

“A baker might end up selling it all to one consumer!” [Yerushalmi Maasros 5:3/[5] Chalah 1:5. R Yochanan and Resh Lakish are reversed in many alternative texts.]

To explain all of this: The Torah uses two terms in connection with *challah*: *lechem*, bread, and *arisa*, dough. The basic idea is that the end product plays a major role in determining the obligation of *challah*. The obligation takes effect at the dough stage. If so, how can the end product make the determination? Among other factors, the thoughts of the person making the dough can decide what the end product will be. Thus, the mindset of the person has an effect. The question is whether the mindset of a baker is different from that of a home-maker, based on their respective normal uses for the dough. A second question is whether the end product includes a non-bread, non-loaf type product, and/or a product using a smaller *shiur*, despite the batch of dough beginning as bread/loaf type and with a full *shiur*. Furthermore, the type of process can have an effect on the thoughts of the maker. It can be such that it cannot be changed later, or that it can still be used for something else. Within this realm of possibility, there might be a difference between types of maker. One type might be indecisive when making it. He will try using it one way, but leaves the possibility for another use. The other has decided, but might change her mind later. In the former case, the Scriptural obligation might still apply. In the latter, it would not, but a Rabbinical decree might apply, because she might later change it. The poskim's debate is based on how to reconcile many of these issues with the sources mentioned. [See earlier refs. Tur Sh Ar YD 326:4, commentaries. Chidushei R'Ch on Rambam, ibid. Chazon Ish.]

If a debate is unresolved, each community should follow its *minhag makom*. In our case, long-standing *minhag* established a precedent. [GR'O, Shnos Eliyahu ibid.] Some poskim have questioned the *minhag*. [Refs cited in Pischei Teshuva ibid. Bais Efriam YD 69.] Various explanations reconcile the basic sources, the *minhag*, and situations that could be viewed as outside the strict *minhag*. Thus, some maintain that, as a rule, one should not recite a *brocha* when separating *challah* from a dough that one plans to divide. This explains how we arrived at our conclusion.

On the parsha .. From Asher, his bread will be oily ... [49:20] From the portion of Asher, bread and oil will be brought. [Ibn Ezra] The oil for the temple service will be brought [Ramban]. The reference to bread could be that the *menachos* were mixed with oil. Many were fried in oil. This is one source used to show that this is considered bread. The blessing of Asher could also show the opposite. Asher's bread was oily, as opposed to normal bread. On the other hand, the blessing is not that he shall have oily bread, implying a different product. Rather, it says that his regular bread shall be oily, implying that it is still considered bread. Perhaps our debate can be based on the simple meaning versus the deeper meaning. The simple meaning refers to regular bread being oily. The deeper meaning refers to *menachos*, that are unusual.

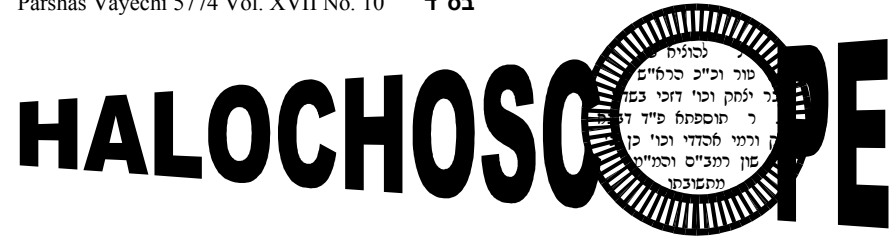
Sponsored by the Lieberman family in memory of Nochum ben Chaim hakohain, a”h, whose

yahrzeit is on the 11th of Taivais. א

Sponsored by members of the community in memory of Shoshanah Macey a”h. א

© Rabbi Shimon Silver, December 2013.

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



Last week's question prompted some feedback with request for more detail. We will try to give more background to the main issues raised.

The question:

A batch of dough was kneaded, that is large enough for the requirement to separate *challah*. Half of the dough will be used for bread or *chalos*, and the other half will be used for a sweet baked item like a desert or cake. Is there an obligation to separate *challah*?

The conclusion:

If the dough is all baked together, the *minhag* is to separate *challah* with a *brocha*. Some separate it without a *brocha*. If some dough is frozen for later, some would say that a *brocha* should not be recited.

This conclusion was based on the rulings of the various poskim. The actual issue debated by the poskim is an old one. There are major poskim on both sides. Some of the rulings are explicit, while others can be inferred. In addition to the debate, there is a *minhag*. When a *minhag* exists, it is given added authority. [See e.g. Rema OC 690:17, MA 21. Shach YD 65:7.] However, due to the weightiness of the question, as it involves a *brocha*, some poskim prefer to steer clear of the controversy. In this case, since there exists a *minhag*, and it is defended by prominent poskim, and it has been practiced by many people reading this, that was the first choice of conclusion. The other opinions were cited since their view has affected common practice to some degree.

To elaborate on the issues, we shall analyze some of the relevant sources.

The main original source is a series of Mishnayos, and the discussion on them cited in the Talmud Yerushalmi and the Bavli.

Anything that starts out as *isa* and ends up as *sufganin*, or starts out as *sufganin* and ends up as *isa*, must have *challah* tithed from it; anything that both starts and finishes as *sufganin* is exempt from *challah* ... [Challah 1:5]

The exact definitions of *isa* and *sufganin* are debated. Literally, *isa* is dough and *sufganin* is spongy product deep fried or boiled. For our purposes, a general definition would be that *isa* is a dough made to be baked as a bread or loaf type product. It can later be cooked or prepared another way. *Sufganin* would be a non-bread mixture made to be prepared as a cooked, fried or dried product. It can be prepared as smaller pieces or crumbs as well as a lump, or a very loose, batter that can be poured. The Talmud basically explains the requirements for *challah* as *lechem*. The definition of *lechem* is bread, but this does not mean anything called bread, or exclude anything not called bread. The Torah defines *lechem* in connection with three other *halachos*. Matzo must qualify as bread of affliction. Matzo is made from something that could become *chametz*. This refines the definition to things made from the five cereal grains. In addition, bread is de-

finned as a proper dough, baked in a proper oven. The *mitzvah* of *birchas hamazon* applies to bread. By extension, the special *brocha hamotzie* only applies to bread. [By further extension, the Rabbinical rules of *pas Yisroel* as opposed to *bishul Yisroel* depend on the definition of bread.] The Mishna in question defines the requirement for *challah* tithing as either a dough that could become bread, or a bread that was made of any dough. In this definition, bread has another few qualities, including the consistency of the mixture, and the *tzuras hapas*, form of the loaf. In some instances, the determining factor is the shape of the final product. If it is made to resemble a loaf-type product, it would require *challah*. If it is simply made into irregular strips, it would be exempt. [See Brochos 37a-38a, Psachim 37a-38a, Yerushalmi Challah 1:1 (2) 3 5, commentaries, Poskim.]

Me'isa and chalitah are debated by Bais Shamai and Bais Hillel ... Chalos made to offer as the todah offering, and wafers made to be offered as the nazir offering: if [the baker] made them for his own offering, they are exempt from the challah obligation. If he made them to sell to others, they require challah. [Challah 1:6]

Meisa and *chalita* are flour prepared using hot water in various ways. The Talmud discusses the correct version and the meaning of this case. In the course of the discussion, some of the aforementioned issues with regard to preparation are debated.

Dough consecrated as a *korban* does not require *challah*. Thus, if one makes the dough for his personal *korban*, he has already consecrated it. If he makes it to sell to others who will use it for their *korbanos*, he does not consecrate it. The buyers will consecrate later. At the time the dough is made, it requires *challah*. In this case, the loaves are also baked before being sold.

A baker who makes [dough for] yeast to [potentially] divide between buyers, must tithe challah. Women who give [flour] to the baker to make yeast for them, if neither woman's share contains a shiur, there is no challah obligation on the batch. [Challah 1:7]

The Talmud discusses the *hamotzie brocha* in connection with the *challah* requirement, in relation to certain types of mixture and the unusual ways they are prepared. This is based on the first two mishnayos cited here, as mentioned. The poskim debate the status of a stiff dough that is only prepared by frying, deep-frying or cooking. According to the view that the dough requires *challah* because of its consistency, there is a second issue with regard to *hamotzie*. Assuming that its *brocha* would indeed be *hamotzie*, the poskim limit this ruling to loaf-like products, as opposed to '*vermices*' which are basically pasta products. These do not have any *tzuras hapas* at all. It is not baked, but, at best, dried. [In former times, drying was either in the sun or near a stove. Nowadays, there are food-dryers for items like pasta and cereals. In regard to this issue, they do not qualify as ovens. They simply substitute for the sun.] This view would require *challah* on the dough, since at that stage it is a stiff mixture, fit to be baked into a loaf. Others disagree. [Rabeinu Tam, Tosafos, ibid. Rash Challah 1:5. Rosh Halachos Ketanos Challah 2-3.]

This leads to a problem, based on the third Mishna cited here. Let us assume that a pasta mixture was made in a large enough batch to require *challah*. Unlike bread dough, it is not all cooked right away. In addition, it seems that one did not prepare pasta plain. Rather, it was prepared in various different recipes, and was cooked in many different pots. Based on the concept of *lechalek*, dough made with intent to divide it up, it might

not require *challah*. Therefore, this opinion rules that *challah* should be taken without a *brocha*. [Rabeinu Yechiel in Tosafos brochos 37b.]

This ruling is the crux of our question. Let us assume that the view requiring *challah* on pasta is controversial, and is not universally accepted. Yet the question about the dough being made *lechalek* is pertinent in many more conventional cases, such as our own. Moreover, the implications of this ruling could even affect a regular batch of dough. One could make a single very large loaf. What if one makes a few smaller loaves? It would appear that this view would consider that *lechalek* as well. This would mean that most people making bread would not take *challah*, or at least would not recite the *brocha*. The standard loaf in Talmudic times was not very different from our standard loaves. Yet the Talmud does not make such qualifications. Furthermore, the second Mishna quoted discusses the loaves made for certain *korbanos*. The specs for these are not a full *shiur* of *challah*. If one makes it to sell to others, it requires *challah*. This indicates that dividing dough into small parts does not qualify as *lechalek*. Perhaps this opinion is concerned with dividing into different recipes, rather than loaves. Therefore, when one makes conventional loaves of the same type, he does take *challah* – with a *brocha*. When making different recipes, he need not. This is also inconsistent with the cases in the Mishna. *Toda* bread is brought as two batches. Each is enough for one *shir challah*. One of them is allowed to leaven, and the entire batch is baked as ten of the same type of loaves. The second batch, however, is divided into three types of recipe. The Mishna does discuss *lechalek*. However, this refers to dividing between different consumers. The same consumer dividing it into separate recipes or loaves is not exempt. [Shnos Eliyahu.]

Thus far, it would seem that the lenient view, exempting *challah*, or at least doubting the obligation and exempting the *brocha*, has been refuted. However, there is a major debate among the poskim on the requirement of a dough made to be divided later on. Some maintain that the exemption only applies to different consumers, but the other view exempts the same consumer from separating *challah*. The middle view mentioned before requires tithing but without the *brocha*. [See Rambam, Bikurim 6:19, Raavad, etc.]

Therefore, there must be a larger debate about the full meaning or relevance of these Mishnayos in practical *halacha*. It sometimes occurs that one source is in dispute with another, and that some poskim rule with the second source. Or, there could be alternative explanations on the main source, with poskim taking sides based on various arguments.

A woman asked Rabi Mana: "I wish to make my dough for itri, pasta (itriyot in modern Hebrew). Am I exempt from challah?" He answered "Why not!" [R Mana] then asked his father [R Yonah]. He answered: "She is obligated. She might change her mind and make it into isa!" [Yerushalmi Challah 1:4.]

One who smooths the silo of his fellow without his knowledge [final process before tithing], R Yochanan says it is tevel [the obligation takes effect through the actions of one who is not the owner]. Resh Lakish says it is not tevel. [The debate is whether tevel can only take effect through the actions of the owner.] R Yochanan posed to Resh Lakish: the Mishna says that if women gave flour to a baker to make them yeast and there was insufficient flour for each to be obliged in challah, that the baker's actions don't effect the obligation! He responded: "One who makes dough to divide it is exempt from challah." He asked: "What about the baker who makes yeast to divide it, yet is obliged!" He answered: