

# Understanding an Unfriendly Minhag: Not Eating Out on Pesach

Pesach is a time of great exultation and exuberance. It is both a festival of freedom commemorating the Exodus from Egypt, and a springtime celebration that brings together families and communities for a renewal of bonds and revitalization of relationships. It is also, however, a time of heightened “*chumrah*” — of exceptional stringency — based on the severe Torah prohibition against eating or owning chametz (leavened foods from wheat, rye, barley, oats, or spelt), and the principle that even the slightest bit of chametz does not become nullified in any mixture of food.

The halakhic imperative to eradicate all chametz ushers in a season of intense cleaning and searching for any traces of chametz, culminating with the night of *bedikat chametz* on the eve of the 14<sup>th</sup> of Nissan. The *rabbonim* of each community balance their responsibility to instruct congregants about the detailed kashering and food preparation requirements for Pesach, with the need to warn the most punctilious practitioners of faith not to lapse into obsessive-compulsive behavior in the process. It is often necessary to emphasize that the religious responsibilities of the holiday are not intended to supersede the Biblical mandate of *simchat ha’chag* — rejoicing in the festival.

The tension between being joyous and being scrupulous about avoiding



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chametz is perhaps best captured in the standard holiday wish for Pesach. Unlike the other *shalosh regalim* festivals of Sukkot and Shavuot, in which community members typically greet each other by saying “*chag sameach*” — have a joyous holiday — on Pesach the greeting is “*chag kasher ve’sameach*” — have a kosher and joyous holiday. The clear implication is that the *simcha* is secondary and subordinate to the scrupulous and amplified observances of kashrus during this time period.

In fact, many practices have emerged over the years to reflect the special stringency of chametz, including the Ashkenazic practice of not eating *kitniyot* (legumes) and the practice of refraining from *gebrochts* (matzah soaked in water). The *Chayei Adam* (*klal* 127) devotes an entire chapter of his book to special Pesach stringencies and the nature of their binding force according to halakha.

But perhaps the most intriguing of Pesach stringencies is the widespread *minhag* not to eat anyone else’s food during the Pesach holiday, even if the

other person keeps their *chumros*. At first glance, this custom appears not merely strict, but downright unfriendly.

By contrast, the Yerushalmi (*Chagigah* 3:6; see also TB *Chagigah* 26a) derives from the verse *k’ir shechubrah lah yachdav* (*Tehillim* 122:3) that Jerusalem became the central and unifying place of gathering for the entirety of the Jewish people during the holidays because even an “*am ha’aretz*” (someone not generally presumed to be careful about ritual matters) was treated like a “*chaver*” (reliable person and literally “friend”) in terms of being trusted to prepare his food with the requisite purity during the holiday period. The Maharitz Chiyus (*Nida* 34a, *s.v.* “*Hakatuw*”), commenting on this passage, quotes from the Rambam in the *Moreh Nevuchim* (3:43) that the purpose of this spirit of trust was to increase social gatherings and brotherly love among all Jews during the holidays, and notes that the ultimate sharing of common bonds is through eating together, based on the principle of *gedolah*

*legimah shemekarevet et harechokim* — breaking bread draws disparate people closer (*Sanhedrin* 103b). By contrast, he notes that the opposite is also true גדול הפירוד במה שאדם מונע עצמו לאכול אצל ישראל חברו — that the refusal of one Jew to eat from another Jew's food creates a terrible schism between them. He cites a parallel passage in the Yerushalmi (*Bava Kamma* 7:7), which similarly derives from the same verse in *Tehillim* that Jerusalem unites the hearts of the Jewish people (*mechaberet et Yisrael zeh lazeh*), a statement that he understands to allude as well to the heightened spirit of trust and togetherness during the holiday season. Based on this increased trust, all Jews will be able to eat together in friendship — *veyitchabru halevavot zeh lazeh* — resulting in a unity of heart and spirit among all Jews. Accordingly, it would appear that on Pesach, as well as the other holidays, there should ideally be a greater degree of trust for the kashrus standards of others.

Where then does this seemingly unfriendly practice come from? Interestingly, it is mentioned in a variety of places, mostly of Chassidic origin, based upon both Rabbinic and Biblical sources. One source is a Talmudic passage in *Pesachim* and the second source is based on scriptural verses in *Devorim*.

The Gemora in *Pesachim* (30a), quotes Rava as recounting that when he and his colleagues visited with Rav Nachman, after the seventh day of Pesach Rav Nachman instructed them to go out and purchase chametz from the local non-Jewish soldiers. The Rashash (*ad locum*) points out that this passage is difficult. Even after seven days, there is an eighth day of Pesach that is observed outside of

Israel where Rava and Rav Nachman lived, and surely Rav Nachman would not have authorized the purchase of chametz on the eighth day of Pesach. Therefore, the Rashash suggests that the reference to the timing of the ruling of Rav Nachman is inexact, since it more likely took place after the eighth day when both *chametz* and commerce would have been permitted.

However Rav Yisocheer Dov Babad, the Av Beth Din of Buska (see *Nitei Gavriel, Pesach* 3:117-118), suggests that perhaps the reference to Rava's visit following the seventh day is quite deliberate. According to his interpretation of the Gemora (according to which the comma in the first sentence of the preceding paragraph would belong after the word "Pesach" rather than after the word "Nachman"), Rava did not visit Rav Nachman altogether until after the first seven days of Pesach were over. Thus the Gemora is emphasizing that Rava did not want to eat in Rav Nachman's home until the eighth day, which is only Rabbinic in nature. Until that time, Rava observed the practice of not eating in anyone's home, including Rav Nachman, who was actually his Rebbe. However, according to this explanation, the extra level of leniency for the eighth day requires further elucidation.

Rav Naftoli Zvi Horowitz (*Zera Kodesh*, volume 2, *Le'acharon Shel Pesach*, s.v. "Yom Tov Ha'acharon") explains that the stringent practice not to eat in the home of others does not include the eighth day of Pesach because the final day of Pesach epitomizes the unity of the Jewish people, and therefore is a day in which all stringencies are set aside. This would also help explain the common practice for people who

eat *gebrochts* to relax that stringency on the last day of Pesach (see *Pri Hasadeh* 3:31). While some have questioned this practice as internally inconsistent or disrespectful to the holiness of the second day of Yom Tov (see, e.g., *Pri Chadash O"C siman* 447:5, s.v. "U'mah shekatav aval b'yom tov"), there does appear to be a basis in terms of enabling all Jews to eat at each other's homes on the final day of Pesach in fulfillment of the notion of *asa'an kulan chaveirim* (*Chagigah* 26a) — of all Jews uniting together at least at some point during the festival, in accordance with the words of the Maharitz Chiyus.

The late Belzer Rebbe (Rav Aharon Rokeach zt"l) brings a different source for the custom of not eating in others' homes on Pesach, noting that only with respect to Shavuot and Sukkot does the Torah mention the notion of rejoicing together with others (*Devorim* 16:11, 16:14), but not with respect to Pesach. Therefore the scriptural implication is that on Pesach there may be a basis for parties to refrain from joining each other for their meals.

However, while these sources have merit, it would appear that there is a strong argument for a contrary approach. First, the seder feast, which is the most prominent Pesach meal, is predicated upon different individuals joining together to form a *chaburah* — an organic group — for purposes of partaking in the Pesach sacrifice. In fact, while the original Pesach was focused upon familial units joining in the bringing of the Pesach sacrifice (*Shmot* 12:3- *seh l'veit avot seh labayit*), Rashi notes (*Shmot* 12:47) that for all subsequent Pesach observances, the group unit was expanded beyond the family to enable

different families to join with each other for the seder night. It is difficult to account for a *minhag* to eat with others only on the seder night, the most important meal of the Pesach holiday, but not for any other meals.

Second, while the eighth day may stand for the notion of unity, surely as the Maharitz Chiyus noted, the first seven days of Pesach exemplify the exact same notion. If a desire to bring together the hearts of the people is emphasized on the eighth day, which is only Rabbinic in nature, surely it should be manifested during the other seven days of the holiday, which is the main time of *kulan chaveirim* — of togetherness and unity.

Nevertheless, it is possible that one objection answers the other. The ideal aspiration of being in Jerusalem for Pesach as one unified nation presupposes that the Beit Hamikdash is in existence and that everyone fulfills the obligation to purify oneself for the holidays (*Rosh Hashanah* 16b) in order to partake in the *kodshim* — the holy offerings brought in the Beit Hamikdash. This would also be true with respect to bringing together disparate individuals to partake in a communal Pesach offering. However

nowadays, when we are not privileged to have a Beit Hamikdash, the custom of abstaining from the food of others makes more sense as an additional Pesach stringency, particularly given that many families observe different stringencies, whether in terms of *gebrochts* or other special restrictions for Pesach.

In fact, in this light, it is understandable why the eighth day of Pesach would justify a departure from this *minhag*. The eighth day is considered, according to Chassidic tradition, the Yom Tov of Mashiach (see *Sefer Hasichot beLashon Hakodesh* 5700, pp. 75-76), the day that is set aside in eager anticipation for the Mashiach's imminent arrival. On such a day, it is appropriate to have the mindset of the Messianic era, which will usher in the building of the Beit Hamikdash and the need for everyone to purify themselves and therefore be on an equal footing of kosher trustworthiness during the holiday period. Accordingly, even though the strict halakhic requirements of the Pesach holiday would normally justify the higher level of stringency in terms of kosher circumspection, the eighth day, which is both Rabbinic and also evocative of Messianic times, calls

for a relaxation of any heightened stringencies which would create a distance between fellow Jews.

This may also explain why, according to Rav Babad's innovative understanding of the Gemora, Rava waited until the eighth day to visit his Rebbe, Rav Nachman (see *Mo'ed Katan* 28a). There is after all a mitzvah for a person to visit his Rebbe during the holidays (*Sukkah* 27b). However, the *Noda B'Yehuda* (M" T O" C 94) rules that this requirement is only applicable when the Beit Hamikdash is in existence and the Jewish people are commanded to perform *aliyah l'regel* — the mitzvah of making a pilgrimage to the Holy Temple in order to visit the central place of the *Shekhinah* and offer sacrifices to the Almighty. When there is no possibility of making such a pilgrimage because the Beit Hamikdash has not yet been rebuilt, it would be an insult to the Divine presence to demand greater respect toward human beings. Hence, the obligation of visiting one's Rebbe becomes inapplicable in the modern age.

Rava's practice could thus be marshalled as support for the position of this ruling of the *Noda B'Yehuda*. Perhaps Rava did not feel that there was an obligation to visit his Rebbe during the rest of the holiday, and accordingly did not view the notion of such a visit as sufficient to override the stringency of not eating at anyone else's home during Pesach. However, on the last day of Pesach, which represents a time of anticipating the Mashiach (assuming that Rava subscribed to this notion) and the renewal of the obligation of visiting the *Shekhinah* in the Beit Hamikdash during the three annual festivals, he felt that it was appropriate to fulfill the precept of visiting his Rebbe at that time as well.

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Of course, the question still lingers regarding the anti-social nature of such a minhag, especially in light of the spirit of togetherness that is supposed to reign supreme in the fulfillment of the Pesach holiday during the time of the Beit Hamikdash. Perhaps, however, this is precisely why Rava was careful to observe this minhag (according to Rav Babad's interpretation of the Gemora) even with respect to his own Rebbe who surely could be trusted, in order to ensure that nobody else be insulted that he did not visit their homes during Pesach. At the same time, he was also careful not to visit his Rebbe's home at a time during Pesach when he would have been inclined to refuse his Rebbe's food, thus avoiding any direct disrespect to his Rebbe (see *Halikhot Shlomo – Minhagei Pesach*, p. 90, that the minhag of not eating in others' homes on Pesach does not supersede a person's obligation to act with *derekh erez* — proper manners — toward his Rebbe or others).

In a similar vein, the second Lubavitcher Rebbe (the “*Mitteler Rebbe*”), Rav DovBer Shneuri, stated that on Pesach it is a proper minhag not to hand guests food or drink but to simply make a repast available for them (*Sefer Haminhagim – Chabad*, page 42, s.v. “*Pa-am*” and *Hayom Yom*, page 47). In this fashion, a host is spared embarrassment in the event that his or her guest wishes to observe the stringency of not eating from others, while at the same time the guest is properly honored through the host's furnishing of food. Others are lenient with respect to providing guests with clearly unproblematic products, such as fresh fruits. Along these lines, Rav Shlomo Zalman Auerbach zt”l once chastised a student who observed the minhag

of not eating in others' homes for refusing Rav Auerbach's offer of wine during Pesach from a wine bottle that the student would have surely consumed in his own home (*Halikhot Shlomo id*).

Nowadays, this minhag does not appear to be ubiquitously observed. While it is standard practice, and perhaps even consistent with the spirit of the minhag, for extended members of the same family to join each other for Pesach and especially for the *sedarim*, it is also the practice of many families to join together with other families for the seder and other Yom Tov meals. It would seem that at least in many quarters, the minhag attributed to Rava is not consistently followed. In particular, the phenomenon of many families taking advantage of Pesach hotels is a further indication of the non-observance of this practice. For those who would otherwise observe the stringency of not eating in other's homes, it would not seem that the *hashgacha* of a kashrus agency should be given any greater reliability than was accorded by Rava to Rav Nachman. The *Nitei Gavriel (Hilkhot Pesach 2:218)* even questions the practice of those who purport to keep the custom of not eating out and yet buy items with kosher certification from stores, since in his opinion the minhag should logically extend to refraining from even buying items with kosher certification during Pesach.

Accordingly, it would seem that in the spirit of the Pesach holiday, one of two different approaches can be justified as a matter of proper minhag. One may observe the stringency, particularly if it is the inherited family custom, of not eating from anyone else's food (at least for the first seven

R. Yaakov Yitzchak Horowitz (c. 1745-1815), known as the Chozeh of Lublin, was very particular about the matzah that he used for the seder. He followed numerous stringencies to ensure that not even the smallest amount of flour had any concern for chametz. While he was at the synagogue on the first night of Pesach, a poor person came to the Chozeh's house asking for matzah. The Chozeh's wife gave him some matzah not realizing that she gave him the Chozeh's special matzah. When the Chozeh came home and discovered what had happened, he commented: משהו חמץ דרבנן, משהו כעס דאורייתא — If a miniscule amount of chametz is mixed in, the prohibition against eating it is Rabbinical in nature, but even the smallest amount of anger is a Biblical prohibition.

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days of Pesach) as a way of observing the special “*chag kasher ve-sameach*” Pesach stringency. Alternatively, one may adopt the optimistic viewpoint (if sufficiently warranted) that the neighbors in our observant communities can be sufficiently trusted throughout the entire Pesach holiday even in the modern age, in which case the spirit of togetherness

for the holiday would dictate that we not distinguish between the trustworthiness of different neighbors (or at least not more so than the rest of the year) who observe the same Pesach *chumros* that we ourselves observe. In fact, a number of *poskim* are even lenient to allow a guest to attend a meal at the home of someone who does not observe certain of the guest's stringencies and not to worry about food absorptions in the dishes that are served (see *Zera Emes* 3:48 regarding *kitniyot*, and *Chazon Ovadiah, Pesach*, p. 116, n.35 regarding sugar). However, to differentiate between different members of one's shared community, specifically with respect to eating out on Pesach, would appear to be potentially problematic according to either approach.

Similarly, there does not appear to be an obvious basis according to this minhag for drawing distinctions with respect to which prepared food items are subject to reliance or suspicion. If one is comfortable eating from the meat dishes prepared by an observant neighbor on their utensils, presumably one should be similarly comfortable eating from the neighbor's matzah. While matzah is more susceptible to being chametz than most other foods, it would be difficult to justify placing trust in the food preparation of a host whom the guest otherwise suspects of eating outright chametz. There is admittedly a practice of guests eating their own matzah on the seder night based on the requirement of *mishelachem* — namely, that the matzah set aside for the mitzvah of

eating matzah on the seder night should belong to the person fulfilling the mitzvah (see *Sefas Emes, Sukkah* 35a, s.v. “*Atya lechem lechem*,” but see *Mikroei Kodesh, Pesach* 2:45(2)). However, there is no such mitzvah obligation on the other days of Pesach. Even according to the Vilna Gaon, who held that there is a *mitzvah kiyumit* — an additional mitzvah dimension — to eat matzah during the duration of Pesach (*Ma'aseh Rav*, paragraph 185), that additional dimension of mitzvah fulfillment would not seem to dictate that the matzah specifically belong to the person eating it.

Perhaps the more trusting practice of eating at other people's homes (who share the same high level of observance) provides a basis for an alternative greeting during the Pesach season. The late Jewish educator par excellence, Dr. Alvin Schiff z”l, once related to this author that he preferred the formulation of “*chag sameach ve'khasher*.” His reasoning was that since the term *chag sameach* is expressed on all of the other yomim tovim, it should come first based on the principle of *תדיר ושאינו תדיר תדיר קודם* (e.g., *Berachot* 51b) — that when confronted with two observances, the more frequent observance comes first. [As a grammarian, he further noted that after the letter “*vav*” connecting “*sameach ve'khasher*,” the “*kaf*” of “*kasher*” should be without a *dagesh* based on the rules of *dikduk*, and therefore should be pronounced “*ve-khasher*” as opposed to “*ve-kasher*.”] For those who are prepared to eat

in other people's homes who share their same observance level, perhaps there is a different reason for the word “*sameach*” to come first, because the message is that part of the joyousness of the holiday is expressed through a reliance upon the high kashrus standards of others (whether it be an observant neighbor or a Pesach caterer under reliable *hashgacha*).

Whichever practice is adopted, it is important to respect and appreciate the legitimacy and authenticity of *minhagei Yisrael* — of long established practices and stringencies accompanying the Pesach holiday. Families should not be insulted if friends follow the practice of not eating out for Pesach, and should not feel inhibited from maintaining such a practice themselves, although they should be careful to apply their practice consistently to all individuals. Similarly, hotels and other hosts who are being relied upon by guests to follow Pesach laws and stringencies must recognize the awesome responsibility that rests upon them to ensure the highest kashrus standards of the food that they serve.

Ultimately, the goal for all Jews on Pesach, whether eating in their own homes or eating out, should be to strive for impeccable observance of all of the kashrus laws of Pesach as well as a sense of joyousness on both a familial and communal level that will pave the path for all Jews to join together in the future in group offerings of the Pesach sacrifice, and the friendly sharing of meals in the rebuilt Jerusalem.



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