

Celiac: A Guide to Mitzvah Observance

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A. Introduction

1. Medical information¹

Celiac disease² is an autoimmune condition where the body reacts to the consumption of gluten/gliadin, a protein found in wheat, barley, rye, and spelt. The celiac's (colloquial term for a person affected by celiac disease) body responds to the consumption of gluten in a manner which damages the small intestine, particularly the villi that line the duodenum (beginning of the small intestine). This, in turn, affects the celiac's ability to absorb calcium, iron, and a number of vitamins.

Different celiacs exhibit radically different levels of symptoms to this condition. The classic symptoms of celiac diseases are gastrointestinal, including abdominal pain,

1. The medical information presented in this section is merely an introduction to the halachic issues discussed in this article and is, of course, no substitute for guidance from a physician.

2. Celiac is technically not a "disease" and is more closely associated with allergies. It is more formally known as celiac sprue or gluten sensitive enteropathy.

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diarrhea, and atypical stools. Other celiacs have no apparent stomach symptoms but fail to grow appropriately, have dermatological symptoms and/or show the effects of iron deficiency (lethargy, irritability), while other celiacs have absolutely no symptoms at all. This author is personally aware of one celiac who couldn't get out of bed for a day after eating foods she wasn't supposed to, another (child) whose behavior would change so dramatically after eating gluten that her teachers could tell when she had mistakenly ingested the wrong food, and a third who was completely asymptomatic. The potential long-term effects of not properly absorbing these nutrients are quite serious for all celiacs, and among other conditions include amenorrhea, anemia, infertility, intestinal lymphoma, and osteoporosis.

Currently, there is no known treatment for celiac disease. Rather, celiacs must adopt a strict, lifelong gluten-free diet which allows their intestines to heal and absorb nutrients; in turn, their symptoms subside and they can expect to be as healthy as anyone else. Invariably, a celiac will make a mistake and eat some gluten, and it appears that it may take days, weeks, or even months for their intestines to fully recover from the incident.³

3. In response to a question on how long it takes for a celiac on a gluten-free diet to recover from a one-time consumption of gluten, Dr. Stefano Guandalini, Professor of Pediatrics and Chief of the Section of Gastroenterology at University of Chicago Comer Children's Hospital, wrote to the author (via email) that:

It depends on too many variables: amount of gluten introduced, duration of the ingestion, even the genetic asset (DQ2 homozygous vs. heterozygous, etc.). The short answer is: it varies. However, in general I would think that after one single "dose" of gluten the small intestinal inflammation should recover typically within days (5-10) in children, and perhaps a few weeks in the elderly. This is based on my best guess, there is no literature on this (but there is literature showing that in many adult celiacs some minimal degree of inflammation can actually persist for months or even years in spite of a GFD [gluten-free diet]...).

Another gastroenterologist told the author that an adult celiac who ingested gluten one time could be "set back months".

The general consensus⁴ of expert opinion appears to be that most celiacs are permitted to eat oats that are specifically grown, processed, and packaged in a gluten-free environment (as opposed to standard oats which are often contaminated), but some celiacs are unable to tolerate even such oats.

A gluten-free diet is difficult for anyone, but is particularly difficult for a religious Jew who is expected or required, for the purpose of a mitzvah, to eat foods made from the five primary grains – wheat, barley, spelt, rye, and oats⁵ – on

4. See, for example, <http://www.csaceliacs.org/InfoonOats.php>.

5. Throughout the generations, the majority of *Poskim* have accepted the opinion of Rashi (*Pesachim* 35a s.v. *shibolet shual*, שְׁבוּלַת שׁוּעַל) who translates *shibolet shual* as oats (using the French word "aveine/avoine" which is similar to the Latin name for oats, *avena sativa*).

In recent years, this translation was challenged by Dr. Yehudah Felix, an Israeli botanist, who argued that oats did not grow in *Eretz Yisroel* at the time of the Mishnah. Furthermore, he cited other indications that oats could not possibly be one of the five grains discussed in the Mishnah, which have a unique halachic status. According to Dr. Felix's position, oats cannot be used for matzah, and the other halachot of the five grains (*challah*, *berachot*, *chametz*) do not apply to them. [His position, that oats, which are relatively gluten-free, are not one of the five grains, would seem to dovetail with those who suggest that the presence of significant amounts of gluten is what differentiates the five grains from rice, corn, and other "grains".]

This suggestion was widely rejected by all contemporary *Poskim*, including Rav Moshe Feinstein, Rav Elyashiv (both cited by Rav Ephrati at the end of his article in *Mesorah* 13), and Rav Yosef Dov Soloveitchik (see *M'pinei HaRav*, p. 69), based on our age-old tradition that שְׁבוּלַת שׁוּעַל is oats. Additionally:

– Dr. Mordechai Kislev (*Sefer HaYovel, Mincha L'Ish*, pp. 155-168 & 179-185) disputes Dr. Felix's archeological and other proofs, on academic grounds.

– Dr. Munk (*Techumin* 1 pp. 97-100) suggests that what differentiates the five grains from all others is that they contain beta-amylase (which oats *do* contain), which allows the fermentation to occur before the proteases cause the grains to go rancid.

– Rav Ephrati (*ibid.*) and Rabbi Kestenbaum (*Sefer HaYovel* *ibid.*, pp. 169-170) report that they tested oats and have found that they *can* become *chametz* (as the five grains are supposed to) and do not become rancid (as other grains are supposed to).

Based on the above, we will assume that oats are שְׁבוּלַת שׁוּעַל and are

different occasions. This article will address those issues, providing background and possible solutions for the celiac.

2. Mitzvah performance which makes one ill

In the coming pages, we will discuss a number of different *sh'ailot* (halachic issues) which celiacs face due to their inability to eat certain foods. Before discussing those specific questions and possible solutions, it is worthwhile to discuss the more general question of whether a person is required to perform a mitzvah if doing so will cause him to become sick.

In this context, there are three levels of sickness – *safek sakanah* (slightest chance of mortal danger), *choleh she'ain bo sakanah* (illness that temporarily incapacitates), and *mi chush* (minor discomfort). It goes without saying that if there is any chance that performing a mitzvah will lead to *safek sakanah*, the person should definitely not perform the mitzvah. However, in most cases a celiac who breaks his diet one time to perform a mitzvah will fall into the category of a *choleh she'ain bo sakanah*, and we will therefore limit our discussion to the halachot of that case.

A person is not required to spend more than 1/5 of his money to fulfill a positive biblical mitzvah (*aseh d'oraitah*), such as lulav or matzah.⁶ What if eating matzah (or performing some other positive mitzvah) will make the celiac sick to the point that he/she will become a *choleh she'ain bo sakanah*? Is that justification for that person not to perform the mitzvah? A number of *Acharonim*⁷ discuss this question, as follows:

therefore suitable for all mitzvot which require one of the five grains.

6. Ramo 656:1: A person may not violate a *mitzvat lo ta'aseh d'oraitah* (negative biblical commandment) unless they are in a situation of possible danger to life—*safek sakanah* (ibid.), but there do not appear to be any situations where a celiac would face that choice due to his illness; we will therefore ignore that possibility.

7. Many of the sources cited in this section were brought to the author's attention by *B'tzel HaChochmah* 5:92.

- *Maharam Schick*⁸ discusses whether a *choleh* who eats matzah or *marror* against the doctor's orders can recite a *beracha* and appears to hold that if there is no *sakanah* one **must** perform the mitzvah even though it will make him sick.
- *Birkei Yosef*⁹ appears to hold that a *choleh she'ain bo sakanah* is *patur* (exempt) from positive biblical mitzvot, where performing the mitzvah exacerbates or causes his sickness.
- *Aishel Avraham*¹⁰ suggests that there is no special leniency for a *choleh* (sick person) except that if the person would be willing to pay 1/5 of his money to avoid the illness caused by fulfilling the mitzvah, then he is excused from performing that mitzvah.
- *Binyan Shlomo*¹¹ presents a long discussion on this question. He brings opposing proofs¹² and at one point seems to think the question is a *machloket* (disagreement) between two answers cited in *Elyah Rabbah* 640:8. However, he later suggests that hurting one's body is considered worse than spending one's money, and inasmuch as one is not required to spend more than 1/5 of his money for a positive mitzvah, he is also not required to make himself sick (as a *choleh she'ain bo sakanah*).
- *Tzitz Eliezer*¹³ cites this latter part of *Binyan Shlomo* and accepts it.

8. *Maharam Schick* OC 260.

9. *Birkei Yosef* 640:5.

10. *Aishel Avraham* (*Butshetsh*) *Tinyana* on Ramo 656:1 s.v. *ulai*.

11. *Binyan Shlomo* OC 47 (Rav Shlomo Vilna).

12. Some of his most direct proofs are from Gemara *Succah* 25a and 26a and *Shulchan Aruch*/Ramo 640:3-4; some of these proofs can also be found in *Birkei Yosef*, ibid.

13. *Tzitz Eliezer* 14:27 (and in 19:22 relating to celiacs). *Avnei Nezer* YD 321 advances a similar line of reasoning in a situation where performing a *brit* on the eighth day would render a child permanently maimed. [Of course, it is more understandable that one would be lenient in that case than in ours.]

A number of contemporary *Poskim*¹⁴ accept the lenient opinion and rule that a celiac who has **no other option** but to either perform the mitzvah *d'oraitah* or become sick, is excused from performing that mitzvah. Others who might follow the strict opinion should consult carefully with a rabbi and doctor before performing a mitzvah that might endanger their health.

The above discussion is limited to a positive mitzvah (*aseh d'oraitah*), but all agree that one is not required to make himself sick in order to perform a **rabbinic** mitzvah (*aseh d'rabannan*).¹⁵ This ruling encompasses many of the *sh'ailot* which will be discussed in the coming pages.

The aforementioned principles have bearing on many issues covered in this article, and should be kept in mind when considering those issues. For example, the discussion on how a celiac can fulfill the mitzvah of eating matzah at the Seder will consider different options, but if none of those options are viable for a given person, the decision about whether or not to eat wheat matzah will be based on the principles noted above.

In the coming pages we will discuss a number of questions that celiacs might face due to their condition. The discussion will be divided into the following sections: Shabbat & *Yom Tov*, Pesach, Succot, Other *Yomim Tovim*, *Berachot*, and Miscellaneous.

14. *Poskim* who adopt the lenient opinion include:

- *Tzitz Eliezer* cited in the previous footnote.
- Rav Chaim Pinchas Scheinberg (*Halacha U'refuah* Vol. 4 pages 125-138) basically accepts the *strict* opinion, but (on pages 134-135) follows the lenient position for people with a chronic/ongoing condition; celiacs would presumably qualify for that leniency.
- Rav Moshe Sternbuch (*Halacha U'refuah* Vol. 4 page 147).
- Rav Gedalia Dov Schwartz, in a personal conversation with the author (and others seemed to share this opinion).

15. *Shulchan Aruch*/Ramo YD 155:3. The exceptions to that rule do not appear to be relevant to our discussion.

B. Shabbat & *Yom Tov* (General)

3. *Kiddush*

In order to fulfill the mitzvah of *kiddush*, one must not only recite or hear *kiddush*, but also do so "*b'makom seudah*", literally "where the meal will take place".¹⁶ If people heard *kiddush* but did not do so *b'makom seudah*, they have not fulfilled their obligation and may not eat any other food. The literal translation of *b'makom seudah* is "in the location of the meal" but *Shulchan Aruch*¹⁷ clarifies that "meal" is defined as the type and quantity of food for which the person has to recite *birchat hamazon* or *al hamichyah*. Therefore, he holds that if a person eats a *kezayit* of *mezonot*¹⁸ cake or a *revi'it* of wine he has eaten a "*seudah*".

According to this opinion, if a celiac attends a *kiddush* where there is no gluten-free oat/*mezonot* cake, (s)he may still fulfill the obligation of *kiddush b'makom seudah* if they drink a *revi'it* (about 3 ounces)¹⁹ of grape juice or wine. [If the celiac is the person reciting *kiddush*, he should preferably drink two *revi'iot* – one for *kiddush* and the other to fulfill the obligation of *kiddush b'makom seudah*.]²⁰

However, Rav Akiva Eiger²¹ argues that this opinion--that *kiddush b'makom seudah* can be fulfilled with a *revi'it* of wine--is based on a rejected opinion cited in *Shulchan Aruch* 184:3. He maintains that in practice one must eat a *kezayit* of *mezonot* (or

16. *Shulchan Aruch* 273:1 & 3.

17. *Shulchan Aruch* 273:5 as per *Mishnah Berurah* 273:22 & 25.

18. In this context, "*mezonot* cake" refers to cake which earned that *beracha* due to the presence of one of the 5 primary grains, but a cake that is *mezonot* due to the presence of rice does *not* qualify (see *Mishnah Berurah* 273:25).

19. See *Kol Dodi Hagadah* (Rabbi Dovid Feinstein) 2:6.

20. See *Mishnah Berurah* 273:27 based on *Prishah* 269:3 and *Taz* 273:4. [It is however noteworthy that *Prishah* and *Taz* are commenting respectively on *Beit Yosef* and *Ramo* who hold that one *revi'it* is sufficient.]

21. Rav Akiva Eiger to *Shulchan Aruch* 273:5 based on *Prishah* 269:3.

hamotzi). *Mishnah Berurah*²² rules that *l'chatchilah* (preferably) one should be strict and follow this opinion, but when there is no other choice, one may rely on *Shulchan Aruch* who holds that drinking a *revi'it* of wine qualifies as *b'makom seudah*. Accordingly, a non-celiac (who can eat *mezonot* cake) or a celiac who has gluten-free *mezonot* cake should satisfy the obligation of *kiddush b'makom seudah* by eating a *kezayit* of cake. However, a celiac who does not have gluten-free *mezonot* cake can satisfy that obligation by drinking a *revi'it* of wine or grape juice.

Drinking this much grape juice or wine at a meal (where they do not eat *hamotzi* pods) affects the *berachot* (blessings) on other foods eaten at that meal; this will be discussed below in Section 20.

4. Challah

*Shulchan Aruch*²³ rules that the evening and day *seudot* of Shabbat (and *Yom Tov*)²⁴ must include bread. Elsewhere, however, *Shulchan Aruch*²⁵ clarifies that there is a difference between this requirement and the requirement to eat "bread" on the first two nights of Pesach (and Succot).²⁶ On the first nights of Pesach there is an inherent requirement to eat matzah, but this is not the case for Shabbat. On Shabbat the only reason *Chazal* required a person to eat bread is as a means of assuring that he would get the most pleasure from his

22. *Mishnah Berurah* 273:25.

23. *Shulchan Aruch* 274:4.

24. *Shulchan Aruch* *ibid.*, does not specifically note that the *Yom Tov seudot* require bread. However, that position can be inferred from *Shulchan Aruch* 188:6 where Shabbat and *Yom Tov* have a similar status as relates to someone who forgot the additional paragraph added to *birchat hamazon* (as opposed to someone who forgot on *Rosh Chodesh*, discussed in *Shulchan Aruch* 188:7). See more on this in footnote 29.

25. *Shulchan Aruch* 167:20 as explained by *Taz* 273:3 and *Magen Avraham* 167:41.

26. See *Mishnah Berurah* 167:95.

Shabbat *seudah*. For this reason, the halacha is that someone who gets more pleasure from **not** eating, is actually permitted to fast on Shabbat!²⁷

According to the above explanation, it would seem that a celiac is excused – and in fact, even forbidden²⁸ – from eating bread/*challah* at the Shabbat *seudot*. The mitzvah is to have *oneg* Shabbat (pleasure) as a result of eating bread, and although celiacs may actually enjoy biting into a piece of *challah*, they will get more pleasure from **not** eating wheat-based products. Clearly, then, *Chazal* never required them to eat bread on Shabbat. It would appear that the same is true of *Yom Tov*.²⁹

27. *Shulchan Aruch* 288:2.

28. See *Mishnah Berurah* 288:3. However, this leniency does not apply to a (non-celiac) person who enjoys bread (or some other form of *hamotzi*) but would rather eat other foods instead (Rav Dovid Zucker, *Rosh Kollel Zichron Shneur*, Chicago). As noted, the celiac will not be eating bread at the Shabbat *seudah* and will conclude the meal with the *bracha* of *al hagefen* for the grape juice or wine they drank (as in #3 above) (and *borei nefashot* for other foods). The *beracha* of *al hagefen* has a special insertion for Shabbat, and there is a question whether the celiac must repeat *al hagefen* if (s)he forgot this insertion – see *Pri Megadim* AA. 188:9 and *Kehillot Yaakov*, *Berachot* #25. (A non-celiac who will eat bread at the Shabbat *seudah* surely does not have to repeat *al hagefen* in this situation.)

29. *Beit Yosef* (OC 188 page 168a) cites Rosh (*Berachot* 7:23) and others, who say that the requirement to eat bread on *Yom Tov* is based on the mitzvah of *simcha* (joy), which does not apply on Shabbat. However, there is still a mitzvah on Shabbat of *oneg* (pleasure). *Responsa Chatam Sofer* OC 168 says that the mitzvah of *simcha* is different than the mitzvah of *oneg* (which also applies on *Yom Tov*), in that *simcha* objectively requires the person to eat even if he does not enjoy doing so, while *oneg* does not. If we combine these two statements – the requirement to eat bread on *Yom Tov* is based on *simcha*, and *simcha*-based requirements are not influenced by the person's subjective likes and dislikes – one can draw the conclusion that someone who does not enjoy bread must nonetheless eat it on *Yom Tov*.

However, the truth is that *Darhei Moshe* 529:2 (cited in *Mishnah Berurah* 529:20) states that one who enjoys fasting on *Yom Tov* is permitted to do so as "that is considered his pleasure", and *Ramo* 529:2 codifies that when he states that the halachot of fasting on *Yom Tov* are the same as on Shabbat. In addition, *Responsa Levushei Mordechai* OC 93 proves that the statement by

Of course, a celiac who is medically permitted to eat gluten-free oats and can obtain *challah* or matzah made from such oats, reverts to being in the same status as everyone else who is required to eat bread/*challah* at the *seudot* of Shabbat and *Yom Tov*.

[See Sections 9 and 13 regarding how a celiac can fulfill the mitzvah to eat bread/matzah on the first two nights of Pesach and Succot.]

5. *Berachot* on Shabbat Foods

The proper *beracha* on Shabbat foods prepared for a gluten-free diet (e.g. oat muffin, *cholent*) are discussed in Sections 19-22.

6. "Shalosh Seudot"

In order to encourage people to recite *havdalah* (the blessing recited over a cup of wine to mark the official conclusion of Shabbat) as soon as possible, *Chazal* decreed that one may not eat after Shabbat until they actually perform that mitzvah.³⁰ One exception which *Shulchan Aruch*³¹ offers is that:

If the person began eating before nightfall, he may continue eating, but if he merely sat down to drink, then he must stop once nightfall occurs.

Many people take advantage of this leniency, starting their

Rosh cannot be understood according to its simple reading, because if so the requirement to eat bread would apply on *Chol HaMoed* (when there is a mitzvah of *simcha*) and not on the first night of *Yom Tov* (when there is not), when in fact neither of those statements are correct. He suggests, therefore, an alternate understanding of Rosh (which is possibly in line with *Chatam Sofer* who discusses eating but does not specifically mention bread).

In conclusion, while there is reason to think that the requirement to eat bread applies on *Yom Tov* even if the person does not enjoy eating it, *Ramo* indicates that this is not so.

30. *Shulchan Aruch* 299:1.

31. *Ibid.*

shalosh seudot (the third Sabbath meal, in the afternoon) just before *shekiah*/sunset and then continuing to eat even well after nightfall. However, there is a *machloket* (disagreement) regarding this halacha, and that *machloket* is quite relevant to celiacs.

- *Aruch HaShulchan*³² and other prominent *Poskim* assume that the term "eating" in *Shulchan Aruch* refers specifically to someone who began eating bread or some other food upon which the *beracha* of *hamotzi* is recited. Such meals are meaningful enough that a person who starts the meal is allowed to continue eating for as long as he wants to. However, a person who merely eats cake, fruit, or some other food is similar to *Shulchan Aruch's* latter case, of someone who sat down only to drink, and that person must stop his meal when nightfall occurs.
- However, *Shevet HaLevi*³³ understands that a person may be lenient regardless of which food he ate before nightfall, on condition that he was eating that food as part of (or to begin) the *shalosh seudot*. Since the person designated this food as his Shabbat *seudah*, Shabbat "continues" for as long as he eats and, in a sense, the time for *havdalah* does not begin until he has finished eating. According to this more-expansive reading of *Shulchan Aruch*, one who eats any food is considered to be "eating", and only someone who sits down only to drink must stop when nightfall happens.

The common practice is to follow the stricter interpretation, but this poses a particular difficulty for celiacs who cannot eat

32. *Aruch HaShulchan* 299:5; this is also the opinion of *Yalkut Yosef* 299:1 and appears to be the opinion of *Pri Megadim AA* 299:2 and *Mishnah Berurah* 299:2. See also *Shemirat Shabbat Kehulchatal* 59:14 and footnote 47 there.

33. *Shevet HaLevi* 8:36 (end) based on *Levush* 299:1 (end). [*Rashbam, Pesachim* 105a s.v. *havdalah* understands the halacha in a manner similar to *Levush*.]

bread or other *hamotzi* foods. In order to be strict (*machmir*) for *Aruch HaShulchan*, they would have to finish their *shalosh seudot* before nightfall. Often this would force them to eat at a different time than the non-celiac members of the family and/or not have much time to eat after *mincha* (which is commonly scheduled to end just before *shekiah*).

To sum up, the reasons which might permit a person with celiac to adopt the lenient opinion are as follows:

- In cases of great need one may often rely on a lone lenient opinion, especially as relates to rabbinic prohibitions (such as this).
- *Aruch HaShulchan* and the other *machmirim* do not explain the basis for their position. It may be that it is based on an assumption that the person's choice **not** to eat bread is itself an indication that the person is merely snacking and not eating a "true" meal.³⁴ If so, they may agree that a celiac, who does not have the option of eating bread, can be lenient as long as he is eating what he considers a "true" meal.
- As noted, the prohibition is a means of reminding people to recite *havdalah*. Accordingly, *Mishnah Berurah*³⁵ rules that in cases of need one may even **begin** a meal after sunset as long as it is more than 30 minutes before the time when (they hold) one may recite *havdalah*. Although *Mishnah Berurah* reserves this leniency for those in need, it may well be that the celiac can rely on this as a matter of regular practice.
- *Shulchan Aruch*³⁶ cites a minority view that women are not obligated to recite *havdalah* at all. One could argue that

34. See *Shemirat Shabbat Kehilchatah*, Chapter 59 footnote 47, who suggests a similar line of reasoning in a different context.

35. *Mishnah Berurah* 299:1.

36. *Shulchan Aruch* 296:8; see also Ramo ad loc.

according to that opinion, women would be permitted to eat even before they recite *havdalah*. Although the normative halacha does not accept that opinion, it may be an additional factor permitting a female celiac to eat *shalosh seudot* later than *shekiah*.

7. *Eruv Chatzeirot*

On Shabbat, one is forbidden from carrying items outside the house in areas that are not surrounded by walls (i.e. a *reshut harabim* or *karmelit*). Additionally, even if the area is enclosed by walls or a *tzurat hapesach* (colloquially referred to as an "eruv"), Chazal decreed that if the area is used by the residents of more than one house, one may not carry there unless they first create an *eruv chatzeirot*.³⁷ Thus, although the hallways of an apartment building are surrounded by walls, and the streets of one neighborhood may be enclosed with an "eruv", the residents of the building or neighborhood cannot carry in the hallway or street unless there is also an *eruv chatzeirot*.

An *eruv chatzeirot* is created by designating a piece of food to belong to all the residents who have rights to use the shared area, and the joint ownership of the food item is what allows them to carry in the shared area. One rule of *eruvei chatzeirot* is that they are effective only as long as the food item remains edible,³⁸ and therefore a box of matzot – which remains edible without refrigeration for many months – is the most common food-item used to create an *eruv chatzeirot*.³⁹

Does that mean that a celiac, who cannot eat matzah, cannot participate in the community-wide *eruv chatzeirot* because the *eruv chatzeirot* is not edible for **him or her**? If that were the case, then in the examples given above, the celiac would not

37. *Shulchan Aruch* 366:1 & 386:1.

38. *Shulchan Aruch* 368:5.

39. Ramo 368:1.

be able to carry in the shared hallway or street. Fortunately for the celiac, this is not a concern, as the halacha is that one may create an *eruv chatzeirot* even using matzah of *terumah*, even though *terumah* can be eaten only by *Kohanim* (and the *eruv chatzeirot* includes non-*kohanim*).⁴⁰ The halacha merely requires that the *eruv chatzeirot* be edible to some residents (as opposed to being spoiled and inedible), but does not require that every single resident be permitted or able to actually eat the food.⁴¹ Therefore, just as a non-*Kohen* may use a *terumah* matzah, so, too, a celiac may use a gluten-containing matzah.

8. Eruv Tavshilin

When *Yom Tov* occurs on Friday, one is required to create an *eruv tavshilin* to permit cooking on that Friday for Shabbat.⁴² An *eruv tavshilin* must include a cooked item and should preferably also include a baked item.⁴³ As with the *eruv chatzeirot*, an *eruv tavshilin* is effective only so long as the food remains edible;⁴⁴ it is therefore common to use a cooked egg and a matzah for the *eruv tavshilin*.

While the halacha is quite clear that a matzah may be used for *eruv chatzeirot* even if some people cannot eat matzah, a contemporary work, *Eruv Tavshilin Ha'aruch*,⁴⁵ cites a *machloket*

40. *Shulchan Aruch* 386:8.

41. See, for example, *Mishnah Berurah* 386:47 who discusses the acceptability of an *eruv chatzeirot* made of *challat chutz la'aretz* (challah taken from dough outside the land of Israel) which is *tamei* (halachically impure) where, although by the letter of the law it is permitted to a *Kohen* (after *tevillah*), but the custom is that no *Kohanim* eat it nowadays. This indicates that even an *eruv chatzeirot* which no one can actually eat right now (because the *Kohen* hasn't yet undergone *tevillah*, and even if he were to do so would not eat it due to the custom) may still be used since the food is potentially edible to at least one person.

42. *Shulchan Aruch* 527:1.

43. *Shulchan Aruch* 527:2, as per *Mishnah Berurah* 527:5.

44. See, for example, *Shulchan Aruch* 527:15.

45. *Eruv Tavshilin Ha'aruch* 6:12 (and the footnotes ad loc.), by Rabbi Yisroel Dovid Stern (B'nei Brak 5755). [His discussion does not specifically

(disagreement) whether the same leniency applies to *eruv tavshilin*. *Kol Bo*⁴⁶ holds that it does, and would therefore hold that a celiac could use wheat-matzah for an *eruv tavshilin*. On the other hand, he cites *Divrei Shalom*,⁴⁷ who brings a number of proofs that the *eruv tavshilin* must be edible to the person using the *eruv tavshilin*. He therefore recommends that the celiac should use some other baked item for his *eruv tavshilin*.

Even within the strict opinion, it is worth noting that:

- At the very end of the responsum (*teshuvah*), *Divrei Shalom* notes that if the person setting up the *eruv tavshilin* cannot eat the food being used but others in the family can, the *eruv* is effective for those other people. Therefore, he would agree that the non-celiacs in the family can surely rely on the *eruv* made with matzah.
- The entire requirement to have a baked item is merely *l'chatchilah*, as the letter of the law is that it is sufficient to have merely a cooked item.⁴⁸ Accordingly, even if the matzah is not suitable for the celiac's *eruv tavshilin*, the *eruv* is *b'dieved* acceptable.

C. Pesach

9. Matzah at the Seder

One of the primary mitzvot at the Seder is to eat matzah, and

address celiacs.] He suggests that the *machloket* depends on the *Poskim's* different explanation for exactly why *eruv tavshilin* is effective (see *Biur Halacha* 527:1 s.v. *v'al y'dei*).

46. *Kol Bo*, *Hilchot Eruvei Tavshilin* (which is Chapter 59) (Volume 3 pp. 374-375 of the Yerushalayim 5752 edition). The same position can also be found in *Orchot Chaim*, *Hil. Yom Tov*, *Din Eruvei Tavshilin* #3.

47. *Divrei Shalom* 4:91, by Rabbi Shalom Kraus (5739). *Eruv Tavshilin Ha'aruch* does note that *Divrei Shalom* and the other contemporary *Poskim* who share his opinion do not record the opinion of *Kol Bo*, implying that they may not have been aware that a *Rishon* disagrees. [See *Shach* in rule #8 printed after YD 242 regarding how to rule in such a situation.]

48. See *Mishnah Berurah* 527:5.

since matzah is typically made of wheat the celiac faces a serious question of if and how they can fulfill that mitzvah.

A – Availability of oat matzah

Approximately 20 years ago, Rabbi Ephraim Kestenbaum of London began developing gluten-free oat matzah so that celiacs and others allergic to wheat could fulfill the mitzvah. His thinking was that oats are one of the five grains which Jewish law considers suitable for matzah, and oats are also naturally low in gluten, which is the protein which causes a reaction in celiacs; most of the medical community therefore believes that it is safe for celiacs to eat oats. Consequently, he developed specific breeds of oats which are particularly low in gluten and also suited for producing matzah, and he has been producing hand and machine oat matzot ever since.⁴⁹ Although these matzot are quite expensive, they serve as a welcome relief for the many celiacs who want to eat matzah at the Seder without compromising their health.

Two objections have been raised to the production and use of oat matzot, as follows:

B – Production

*Shulchan Aruch*⁵⁰ records that matzah may be made from any (or all) of the five grains, including oats, but Ramo comments that the *minhag* (custom) is that all matzah should be made from wheat. *Mishnah Berurah*⁵¹ sees the *minhag* as based on the assumption that people prefer wheat matzah. He therefore rules that if wheat matzot are not available, one may bake matzot from the other four grains. Accordingly, a celiac who is unable to eat wheat matzah would clearly be permitted to bake and eat oat matzot.

49. For more on these matzot and information on where they can be purchased, see <http://www.glutenfreeoatmatzot.com/>.

50. *Shulchan Aruch* 453:1.

51. *Mishnah Berurah* 453:2.

However, Maharsham⁵² suggests that a second reason for the *minhag* is based on the Gemara⁵³ which indicates that the *chimutz*-process for some grains is different than for wheat, and we should therefore only bake matzah from the grain with which we have the most experience (i.e. wheat). Based on this, *Minchat Yitzchok*⁵⁴ says that one should not produce matzot from non-wheat grains even for those who are unable to eat wheat matzah.

Although the responsum (*teshuvah*) ends on a strict note, Rabbi Kestenbaum⁵⁵ reports that when Dayan Weiss was informed that there are some people who are so allergic as to be unable to eat wheat matzah under any condition, he agreed that such people were permitted to eat oat matzot.⁵⁶ This leniency is quite understandable in light of Ramo/Maharsham merely reporting a *minhag* to use wheat only; the leniency is even more appropriate regarding the oat matzot made by Rabbi Kestenbaum, since, in fact, he now has many years of experience working with oats and preventing them from becoming *chametz*.

C – Use at the Seder

A more serious question is whether oat matzot, as they are manufactured nowadays, are suitable for use at the Seder. The Gemara in *Pesachim* 35a says, "...anything which can become *chametz* may be used for the mitzvah of matzah." The *Rishonim*

52. Maharsham in his comments to *Orchot Chaim* (453:2).

53. Gemara, *Pesachim* 40a, which is referred to in *Magen Avraham* 453:5 & 9.

54. *Minchat Yitzchok* 9:49.

55. Rabbi Kestenbaum in *Sefer HaYovel*, *ibid*.

56. There is even indication of this position in the printed *teshuvah* where *Minchat Yitzchok* concludes with a statement that he believes it is highly unlikely that anyone cannot tolerate one *kezayit* of wheat matzah, giving the impression that his ruling may partially be based on that understanding. See also *Cheshev HaEphod* III:9 who takes a more lenient (but somewhat similar) stance in a *teshuvah* addressed to Dayan Westheim, *Rav HaMachshir* for Rabbi Kestenbaum's matzot.

have two ways of understanding this:⁵⁷

- Ramban⁵⁸ holds that this means that the specific mixture of grain and liquid used in creating a matzah must be susceptible to *chimutz* (becoming *chametz*). However, matzot made from wheat flour and *mei peirot* (fruit juice) without water cannot be used at the Seder because such a mixture can **never** become *chametz*, even though wheat flour mixed with water can.
- Ramban⁵⁹ maintains that the Gemara is providing criteria for determining which **species** of grains can be used to create Seder matzot, but that there is no specific requirement that the **specific** grain used in creating any given matzah should be able to become *chametz*. Therefore, in the aforementioned case of wheat flour mixed with *mei peirot*, Rambam would consider the matzah suitable for use at the Seder (if one overcomes the concern of לחם עוני).⁶⁰

This *machloket* is relevant to oat matzot, because oats are different than other grains in that they must be heat-treated before being stored. After that treatment they are unable to become *chametz* (as per Gemara, *Pesachim* 39a). If so, according to the understanding of Ramban (that one may only use matzot made from a mixture which could become *chametz* if left alone for long enough), oat matzot would not seem to be acceptable for use at the Seder, since heat-treated oats cannot become *chametz* even if they are mixed with water!⁶¹ (This

57. Many of the sources cited in this section are from the article of Rabbi Shmuel Singer in *Mesorah* 15, pp. 90-94.

58. Ramban, *Milchemot Hashem, Pesachim* 10b.

59. Ramban, *Hil. Chametz U'matzah* 6:5 as per *Maggid Mishneh* and *Lechem Mishneh* ad loc.

60. The requirement that matzah used at the Seder be "poor man's bread", i.e., not enriched with fats or juices.

61. Interestingly, it would appear that the facts noted in the text would obviate the concern of *Minchat Yitzchok* noted earlier (that we cannot be sure

concern would not apply to spelt matzah, which may be a solution for some people who are allergic to wheat.)

Thus, it turns out that using oat matzot at the Seder depends on whether one follows the opinion of Rambam or Ramban. Which opinion is accepted? A number of *Acharonim*, including *Pri Megadim*⁶² and *Gra"z*⁶³ (both of whom seem to be based on *Magen Avraham*⁶⁴), appear to follow the strict opinion of Ramban. *Chayei Adam*⁶⁵ cites a number of proofs to Rambam's position, and concludes his discussion with the statement that one may rely on Rambam in *sha'at had'chak* (a time of urgent need). This statement indicates that he prefers the strict opinion wherever possible.

The reticence of *Poskim* to rely on the lenient opinion is mirrored in *Shevet HaLevi*⁶⁶ who, in a *teshuvah* written to Dayan

how long it takes other grains to become *chametz*). On the other hand, we must consider that in an unpublished *teshuvah* on the topic of oat matzot (which covers many of the issues discussed in the text), Dayan Westheim raises another concern with the heat-treatment of oat matzot, suggesting that the considerable moisture released during the process might itself cause *chimutz*. He concludes that this does not pose a concern, and *Shevet HaLevi* 9:117 (cited below) concurs with this position.

62. *Pri Megadim* MZ 461:2 discusses the question and appears to take a strict approach, citing *Magen Avraham* 471:5 (among others), and only references *Magen Avraham* 454:1 as an afterthought. (See more on *Magen Avraham's* position in the footnotes below.)

63. *Gra"z* 462:1 citing exactly the same rationale as *Magen Avraham* 471:5 (in fact, *Magen Avraham* is the source noted in the margin of *Gra"z*).

64. *Magen Avraham* 471:1 (end) appears to follow the opinion of Ramban (see *Dagul Mirivavah* ad loc.) and that seems also to have been the assumption of *Magen Avraham* 454:1. However, *Magen Avraham* 454:1 then suggests (ואפשר לומר) an answer which would agree with Rambam (see *Dagul Mirivavah* *ibid.*). [Rav Akiva Eiger ad loc. actually references Ramban on *Magen Avraham's* answer, as if to say that Ramban disproves the possibility of saying such an answer.] As noted in a previous footnote, *Pri Megadim* and *Gra"z* appear to conclude that in essence *Magen Avraham* accepts Ramban. See also *Chatam Sofer* to *Magen Avraham* 471:1.

65. *Nishmat Adam*, *Pesach* #15.

66. *Shevet HaLevi* 9:117:4.

Asher Westheim, the certifying rabbi (*Rav HaMachshir*) for Rabbi Kestenbaum's oat matzot, notes that in cases of great need a celiac may rely on *Chayei Adam*/Rambam and eat oat matzot at the Seder (but should have someone else recite the *beracha* of "*al achilat matzah*" for him).

In recent years, however, another group, known as the Lakewood Matzah Bakery,⁶⁷ has begun producing gluten-free oat matzot which avoid rancidity without ever heat-treating the oats. These matzot are free of the above concern and may definitely be used at the Seder even according to Rambam.

Note: The information presented above is true for oat matzot baked for 5770/2010 (and earlier years). Over the years, Rabbi Kestenbaum and Dayan Westheim have made a number of unsuccessful attempts to use oats which are not heat-treated, but believe that for Pesach 5771/2011 and beyond their matzot will meet this higher standard.

D – Summary

Theoretically, one may fulfill the mitzvah of eating matzah at the Seder with oat matzah, and for many celiacs this is the only available choice. *Poskim* raise two issues with this practice, of which the second, more serious, one applies only to one brand. Therefore, people who are able to perform the mitzvah with other matzot should refrain from using oat matzot, and those who must use them should (as of this writing) preferably use the matzot produced by the Lakewood Matzah Bakery.

10. One kezayit of matzah

Some celiacs also have a hard time tolerating oats, and the best solution for them is to eat just the bare minimum amount of (oat) matzah which is required. Although most people are

67. For more on these matzot and information on where they can be purchased, see <http://www.lakewoodmatzah.com/>.

required to eat 5 *kezaytim* of matzah at each Seder – 2 at *motzi-matzah*,⁶⁸ 1 at *korech*,⁶⁹ and 2 at *afikomen*⁷⁰ – the celiac who cannot stomach so much can fulfill the biblical mitzvah (*d'oraitah*) of eating 1 *kezayit* on the first night of Pesach and should eat nothing at the second Seder.

Most people's first inclination would be that a person choosing this option should eat his lone *kezayit* of matzah at *motzi-matzah*, when everyone else at the Seder fulfills their mitzvah and recites the *beracha* of "*al achilat matzah*". However, this would mean that the person would not fulfill the mitzvah of *afikomen*. Therefore, *Shulchan Aruch*⁷¹ rules that he should skip *motzi-matzah*, eat *marror* (and no *korech*) and the Seder meal (*Shulchan Oreich*). When the meal is finished and the others are ready for *afikomen*, he should then wash *hamotzi*, recite the *berachot* of *hamotzi* and "*al achilat matzah*", eat his one *kezayit* of matzah (with *hasaibah*) and not eat anything afterwards (just like everyone else who does not eat after *afikomen*). In this way, he has fulfilled the mitzvah *d'oraitah* of eating matzah on the Seder night and of eating *afikomen*.

[A person who eats absolutely no matzah at the Seder makes a minor change in the recitation of the Haggadah; see the footnote for details.]⁷²

11. Quinoa

The Ashkenazic custom is not to eat rice, corn, beans, and

68. *Shulchan Aruch* 475:1.

69. *Ibid.*

70. *Mishnah Berurah* 477:1.

71. *Shulchan Aruch* 482:1 as per *Mishnah Berurah* ad loc.

72. *Biur Halacha* (483:1 s.v. *ad ga'al Yisrael*) says that a person who will not be eating matzah at the Seder must alter the *beracha* of אשר גאלנו (recited at the end of *Maggid*) to remove the wording that implies he will be eating matzah. Therefore, instead of saying כן מצה ומרור כן והגיענו הלילה הזה לאכול בו מצה ומרור כן אלקינו...., he should say כן אלקינו כן והגיענו הלילה הזה כן אלקינו....

certain other foods known collectively as “*kitniot*”.⁷³ *Chok Yaakov*⁷⁴ says that as a general rule we limit this *minhag* to those items which were in use at the time the *minhag* began, but other “new” foods are permitted even if they seem to meet all qualifications as *kitniot*. Many contemporary *Poskim*⁷⁵ accept *Chok Yaakov*’s position, but others⁷⁶ take a stricter stand.

In recent years, this disagreement has a practical application relating to a South American grain known as quinoa. Quinoa was only recently introduced to the Northern Hemisphere and was surely not known or consumed by the Jewish community at the time the *minhag* of *kitniot* began. As such, it qualifies for *Chok Yaakov*’s leniency, and communities which follow that position were happy to have a “new” food to eat on Pesach. For celiacs this was especially good news, because until now the only starch they had available on Pesach was potatoes, since they could not eat (wheat) matzah nor matzah products, nor *kitniot*.

In considering whether they can use quinoa (and some other grains that also qualify according to the opinion of *Chok Yaakov*), the celiac should bear in mind the following:

- As noted, some *Poskim* do not accept *Chok Yaakov*’s leniency, and each person should consult with his rabbi for a personal halachic decision.
- Quinoa may grow near wheat and/or be processed on equipment used for wheat, barley (and other small

73. Ramo 453:1 and 464:1. See below in Section 23 and footnote 158 regarding a celiac who feels unable to maintain the *minhag* of *kitniot*.

74. *Chok Yaakov* 453:9.

75. *Iggerot Moshe* OC III:63 (citing *Chok Yaakov*), and personal communications with Rav Gedalia Dov Schwartz, Rav Herschel Schachter, and Rav Moshe Heinemann (representing respectively cRc, OU & Star-K – but see the coming footnote).

76. I have been told this by Rav Yisroel Belsky (representing OU – but see the previous footnote), and have heard that this is also the position of many Israeli *hashgachot*.

grains), and therefore one must ascertain that the quinoa is not contaminated with *chametz*⁷⁷ (or gluten!).

D. Succot

12. Eating outside the Succah

During Succot, men⁷⁸ are required to eat certain foods in the succah. Which foods are included in that mitzvah? There are implications in the Gemara that bread and *minei targimahl* require a succah;⁷⁹ there are three basic explanations for the term “*minei targimahl*”:

- *Tosefta*⁸⁰ states that *minei targimahl* includes foods (other than bread) made from the five primary grains, and all *Poskim* appear to accept this explanation.
- *Rabbeinu Peretz*⁸¹ holds that it also includes meat, fish, cheese and other foods eaten with bread.

77. As a rule, *chametz* which was mixed into other foods before Pesach can be *batel b’shishim* (nullified in a mixture of 60/1). However, that leniency would *not* apply if a kernel (or partial kernel) of wheat/*chametz* were mixed into quinoa, because this would be an example of *ta’aruvot yavesh b’yavesh* (mixture of two dry things) where Ramo 447:4 rules that even a *mashehu* (smidgen) cannot be *batel* (nullified).

78. See *Shulchan Aruch* 640:1 that women are excused from the mitzvah of Succah.

79. Gemara, *Yoma* 89b, says that bread eaten as *achilat arai* (temporary/not as a meal) does not have to be eaten in the succah, but bread eaten as *achilat kevul* (permanent/as a meal) requires a succah. The next lines in that same Gemara assume that *minei targimahl* must be eaten in the succah.

80. *Tosefta*, *Berachot* 4:4 cited in *Rosh*, *Succah* 2:13 (and in turn in *Beit Yosef* 639 pp. 343a & 343b).

Rosh implies that *Rabbeinu Peretz* accepts this explanation of *minei targimahl* (in addition to his own understanding), and *Rashi* (cited below) says outright that such foods meet his standard of *minei targimahl*.

81. *Rabbeinu Peretz*, cited in *Rosh* *ibid.* and *Beit Yosef* 639 pg. 343a. *Rabbeinu Peretz* uses the example of meat and cheese, but *Tosafot*, *Succah* 27a s.v. *b’minei* describes this opinion as including “meat, fish, and other foods which accompany bread”.

- Rashi⁸² holds that (in addition to the definition of *Tosefta*) *minei targimah* includes fruit.

Shulchan Aruch and Ramo⁸³ rule that *minei targimah* is limited to *Tosefta*'s explanation and therefore rule that only bread and other foods made from the five grains must be eaten in the Succah. [Our discussion focuses on the **types** of foods which require a succah, and ignores the **quantity** of those foods.] According to this ruling, celiacs would be permitted to eat just about all of their food – other than those which contain oats – out of the Succah.

However, *Mishnah Berurah*⁸⁴ does cite *Poskim* who are *machmir* for *Rabbeinu Peretz*'s understanding of the term *minei targimah*, and suggests that a person who eats a full meal which includes meat, fish, cheese or similar foods should eat that meal in the succah even if they did not have any of the five grains. Celiacs who follows this stringent position would, in fact, be required to eat many of their meals in the succah. Within this strict opinion it is worth noting that (a) it applies only if one is eating a full meal (as opposed to a snack),⁸⁵ (b) *Mishnah Berurah*⁸⁶ says that at such a meal one should not recite the *beracha* of *laishev baSuccah*. We will see below (Section 14) that this may **not** be true for a celiac, and (c) *Mishnah Berurah*⁸⁷ summarily rejects those *Poskim* who accept Rashi's opinion.

In the coming section we will see that the definition of *minei targimah* is relevant to a celiac in another context.

82. Rashi, *Berachot* 27a s.v. *b'minei*. Although Rashi appears to suggest his explanation independently, the truth is that it is based on one of two answers the Gemara, *Yoma*, *ibid.*, provides for a question. In fact, Rosh, *ibid.*, cites *Maharanj Rutenberg* as maintaining that fruit must be eaten in the Succah (i.e. like Rashi) based on that answer in the Gemara.

83. *Shulchan Aruch* and Ramo 639:2.

84. *Mishnah Berurah* 639:15.

85. See Rosh and *Mishnah Berurah* *ibid.*

86. *Sha'ar HaTziun* 639:39.

87. *Sha'ar HaTziun* 639:38 rejecting the opinion of *Chayei Adam* 147:3 (end).

13. The first nights of Succot

The Mishnah⁸⁸ states that there is a mitzvah (for men) to eat in the Succah on the first night of Succot (and on the first two nights outside of *Eretz Yisroel*). The obligation to eat on the first night of Succot is not stated explicitly in the Torah, and the Gemara⁸⁹ derives the mitzvah to eat from a *gezairah shavah* (comparison) to Pesach; just as one is required to eat (matzah) on the first night of Pesach, so too one is obligated to eat on the first night of Succot.

Based on this, *Yerushalmi*,⁹⁰ as understood by Rosh,⁹¹ wonders how fully we compare the obligation on Succot to that of Pesach; namely, do we say that just as on Pesach one must eat a *kezayit* of "bread" made from the 5 primary grains (i.e. matzah), so too on Succot a person must eat a *kezayit* of such bread, or can one satisfy the obligation by eating a *kezayit* of *minei targimah* [as described above]? *Yerushalmi* does not resolve this question; consequently, *Shulchan Aruch*⁹² rules that

88. Mishnah, *Succah* 27a.

89. Gemara, *Succah* 27a.

90. *Yerushalmi*, *Succah* 2:7. *Yerushalmi* poses two related questions as to the extent to which the mitzvot of eating on the first nights of Pesach and Succot are comparable; one question refers to the halacha stated in 471:1, and the other is whether one must eat "a *kezayit* of *dagan* in the Succah". Rosh (*Pesachim* 2:15) cites *Yerushalmi* and adds what, at first glance, appears to be a third question – "may one satisfy their obligation with *minei targimah*"? In truth, *Yerushalmi* does not pose a third question, and those words in Rosh are actually his explanation of *Yerushalmi*'s second question. (An alternate way of understanding *Yerushalmi* might be that the question is whether the mitzvah requires a *kezayit* or possibly requires that one eat a *beitzah* of *pat*, as per the position of Ran noted in footnote 96.)

91. See the previous footnote.

92. *Shulchan Aruch* 639:3 as per *Gr"a* 639:3 s.v. *afilu* and *Mishnah Berurah* 639:21 (as opposed to *Levushet Serad* ad loc.). *Pri Megadim* (end of MZ 643) considers the comparison to Pesach so complete that he suggests that just as matzah *ashirah* (matzah with eggs or juices added) is not acceptable for the Seder, so too the *pat* used for the first night of Succot cannot have any ingredients other than flour and water! [It appears that this opinion is not generally accepted, and it is noted here as a mere example.]

one must adopt the strict stand and eat a *kezayit* of bread produced from (one or more of) the five primary grains.

This universally-accepted halacha poses exactly the same challenge to the male celiac as the mitzvah to eat matzah on the first night of Pesach. How can he fulfill this mitzvah *d'oraitah* if he cannot eat wheat, rye, spelt or barley? The simple answer is that he should resolve this issue just as he did on Pesach – by eating a *kezayit* of bread, crackers, muffins or some other “pat” made primarily of gluten-free oats. In choosing this option, the person should be sure to consume a *kezayit* of oats (as opposed to a *kezayit* of oat muffin) within about 3 minutes (*k'dei achilat pras*).⁹³

However, there are situations where even this is not an option. For example, some celiacs are unable to eat even oats, and their reaction is severe enough to qualify for the leniency listed in Section 2 above. We have seen that many hold that one is not required to make himself sick to perform a mitzvah *aseh* such as eating in the succah on the first night of Succot. If this was the case on Pesach, the celiac would not really have much choice – the mitzvah is to eat matzah made of one of the 5 grains and someone who cannot eat any of those grains cannot possibly fulfill the obligation.

The same is not completely true on Succot. As noted, it is an unresolved question whether the mitzvah specifically requires bread or if one can fulfill the obligation (be *yotzeh*) with a *kezayit* of *minei targimahl*. In general we are *machmir* to eat bread, but it would seem that the celiac who cannot eat the five grains should be “*machmir*” and eat a *kezayit* of *minei targimahl* in the succah so as to fulfill the mitzvah, at least according to one view in the *Yerushalmi*. Is that feasible? In the

93. The *kezayit* of *pat* must be eaten within *k'dei achilat pras* (*Mishnah Berurah* 639:22 end) and that *shiur* is approximately 3 minutes long (see below in footnote 134). As noted below at the end of Section 19, the bulk of the non-oat ingredients do not count towards the *shiur* (measurement) of a *kezayit*.

previous section we saw that there are different⁹⁴ explanations for the term “*minei targimahl*”:

- *Shulchan Aruch* accepts the position that it includes items made of the five primary grains. This does not offer the celiac any new options.
- *Mishnah Berurah* recommends being strict (*machmir*) for the opinion of *Rabbeinu Peretz* that *minei targimahl* also includes meat, fish, cheese and other foods which accompany bread. According to this position, possibly a celiac may be able⁹⁵ to satisfy the obligation to eat on the first night of Succot by eating a *kezayit*⁹⁶ of meat or fish (in

94. The text presents two of the possible definitions of *minei targimahl*, and – based on *Sha'ar HaTziun* 639:38 cited above in footnote 87 – ignores Rashi's translation.

95. The word “possibly” in the text reflects the fact that the celiac will fulfill his obligation only if the answers to the following two questions are both “yes”: (a) can one fulfill the mitzvah by eating *minei targimahl* and (b) does *minei targimahl* include meat and fish. In fact, these two questions may qualify as a *sfek sfekahl* (double doubt), in which case one may not be required to be *machmir* at all; that question is beyond the scope of this document.

The text presents the simple way of understanding, that this is an example of *safek d'oraitah l'chumrah* (to be strict when there is doubt concerning a biblical commandment). In fact, some *Acharonim* hold that that principle would not apply in our case because even after doing the “act” (eating the non-*pat*) the person will not be sure he has fulfilled the mitzvah. For a lengthy discussion on this topic, see *Ein HaTechelet* #41 who cites those who follow this latter opinion (including an unnamed *Gadol*, reported to be Rav Chaim Soloveitchik), and many proofs that the strict position stated in the text is, in fact, correct. This issue is also discussed in some of the contemporary *teshuvot* and *seforim* on *techelet*.

96. The text has presented the position of Rosh that one is required to eat a *kezayit* on the first night of Succot. Ran (*Succah* 12b) argues that since the general rule is that one is required to eat in the succah only if he eats a *beitzah*-size (i.e. 2 *kezaytim*) of bread (*Shulchan Aruch* 639:2), therefore on the first night of Succot one is also required to eat a *beitzah* of bread. *Beit Yosef* (639 page 343b) rejects this opinion, and it is not stated in *Shulchan Aruch* 639:3 or any of the commentaries printed “on the page”, but *Mishnah Berurah* 639:22 does recommend that, if possible, one should satisfy this opinion by eating a *beitzah* of *pat*. [*Mishnah Berurah*'s suggestion seems quite reasonable in light of the fact that Ramo 639:5 accepts that part of Ran's position which

a 3-minute period)⁹⁷ with intention⁹⁸ to fulfill that mitzvah.

Based on this and other factors, Rabbi Yitzchok Zilberstein⁹⁹ recommends that someone who cannot eat a *kezayit* of *pat* on the first nights of Succot should eat a *kezayit* of other foods which may qualify as *minei targimah*.

14. *Laishev BaSuccah*

The general rule is that the *beracha* of "*laishev baSuccah*" (...Who...has commanded us to sit/dwell in the Succah) is recited only when one eats a specific amount of bread, cake or other foods made from the five primary grains.¹⁰⁰ At first glance it would seem that a celiac would never be able to recite that *beracha* (unless they were able to eat foods made with oats). In fact, however, there is firm basis for the celiac to recite that *beracha*, as follows:

Most *Rishonim* hold that *laishev baSuccah* is recited every time one makes a "fresh" entrance into their Succah regardless of whether they plan on eating in the Succah, and that *beracha* is effective until they "permanently" leave the Succah, such as when they leave to go to *shul*. According to this opinion, a person might recite *laishev baSuccah* many times each day of Succot, even if they only eat three meals in the Succah. On the

Beit Yosef argued with (i.e. eating in the Succah if it rains on the first night).]

97. See footnote 93.

98. The general rule is that, at least as relates to *mitzvot d'oraitah* (such as eating in the succah on the first night of Succot), one must have *intent* to fulfill the mitzvah when they do the required act (*mitzvot tzrichot kavanah*—see *Mishnah Berurah* 60:10 & 625:1). However, see *Biur Halacha* 60:4 s.v. *v'yesh* that *b'dieved* this does not apply to eating-based mitzvot such as eating in the Succah on the first night of Succot (but see *Moadim U'zmanim* 1:86 & 6:69).

99. *Chashukei Chemed, Succah* 27a (page 177 in the *Av* 5766 edition). Among the other sources he cites are *Yaavetz* (*Pesachim* 114a, printed on page 22a after the *Maharsha*) who holds there is a subjective standard as to which foods must be eaten in the succah.

100. See *Shulchan Aruch* 639:2 and *Mishnah Berurah* 639:13, 15 & 16.

other hand, Rabbeinu Tam argues that *laishev baSuccah* is recited only when one eats a meal which one **must** eat in the Succah (specific amounts of food made of the five grains, as above), and all other time spent in the Succah is subordinate to those meals.¹⁰¹

*Shulchan Aruch*¹⁰² records that the custom is to follow the latter opinion. However, *Taz*¹⁰³ rules that the custom is limited to cases of someone who will be eating one of the five grains on a given day. In such cases, the *laishev baSuccah* recited on eating the meals in the Succah "covers" all of the other time the person spends in the Succah. But this logic does not apply to a person who is fasting or does not plan on eating one of the five grains on a given day of Succot. Since he will not be reciting *laishev baSuccah* on meals, the halacha reverts to the opinion of most *Rishonim* that a *laishev baSuccah* is recited every time the person make a "fresh" entrance into the Succah.

Although *Ma'amar Mordechai*¹⁰⁴ rejects *Taz's* position, *Mishnah Berurah*¹⁰⁵ follows the lead of many *Poskim* who accept it, and would hold that celiacs who (cannot eat oats and) will not be eating any of the five grains, may recite *laishev baSuccah* when they choose to enter the Succah even if they will not be eating anything at all! When the celiac leaves the Succah to go to work, *shul*, on a trip, or leaves the Succah in some other "permanent" way, the effectiveness of their *laishev baSuccah* ends, and when they return to the Succah they should recite a new *beracha*.¹⁰⁶

101. For more on these opinions, see *Mishnah Berurah* 639:46. It is noteworthy that in practice *Gr"a* is reported to have followed the opinion of most *Rishonim* (*Ma'aseh Rav* 218).

102. *Shulchan Aruch* 639:8.

103. *Taz* 639:20 (end).

104. *Ma'amar Mordechai* 639:8, quoted and accepted by *Kaf HaChaim* 639:97.

105. *Mishnah Berurah* 639:48. This is also the opinion of *Chayei Adam* 147:15. [It is not clear if other *Poskim* agree with *Chayei Adam's* extension of *Taz* (which is also cited in *Mishnah Berurah*.)]

106. It is noteworthy, however, that *Pri Megadim* (to *Taz* *ibid.*) suggests that

E. Other Yomim Tovim

15. Purim

One of the mitzvot of Purim is to partake in a festive meal during the daytime of Purim.¹⁰⁷ *Shulchan Aruch*¹⁰⁸ notes that the meal must contain wine; Ramo¹⁰⁹ adds that the meal should be grand, even listing certain foods which are customarily eaten at the meal. However, these *Poskim* do not mention whether one is required to eat bread/*hamotzi* at this meal (as with other *Yomim Tovim seudot*) or not, and this leads to a debate among later *Poskim*.

Maharshah¹¹⁰ holds that bread is required just as at every other *seudat Yom Tov*, while *Magen Avraham*¹¹¹ argues that there is no such requirement for Purim. *Mishnah Berurah*¹¹² and others cite both opinions and leave the issue unresolved, although a number of these *Poskim* seem to favor the opinion that bread is **not** required. It is worth noting that even the strict opinion would apparently agree that a celiac does not have to eat bread at the *seudat Purim*, as follows: The mitzvah

Taz may hold that after the celiac recites *laishev baSuccah* once in the morning, he should not repeat *laishev baSuccah* until (a) the next morning when he reenters, or (b) he leaves the Succah with intention of not returning there for the rest of the day, and then does return after all. The text follows *Mishnah Berurah* who appears *not* to accept this suggestion, and says rather that after every permanent leaving of the Succah the person recites a fresh *berachia* upon returning.

107. *Shulchan Aruch* 695:1.

108. *Shulchan Aruch* 695:2.

109. Ramo-695:1-2.

110. *Responsa Maharshah* 48; *Taz* 693:2 accepts this opinion.

111. *Magen Avraham* 695:9; this is also the opinion of *Birkei Yosef* 695:1 (cited in *Sha'arei Teshuvah* to Ramo's introduction to 695).

112. *Mishnah Berurah* 695:15 (as relates to one who forgot to recite *al hanisim* during *birchat hamazon* at the Purim *seudah*); see also *Tzitz Eliezer* (19:27:4), *Shevet HaLevi* (1:205 on *Siman* 695), and *Yechaveh Da'at* (1:89) (who cites many sources and concludes that it is preferable, but not required, to have bread at the *seudah*).

to eat bread at the Purim *seudah* is not more strict than the mitzvah to eat bread on (Shabbat or) *Yom Tov*, and we have seen that someone who dislikes bread or becomes sick from eating it is not obligated to eat bread on those occasions. Thus, all agree that a celiac who cannot eat oat-bread is not required to eat bread at *seudat Purim*, and the controversy between Maharshah and *Magen Avraham* is limited to a celiac (or anyone else) who can eat oat bread.

16. Erev Tishah B'av

The last meal eaten before *Tishah B'av* is known as the *seudah hamafseket*, and the common custom¹¹³ is to eat bread (dipped in ashes) and hard-boiled eggs at that meal. There is not much question that a celiac who cannot eat bread should just eat the egg at that meal, and the issue to consider is whether he should substitute gluten-free bread instead of traditional bread. That question depends, in turn, on the following question:

How can the custom to eat bread and eggs at the *seudah hamafseket* be reconciled with the halacha¹¹⁴ that one may only eat one cooked or broiled food at that meal? Why are the bread and egg not considered two separate cooked/broiled foods and forbidden? It would appear¹¹⁵ that the answer to that question is that bread is the staple of every meal and the restriction on foods served at the *seudah hamafseket* presupposes that bread is being served. Thus, in truth the

113. See *Kitzur Shulchan Aruch* 123:3 and *Mishnah Berurah* 552:22 (end).

114. *Shulchan Aruch* 552:1 and Ramo 552:3.

115. *Shulchan Aruch* 552:5 records a custom to eat eggs at the *seudah hamafseket*, and in 552:6 he discusses the merit of just eating bread with salt and water, but never puts these two together – to eat bread with egg. *Aishel Avraham (Butshetsh)* 552:1 suggests esoteric answers for the question posed in the text, but the lack of discussion of this question by most *Poskim* implies that there is a “simpler” explanation. This author posed the question to a number of rabbis who all (independently) suggested the answer given in the text.

prohibition is that in addition to the bread the meal should not have two **other** cooked or broiled foods.

What is the status of gluten-free bread – made of rice, bean, or potato “flour” – as relates to this halacha? For the non-celiac it is clear that rice bread (for example) is not a staple food, and if one eats it at the *seudah hamafseket* he may not eat any other cooked or baked food. It would seem that the same should apply even for a celiac because (a) the halacha is generally established based on the practice of the general population and not of smaller groups such as celiacs, and (b) the truth is that as a rule, even celiacs do not use gluten-free bread as their staple food in the same way traditional bread is used.

On a practical level it is worth noting the following: Nutritionists suggest that a person should eat a large amount of starch before a long fast, such as *Tishah B'av*, so that the person will have the strength to fast. This poses a particular difficulty for celiacs preparing for *Tishah B'av* when it occurs on Sunday, because most of the starch which they can eat (potatoes, rice) isn't very appetizing when it is cold, and it is not so simple to warm up food on Shabbat afternoon (i.e. the time right before the fast). The celiac has to consider this before Shabbat and either cook starches that can be eaten at room temperature (e.g. quinoa, canned corn, gluten-free crackers), leave food on the *blech* for *Shalosh Seudot*, or prepare a way to warm food that late in the day (e.g. by placing it on top of a hot urn).

17. *Aseret Yimei Teshuvah*

There are different opinions as to whether the prohibition for a Jew to eat *pat akum* (bread-like foods baked by a non-Jew) applies to bread baked by a baker/*paltar*.¹¹⁶ *Shulchan Aruch*¹¹⁷

rules that even those who follow the lenient opinion on this matter (and permit eating bread baked by a non-Jew) must be strict (*machmir*) during *Aseret yimei teshuvah* (the 10 days from Rosh Hashanah through Yom Kippur). Is *Shulchan Aruch* ruling that during *Aseret yimei teshuvah* one must **generally** act in a more pious manner, and *pat paltar* is merely one example of how this should be done, or is this ruling somehow **specific** and limited to *pat paltar*? This question is relevant to celiacs¹¹⁸ because the prohibition of *pat akum* applies only to items made of the five primary grains¹¹⁹ and celiacs cannot eat those grains!¹²⁰ If *pat Yisroel* is just an **example** of how one should be *machmir* during *Aseret yimei teshuvah*, then the celiac would have to find some other “strictness” (*chumrah*) to follow for those days.

The simple reading of *Shulchan Aruch* implies that his ruling is specific to *pat Yisroel*. However, a closer reading shows near-unanimous agreement¹²¹ that it is a general directive to be

118. The same question is relevant to non-celiacs who are *machmir* regarding *pat paltar* all year round.

119. *Shulchan Aruch* YD 112:1.

120. Even the strict opinion holds that if the *pat paltar* tastes better or is somehow of better quality, one is not required to eat *pat Yisroel* (*Shulchan Aruch* YD 112:5). Therefore, during *Aseret yimei teshuvah* one is only required to try to participate in the baking of the bread they like [so that it is not considered bread baked by a non-Jew] (see *Mishnah Berurah* 603:1) or else find a bread which they find as desirable as the *pat paltar* they usually eat. Accordingly, it would seem that even celiacs who can eat oats would not be required to eat *pat Yisroel* oat muffins (and similar items) during *Aseret yimei teshuvah* because there are very few kosher, gluten-free oat muffins on the market, and if the celiac found one that they actually enjoy eating they would probably not be required to try a less-appelling *pat Yisroel* version.

121. See for example *Chayei Adam* 143 (page 862 in the *Meorot Da'at* 5748 edition), *Sha'ar HaTziun* 609:1, and *Iggerot Moshe* OC 3:12. *Aruch HaShulchan* 603:2 implies that in principle he agrees with this position, although he limits the types of *chumrot* one should choose to adopt. The opinion which comes closest to rejecting the position stated in the text is *Levush* 603:1, who sees a special connection between *Yerushalmi* (cited further in the text) and *pat paltar*, in that both relate to *kedushah* (holiness), and possibly he would hold that one should be *machmir* only in areas that are similarly connected.

116. See *Shulchan Aruch* YD 112:2 and commentaries ad loc.

117. *Shulchan Aruch* 603:1.

more particular during *Aseret yimei teshuvah*. In fact, the source of *Shulchan Aruch's* ruling is a text in the *Yerushalmi*,¹²² which does not say a word about *pat paltar* at all, but rather discusses eating *Chullin b'taharah!*¹²³ Clearly, *Shulchan Aruch* understood *Yerushalmi* to be providing an example of how one should be *machmir*, and since that example is not realistic nowadays,¹²⁴ *Shulchan Aruch* picked a different example (*pat Yisrael*). The same is true for the celiac. He cannot be *machmir* to eat *pat Yisrael*, so, in consultation with his rabbi, he should temporarily adopt some other *chumrah* which he may not practice all year (e.g. *chalav Yisroel*, *Beit Yosef glatt*, keeping Shabbat until 72 minutes after sunset, not carrying in a city-wide *eruv*, etc.).¹²⁵

18. Erev Yom Kippur

There is a mitzvah to eat on *Erev Yom Kippur*, and *Minchat Chinuch*¹²⁶ says that it is obvious that one can fulfill that mitzvah by eating any food. He infers this from the halacha (discussed above) that even on Purim when there is a formal *seudah* requirement, *Magen Avraham* says one is not required to

The examples given in the other *Poskim* (other than *Chayei Adam*, who gives no example) apparently did not accept *Levush's* interpretation.

122. *Yerushalmi*, Shabbat 1:3 cited in *Tur* 603.

123. Eating *Chullin b'taharah* was a practice whereby people ate food that had no *kedushah* (*Chullin*) with the same level of spiritual purity (*taharah*) usually required for foods that do have *kedushah*.

124. See, for example, *Magen Avraham* to 603:1, who explains reasons why following this practice nowadays involves seemingly insurmountable hurdles.

125. In this context, it is worth noting the caution of *Iggerot Moshe* (*ibid*) that one should be careful not to choose a *chumrah* which negatively affects another person. [Another *chumrah* that many people would add to the list in the text is *yoshon*, but this is not suitable for a celiac since *yoshon* applies only to the five primary grains (*Shulchan Aruch* YD 293:1).]

126. *Minchat Chinuch* 313:9 in the traditional edition. See also *Ktav Sofer* OC 112 & 114.

eat bread.¹²⁷ This position seems implicit in the *Shulchan Aruch*¹²⁸ and later *Poskim* who list a number of foods which one should or should not eat on *Erev Yom Kippur*, but make no mention of any specific need to eat bread.

In contrast, *Sdei Chemed*¹²⁹ says that if eating on *Erev Yom Kippur* is a "practical" mitzvah to assure that one is able to fast on *Yom Kippur*, then one might be required to eat bread. However, the truth is that the full line in *Sdei Chemed* actually says that this opinion would hold "one must eat bread or some other wholesome/nutritious (מידי דימיון) food, and one does not fulfill the obligation by eating other things". So, *Sdei Chemed* is merely saying that people need to pick foods that help them fast, and eating a potato is just as good as eating a slice of bread.

Thus, all opinions appear to agree that there is no requirement to eat bread (or any of the five grains) on *Erev Yom Kippur*, and a celiac can fulfill the obligation to eat in preparation for the fast just as well as any other Jew.

F. Berachot

19. Oat muffins

Many celiacs are able to eat gluten-free oats and use those oats to create muffins, rolls, or other baked goods. [The coming paragraphs will use muffins as the example, but the

127. We saw that as relates to Purim there are those who hold that one is required to eat bread; nonetheless, it seems that *Minchat Chinuch* maintains that all opinions agree regarding *Erev Yom Kippur*: he says that his point is brought in *Magen Avraham* as relates to Purim (as noted in the text) and "here surely this is true, and this seems obvious", and those words imply that although there may be a disagreement regarding Purim, all would agree that there is no need to eat bread on *Erev Yom Kippur*.

128. See *Shulchan Aruch* 608:4 and commentaries ad loc.

129. *Sdei Chemed* Volume 8 p.354 (*Ma'arechet Yom HaKippurim* 1:3), based on the explanation of the mitzvah given in *Tur* 604.

same halachot apply to rolls and other baked goods made with oats.] However, the muffins are often not 100% oat flour but rather a mixture of a number of “flours” (e.g. rice flour, potato starch, bean flour) and other ingredients; accordingly, the *beracha rishonah* and *beracha acharonah* (the blessings before and after eating) on the muffin depend on a number of factors:

- *Hamotzi* is recited on muffins which contain enough oats to affect the taste.¹³⁰ There are two cases where *hamotzi* is not recited:
 - If the muffins have no oat taste, the oats play no role in determining the *beracha rishonah*, and the *beracha* will likely be *shehakol*.¹³¹ [If the muffin has no oat taste but is made with rice flour the *beracha* may be *mezonot* due to the rice; this will be discussed below in Section 21.]
 - Even if there are enough oats to affect the taste, if the other ingredients in the recipe dominate the taste of the muffin (e.g. chocolate muffin), the *beracha rishonah* is *mezonot* unless one is *koveah seudah* on the muffin (i.e. makes the muffin the staple of the meal instead of bread).¹³²

The following halachot do not apply to the two exceptions

130. *Shulchan Aruch* 208:9 as per *Mishnah Berurah* 208:44.

131. See *Mishnah Berurah* 208:45 & 49.

132. The class of foods known as “pat” (bread-like items) is divided into two categories: standard *pat* and *pat haba’ah b’kisnin*. Standard *pat* refers to bread or bagels which are soft and basically have the simple taste of the grain, while *pat haba’ah b’kisnin* refers to *pat* which is either crunchy (e.g. crackers), dominated by non-grain tastes (e.g. chocolate cake), or filled/topped with other items (e.g. pie). The *beracha rishonah* and *acharonah* on standard *pat* are *hamotzi* and *birchat hamazon*, respectively. Since *pat haba’ah b’kisnin* is generally eaten as a snack, the *beracha rishonah* and *acharonah* are *mezonot* and *al hamichyah* respectively, but if they are used as a bread-replacement during a meal (*koveah seudah*) the *berachot* are *hamotzi* and *birchat hamazon* (just like standard *pat*). The details of *pat haba’ah b’kisnin* and what constitutes *keviat seudah* are discussed in *Shulchan Aruch* 168:6-7 and the commentaries ad loc.

listed above (no oat taste or oat taste is overwhelmed and there was no *keviat seudah*).

- *Birchat hamazon* is recited after eating the muffin if the recipe contains more than 1/8¹³³ oats and the person ate a *kezayit* worth of oat flour within 3-4¹³⁴ minutes.¹³⁵ For example, if the recipe consists of 1/4 oats, *birchat hamazon* would be recited only if the person ate 4 *kezayitim* of muffin (such that he effectively ate 1 *kezayit* of oats) in that amount of time. In addition, the muffin has the full status of “bread” which requires *netilat yadayim* with a *beracha* before eating it, and is considered the staple of the meal, so that no other *beracha rishonah* is required for other foods eaten as part of the meal.
- If the muffin is made of less than 1/8 oats and/or the

133. The actual words of *Shulchan Aruch* are that the muffin must contain a “*kezayit b’chdei achilat pras*” of oats (or one of the other “5 grains”). *Mishnah Berurah* 208:43 clarifies that in fact there is a *machloket* whether *kezayit b’chdei achilat pras* refers to a mixture which is 1/6 or 1/8 oats (see *Shulchan Aruch* 612:4 & 618:8), and as relates to this halacha he rules that one should follow the opinion which defines it as 1/8.

In calculating the ratio of oats to other ingredients (or any other halachic measurement), the measurements are made in volume as opposed to weight (*Pitchei Teshuvah* YD 98:2). For example, a mixture of 1 pound of oat flour and 1 pound of potato starch is halachically treated as being 3/5 oats and 2/5 potatoes because the volume of oat flour is approximately 50% higher than that of potato starch. Thus, in investigating a muffin produced in a commercial bakery (where they likely measure ingredients by weight), one can judge the percentage of oats only after converting the weight-percentages into volume-percentages. See the text below regarding if and how non-grain ingredients (e.g. sugar, water) are included in the calculation.

134. All food eaten within the time of “*k’dei achilat pras*” is considered to have been eaten in one “sitting” and combines towards deciding whether the person ate the required *shiur*. There is considerable discussion in the *Poskim* as to how long the time-frame for *k’dei achilat pras* is, and the most widely accepted view is that of *Marcheshet* I:14:5-8 who rules that it is either 2.70, 3.60 or 4.80 minutes. See, for example, *Aruch HaShulchan* 202:8 (3-4 minutes), *Shenirat Shabbat Kehilchatah* 54:30 (4 minutes, but if possible one should be *machmir* for 2 minutes), and *Iggerot Moshe* OC IV:41 (3 minutes).

135. *Shulchan Aruch* 208:9.

person ate less than a *kezayit* of oat flour,¹³⁶ (but he ate a *kezayit* of the overall muffin) the following halachot apply:

- Our version of *Shulchan Aruch* (208:9) states that the correct *beracha acharonah* is *al hamichyah*. Some *Acharonim* accept this ruling but *Gr"n* amends the words of *Shulchan Aruch* to read that the person should recite *borei nefashot*. Due to this disagreement, *Mishnah Berurah*¹³⁷ recommends that one avoid this question by not eating such muffins (or, by making sure to eat a *kezayit* of the oats), but if one did eat the muffin they may rely on *Shulchan Aruch* and recite *al hamichyah*.

- Although the person did not eat a *kezayit* of oats, there is basis for assuming that the muffin is nonetheless considered the primary part of the meal and a *beracha rishonah* is not required for the other foods eaten as part of the meal (see the footnote).¹³⁸ This is especially true if the

136. In both cases noted in the text the crucial factor is that the person did not eat a *kezayit* of oat flour within the required amount of time. The difference between the cases is that in the former (less than 1/8 oats) it is physically impossible to eat a *kezayit* of oats in the given time, but in the latter (more than 1/8 oats) it was the person's decision not to eat enough oat flour.

137. *Mishnah Berurah* 208:47.

138. Bread is the staple of a meal, and once a person recites *hamotzi* on a piece of bread they are not required to recite a *beracha rishonah* on any other foods served as part of that meal (*Shulchan Aruch* 177:1). [This does not include wine/grape juice, and certain foods served as adjuncts to the meal (e.g. dessert) (*Shulchan Aruch* 174:1, 176:1, 177:1-4 and elsewhere).] Does the same halacha apply if the person ate less than a *kezayit* of bread, and only ate the bread to avoid having to recite the *beracha rishonah* on other foods? *Magen Avraham* 177:1 suggests that in that case the *hamotzi* will not absolve the requirement to recite a *beracha rishonah* on the other foods since the bread is clearly not the staple of this meal. [*Iggerot Moshe* OC IV:41 accepts this ruling, but rejects *Magen Avraham's* similar discussion regarding someone who ate a *kezayit* of bread but personally does not consider it to be the primary part of his meal.]

The earlier text noted that *Shulchan Aruch* 208:9 rules that if a muffin contains less than 1/8 oats (but has an oat taste) the proper *beracha rishonah* is *hamotzi* even though it is physically impossible for the person to eat a

muffin is eaten as part of a Shabbat *seudah*.¹³⁹

kezayit of oats in the required amount of time. Thus, even though the person ate a *kezayit* of muffin, he does not recite *birchat hamazon* since he did not eat a *kezayit* of oats. At first glance, that case would seem to qualify for *Magen Avraham's* ruling that someone who eats less than a *kezayit* of "bread" cannot consider it the staple of his meal and must recite a *beracha rishonah* on the other foods served at that meal. If so, we could question why *Magen Avraham* and other *Poskim* are silent about this issue? Why is it that no one notes that in this case the *beracha* on the muffin is *hamotzi* but that *hamotzi* does not excuse the person from reciting the *beracha rishonah* on the other foods served at the meal?

It seems that the answer is that in truth the case of the muffin is not at all similar to that of *Magen Avraham*, as follows: *Magen Avraham's* ruling is predicated on the fact that the person ate so little of the bread that there is no way to consider it the primary part of his meal. However, in our case, the person is eating a full *kezayit* of the *hamotzi* muffin and gives all appearance of considering it the staple of his meal, and only due to a technicality (the muffin is 7/8 non-oats) is unable to recite *birchat hamazon*. Although the person did not eat a *kezayit* of the oats (which is what rendered the muffin fit for *hamotzi*), he did eat a *kezayit* of the muffin, thereby showing that he considers this muffin to be the staple of his meal. If so, we can apply the general rule that if one eats a meal that includes a *hamotzi*-item, the only *beracha rishonah* required is *hamotzi*.

It would seem that we can support this understanding from the ruling at the end of *Magen Avraham* (as per the understanding of *Mishnah Berurah* 177:3) where he discusses a given case where the person may not be considering the bread to be the primary part of his meal and may therefore have to recite a separate *beracha rishonah* on the other foods served. *Magen Avraham* rules that if this occurs at a Shabbat *seudah* where one is required to eat bread, the bread takes on the required significance regardless of the person's intentions, and no *beracha rishonah* is required on the other foods. This implies that it is possible for an outside factor (Shabbat) to override the person's actions or seeming intentions. In our case as well, the non-oat ingredients of the muffin do not contribute to the requirement to recite *hamotzi* or *birchat hamazon*, but when the person eats a (full) muffin containing oats and the other ingredients, they serve as an outside factor which indicates that this *hamotzi* food is the primary part of the meal.

139. As noted in the previous footnote, *Magen Avraham* discusses two cases, someone who ate less than a *kezayit* of bread and someone who ate a *kezayit* but does not consider the bread to be the mainstay of his meal. We noted that *Iggerot Moshe* does not accept *Magen Avraham's* reasoning as relates to the latter case. We also mentioned that *Magen Avraham* concludes by noting that his conclusion does not apply to bread eaten at a Shabbat

- Before (reciting *hamotzi* and) eating the muffin the person should wash *netilat yadayim* but not recite the *beracha*.¹⁴⁰

In determining whether a person has eaten a *kezayit* of oats, it is clear that any other flours included in the recipe do not “count” towards the *kezayit*. *Mishnah Berurah*¹⁴¹ cites two opinions as to whether sugar, spices and other items which merely flavor the grains¹⁴² count towards the *kezayit* of oats which must be eaten.

20. Drinks after wine

The previous section mentioned the well-known halacha that one who eats bread is not required to recite a *beracha rishonah* on other foods eaten as part of that meal. A similar halacha applies to wine (and grape juice): after drinking wine one is not required to recite a *beracha rishonah* or *beracha acharonah* on any other liquid consumed at that meal.¹⁴³

For many people this halacha has no practical application because the only time they drink wine is when they recite *kiddush* (or *havdalah*) and then they immediately eat bread/

seudah, and it is not clear whether this limitation even applies to the former case (the person who ate less than a *kezayit*) or just to the latter. If the limitation applies even to the former, then there is no question that someone eating less than a *kezayit* of oats as part of a Shabbat *seudah* does not have to recite a *beracha rishonah* on the other foods served at that *seudah*.

140. This is the general halacha of one who eats less than a *kezayit* (and some say, even less than a *beitzah*) of bread; there is a *machloket* whether *netilat yadayim* is required and the ruling of *Mishnah Berurah* (158:9-10) is that one should wash *netilat yadayim* but not recite the *beracha*. See also *Iggerot Moshe* OC IV:41.

141. *Mishnah Berurah* 208:48. If a recipe contained 20% oat flour, 70% potato starch and 10% flavorings, it would seem that even the lenient opinion would only allow the person to consider 2/9 of the flavorings to be “oats” and there is no way to act as if it is “all” oats.

142. See *Vezot Haberachah* #14 regarding the water, oil and other liquids included in the recipe.

143. *Shulchan Aruch* 174:2 & 208:16.

challah. Thus, they drink wine during a meal, and therefore they do not recite other *berachot*. However, the celiac who recites *kiddush* but does not recite *hamotzi* at Shabbat meals needs to become familiar with some particulars of this halacha as they apply to his situation:

- There are three opinions as to how much wine a person must drink before he is excused from *berachot* on other drinks. *Biur Halacha*¹⁴⁴ accepts the middle-opinion that it applies after drinking at least *malei lugmav* (a cheek-full) of wine. *Malei lugmav* is a subjective measure which fluctuates from person to person,¹⁴⁵ inasmuch as it equals the amount of wine which would fit into one of that person’s cheeks. *Shulchan Aruch*¹⁴⁶ calculates that in an average-sized male it is about 1.5 ounces.
- *Mishnah Berurah*¹⁴⁷ cites two opinions whether the other liquids must be present at the time the person drank the wine or if it suffices that the person knew they would be drinking other beverages.
- As relates to another halacha in *Hilchot Berachot*, *Minchat Yitzchok*¹⁴⁸ defines “liquid” as anything which flows and

144. *Biur Halacha* 174:2 s.v. *yayin*. However, in deference to the opinion that the halacha applies even if one drank a tiny bit of wine, he suggests that perhaps one who drank less than a *malei lugmav* should hear the *beracha* of *shehakol* from someone else (or recite *shehakol* on a non-liquid) thereby surely avoiding the requirement to recite a *beracha* on the liquids.

145. See *Mishnah Berurah* 271:68. See *Biur Halacha* 271:13 s.v. *v’hu* regarding a small person whose cheek holds less than most of a *revi’it*.

146. *Shulchan Aruch* 271:13 equates *malei lugmav* (of an average person – as per *Mishnah Berurah* *ibid.*) with “the majority of a *revi’it*,” and we have seen in Section 3 that a *revi’it* is approximately 3 ounces.

147. *Mishnah Berurah* 174:3; he seems to favor the opinion that the liquids must be present.

148. *Minchat Yitzchok* 2:110:1-4, discussing whether the amount required for a *beracha acharonah* is a *kezayit* (as required for solids) or a *revi’it* (as required for liquids). [In a completely different context, *Pri Megadim* MZ 105:1 cites a similar definition of liquids from *Responsa Rosh* 20:1.]

can be consumed without chewing or sucking. Thus, someone who drank wine or grape juice would be excused from reciting *shehakol* on soda, juice, or clear chicken soup, but would be required to recite a *beracha* on ice cream, ices, and yogurt (even though they are made from liquids).

21. Rice-based foods

As relates to the laws of *berachot*, rice¹⁴⁹ has a unique status--it is similar to the five primary grains in some ways but not in others. It is similar to the five grains in that the *beracha rishonah* on cooked rice is *mezonot*,¹⁵⁰ and that is true even if the rice had previously been ground into a powder.¹⁵¹ [The *beracha* on liquefied rice (e.g. Rice Dream) is *shehakol*.]¹⁵² On the other hand, it is different from the five grains in that the *beracha acharonah* on rice is *borei nefashot*¹⁵³ and the rule of *kol sheyesh bo* (see footnote)¹⁵⁴ does not apply.¹⁵⁵

Therefore, the *beracha rishonah* on rice pasta is *borei minei mezonot*, and the *beracha* on pasta made of a mixture of corn and rice would depend on whether it contains more corn (in which case the *beracha* is *shehakol*) or rice (in which case the *beracha* is *mezonot*). Similarly, the *beracha* on gluten-free rice

149. The text follows the common practice which translates "orez" as rice, as per *Mishnah Berurah* 208:25.

150. *Shulchan Aruch* 208:7.

151. *Ibid*.

152. See *Shulchan Aruch* 208:6 and *Mishnah Berurah* 208:23.

153. *Shulchan Aruch* 208:7.

154. If a food is made of a few ingredients which have different *berachot*, the *beracha* for the finished food is often determined by which ingredient constitutes the majority of the food. If, however, one of the ingredients is one of the five primary grains, then the *beracha* is *mezonot* even if the product contains less than 50% grain (*Shulchan Aruch* 208:2). This rule is known as "*kol sheyesh bo mei' chamishet haminin*" which literally means "anything which contains one of the five grains". There are exceptions to this rule.

155. See *Shulchan Aruch* 208:2.

crackers or cake mixes which contain rice powder depends on whether they are made of more or less than 50% rice. In all of those cases, the *beracha acharonah* is *borei nefashot*.

In this context, we should note a ruling reported by Rav Yisroel Belsky¹⁵⁶ in the name of Rav Moshe Feinstein. He ruled that if a fruit cocktail is 30% peaches (*ha'eitz*), 30% grapes (*ha'eitz*) and 40% pineapple (*ha'adamah*), the *beracha* on the fruit cocktail is *ha'eitz*, since 60% of the food is *ha'eitz*, even though there is more pineapple than any other ingredient. Similarly, if a rice cracker is made of 40% rice flour (*mezonot*), 35% potato starch (*shehakol*), and 25% nut flour (*shehakol*), the proper *beracha* is *shehakol* since more than 50% of the cracker is *shehakol* ingredients.

In many cases a consumer cannot independently determine the percentages of each ingredient in a commercially-prepared food, and often the simplest way of determining the *beracha* is to ask the *Rav HaMachshir* or kosher certifying agency.

22. Cholent

Most people eat *cholent* as part of a meal, after they have already eaten bread/*challah*. Therefore, they do not recite any *beracha* on the *cholent*. Even if the *cholent* is not eaten during a meal (e.g. on Friday night or at a *kiddush*) the typical *cholent* contains barley, and the generally-accepted rule¹⁵⁷ is that the *beracha rishonah* is *mezonot* (based on the principle of *kol sheyesh bo* as explained above). However, many celiacs do not recite *hamotzi* at the beginning of their meal, and gluten-free *cholent* which they eat does not contain any barley. What, then, is the proper *beracha* for them to recite before eating the Shabbat *cholent*?

156. Personal communication with the author (November 2005).

157. The *beracha* on foods which contain cooked barley devolves on the discussion in *Mishnah Berurah* 208:15 and *Iggerot Moshe* OC 1:68, and the text reflects the common practice to recite *mezonot* on pearled barley.

Based on the principles we have discussed in the previous section, it seems that the *beracha rishonah* is usually *ha'adamah*. The principle of *kol sheyesh bo* does not apply to rice; therefore the *beracha* is determined based on the largest-volume ingredient. In a typical gluten-free *cholent*, the majority of the *cholent* is *ha'adamah* ingredients (beans, potatoes, and/or quinoa) and only a minority is *shehakol* (meat) or *mezonot* (rice), rendering the proper *beracha rishonah* as *ha'adamah*. Of course, if a particular recipe is mainly rice or meat, the *beracha* would change appropriately.

G. Miscellaneous

23. Hatarat Nedarim

A person who is diagnosed with celiac will need to make radical changes to his/her diet, and will find that a gluten-free lifestyle severely limits food choices. It could be that previously, before being diagnosed as having celiac, this individual may have chosen to adopt certain strict halachic rules (*chumrot*) relating to food, but now they no longer feel able to maintain these *chumrot* while also trying to follow a gluten-free diet. For example, at 20 years of age a person adopted the practice to eat only *chalav Yisroel*¹⁵⁸ dairy products – and at age 25 was diagnosed with celiac. Restricting themselves to only *chalav Yisroel*-gluten-free foods drastically limits their viable options for gluten-free meals and snacks. Had they known they had or were developing celiac,

158. Other examples might be a celiac who cannot find *yoshon* gluten-free oats or who feels they need to eat *kitniot* on Pesach. [Anyone – including Sephardim – who eats *kitniot* on Pesach should be careful to limit themselves to “basic” foods (e.g. corn on the cob), and be wary of eating any foods which are processed (e.g. canned corn, soy milk) or have added ingredients (e.g. vitamin-fortified rice), unless they consult with a kashrut professional who can ascertain that the items are truly *chametz*-free (or that the *chametz* is *bateil*) and not processed on *chametz* equipment.]

they would never have adopted the *chumrah* of using only *chalav Yisroel*.

Such a change in circumstance (i.e. being diagnosed with celiac) is probably sufficient grounds for the person to undo his original acceptance of the *chumrah*, using a procedure known as *hatarat nedarim* (annulling a vow).¹⁵⁹ Many people are familiar with the procedure of *hatarat nedarim* which is performed on *Erev Rosh Hashanah*. However, the procedure for *hatarat nedarim* for a celiac (or some other person) who wants to undo acceptance of a *chumrah* is somewhat more complicated and must be done with the advice of and under the guidance of a competent rabbi.

24. Kashrut of specialized ingredients

The pantry of a celiac contains all types of ingredients that rarely appear in other consumers' kitchen. The celiac learns that items such as rice flour, xanthan gum, and flax seed can be used to make foods which mimic traditional breads and cakes without leaving the gluten-free diet.

Furthermore, since these ingredients are not as popular as “standard” ingredients like oil, sugar, and salt, they tend to be quite expensive and hard to come by. It is therefore worthwhile for the celiac to be in touch with the local kashrut supervision organization or with someone at a larger *hashgachah* who can help them determine which of these ingredients can be purchased **without** kosher certification, thereby giving the celiac more flexibility in purchasing them. (I.e., some of these arcane ingredients do not have kosher certification but may in fact be totally kosher.)

159. See *Shulchan Aruch* (and *Ramo*) YD 214:1. See also *Shach* 214:2 and *Dagul Mirivavah* ad loc., who give similar explanations why this permanent/illness-based retraction of the *chumrah* requires *hatarat nedarim*, while certain other temporary/mitzvah-based retractions (such as in *Ramo* 568:2) would not.

Inasmuch as this type of information changes from time to time, we will not attempt to list those foods that do or do not require *hashgachah*, other than to mention that the "flours" (e.g. sorghum flour) and simpler ingredients tend to be acceptable without *hashgachah*, while the more sophisticated ingredients (e.g. xanthan gum) and the processed foods (e.g. gluten-free pretzels) must bear acceptable kosher certification.