

Shemurah Matzah

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- I. **The Obligation.** In addition to the well documented obligation in the Torah to eat *matzah* on Pesach, the Torah (*Shemot* 12:17) also requires that we “watch” the *matzot*. The implication of this verse is that in addition to observing the *matzah* to make sure that it does not ferment (as this is the very definition of *matzah*) one is required to do some extra watching of the *matzah*. In this essay we will outline the nature and parameters of this obligation, and discuss the time frame during which one must fulfill this mitzvah.

- II. **What are we watching for?** While the Torah is abundantly clear in telling us of the obligation to “watch” the *matzot* (“*U’shemartem et ha’matzot*”), the exact nature of the watching remains a matter of dispute. How exactly does one fulfill this requirement to “watch” the *matzot*.
 - A. Opinion of the Rambam. On the simplest level, the Torah requires us to watch over the *matzah* from an early stage in its production to ensure that it does not become *chametz*. This alone constitutes a valid *shemirah*. Indeed, the Rambam writes explicitly that we are to understand the requirement of “*U’shemartem et ha’matzot*” as an exhortation to avoid any possibility of fermentation.
 - B. Opinion of Rashi. In his commentary to *Pesachim* 40a, Rashi carries this obligation one step further. Rashi argues that it is not sufficient to watch the *matzah* in protecting it from any possible *chimutz*. One must actually watch over the *matzah* with the specific intention to use this *matzah* for the fulfillment of the Biblical obligation to eat *matzah*. Indeed, Rashi’s approach seems to be strongly supported by the *gemara Pesachim* 38b. The *gemara* states that one cannot fulfill his obligation of *matzah* with the *Chalot Todah* or the *Rekikei Nazir* (*matzot* associated with the offering of their respective sacrifices) because they were not made with the specific intention to fulfill the *mitzvah* of eating *matzah* on Pesach, but with the intention to use them in the offering of sacrifices. The clear implication of this *gemara* is that even though the *matzot* were made with careful supervision to ensure that they do not become *chametz*, they are not labeled “*matzah shemurah*” because they were not watched with the intention of using them for the mitzvah of matzah. (See *Chidushei Rabeinu Chaim Halevi, Hilchot Chametz U’matzah* 6:5.)
 - C. Practical differences between the two approaches. While there is one very obvious practical difference between these two approaches, namely whether any specific intention is required or mere supervision suffices, there may be one other difference between the approaches of Rashi and Rambam. *Ha’arot Shevivei Eish* (on the commentary of the *Talmid Harashba* to *Pesachim* 40a) comments that whether a non-Jew may bake the *matzah* while under the supervision of a Jew may be the subject of this same dispute. If the Rambam is correct in that one need only guarantee that the *matzah* not ferment, there would be no difference whether a Jew

or non-Jew do the actual baking, as long as a Jew was present to ensure that the *matzah* does not ferment. If, on the other hand, Rashi is correct that the *matzah* must be specially watched with the intention of using it to fulfill the *mitzvah*, it is entirely possible that the person baking the *matzah* must have this intention himself, in which case a non-Jew would not be able to bake “*matzah shemurah*”. This difference is not so clear though, because unlike other *mitzvot* that must be done *lishmah*, the actual baking of the *matzah* is not what requires *lishmah*, only the watching of the wheat/flour requires *lishmah* (see *Ritva to Pesachim* 40a and *Minchat Chinuch* 10:10).

- D. Practical Halacha. The *Maharil (Hilchot Tikkun Hamatzot)* and *Pri Megadim (Mishbetzot Zahav* 460:1) rule that when watching the *matzah* one should verbalize that he is doing so “*leshem mitzvat matzah*”. The *Minchat Chinuch* (10:9) cites the *Pri Chadash* (460:1) who rules that if one does not have intention to bake the *matzot* for the *mitzvah* he does not fulfill his obligation of having *matzah shemurah*.

III. When is the supervision required? There are three basic approaches taken by the *Rishonim* in determining when one must watch the wheat/flour.

- A. Opinion of the *Rif* and *Rambam*. The *Rif (Pesachim* 12a) and the *Rambam (Hilchot Chametz U'matzah* 5:9) rule that one must watch over the wheat from the moment that it is cut from the ground. The *Shulchan Aruch* (453:4) recommends that we follow this stringent view. *Matzot* baked under these guidelines are the only *matzot* we would find today that are advertised as “*shemurah matzah*”.
- B. Opinion of the *Rosh*. The *Rosh (Pesachim* 2:26) rules that the watching must only be done from the time of the grinding of the wheat into flour. The logic for first requiring watching at this stage in the process is that the grinding is the first step in the process when the flour is in danger of coming in contact with water. The danger of contact with water lies in the fact that the mills used for grinding the wheat usually contained water that enabled them to run properly. The *Shulchan Aruch* (453:4) rules that minimally one should attempt to obtain *matzot* that are baked under this level of supervision. Most machine made *matzot* (unless otherwise indicated) are made with this level of supervision.
- C. Opinion of *Sheiltot D'Rav Achai Gaon*. In *Parshat Tzav, Sheilta* 76, Rav Achai Gaon rules that watching is not necessary until the flour comes in contact with water. This opinion is commonly referred to as the opinion that requires watching from the time of kneading. In reality, however, it is very common for flour to be washed prior to packaging, which obviously precedes the kneading. Any such washing would turn the flour into real *chametz*. For this reason, even though the *Mechaber* (453:4) rules that one may buy regular flour from the market under extenuating circumstances, we may not rely on this opinion nowadays because most flour and grain are washed during the manufacturing process and are therefore *chametz*.

IV. When must one be careful to only eat *shemurah matzah*?

- A. At the Seder. The requirement to eat *shemurah matzah* at the *seder* in order to fulfill the *mitzvah* of eating *matzah* is very well documented. (See *Mishnah Berurah* 460:21.)
- B. The Rest of Pesach. While the Torah certainly requires that we be careful not to eat *chametz* throughout Pesach, there is no requirement mentioned in the Torah or the writings of *Chazal* to indicate that one should only eat *matzah* that was watched for the sake of the *mitzvah*. Yet, we find that many people are careful to only eat *shemurah matzah* throughout all of the days of Pesach. At first glance this custom seems puzzling in light of the absence of any halachic imperative to do so. However, upon further analysis, we will outline two possible reasons for the development of this stringency.
1. On the simplest level, the *Biur Halacha* cites the custom of the Vilna Gaon to only eat *shemurah matzah* throughout Pesach because he was concerned that water may have fallen on the grain during some step of the process and it would therefore be a problem of *chametz*. It should be noted, however, that this reason can only be correct according to the opinions cited above who believe that the idea of *shemurah matzah* is merely to protect the dough from fermentation. According to those who say that *shemurah matzah* must be watched with the specific intention for the fulfillment of the *mitzvah*, there is no reason to eat *shemurah matzah* throughout Pesach. In fact, the *Pri Chadash* (cited by *Aruch Hashulchan* 453:19) writes that it is entirely unnecessary to eat *shemurah matzah* at any time other than the *seder*.
 2. Although the *Shulchan Aruch* (475:7) writes explicitly that there is no specific requirement to eat *matzah* at any time on Pesach other than the *k'zayit* that is required at the *seder*, the *Mishnah Berurah* (ibid.:45 and 639:24) cites the opinion of the Vilna Gaon that while we are not obligated to eat *matzah* at any other time, we do fulfill a *mitzvah* each time we eat *matzah* throughout Pesach. Since one does fulfill a *mitzvah* in eating *matzah* throughout Pesach, it stands to reason that fulfillment of this *mitzvah* can only be possible with the same type of *matzah* that we must eat at the *seder*. There is one very important practical difference between these two reasons for this custom. If one is in a situation where there is no *shemurah matzah* available according to the first explanation there is still ample reason to refrain from eating non-*shemurah matzah*, as any other type of *matzah* may in fact be *chametz*. If, however, one were to accept this second explanation it would be totally unnecessary to refrain from eating the regular *matzah* as he is not going to fulfill the *mitzvah* of eating *matzah* anyway in the absence of *shemurah matzah*.

- V. **Machine Matzah.** While almost all hand made *matzah* that is sold today is *shemurah matzah* (the flour had been watched from the time of the cutting of the grain and it was watched for the express purpose of fulfilling the mitzvah of *matzah*), an increasing number of machine *matzot* are also advertised as being *shemurah matzah*.

Whether or not machine *matzah* may accurately be labeled as *shemurah matzah* may depend on the fundamental *machloket* as to the purpose of the *shemirah*. If the watching of the wheat/flour is merely a safeguard to ensure that it does not become *chametz*, there should be no difference between hand and machine *shemurah matzah* as the machines present no danger of making the dough into *chametz*. (It should be noted that much of the literature surrounding the issue of machine *matzah* raises the possibility that, due to their structural flaws, the machines can cause the *matzah* to become *chametz* – see Responsa *Divrei Chaim* 23, Responsa *Maharsham* 2:16 and 4:129, *Achiezer* 3:49, *Chazon Ish Orach Chaim* 6, and Responsa *Har Tzvi Orach Chaim* 6. Any such concerns were only valid during the era when the machines were far less sophisticated than they are today. Our machines clearly do not present any problem of *chametz*.) If, however, the reason for *shemirah* is to specifically watch the *matzah lishmah*, some *poskim* argue that the requirement for positive supervision cannot be fulfilled when the process is accomplished by machine. To address this concern, other *poskim* have pointed out that to fulfill the requirement of *shemirah* it may be sufficient for the person operating the machine to have in mind to make the *matzot lishmah*. Furthermore, there is no requirement to **bake** the *matzot lishmah*. The requirement is only to **watch** the *matzot lishmah*. This may be accomplished even if the machine is baking the *matzah*. (See *Seder Ha'aruch* 5:22 and 1:4 with footnotes.)

- VI. **Conclusion.** We have explored and analyzed the source and nature of the obligation to “watch over” our *matzot* for Pesach. Based on the possible parameters of the obligation we have outlined the various opinions regarding eating *shemurah matzah* throughout all of Pesach and the viability of machine *shemurah matzah*. It is the hope of this author that our increased understanding of the basics of this issue will inspire further analysis and lead to more informed decisions regarding *shemurah matzah*.