase could be abrogated by the buyer without penalty. The responsa literature records cases where the non-Jewish buyer not only helped himself to the point of intoxication, but also threw parties with the liquor bought for only a small deposit.

The view was also advanced that alcohol, though a product of fermentation, might not really be the substance of the grain which has become leavened, but merely a derivative, and therefore would only be in the category of rabbinically prohibited, but not genuine, *Chametz*. Although by overall consensus alcohol is certainly regarded as *Chametz*, the opposite view played a role in the early days in justifying the procedure of a formal sale.

In recent years, deep freezers have made it possible to preserve ordinary *Chametz* such as bread and pastry for long periods. People even purchased bread before Pesach and stored it in the freezer for use immediately after the festival, relying on the formal sale to a non-Jew. It would seem that this is a perversion of the intent of the law and certainly ought not to be permitted except for the weightiest reasons.

We have seen that the prohibition against possession of *Chametz* takes effect at noon, and, by rabbinic law, one hour earlier on the day preceding Pesach. As a result of improved transportation, it is not uncommon nowadays for a man to own *Chametz* located thousands of miles away. What if, due to the time differential, *Chametz* is already forbidden at the place of storage, while at the owner's domicile it is still morning?

It would seem that the answer to this question depends upon whether the prohibition of *Chametz* is considered to be a property attaching itself to the object or whether it is merely a law applying to the owner. In the case of most forbidden foods as with *Nevelah* (an animal that was not properly slaughtered) the prohibition is treated as an attribute of the object. On the other hand, the prohibition of food on Yom Kippur is regarded simply as a rule binding a person, which however does not impart any special characteristic to the food as such.

In the case of *Chametz*, if the object itself acquires a quality of "forbiddenness," then clearly this occurs at the time when the prohibition takes effect at the site of the *Chametz*. But, if *Chametz* denotes only a personal obligation, the prohibition is governed by the local time of the owner.

MATZAH AND ITS PREPARATION

"You shall tend the *Matzot* . . . In the first month, on the

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fourteenth day of the month at evening, you shall eat *Matzot* . . .” (Exodus 12:17-18). We are commanded to eat *Matzah* on the first night of Pesach (in the Diaspora, the first two nights); for the remainder of the festival,, there is no obligation to eat *Matzah*, although it is regarded as praiseworthy to do so.

From the order of the quoted verses it is apparent that the directive “You shall tend the *Matzot*” is not a separate commandment but rather a qualifying condition.

The *Matzah* which is eaten in fulfillment of the *Mitzvah* must have been specially tended with the explicit intention of using it for the *Mitzvah* of *Matzah*. Without this *Shemirah* (tending) it is not fit for the *Mitzvah*. As for other *Matzah*, we need only be certain that it has not become leavened.

We have already mentioned the fact that only flour from one of the five varieties of grain that can become *Chametz* may be used for *Matzah*. Furthermore the flour may be mixed only with water. The use of other fluids disqualifies the *Matzah* for *Mitzvah* purposes because it is no longer regarded as “bread of poverty.”

When does the obligation to “tend the *Matzot*” begin? There are three stages in the making of *Matzah*:—

- (1) Reaping the wheat.
- (2) Grinding it into flour.
- (3) Mixing the flour with water to make dough.

If the wheat is harvested for the purpose of the *Mitzvah* and tended thereafter until the final product is ready, it is called *Matzah Shemurah*. It is the first choice for use at the Seder, because it has been tended throughout the process. Generally, all *Matzah* production is tended from the time of milling the flour. Ordinary commercial *Matzah* for Passover is of this category. In extraordinary circumstances, where it is impossible to tend the *Matzah* from the grinding, flour may be purchased on the open market, and the tending may begin with kneading the dough.

In recent years, difficulties encountered with *Matzah* production in the Soviet Union, made it necessary for individual householders to bake their own from whatever flour could be ob-

tained. Because of these special conditions, Russian rabbis permitted the use of ordinary flour.

We have seen that *Matzah* for the Seder must be tended for the purpose of the *Mitzvah*.

What constitutes *Shemirah* for the *Mitzvah*? Clearly some human involvement is required. While the act of eating *Matzah* can be performed regardless of how the *Matzah* came into being, "tending" the *Matzah* refers to the manner of preparation. Evidently, this involves more than merely the observation of the process to ascertain that no leavening has taken place, for this could be determined at the time when the dough is ready to bake. If nothing mattered but that there be no leaven, *Shemirah* would not be required. In fact, it is not necessary for *Matzah* which is not to be used for the *Mitzvah* of eating it at the Seder.

When a responsible person (i.e., an adult of sound mind and subject to the commandment, namely, a Jew) participates in the work of making the *Matzah*, the requirement of *Shemirah* is automatically met. His actions are certainly intended to fulfill the commandment, although even in such a case, it would be desirable that at the beginning of the manufacturing process it be stated explicitly that the work is intended for the sake of the *Mitzvah*. However, can the supervision of a Jew of the actual work performed by a non-Jew qualify as adequate *Shemirah*? The literature records the case of a Rabbi who was imprisoned and his jailers offered to bake *Matzah* for him under his surveillance, but not with his participation. Although the Rabbi ate this *Matzah* during the week of Pesach, he felt that it was not adequate for the *Mitzvah* of the Seder, but later authorities disputed this position.

MACHINES

In modern times, the use of machines rapidly advanced to the point that in baking *Matzah* there was little manual work apart from loading the flour and throwing a switch. Most authorities agreed that this sufficed to impart intent to the entire process. However, it is possible now to have the entire operation automated. It is no longer necessary to throw a switch for each batch

of dough. In such an instance obviously the *Matzah* would be permissible on Pesach as non-*Chametz*. But can it be used for the *Mitzvah* at the Seder in the event that a responsible person was standing by during the process?

It would seem that even those who disqualify *Matzah* prepared by a non-Jew under the supervision of a Jew still might concede that completely machine-made *Matzah* may be acceptable. This stems from the following considerations: The requirement of intent for a specific purpose is found in other *Mitzvot* as well. But it is always a specific act that must be performed with intent. With respect to *Matzah*, however, the Torah does not state that the mixing or kneading, say, must be with intent. The prescription is general, phrased in terms of *Shemirah* which is not a specific act. But with a non-Jew working at the *Matzah*, one can argue that someone standing by cannot impart his intent and purpose to the action of another; for that matter, it may not be possible even to observe properly a process that is in someone else's hands. But when a machine does the work, there is no possibility of any intent on *its* part. It is conceivable, then, that a competent observer can dedicate the machine to the purpose of the *Mitzvah*, since even an automated machine is, after all, only a tool of man, whereas another human being, even when working under surveillance, hardly falls under this category.

Is it not remarkable that whereas the *Mitzvah* of eating *Matzah* can be fulfilled without intent even under duress, the preparation of the *Matzah* must be a purposive process? However, this is only another illustration of the fact that the primary end of some of the mandatory commandments is not their effect on the world (or on the things utilized in the performance); rather their object is the subjugation of man to God. Yet *Mitzvot* have also another aim — to foster the growth of an independent human personality. It is this independent human being that the Almighty seeks as a partner (not just a servant) in the work of creation. Mere physical acts cannot be the human contribution to that partnership.

It is within the power of man to create "*Mitzvah*-objects," to endow material things with the quality that makes them fit for the performance of the commandments. This quality transcends

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their physical characteristics. It has its source in man's consciousness, it is rooted in man's volition and cognition together, it originates in human design and intent. In the case of *Matzah* it is what we call *Shemirah*, a combination of dedication to the *Mitzvah* and precaution lest it become *Chametz*.