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In memory of their parents Dr. Irving & Mrs. Bernice Mehler & Mr. Gedalja & Mrs. Miriam Zupnik

לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

## The Laws of *Challah* Part 1

Rabbi Chaim Yeshaya Freeman

*How much flour requires challah to be separated from the dough?*

*What happens if the challah falls back into the dough?*

There is a mitzvah in the Torah to separate a portion of dough when preparing bread and to give it to a Kohen. The Torah refers to this portion of dough as *challah*. Although there are only five verses in the Torah (Bamidbar 15:17-21) that discuss the mitzvah of *challah*, there is an entire four-chapter tractate of Mishna and nine *simanim* (chapters) in the Shulchan Aruch dedicated to its laws. This article will explore some of the basic laws of separating *challah*, with a second article planned for the near future.

**Where and when *challah* applies:** The *diOrayso* (scriptural) obligation applies only in Eretz Yisrael, as the verse states (ibid.:19), "from the bread of the Land." Regarding the obligation nowadays in Eretz Yisrael, the Gemara (Kesubos 25a) cites a dispute. Rav Huna the son of Rav Yehoshua related that he heard the Rabbis of the Yeshiva say that there is a *diOrayso* obligation of *challah* in Eretz Yisrael even today. Rav Huna disagreed, basing his opinion upon the verse (ibid.:18), "When you (the Jewish nation) will come into the Land," which implies that the *diOrayso* obligation applies only when the entire Jewish Nation comes into Eretz Yisrael. When the Jewish People returned for the Second *Bais Hamikdash* era with Ezra, however, a majority of Jews remained in Bavel (Babylon), and so there is no *diOrayso* obligation today.

The Rambam (Bikkurim 5:5) rules in accordance with Rav Huna that today, there is only a Rabbinic obligation, even in Eretz Yisrael. This ruling is codified in Shulchan Aruch (Yoreh Deah 322:2), as well. It is interesting to note that the Ritva (Kesubos 25a s.v. *bevo'achem*) writes that a majority, and not only the entirety, of the Jewish Nation in Eretz Yisrael suffices to create a *diOrayso* obligation. However, that has not been the case since the destruction of the First *Bais Hamikdash*.

The Gemara (Bechoros 27a) teaches that even outside of Eretz Yisrael, there is a Rabbinic obligation to separate *challah* to prevent people from completely forgetting about the mitzvah of *challah*. This is codified in Shulchan Aruch (ibid.:3).<sup>1</sup>

**What should be done with the *challah*?:** During the era of the *Bais Hamikdash*, and even after its destruction while Jews still observed the laws of *tumah* and *tahara* (ritual impurity and purity), the *challah* was given as a gift to the Kohen, who would eat it in a state of *tahara*. Nowadays, this is not the case, since everyone is assumed to be in a state of *tumah*. The *challah* is therefore not given to a Kohen, but instead burned (Shulchan Aruch ibid.:4).

However, this is true regarding *challah* of Eretz Yisrael, which, while Rabbinic today, has Scriptural roots. For *challah* separated outside of Eretz Yisrael, which is a completely Rabbinic enactment, the Gemara (Bechoros 27a) cites the Talmudic Sage Shmuel that only *tumah* which is caused by an emission from one's body renders a Kohen unable to eat *challah*. Other types of *tumah*, such as coming into contact with a corpse, would not invalidate a Kohen from eating *challah*. Therefore, the Shulchan Aruch (ibid.:5) rules that if a Kohen purified himself in a mikvah from *tumah* that came from a bodily emission, or a child who is too young to experience such emissions, may eat *challah* separated outside of Eretz Yisroel.

The Rema (ad. loc.) argues that the custom is to burn *challah* in all cases. The Shach (ad loc.:9) offers three reasons for this. The first reason is that there is a concern that if the *challah* is left around, a non-Kohen will mistakenly consume the *challah*; only a Kohen may eat *challah*. The second reason is that there is a concern that if the *challah* is left around, it will mistakenly be cooked in a pot, rendering the pot forbidden for a non-Kohen due to the absorbed flavor of the *challah*. The third reason is from the

<sup>1</sup> See Aruch Hashulchan Yoreh Deah 322:9-10 for an explanation as to why *challah* differs from *terumah*, which is not Rabbinically required outside of Eretz Yisrael.

Maharshal (Yam Shel Shlomo Chullin 8:60), who states that nowadays, we do not have sufficient evidence to confirm the lineage of those claiming to be Kohanim to allow them to consume *challah*.

The consensus of most *poskim* (Chazon Ish Ma'asros 7:13; Teshuvos Vehanhagos 1:470; Shu"t Mahari Shteif 276; Shu"t Minchas Yitzchak 4:13; Shu"t Emek Hateshuva 1:15) is that the *challah* must be burned. However, under extenuating circumstances, one may place it in a bag and throw it in the trash.<sup>2</sup>

**How much is required to be obligated in *challah*?:** The Mishna (Challah 2:6) teaches that a dough that contains flour of at least the volume of 1 ¼ *kav* is obligated in *challah*. There are two practical measurements found in the Rishonim to determine this amount. The Rif (Pesachim *dapei HaRif* 23b) writes that it is the volume of 43 1/5 eggs. The Rambam (Bikkurim 6:15) writes that it is the amount of a vessel whose dimensions are 6 7/9 fingerbreadths long, 6 7/9 fingerbreadths wide and 6 7/9 fingerbreadths high. The Shulchan Aruch (ibid. 324:1) cites the calculation of the Rif, but the Rema (ad. loc.) cites the calculation of the Rambam.

These two measurements are based upon two different measurements provided in two places in Tractate Pesachim (108b and 109a). Rabbi Yechezkel Landau (author of the famed halachic work *Noda Biyehuda*), in his Talmudic commentary titled *Tzlach* (Pesachim 116b s.v. *bimishna*), writes that he tested both measurements and found that there was a significant difference between the two; the amount based on fingerbreadths was approximately double that of eggs' volume. The *Tzlach* concludes that the size of eggs must have decreased over time, and the eggs of the Gemara were approximately double the size of their modern counterparts. Accordingly, he rules that if one has flour equivalent to 43 1/5 modern-size eggs, *challah* is separated without a *bracha*. Only when one has double that amount, or 86 2/5 eggs'-volume, may one separate *challah* with a *bracha*.

Based on this, contemporary sources say that the minimum amount of flour (by weight) over which a *bracha* is recited is 16 ½ cups of flour, or 4 lbs. 15 ½ oz. (just short of 5 lbs.) by weight<sup>3</sup>, and the minimum amount of flour for separating without a *bracha* is 8 ¾ cups, which is 2 lbs. 10 ½ oz.<sup>45</sup>

**How much is one obligated to separate?:** The Torah does not specify how much *challah* is to be separated from dough (Shulchan Aruch ibid. 322:1). However, Chazal instituted a specific amount to be separated, as recorded in the Mishna (Challah 2:7): One twenty-fourth for one baking at home (not for commercial purposes), and one forty-eighth for a baker (baking for commercial purposes). The Shach (ibid.:2) offers two reasons for the distinction. The first reason, from the Ateres Zahav, is that Chazal were concerned for the baker's livelihood and therefore required a smaller

<sup>2</sup> It should not be thrown directly into the trash as this is disrespectful; placing it in a bag mitigates this issue.

<sup>3</sup> This is based upon the measurements of the Chazon Ish. According to the measurements of Rabbi Chaim Na'eh in his work *Shiurei Torah*, the minimum amount for which one may recite a *bracha* is 12 ¼ cups, or 3.675 lbs., of flour. It should be noted that there are a number of different contemporary opinions regarding the precise measurements; this article has cited one opinion.

<sup>4</sup> The larger amount seems to be less than double the smaller amount, which is at odds with the *Tzlach*'s ruling; a full exploration is beyond the scope of this article.

<sup>5</sup> Based on the Gemara's measurements, volume seems to be the sole arbiter of the obligation. However, some sources provide the weight (calculated based upon the volume) for convenience. It should be noted that the calculations noted here are true for wheat flour; other grains, such as oats or spelt, have a different weight-to-volume ratio.

amount to be separated. The second reason, from the Rambam (Hilchos Bikkurim 5:2), is that since a baker generally produces large amounts of bread, even a smaller fraction of a large amount of dough will yield a significant gift fit for a Kohen. This reason is, in fact, found in the Talmud Yerushalmi (Challah 2:3).

However, the Pischei Teshuva (ibid.) cites the Noda Biyehuda (Yoreh Deah 2:201) who argued that there is a specific amount one is required to separate on a *diOrayso* level. He bases this on an apparent contradiction in Rashi's commentary to the Torah. In one place (Bamidbar 15:20), Rashi comments that *challah* is compared to *teruma* (a portion of the produce given to the Kohen), for which the Torah does not provide a specific amount. However, says Rashi, there is a specific amount required *midirabanan* (Rabbinically). In the very next verse (Bamidbar 15:21), however, commenting on the words "it should be given to Hashem," Rashi comments that the Torah mandates that an amount of *challah* that qualifies as a *matana*, a "giving," be separated and given to the Kohen.

The Noda Biyehuda resolves this contradiction by saying that there are two aspects to *challah*. One is to separate a portion from the dough, which releases the remaining dough from its prohibition of *tevel* (foods whose requisite separations have not yet been removed). Regarding this obligation, there is no specific amount that must be separated. The second aspect is to give a *matana* to the Kohen. This obligation does have a specific amount, which is one forty-eighth of the minimum amount of dough (as discussed above) that is obligated to have *challah* separated.

The above discussion is only relevant when giving the *challah* to a Kohen. Nowadays, the custom is to burn the *challah*, and so there would not seem to be any reason to separate a specific amount. However, the Rema (ibid.:5) writes that the custom is to separate a *kezayis* (olive's volume). The Chelkas Binyamin (Challah 322:5 biurim s.v. *nohagin*) offers two explanations for this custom. The first is based on the concept that there is a mitzvah for *challah* that is *tamei* to be burned. This is because the Torah refers *challah* as *teruma* and thus compares it to the laws of *teruma*, and *teruma* that is *tamei* must be burned (Shabbos 25a). Therefore, a minimum size of a *kezayis* is required to perform this mitzvah, as this is the standard size for food with which a mitzvah is performed.

According to this approach, there is no obligation to separate a *kezayis*, so long as a *kezayis* of *challah* aggregates from multiple doughs by the time it is burned. Another practical application is that if one is not able to burn the *challah*, one should separate less than a *kezayis* to avoid the obligation to burn the *challah* from taking effect.

A second approach is that because the *challah* is no longer given to a Kohen, and so the standard *shiur* (set amount) is not relevant, a *zecher* (commemoration) that a *shiur* was once taken was instituted. The *shiur* selected is a *kezayis*, which is the most common *shiur* for food items used for a mitzvah. According to this approach, one should always separate a *kezayis* from a dough.

**What happens if *challah* becomes mixed into other dough?:** The Mishna (Challah 1:9) teaches that *challah* which becomes mixed into other dough requires the other dough to contain one hundred times the amount of the *challah* dough to nullify the forbidden *challah* dough. The Gemara (Bechoros 27a) cites a teaching from Shmuel that *challah* outside Eretz Yisrael, which is a completely Rabbinic obligation (as discussed earlier), becomes nullified in a mere majority of the other dough. Rashi (ad loc. s.v. *biteila*) explains that after becoming mixed into a majority, even a non-Kohen can consume the dough. Tosafos (ad loc. s.v. *teruma*) argue that only a Kohen who is impure can rely on this nullification, but not a non-Kohen. According to Tosafos, even outside of Eretz Yisrael a non-Kohen cannot eat dough in which *challah* became mixed unless the permitted dough contains one hundred times the amount of the *challah*. The Talmud Yerushalmi (Challah 4:4) cites the opinion of Zeiri that if *challah* becomes mixed into merely an equal amount of other dough, it becomes nullified. The Bais Yosef (ibid. 323:1) understands that Shmuel and Zeiri do not argue; rather, Shmuel is discussing a case where one is intentionally nullifying the *challah* dough, and so a larger, not merely equal, amount is required to nullify the *challah*.

The Shulchan Aruch (ibid. 323:1) follows the opinion of Zeiri that *challah* is nullified in an equal amount of dough. The Rema (ad loc.) disagrees, following Tosafos' explanation of Shmuel that this leniency applies only to a Kohen, but a non-Kohen would need 100 times the amount of *challah*. The Taz (ad loc.:1) and the Ma'adanei Melech (cited in Shach ad loc.:3) follow Rashi's explanation of Shmuel that a larger amount of permitted dough suffices to nullify the *challah*. The Aruch Hashulchan (Yoreh Deah 323:11) rules in accordance with the Taz that a mere larger volume is sufficient to nullify the *challah*.

If there is not enough permitted dough to nullify the *challah*, there is a procedure that can be done to permit the dough. This procedure, cited in the Rema (Yoreh Deah 323:1), is originally discussed in the Bedek Habayis (Yoreh Deah 324:12) on the Bais Yosef. Three adult Jewish males assemble to form a *bais din*, and the owner of the dough informs them of what occurred. The *bais din* can then retroactively be *mativ* (undo) the state of *challah* originally conferred upon the dough, thus returning it to a state of regular, non-sanctified dough, permitting the entire mixture<sup>6</sup>. Afterwards, *challah* must be separated again from the original dough from which it was first separated (which has returned to a state of not having *challah* separated from it). Whether a new *bracha* should recited is a point of disagreement. The Pischei Teshuva (ibid. 331:6) cites the Chasam Sofer that a new *bracha* is required. He adds that the original *bracha* is not considered to have been made in vain, though, as this entire process of annulling the state of *challah* is included in the institution of separating *challah*. However, the Rashash (Nedarim 59a s.v. *aval*) argues that the original *bracha* is still effective, since the original intent when reciting it was to separate *challah*, and that is what is happening at the second attempt. This is also the opinion of the Halachos Ketanos (1:48) and the Birkei Yosef (Yoreh Deah 323:1).

Due to the complexity of these laws, a halachic authority should be consulted for practical guidance in all cases of *challah* that became mixed into other dough.

**Additional leniencies of *challah* outside Eretz Yisrael:** The Gemara (Beitzah 9a) teaches that *challah* in *Chutz La'aretz* does not have the forbidden status of *tevel*, so long as *challah* is eventually separated. Thus, one may eat bread even though *challah* was not yet separated, so long as one leaves over some of the bread and separates a piece of *challah* from it. This differs from *challah* in Eretz Yisrael, for one is forbidden to consume the bread prior to *challah* being separated. In addition, when separating *challah* in Eretz Yisrael, there is a requirement that the dough for which the *challah* is being separated be present at the time of separation (Challah 1:9, 2:8). In *Chutz La'aretz*, this is clearly not necessary, as the rest of the bread can be eaten by the time the *challah* is separated.

There is an interesting ruling from Rabbi Shlomo Zalman Auerbach (cited in Shemiras Shabbos Kihilchasa 42 fn. 57) that a *bracha* cannot be recited when separating after eating some of the bread. This is because we view the *challah* as being separated retroactively. Thus, although the action is being performed by the separation, the result of the piece of bread becoming *challah* is happening retroactively. A *bracha* is recited upon performing a mitzvah when the mitzvah is occurring after the *bracha* is recited; generally, one cannot recite the *bracha* after performing the mitzvah. In this case, although the action that brings about the fulfillment of the mitzvah is happening now, the actual mitzvah has occurred retroactively, and so it is too late to recite the *bracha*! However, the Aruch Hashulchan (Yoreh Deah 323:3) writes that a *bracha* is recited upon such a separation. It can be said that he understood that only the action, not the result, of a mitzvah must occur after reciting the *bracha*. Alternatively, the Aruch Hashulchan may disagree with the entire premise of Rabbi Auerbach and views the *challah* separation as occurring here and now and not retroactively.

This article has laid down some of the basic laws for separating *challah*. There are many other aspects and laws associated with this mitzvah and, G-d willing, some of them will be explored in a second article.

<sup>6</sup> This process is similar to *hataras nedarim*, annulling a vow. Here, the owner is annulling the state of *challah* he conferred upon the dough.

## Points to Ponder

***What should one who is unsure how much flour was used do regarding separating challah?***

***If one separated less than a kezayis of challah, should one separate a second time to complete the amount?***

*Iyun Halacha is a publication of the Denver Community Kollel*

*Please consult with a qualified halachic authority for all practical questions of halacha*

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