



# CHICAGO RABBINICAL CURRENTS

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# MATZAH

by Rabbi Dovid Cohen

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Matzah is the quintessential *Pesach* food and is also featured prominently at the *Seder*. While all matzah appears the same, there are differences in how they are made which – from a halachic perspective – differentiate one brand from the next. This article will discuss some of those features. We will not mention any specific brands, but it is worth noting that experience has shown that one should not judge a book by its cover: the design and wording of the packaging (and even the choice of *hechsher*) is not necessarily indicative of the *kashrus* standards of what's in the box.

The discussion will be limited to standard matzah made with just flour and water and will not consider the issues unique to "egg *matzos*." Additionally, the focus will be on hand-made matzah, with limited details and examples relating to machine-made matzah.

We will broadly divide this topic in two: avoiding *chametz* and creating *lishmah*. Namely, the most basic requirement is that the matzah be permitted to be eaten on *Pesach*, which means we cannot allow it to become *chametz*. For matzah that will be used for the *mitzvos* of the *Seder*, there is an extra requirement that it be made *lishmah*. The second half of this article will describe the criteria necessary for matzah to qualify as *lishmah*, and will elaborate on the practical details taken to accomplish that.

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# KOSHER WITNESSES



by Rabbi Yisroel Langer

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## Kosher Witnesses

The concept of *eidim*, witnesses, plays a major role in *Batei Din* as well as other areas of Jewish law. When two *eidim* testify about a matter in court, the judges accept their testimony as reality in accordance with the *possuk* in Parshas Shoftim "על פי שני עדים או על פי שלשה עדים יקום דבר – by the word of two or three witnesses will the matter be upheld."<sup>1</sup> When marriage or divorce proceedings take place, the designation of two kosher witnesses is essential to the effectuation of these events. The use of *eidim* could also be applied in written contracts, business deals and loans as well.

## Who is eligible to serve as an Eid (witness)?

We derive from the *possuk* 'ועמדו שני האנשים' – 'And two men will stand,'<sup>2</sup> that only Jewish adult men above the age of 13 (who reached puberty) are eligible to serve as *eidim*. Women, minors, or men who lack mental capacity, or are deaf, mute, or blind are not eligible to serve as witnesses.<sup>3</sup> A relative of one of the litigants or judges may not testify in court unless the opposing litigant gives his consent in allowing him to testify. It should be noted that it is common practice in some *Batei Din* today to allow anyone, whether it is a man, woman, relative or non-Jew, to testify. Their testimony, however, is only accepted as circumstantial evidence for the purpose of gathering background information. With regard to marriages or divorces, there is no leeway and all blood relatives and

1 Devarim 19:15.

2 Devarim 19:17.

3 Choshen Mishpat 35:10-13.

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# MATZAH

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The most basic rule about *chametz* is that if one of the five primary grains (wheat, rye, barley, spelt, oats) is mixed with water and is not baked within 18 minutes, it becomes *chametz*. Two lesser-known details are (a) if the dough is warm or becomes heated through kneading, then it becomes *chametz* in less than 18 minutes, and (b) if someone massages the dough with a kneading-like action (*esek*), that prevents the *chimutz* process (and can even extend it beyond 18 minutes).<sup>1</sup> Accordingly, a matzah bakery will take all three of these factors – 18 minutes, avoid heat, maximize *esek* – into consideration to ensure their product is not *chametz*.

## 18 MINUTES

It is relatively easy to always have the matzah in the oven within 18 minutes of when water first comes in contact with the flour. What complicates things is that bits of dough remain on the worktables, kneading bowls, and even on the hands/gloves of the workers. Therefore, hand matzah bakeries have an 18-minute countdown clock, and when the time is up, all surfaces will be cleaned, washed, and/or wiped down to remove vestiges of dough from them.

To facilitate this process, factories will design equipment with fewer nooks and crannies. In addition, the factories will provide staff with the proper cleaning tools (e.g., brushes, rags, air blowers). Some factories adopt additional policies to avoid carryover of “old” dough such as not letting employees touch their phones or other devices during the workday (since that’s a place dough can get left and then reintroduced to a future batch), sanding wooden rolling pins

between batches, and using foot controls on the sinks.

Some pieces of equipment are more difficult to clean than others, and therefore many bakeries have duplicates of equipment (so they can clean one set while the other is being used) and use disposables wherever possible (e.g., gloves and aprons for employees, covers for worktables).<sup>2</sup> Some are even more careful and will have as many as three to five mixing bowls, *reddlers* (the device which makes holes in the matzah), or other equipment which is particularly difficult to clean. This allows the cleaning personnel to do their job calmly and carefully without feeling pressure to have it ready too quickly.

## Avoid Heat

There are several halachic requirements to prevent the dough from being hot. These include the need for the flour to “rest” after it is milled, the necessity of using *mayim shelanu* (water drawn before sunset), and even restrictions on the type of sunlight allowed in the work area. [That’s why matzah bakeries never have windows!]

However, the presence of the (very hot) oven which has no door on it, presents a challenge for all matzah bakeries. How do you keep the dough from getting warm or hot, when the oven is at 1000° F or more all day long? This requires planning and efforts on the part of the bakery. The first step is that they will typically build a wall between the “kneading area” and the “baking area” with a minimal doorway between them; this keeps most of the heat in the area around the oven. Then they will install fans and air conditioning in strategic areas so that the

area where dough is handled is at a comfortable ambient temperature. Of course, some bakeries do a better job at this than others.

Lastly, it is important that all *matzos* are thoroughly baked before they are removed from the oven. If not, they will quickly become *chametz* after they are taken out of the oven. This is the reason why holes are made in the dough before baking, and why someone is assigned to find and discard any *kefulos* (folded *matzos*) and *nefuchos* (*matzos* which bubble up) since the shielded area (under the fold or in the bubble) might not be fully baked.

## Maximize Esek

*Shulchan Aruch* says that when baking matzah the dough should not be left without *esek* for even a second (*afilu regah echad*). Although *Mishnah Berurah* points out that this is clearly an exaggeration, it still reinforces the point that once kneading has begun the dough becomes warm (from the act of kneading itself) and that speeds up the *chimutz* process. The only way to combat that is to have continual *esek*, and much effort goes into accomplishing this goal.

In this context, *Shulchan Aruch* says that the amount of flour used in each batch of matzah should be smaller than the amount for which one would be *mafrish challah*, a.k.a., the *shiuir challah*, because otherwise it will be too difficult to work with (i.e., perform *esek* on) the entire batch at once. Some hand matzah bakeries follow the strict requirements of this directive, and make each batch of flour less than the smallest amount given for the *shiuir challah* (about 2.5 pounds), while others use more flour as long as it is less than the largest measure of

1. An additional halacha is that if the recipe contains more than just plain flour and water, there is a concern that those added ingredients might hasten the *chimutz* process. For this reason, some will only use plain well-water for *matzah*, and will avoid city water which contains chlorine. Others assume that since the chlorine has no apparent effect on the taste or appearance of the water, it likewise does not affect how quickly the dough becomes *chametz*.

2. In choosing disposables, one should check that they are not coated with starch which might be *chametz* or *kitnios*.

the *shnur challah* (about 4.5 pounds).

Back to the specifics of having continual *esek*, there are several complementary ways of accomplishing this. One is that the entire process should be synchronized so that there is never a reason for dough to “sit” without being handled or worked with. For example, after dough is kneaded, it is cut into pieces and given to others who will roll and flatten it into the shape of a matzah. If a new batch is kneaded too early, it will be ready before there is anyone who can roll it out, and that means the dough will wait, which is what we’re trying to avoid. So, ensuring there is the right balance of staff at each post, and timing things accordingly goes a long way towards solving this problem.

But the other side of the coin is that if, for whatever reason, there is a pause in the processing, someone needs to take the dough and create *esek*. For example, in some bakeries, the people will keep kneading the dough (even after it is “ready”) until those who cut and roll the dough are ready to take it from them. In this way, there is continual *esek*, and *chimutz* is prevented.

Related to this is the need for speed, since the faster the process takes, the less chance there is for the matzah to be idle. While it takes some bakeries 6 minutes for dough to get into the oven after flour is mixed with water, others can accomplish the same goal in 90 seconds, and will obviously have barely any time when the dough is not being handled and worked on.

One final point is that in some cases, the biggest bottleneck is feeding dough into the oven. This may occur because the bakery needs separate people putting the matzah into and out of the oven (instead of just having one person doing both jobs) or because they consider it

more “efficient” to wait till they have 5-6 *matzos* ready before any are put into the oven.

These are examples of how the setup and management of the bakery’s workflow play a role in avoiding *chametz* in the matzah. These are also key areas for a *Mashgiach* to focus on, and this highlights the need for qualified *Mashgichim* who can enforce appropriate standards.

#### Machine Matzah

Of the three factors involved in avoiding *chametz*, machine matzah is as good as hand matzah with respect to avoiding heat. However, as relates to the other two – 18 minutes and maximizing *esek* – the process of creating machine matzah is considerably weaker than hand matzah, as follows.

**18 MINUTES** – Machine matzah gets into the oven within 18 minutes of when water is added to the flour, just like with hand matzah, but the major difference between them is that in almost every machine matzah factory, the machinery runs all day and does not stop every 18 minutes! This means that the *Mashgichim* have the almost-impossible task of cleaning away residual dough and flour while the machines are in operation. Modern matzah

factories are designed with this need in mind, but nonetheless it is a daunting job, especially with the proliferation of nooks and crannies in industrial equipment. It is common that machine matzah bakeries will have two mixing bowls, so that every 18 minutes they can clean one while the other one comes into use, but the kneaders, rollers, and other equipment are used all day without stop.

**MAXIMIZE ESEK** – The nature of an industrial factory is that items move from station to station without pause, and that is good for the production of matzah, but overall the process of making machine matzah involves considerable amounts of time when the dough does not have *esek*. For example, after kneading, the dough might be dumped into a “hopper” where it awaits its turn to be rolled out. This is a result of using very large batches of dough (considerable larger than the *shnur challah*) and the processing needs to always have “extra” dough in the hopper, so the rollers always have dough to work with. But the most egregious setup is when the matzah goes through a process of “lamination” where the dough is laid out and folded over itself several times between the kneading and rolling stages. This unfortunately common practice which can leave dough “sitting” for as long as 5 minutes(!) is borrowed from the cracker industry and the slow, *esek*-free, layering of dough in piles, is antithetical to the way matzah is supposed to be made: without pauses for *afilu regah echad*.

Thus, in these two areas – 18 minutes and maximizing *esek* – machine matzah is of a significantly lower standard than handmade matzah.

Part Two of this article will be printed in the next edition of *Currents*.





▶ The cRc certifies a brand of matzah called Matzah Mehuderet, which is handmade in Elad, Israel. The efficiencies used in this bakery result in a matzah which is truly *mehuderet* (something that reaches the highest halachic standards).



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**HAND MADE SHMURAH MATZA**

FROM THE TIME OF HARVESTING  
KOSHER FOR PASSOVER LMEHADRIN

18 minutes From the time Of kneading  
Crispy and very good tasting

Weight: 1 kg





# KOSHER WITNESSES

(continued from cover)

even some of the relatives through marriage of the bride and groom, may not serve as *eidim*. In addition, the witnesses may not be related to each other. For a full analysis as to who is considered a relative for these purposes, see *Choshen Mishpat Siman 33*.

One who is deemed a “*Rasha*” by the Torah is considered unfit to act as an *eid*. This is derived from the *posuk* א' אל תשת ירך עם רשע להיות עד חמס'. Part of the responsibility of a rabbi who is officiating at a wedding or divorce is to make sure that the *eidim* being used are kosher witnesses. It is easy to ascertain whether the *eidim* are related to each other or to the couple getting married. This could be done by simply asking the witnesses if they are related to each other or to the *chossan* and *kallah*. What could potentially be more challenging for the rabbi is determining whether an *eid* who is known to be somewhat lax in his mitzvah observance is going to be categorized as a *Rasha* and consequently not eligible to serve as a witness.

## Who is in the category of *Rasha*, and therefore not eligible to serve as a witness?

*Shulchan Aruch*<sup>5</sup> states that anyone who committed an *aveira* intentionally that is subject to the punishment of *malkus* (39 lashes) is disallowed by the Torah from serving as a witness until he performs *teshuva*. If the *aveira* is motivated by financial gain, the individual becomes unfit to serve as a witness regardless of whether there is *malkus*.<sup>6</sup> One who violates a Biblical prohibition that is not severe enough to warrant *malkus*, or a rabbinical prohibition that is serious enough to receive *makas mardus*<sup>7</sup> (lashes given for certain *issurei drabonon*), would be unfit *m'drabonon* from serving as an *eid*.<sup>8</sup> There is a practical difference between one who becomes unfit to act as a witness because of committing an *issur*

*d'Oraysah* (Biblical prohibition) that has *malkus* or an *aveira* that has financial gain, versus one who violated an *issur d'rabonon* (rabbinical prohibition) that receives *makas mardus*. One whom witnesses testify about that he violated an *issur d'Oraysah* which has *malkus* would automatically become unfit to act as a witness from the time he committed the sin until he repents.<sup>9</sup> However, one who commits an *issur d'rabonon* would not become *possul* (invalid) from serving as a witness until there is a הברזה, an official announcement, made in shuls announcing this person's sinful behavior. If he is punished in public, such as getting thrown out of shul, that is tantamount to an official announcement.<sup>10</sup> The rationale behind this caveat is that it's not so widely known that violating an *issur d'rabonon* could be a serious enough issue to invalidate a witness; therefore, Chazal only disqualified him after a הברזה is made.<sup>11</sup> The *poskim* disagree as to whether a הברזה is necessary to *passul* (invalidate) one who violated an *issur d'Oraysah* that was not financially motivated, or which would warrant *malkus* and therefore only causes the witness to be *possul m'drabonon*.<sup>12</sup> All these rules may seem like minor details and technicalities, but they could have major ramifications as we shall see from the following unfortunate story.

Several years ago, there was a person who served as a *dayan* for *geirus*. This erstwhile *dayan* was caught doing highly inappropriate activities that were prohibited *m'dOraysah* but were not financially motivated and did not warrant *malkus*. The *dayan*, who also acted as a *rav*, was subsequently fired and thrown out of shul. The question arose whether the individuals who converted under his auspices after the time that he began his sinful path until the public became aware of it, were valid *geirim*. The rule is that anyone who is not eligible to act as an *eid* is also not eligible to serve as a *dayan*. If the *halacha* is that he is not eligible to serve as a *dayan*, we would have to require all those *geirum* to go through the

*geirus* process again. Harav Yona Reiss *shlita*,<sup>13</sup> Av Beis Din at the Chicago Rabbinical Council, ruled, with the concurrence of Rav Gedalia Dov Schwartz *zt"l* and *yt"l* Rav Daniel Raccach *shlita*, that it was not necessary for the converts to go through the conversion process again as one could rely on the *poskim* who maintain that a הברזה is necessary to disqualify an *eid* or *dayan* who commits an *issur d'Oraysah* that isn't *malkus* worthy. Therefore, all those who converted prior to this *dayan* being thrown out of shul could be considered valid *geirim*.<sup>14</sup>

If an *eid* is unaware that he is committing a sin, he would still be eligible to serve as a witness.<sup>15</sup> Harav Ovadia Yosef *zt"l*<sup>16</sup> was *mesader gittin* in Egypt for a period of years. He once noticed that the *eid* who was regularly being used by the Beis Din had a clean-shaven face indicating that he had been using a razor. Although Harav Ovadia Yosef would no longer use this individual as an *eid*, he didn't invalidate all the *Gittin* done prior to his finding, as he felt that this person was unaware of the prohibition of shaving with a razor.

Harav Ahron Soloveichik *zt"l* would occasionally disqualify certain individuals from being an *eid* at a *chasunah* stating that since the *eid* was not *makpid* on *yoshon* a different *eid* should be used in his stead. At first glance this would seem like a difficult *p'sak*. After all, given that there are many *poskim* who permit eating non-*yoshon* products outside of *Eretz Yisroel*, how could we view an individual who isn't careful in this regard as an “intentional sinner?” This author heard an explanation from a family member of Harav Ahron to this practice. Although Harav Ahron was personally very strict with regards to *yoshon*, he certainly wouldn't *passul* an *eid* because of it. However, if the potential *eid* was one who was lax in his *mitzvah* performance in a way which could truly invalidate him, rather than say that he is not G-d fearing enough to be an *eid*, he would “blame” it on *yoshon* so as not to embarrass him.

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4. *Shemos* 23:1. 5. *Choshen Mishpat* 34:2. 6. *Rambam Hilchos Eidus* 10:4. 7. *Pri Migadim* cited by *Pischei Teshuva C.M.* 34:s.k. 7. See *Rema* *ibid* *sif 3* who cites an opinion that violating a rabbinical prohibition wouldn't invalidate one from serving as a witness unless there was some financial motivation involved. 8. *Rema* *ibid*. See GR"A s.k. 3 who posits that according to the Rambam one who transgresses a Biblical prohibition that is neither financially motivated nor subject to the punishment of *malkus* is permitted to serve as an *eid*. See *Shach* 34:sk 15 and *Ketzos* beginning of *siman* 52 who seem to concur with this. 9. See *Igros Moshe E.H.* V 1 *Siman* 82 *anaf* 11 who posits that even if there weren't witnesses who actually saw him commit the *aveira*, but there is an אגן סהדי that he did so, that is sufficient. 10. *C.M.* 34:23. 11. *Ibid SM" A* s.k. 55. 12. See *Pischei Teshuvah* *Ibid* s.k. 6 and *Yeshuas Yaakov* s.k. 13. 13. *Kanfei Yonah siman* 12. 14. In addition one could also be *meztaref* the opinion of the GR"A cited in note 8. See *Kanfei Yonah* (*ibid*) that gives an additional reason to not require the *geirim* to undergo another *tevila*. 15. *C.M.* 34:24 See *SM" A* there who holds that even if he knows that it is prohibited, but doesn't know that it is serious enough to invalidate him as an *eid*, he would still be kosher. See however *Nesivos* who disagrees and posits that if he is aware that he committed an *issur d'Oraysah* he is

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## Gambling

The *Mishnah* in *Sanhedrin*<sup>17</sup> states that one who gambles is unfit to serve as an *eid*. The *Gemorah* offers two explanations as to why he is *possul*. Rami bar Chama says that when one wins money through gambling he is essentially “stealing” money from the other party as the other player does not want to truly part with their money. The *halachik* terminology used when one party doesn’t really want to part with their money is called “*asmachta*,” and the *halacha* follows the opinion that *asmachta* is *lo konya*—that it is not a valid transaction. Hence one who gambles and wins is a thief and therefore can’t serve as a witness. Rav Sheishes disagrees with this position and asserts that *asmachta* is only when one doesn’t anticipate the possibility of losing. Gamblers, however, understand that they might lose. Therefore, Rav Sheishes explains that the reason a gambler is *possul* from serving as an *eid* is because he isn’t “*oisek b’yishuva shel olam*”—he isn’t a productive contributor to society. The *halacha* follows the explanation of Rav Sheishes.

There are two explanations in the *rishonim* as to what Rav Sheishes means. Rashi and the Tur explain that the *Mishnah* is only disqualifying someone who doesn’t have any real job and spends his time gambling at casinos and the like. Although there are no concerns with regard to him being classified as a thief, because he doesn’t engage in real work, he won’t appreciate the effort involved in making an honest living, and may therefore testify falsely. According to these *rishonim* if one has a regular job and supplements his income through gambling, he would not necessarily be *possul* as an *eid*.<sup>18</sup>

The Rambam<sup>19</sup> has a different understanding of Rav Sheishes. Although winning money through gambling may not be considered *asmachta*, and therefore not considered to be actual theft, it is *avak gneiva* – activity that has its roots in theft and is forbidden *m’drobonon*. *Avak gneiva* is only prohibited when the monies are coming from other Jews. This rabbinical prohibition is not strong enough to *passul* one from being an *eid* unless the income used from his gambling is helping to supplement his needs. If he is *oisek byishuvo shel olam*, meaning he has a job that could independently satisfy the needs of his family, and his gambling income is going towards extra investments, he would still be able to serve as an *eid*.

As an aside, it emerges from the Rambam that it is forbidden for Jews to get together and gamble by pooling money to bet on sports spreads or having a poker night and the like; this would constitute *avak gezel*. If one is doing it with non-Jews, it would not be considered theft but would still be wrong to do as one is being engaged in *devarim b’telim* (wasting time).<sup>20</sup> *Shulchan Aruch*<sup>21</sup> is *machmir* like the opinion of the Rambam. It goes without saying that the environment at casinos is counter to the spirit of how a Jew is supposed to live their life and is certainly to be strongly discouraged.

## Eating in Public

The *Gemorah* in *Kiddushin* says that one who is not ashamed to eat in the street is unfit to serve as an *eid*. The *Rishonim* ask that the *Yerushalmi*<sup>22</sup> states that it is unbecoming of a *talmid chacham* to eat in the street. One can infer from this *Yerushalmi* that it is okay for an ordinary person to eat in the street. Rabbeinu Tam<sup>23</sup> reconciles this contradiction by limiting the *Bavli* in *Kiddushin* which *passuls* anyone who eats food on the streets from giving *eidus* to one who eats a meal on the go. For example, one who eats pizza, hot dogs or hamburgers in a bun while walking outside has no shame for his own honor and can therefore not serve as a witness. The *Yerushalmi* is discussing one who is eating even snack food outside. A *talmid chacham* is held to higher standards and should refrain from eating even snacks such as chips, ice cream, and the like outdoors in public view. The Rambam as understood by the Bais Yosef<sup>24</sup> answers this differently. One who eats any type of food, whether meal food or snack food, is unfit to serve as an *eid* only if he is eating the food in public view outside on a busy street. A *talmid chacham* should refrain from eating any type of food even on a less populated street.

no longer eligible to act as a witness even if he is unaware that he would become unfit to serve as an *eid*. 16. *Yabia Omer E.H.* Vol. 9 *siman* 33. See also Rabbi Akiva Eiger *siman* 96. 17. 24b. 18. It should be noted that there are certain forms of gambling that would be prohibited even according to Rav Sheishes. If there is a game in which one of the players is confident that he could control the outcome, taking his money would constitute *gezel* as even Rav Sheishes would agree that this is considered *asmachta*. In addition, if the players don’t lay out the money ahead of the game, taking money from any of the players upon winning would constitute thievery. According to some opinions, in order to avoid thievery, the money must be laid out on a table that is mutually owned by all the players. (*Rema C.M.* 207:13) 19. *Hilchos Eidus* 10:4. 20. *Ibid.* 21. *O.C.* 322:6. 22. *Maaseros* 3:2. 23. Quoted by the *Rosh* in the first *perek* of *Kiddushin Siman* 65. 24. *C.M.* 34:30.

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We value proactive community engagement, education and partnership, and Chicago Rabbinical Currents articles address aspects of practical halacha that are applicable to all.

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