

**DRISHA**  
**DRISHA INSTITUTE**  
**FOR JEWISH EDUCATION**

## The Machine-Matzah Controversy: Law and Tradition in Conflict

Rachel Furst – Rapoport Memorial Lecture, March 2013

### 1. Exodus 12

In the first month, on the fourteenth day of the month at even, ye shall eat unleavened bread, until the one and twentieth day of the month at even. Seven days shall there be no leaven found in your houses; for whosoever eateath that which is leavened, that soul shall be cut off from the congregation of Israel, whether he be a sojourner, or one that is born in the land. Ye shall eat nothing leavened; in all your habitations shall ye eat unleavened bread.

### 2. She'iltot of Rav Ahai – Parashat Tzav, 76

And one does not fulfill one's obligation unless [one eats] matzah that has been guarded from leavening for the sake of [becoming] matzah, from the moment water is poured onto it (i.e. the flour). And when [the water] is brought (i.e. poured) onto the wheat [flour] by a non-Jew, or a deaf-mute, a mentally incompetent person, or a minor – it is not. If a non-Jew, deaf-mute, mentally incompetent person, or minor kneads it into dough, [then] even if an [adult] Jew who is mentally conscious bakes it and guards it while it is baking – one has not fulfilled one's obligation.

### 3. Shulhan Arukh, OH 460:1

We do not knead *matzat mitzvah* nor bake it at the hands of a non-Jew, and not at the hands of a deaf-mute, a mentally incompetent person, or a minor.

### 4. Rabbi Mordechai Landa – “*Bittul Moda’ah*”

These scholars confused ‘*lismah*’ with ‘*koah gavra*,’ but they are two distinct issues, one is not like the other. ‘*Koah gavra*’ is only required for *netilat yadayim* (hand-washing) since it is written (Num. 19:19) and so too for ritual slaughter since it is written (Deut. 27:7) – what you slaughter you may eat. For these two things we do not require ‘*lismah*,’ only ‘*koah gavra*.’ But we have never heard of requiring ‘*koah gavra*’ for baking *matzot*, and where did they learn this?

### 5. Rabbi Y. S. Nathanson – “*Bittul Moda’ah*”

...And he made us laugh (with scorn) – for there, since they read the *Megillah* and the essence of the *Megillah* is to remind [people] to give gifts to the poor, it is not right to read it and not fulfill it... but here, the main purpose it to bake *matzot* to fulfill the obligation of [eating] *matzah*. What does

1. **שמות פרק יב**  
 (יח) קָרְאֵשׁ בַּעֲקֹבָה עַל יְמֵי לְחִזְקָשׁ בְּעַלְבָב תְּאַכֵּל מַצֶּת עַד יוֹם הַחֲקֹדֶשׁ (עַשְׂרִים לְחִזְקָשׁ בְּעַלְבָב: (יט) שְׁבֻעָת יְמִינָךְ שָׁאֵר לֹא ?מְצָא בְּפָנֶיךָ פִּי כֵּל אֲכֵל מַחְמָץ (וְקַרְבָּה סְפוּשׁ מַתָּא מַעֲזָת וְשָׁאֵל בָּגָר וּבָאָנוּחָה מַאֲכָץ: (כ) כֵּל מַחְמָץ לֹא תְאַכֵּל בְּכָל מַשְׁבְּצִים תְּאַכֵּל מַצָּות:

2. **שאיילות דרב אחאי – פרשת צו, ש' ע'**  
 ולא נפיק ידי חובתייה אלא במצחה דמיינטר לה מהימוץ לשום מצחה מכி נפלין מיאא עליה. והיכא זאמטינוו לחיטוי גוי או חרש שוטה וקטן דלאו בני שימור נינחו איין. לשח לעיסח גוי חרש שוטה וקטן אף על גב דאפיקינוו ישראל בר דיעה ועבד ליה שימור בשעת אפיקיה לא נפיק ידי חובתייה.

3. **שולחן ערוך אורח חיים – סימן טס: א**  
 אין לשין מצח מזויה ולא אופין אותה על ידי א"י, ולא על ידי חרש שוטה וקטן.

4. **ר' מרדכי לנדא, "ביטול מוציאת" (כ"ז ע"ב)**  
 נתחלף לחכמים האלה לשמה עם כה גברא, והם שני עניינים נפרדים זה מזוה, לא ראי זה כראוי זה, כה גברא לא בעניין רק בנטילת ידים משום דכתיב יוזחת הטהור על הטמא, וכן בשחיטה דכתיב יזבחת ואכלתי – מה שאתה זובח אתה אוכל, ובשניהם דברים אלו לא בעניין באפיקת מצוח דלבעי כה גברא, ומעין למזו זה.

5. **ר' יוסף שאול נתונסון, "ביטול מוציאת" (ב' ע"א, ג' ע"א-ע"ב)**  
 וצחוק הביא לנו שם כיוון שקורין המגילה והמנילה עיקרת להזכיר ליתן מתנות לאביוונית אינו בדי שיקראו אותה ולא יקיימה... אבל כאן עיקר העין לאפיקת מצוח

# דרישה

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this have to do with the poor? And if a person has a large household (i.e. many helping hands), is it forbidden to bake [matzot] without the help of poor people? Not to mention that in our sinful state, many disreputable poor people will come to the homes to do the labor of [baking] matzot. And anyone who is present at the hour of *matzah* baking can testify how many complications come up in the course of making matzot that are prepared by irresponsible men and servants, and all the people of our city will testify and report that. Since I was appointed the rabbinical leader here two years ago, I have instituted [a policy], that reliable people are assigned [to oversee] every home that bakes matzot. And nonetheless we have found complications, that much dough was stolen and they fraudulently baked their *hametz* bread in between rounds. And also, when they stand all day and all night, they (i.e. the bakers) lose their strength. And this is of greater concern than his (i.e. Rabbi Kluger's) concerns. But the people who work with these machines are stalwart Jews, and they do their work flawlessly, and they (i.e. the machines) bake a lot in a single day, more than other ovens, and the speed cannot be imagined...

I don't know what he is talking about. Does he think that the machine works by magic, that they throw dough in there and it rolls itself and great quantities of dough are produced on their own? Rather, many strong men roll the wheel until it produces a large *matzah*. And is this worse than rolling it with a wooden rolling pin? And does a wooden rolling pin have more consciousness than a metal one? Anyone who hears this will laugh at his fantasies and utterances... [In fact], two strong people roll the metal rolling pin... and in this manner the dough is produced, just as they produce it in other places by mean of a wooden implement, except that here all the dough is produced at one time.

### 6. Rabbi Shlomo Kluger – quoted in "Bittul Moda'ah"

And every custom of Israel is Torah. Matzot have always been round and not square, we have not found square Sabbath bread either. And now the matzot are being made square, because round ones are not possible due to the leftovers... and this is to deride and ridicule and change the custom of Israel. And apparently our custom to make round ones came about because the bread of the non-Jews (Eucharist wafers?) is made square, and we are enjoined not to follow their customs.

לצאת בחם יוי חותת מצה. מה ענייה לעניינים? ואם יהיו בני ביתו מרווחים אותו אסור לו לאפות בלי עניינים עוזרים זהה? ומה גם שבעוננותינו הרבים עניינים מרווחים יבואו ביתה לעשות מלאכת המצות וכל מי שעומד בשעת אפיית המצות יעד כמה מכשולות נתחו בעשיית המצות הנערכות על-ידי אנשים ועובדים קלוי הדעת וכל אנשי עירנו יעדין יגידו זאת. כי זה שמנתים שנמתניתן כרב אביד פה תקוני שיעמידו נאמנים בכל בית מאפה המצות. ובכל זאת מצאנו מכשולות, שאנו הרבה עיסות ווגם כחשו ואפוי לחם חמץ בין פרק לפך. וגם כשבועדים כל הזמן וכל הלילה נטלש כותם. וויתר יש לחוש מהחששות הללו. אבל במאשין הללו עובדים אנשים בעלי כח יהודים, ועובדים עבודדים בשלהות ויאפו הרנה ביתם אחד יותר מתנוריהם אחרים וגודל המהירות אין לשער....

לא ידעת מה שת. אטו חשב שהמאשין נעשית על-ידי כישוף שלשלוחין עיטה לשם ומוגלאת מעלה וולד על-ידה עיטה גזולה!! ולא הרבה אדם בעלי כת מגלאים בהגלאן עד שנערך על ידי מצה גודלה. וכי גרע זה מה שפגלאן בוואגר האלץ של עזיזי והוא הוואגר עץ יש לו יותר דעת מוואגר מתכוות? וכל השומע יצחק לו על חלומותינו ודברין... ושני בני אדם בעלי כת גלאלו בוואגר של מתכוות... ובאמת זה ערכיה העיטה כאשר יערכו אותה במקומות אחרים על-ידי כל עץ (הנקרא וואגר האלי) זולת אשרPCA נערכה העיטה כולה בפעם אחת.

6. ר' שלמה קלגור – מצוטט ע"י ר' יוסף שאלות נטונסן ב"ביתול מודעה" (ב' ע"ב) וגם כל מנהג ישראל תורה. מעולם חוו מצות עגולות ולא מרובעים, גם לחמים של שבת לא מצינו מרובעים. ועתה נעשו המצות מרובעים כי עגולים איך מכח הפירורים... וזה לצחוק והיתול לשנות מנהג ישראל. וכפי הנראה נצמלה מנהג שלנו לעשות עגולים כי כmozomha לנו שלחמים של אנו יהוזי עושים אותן מרובעים וכיימה לנו בחוקותיהם לא תלכו.

ELLAN CYMRU

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Q. 42. WHO IS THE SILENT DEFENDER OF THE —

לעומת קבוצה נרחבת של מלחינים מתקופה מאוחרת יותר, שכתבו מוזיקה דתית, מילויים בתנ"ך, בתנ"ך ותנ"ך (בתנ"ך ותנ"ך), כל אחד ממלחינים אלו יזכיר מילים מתנ"ך או מתנ"ך (בתנ"ך ותנ"ך).

תְּמִימָה אֲלֵיכֶם תְּמִימָה וְתְּמִימָה  
כַּאֲשֶׁר תְּמִימָה אֲלֵיכֶם תְּמִימָה וְתְּמִימָה.

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## TRANSLATION OF THE TEXT

A responsum of His Excellence of Excellencies, Paragon of the Generation, the Chief Shepherd, the One Who Gives Joy to All the Earth, the Light of Israel, and its Holiness, its Chariot and Horsemen (II Kings 2:12), May his light shine, Servant of the Lord, Glory of the Sages, Rabbi of all the Children of the Exile, His Holy and Glorious Name, Our Teacher and Rabbi, Rabbi Solomon Kluger, May his light shine, Head of the Exile and Head of the Yeshiva in the Distinguished Holy Community of Brody, May the Lord found it well. With the help of God, Monday of the Weekly Torah Portion "And these are the statutes which you shall place before them," in the year 5718, (1857-1858) in Brody.

Great peace and blessing from the One Who dwells in the Heavens to His Honor, my Friend, the Rabbi, the Great Light, Learned and Sharpwitted, the Perfect Sage, the Crown of Torah, Our Teacher, Rabbi Hayyim Nathan, May his Light shine, Who Sits on the Seat of Justice in the Holy Community of Cracow, May the Lord found it well; and especially to my friend, the Eminent Rabbi, [Scion] of the Prominent Family, the Famous Lord, Prince of the Congregation, Crown of Torah, Our Teacher, Rabbi Lebush Halevi Horowitz, May his light shine, Redeemer and Rescuer of the Holy Community of Cracow, May it be founded well.

Behold, I received your letter today, Sunday, towards evening, and although I was troubled and weary, I resolved to answer you immediately, tonight, for the matter is pressing, as the days of Passover, with the help of God, are imminent. And in an enormously large city [like Cracow] it is necessary to begin to ask and to investigate [at least] thirty days before Passover. Now, concerning your question as to whether [it is permissible] to bake *matzot* for Passover with the [type of] machine that has been introduced into the German states; behold, that which was told you, that we do so here in our community, is a total lie, completely unfounded. Indeed, it would not occur to anyone to do this for several reasons, which I will clarify [below]. Furthermore, one does not learn from the Germans for several reasons. Behold, the reason for the prohibition against this appears first and foremost to be that it is not within the framework (*gesher*) of the upright and the moral to plunder the poor who are anxiously awaiting [the performance of] this [commandment]. For from the assistance they provide [in the baking of] *matzot*, they have a significant source of income (*sa'ad gadol*) for the many Passover expenses which accrue to

our people. Thus, it is stated in the first chapter of *Megillah* (*Babylonian Talmud, Megillah* 4b), "But at any rate, all agree that the *Megillah* (Scroll of Esther) is not to be read on the Sabbath... Rabbi Joseph said, 'It is because the poor are anxiously awaiting the reading of the *Megillah*.'" Refer to the *Tosafot* (medieval rabbinic commentators upon the Talmud), who commented on this talmudic passage, "that even in a place where there is no fear that [the prohibition], 'Lest one carry it,'<sup>31</sup> be violated, it is still forbidden [to read the *Megillah* on the Sabbath] for the reason cited above. For while the reading of the *Megillah* is an obligation, the words of the Oral Tradition (*divrei kabbalah*) cancelled it on account of the poor who anxiously await the reading of the *Megillah*. All the more so, then, with this [practice], where there is no custom [to perform] this commandment with a machine. Therefore, one should not do this, as the poor anxiously await this [task] in order to earn wages for Passover.

In addition, several middle-class householders and, all the more so, common people, do not contribute *Me'ot Hittin*<sup>32</sup> – as is customary among [the People] Israel, and the source of which [is derived] from the words of the early medieval rabbinic authorities (*rishonim*), may their memory be for a blessing. Therefore, [by employing the poor in the baking of *matzot*], they thereby fulfill somewhat [the practice of *Me'ot Hittin*], for at least they give the poor the opportunity to earn wages [for the purchase of Passover necessities] through their help [in the performance of] the commandments. Yet, it will not be so if they also stop [the poor from assisting in the baking of *matzot*], as they have [already] neglected the commandment of charity and the practice of *Me'ot Hittin* for Passover.

Aside from this, it seems to me that there are three reasons why this is forbidden according to the Law. One is that it certainly is not

<sup>31</sup>Carrying from the private to the public domain on the Sabbath is forbidden on the basis of *Exodus* 16:29, "Abide ye every man in his place, let no man go out of his place on the seventh day"; and *Jeremiah* 17:21-22, "Thus saith the Lord, 'Take heed for the sake of your souls, and bear no burden on the sabbath day,...neither carry forth a burden out of your houses on the sabbath day....'" As a result, one reason given for the prohibition of the reading of the *Megillah* on Saturday was that rabbinic authorities wanted to prevent individuals from inadvertently carrying the Scroll of Esther from their homes (a private domain) to the synagogue (which would involve carrying into a public domain).

<sup>32</sup>In talmudic times this term referred to a collection made before Passover to ensure a supply of flour for *matzot* for the poor. By the Middle Ages this custom was codified in the *Shulchan Aruch, Orach Hayyim* 429:1 and, in modern times, the custom has been broadened to include all the holiday needs of the poor at Passover.

permissible to fulfill one's obligation concerning the consumption of *matzah* on Passover<sup>33</sup> through those produced by a machine. This is because the Law has established for us [the ruling] that one is not exempt from fulfilling this commandment if a deaf-mute, an idiot, or a child produces it, as not one of them are regarded as mentally competent. Moreover, even if an adult Jew stands beside one of them [in order to supervise their baking], the *matzah* still cannot be produced by one of them. And if this is so, certainly the workings of this machine are not to be preferred to the labor of a minor who possesses no mature reasoning faculty, nor from the others, even if a mature adult stands by [and oversees their work]. For it has been the intention of rabbinic authorities [throughout the centuries to see to it] that the *matzah* of commandment (*matzat mitzvah*) requires careful supervision by an adult Jew from the first moment [the flour] is kneaded until the process is completed in the final moment of its baking. As this is so concerning the *matzah* of commandment, clearly [Jews] are not exempt [from fulfilling the commandment with machine-baked *matzah*]. Moreover, the majority of our people, who are unable to draw a distinction between most *matzah* and that of *mitzvah*, will consume machine-baked *matzah* as *matzat mitzvah* and will not fulfill the commandment through the eating of genuine *matzat mitzvah*. Thus, they will recite a blessing in vain. Therefore, it is fitting to decree – inasmuch as *matzat mitzvah* is a decree from the Torah – that one does not fulfill one's obligation concerning the commandment of *matzat mitzvah* with this machine-baked *matzah*. Also, from this it would follow that if one forgot and did not eat the *afikomen* as legislated in the *Sku'khan Aruch*<sup>34</sup> – where it states that if one did not eat *matzat mitzvah* which has been supervised from the moment of reaping there is no need to return and eat, as one can rely upon the *matzah* one has eaten during the festive meal –, and as our "regular" *matzah* is called "*matzah*," since the worker (*haozer*) knows that he is producing

*matzah* which is to be likened to those of *mitzvah*, for in his view all of them are for *mitzvah*; however, it would not be so if they were produced by a machine, as one would certainly not thereby be exempt from the *mitzvah* of *matzah* and a sin would thereby come from this. This is the first reason.

Secondly, it is stated in the second chapter of *Pesahim* (*Babylonian Talmud*, *Pesahim* 36b), "And they all agree that dough may not be kneaded with lukewarm water." And the Talmud raises an objection there, as it is written, "Why is it different from meal-offerings, as it is taught in the *Mishnah*, 'All meal-offerings are kneaded with lukewarm water and the official in charge guards them so that they will not become leaven'?" And they rebut, "If this was said of very careful men (priests), shall it also be said of men who are not careful?" Behold, it is proven from this that it is possible that it would be permissible [to knead the dough] in lukewarm water as it is possible that it would not be leaven. Rather, it is only because it requires supervision that it is forbidden [to knead the dough] in lukewarm water. This implies that "regular" *matzah* does not require such careful supervision since those who work the dough do so with their hands; and the entire time that the workers do so the *matzah* dough will not rise by itself. Moreover, there is no reason to suspect that the worker will overheat the *matzah* dough later without actual effort, as why should he do this? However, when it required both strict attention and supervision, we are not free to depend upon it. And if this is so, certainly one must insist upon strict attention and supervision with *matzah* baked by a machine. For first, who knows, if a machine breaks, [that the dough] will not leaven? We find nothing concerning this [in the legal rulings] of the rabbis. Instead, only the work of a man with his hands[is discussed], as this has more validity. And who is able to control nature? For even if one insures that it will not leaven [during the kneading], since the machine first kneads [the dough] and then, by necessity, forms circular *matzot* through a round mold [presumably the *matzah* could leaven during the midst of this procedure as there would be a lag between operations]. Aside from this, many crumbs and pieces of dough remain stuck in the machine. Thus, it is certainly forbidden to include these extra bits in a later batch by mixing them in with the rest of the dough, as those bits which remain even a short time after the preparation leaven immediately. Since this is so, it is necessary to burn the crumbs from the machine in order to be certain that they will need to be mixed in with the dough as well as to insure that these extra bits will not sometime later be mixed in with other dough. And behold, all this requires extra supervision. Certainly, *matzah* baked by a machine is no better than kneading in lukewarm water, for even though this

<sup>33</sup>The positive duty of eating a quantity of *matzah* equivalent to at least the size of an olive applies only to the first night (two nights in the Diaspora) of the holiday. The source for the custom is found in *Exodus* 12:18, "In the first month on the fourteenth day of the month at evening, you shall eat unleavened bread..."

<sup>34</sup>The *afikomen* refers to the middle *matzah* on the Passover *seder* plate. This *matzah* is broken into two pieces by the leader of the *seder*, and the larger portion is referred to as the *afikomen*. A symbolic reminder of the paschal sacrifice, it is not eaten until the very end of the meal. The legislation referred to in the Kluger responsum is found in the *Shulchan Aruch*, *Orach Hayim* 277:241

might be considered possible with [proper] supervision, it is forbidden. In addition, we know that frequently whole or broken wheat [which is more likely to leaven and is, therefore, forbidden], will be found in the *matzot*. For time testifies that God has granted me the merit of serving as a rabbi in various cities for fifty years, and not one year has passed in which questions such as these have not arisen. Thus, these issues arise when the worker, utilizing his hand, feels something and asks a question. However, if a machine is used, who will feel it if there is a [piece] of wheat or a portion of it in the *matzah*? How can we rely upon someone checking upon this later? Rather, we fear it will be overlooked. And as we are not among the "meticulous men" mentioned in the talmudic passage (*Pesahim* 36b) cited above, one does not rely upon us for a matter that requires strict supervision.

And there is a third reason, as cited in the second chapter of *Pesahim* 37a, concerning the statement that one must not make Syrian cakes (pita bread) shaped in figures on Passover. "And Boethus ben Zion objected, 'It is possible to make it in a mold which would form it without delay.'" And they taught, "Then shall it be said, all Syrian cakes shaped in figures are forbidden, but the Syrian cakes of Boethus are permitted?" Behold, in this matter, there is a dispute among the rabbinic authorities. However, the Law, as established in the *Tur*, *Shulhan Aruch*<sup>35</sup> states "All Syrian cakes are forbidden, whether those of bakers or of private persons." As this is so, then this is the authentic law of the Talmud. And if, in this case where all the work is done by a Jew, and only the shape was in a mold, it is still forbidden – as it is said, "All Syrian cakes shaped in figures are forbidden, but the Syrian cakes of Boethus are permitted!"? – then all the more so if all the work will be done in a mold. Thus, it is proper to say that all *matzot* which are not made by an adult [Jewish] man are forbidden, and God forbid that one should assert that those made by a machine are permissible for use.

Therefore, do not veer from the custom of your fathers. The Germans will do as their heart desires, as is their way. However, we will walk in the footsteps of our fathers and will depart from them neither to the right nor to the left. May their merit protect us and cause us to return quickly to the land of our fathers in our own day.

Your friend, troubled in soul and weak in strength, [begs your] leave.  
The Young One,  
Solomon Kluger

(D)

(E)

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<sup>35</sup>This law is found in *Tur, Shulhan Aruch* 460.

