



THE MINHAG OF “NOT MISHING” - NOT EATING OUT ON PESACH



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

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

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

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

But perhaps one of the most intriguing of Pesach stringencies is the widespread *minhag* not to “mish” – not to eat anyone else’s food during the Pesach holiday, even if the other person keeps their *chumros*. At first glance, this custom appears not merely strict, but downright unfriendly.

By contrast, the Talmud Yerushalmi (*Chagigah* 3:6; see also TB *Chagigah* 26a) derives from the verse כעיר שחברה לה יחדו (*Tehillim* 122:3, “Jerusalem was built as a unified city”) that Jerusalem became the central and unifying place of gathering for the entirety of the Jewish people during the holidays, because even an “*am ha'aretz*” (someone not generally presumed to be careful about ritual matters) was treated like a “*chaver*” (reliable person and literally “friend”) in terms of being trusted to prepare his food with the requisite purity during the holiday period. The Maharitz Chiyus (*Nida* 34a, s.v. “*hakatuv*”), commenting on this passage, quotes from the Rambam in the *Moreh Nevuchim* (3:43) that the purpose of this spirit of trust was to increase social gatherings and brotherly love among all Jews during the holidays. He notes that the ultimate sharing of common bonds is through eating together, based on the principle of גדולה לגימה שמקרבת את הרחוקים (Sanhedrin 103b) – “breaking bread” draws disparate people closer. By contrast, he notes that the opposite is also true – גדול הפירוד – במה שאדם מונע עצמו לאכול אצל ישראל חבירו – that the refusal of one Jew to eat from another Jew’s food creates a

terrible schism between them. He cites a parallel passage in the Talmud Yerushalmi (*Bava Kamma* 7:7) which similarly derives from the same verse in *Tehillim* that Jerusalem unites the hearts of the Jewish people (מחברת את ישראל זה לזה) (לזה, a statement which he understands to allude as well to the heightened spirit of trust and togetherness during the holiday season. Based on this increased trust, all Jews will be able to eat together in friendship - יתחברו הלבבות - זה לזה – resulting in a unity of heart and spirit among all Jews. Accordingly, it seems that on Pesach, as well as the other holidays, there should ideally be a greater degree of trust for the kashrus standards of others.

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

The *Gemara* in *Pesachim* (30a) quotes Rava as recounting that when he and his colleagues visited with Rav Nachman, after the seventh day of Pesach Rav Nachman instructed them to go out and purchase *chametz* from the local non-Jewish soldiers. The Rashash (*ad locum*) points out that this passage is difficult. Even after seven days, there is an eighth day of Pesach that is observed outside of Israel where Rava and Rav Nachman lived, and surely Rav Nachman would not have authorized the purchase of *chametz* on the eighth day of Pesach. Therefore, the Rashash suggests that the reference to the timing of the ruling of Rav Nachman is inexact, since it more likely took place after the eighth day when both *chametz* and commerce would have been permitted.

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

Rav Naftoli Zvi Horowitz (*Zera Kodesh*, volume 2, *Le'acharon Shel Pesach*, s.v. "Yom Tov Ha'acharon") explains that the stringent practice not to eat in the home of others does not include the eighth day of Pesach, because the final day of Pesach epitomizes the unity of the Jewish people and, therefore, is a day in which all stringencies are set aside. This would also help explain the common practice for people who do not eat *gebroids* to relax that stringency on the last day of Pesach (see *Pri Hasadeh* 3:31). While some have questioned this practice as internally inconsistent or disrespectful to the holiness of the second day of *Yom Tov* (see, e.g., *Pri Chadash O"C siman* 447:5, s.v. "u'mah shekatav aval b'Yom Tov"), there does appear to be a basis in terms of enabling all Jews to eat at each other's homes on the final day of Pesach in fulfillment of the notion of עשאן כולן חברים (*Chagigah* 26a) – of all Jews uniting together at least at some point during the festival, in accordance with the words of the Maharitz Chiyus.

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

However, while these sources have merit, there is a strong argument for a contrary approach. The *Seder* feast, which is the most prominent Pesach meal, is predicated upon different individuals joining together to form a חבורה – an organic group – for purposes of partaking in the Pesach sacrifice. In fact, while the original Pesach was focused upon familial units joining in the bringing of the Pesach sacrifice as reflected in the verse אִישׁ שֶׁה לְבֵית אָבוֹת שֶׁה לְבֵית שֶׁה (*Shmot* 12:3, "a lamb for each household"), Rashi notes (*Shmot* 12:47) that for all subsequent Pesach observances, the group unit was expanded beyond the family to enable different families to join with each other for the *Seder* night. It is difficult to account for a *minhag* to eat with others only on the *Seder* night, the most important meal of the Pesach holiday, but not for any other meals.

Secondly, while the eighth day may stand for the notion of unity, surely as the Maharitz Chiyus noted, the first seven days of Pesach exemplify the exact same notion. If a desire to bring together the hearts of the people is emphasized on the eighth day which is only rabbinic in nature, surely it should be manifested during the other seven days of the holiday, which is the main time of כולן חברים – of

togetherness and unity.

Nevertheless, it is possible that one objection answers the other. The ideal aspiration of being in Jerusalem for Pesach as one unified nation presupposes that the *Beit Hamikdash* is in existence and that everyone fulfills the obligation of *לטהר את עצמו ברגל* (*Rosh Hashanah* 16b) – of purifying themselves for the holidays in order to partake in the *kodshim* – the holy offerings brought in the *Beit Hamikdash*. This would also be true with respect to bringing together disparate individuals to partake in a communal Pesach offering. However, nowadays when we are not privileged to have a *Beit Hamikdash*, the custom of abstaining from the food of others makes more sense as an additional Pesach stringency, particularly given that many families observe different stringencies, whether in terms of *gebrochts* or other special restrictions for Pesach.

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

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

Pesach from a wine bottle that the student would have surely consumed in his own home (*Halikhot Shlomo id*).

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

Whichever practice is adopted, it is important to respect and appreciate the legitimacy and authenticity of *מנהגי ישראל* – of long-established practices and stringencies accompanying the Pesach holiday. Families should not be insulted if friends follow the practice of not eating out for Pesach, nor should they feel inhibited from maintaining such a practice themselves, although they should be careful to apply their practice consistently to all individuals in order not to slight anyone. At the same time, hotel caterers and other hosts who are being relied upon by guests to follow Pesach laws and stringencies must recognize the awesome responsibility that rests upon them to ensure the highest *kashrus* standards of the food that they serve.

Ultimately, the goal for all Jews on Pesach, whether eating in their own homes or eating out, should be to strive for the impeccable observance of all the *kashrus* laws of Pesach, as well as a sense of joyousness on both a familial and communal level. This will pave the path for all Jews to join in the future in collective offerings of the Pesach sacrifice and the friendly sharing of kosher Pesach meals in the rebuilt Jerusalem, may it happen speedily during our lifetime. *Chag Kasher v'Sameach*.

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