Like an Apple in the Orchard

RABBI TZVI ROSEN
EDITOR, KASHRUS KURRENTS

The Talmud1 records a very interesting exchange between two Amoraim, Rava and Rav Pappa. Rava raised a legal query which Rav Pappa heartily answered. To that response, Rava exclaimed, "Sadnai!" Rashi gives two explanations to the approbation, Sadnai. One explanation is that Rava's exclamation attests to Rav Pappa's keen scholarship. When Rava extolled Rav Pappa's scholarship, he implied that his insight was so great that Rav Pappa was able to uncover the underlying "secrets" ("side") of Torah. Another explanation of the term "sadnai" is a testimonial to Rav Pappa's expertise as an expert brewer. He knew the mystery of creating a successful brew of beer.

Which variety of beer was Rav Pappa brewing? The Gemara in Pesachim,2 where this exchange between Rava and Rav Pappa was also recorded, tells us that he was brewing date beer. Brewing beer was popular in Talmudic and pre-Talmudic times. As far back as Noach, wine and beer were beverages that were integral to society. Classic beer as we know it, with the classic ingredients barley, hops, water and yeast, was well known and preceded Classic beer as we know it, with the classic ingredients.

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As far back as Noach, wine '🃏 carta CARTA' and beer '🃏 carta CARTA' were beverages that were integral to society. Classic beer as we know it, with the classic ingredients barley, hops, water and yeast, was well known and preceded the Reinheitsgebot3 by thousands of years. In fact, when discussing which beverages were forbidden for Pesach, the Misnha lists "shaichar hamadi", Median beer, which was produced from barley and was very much chometz dik and forbidden on Pesach.

What about other fruit-based alcoholic beverages? As any good liquor aficionado will tell you, plants and fruit are no strangers to the liquor cabinet. Tequila, rum, Slivovitz and Cherrica are popular distilled natural varieties. Various liqueurs infuse fruits, ranging from esrogim to winter fruits.

Scenario #1: It's the afternoon of the second day of Pesach; your house is a hurricane - dishes are piled up to the ceiling, stains are all over the tablecloths, the floors are sticky and you need some serious help. You have a live-in maid. The trouble is, you're very uncertain as to what you can ask her to do and what is and isn't halachically permissible. Can she be asked to run the dishwasher, wash the floor or take out the garbage?

Are these two scenarios equal?

Let us start at the source. The Shulkhan Aruch tells us that instructing an Aino Yehudi to perform a melachah – an activity which a Jew may not carry out on Shabbos or Yom Tov – is forbidden.1 This rabbinic prohibition (known as ד"כ קרטא) was instituted for two reasons:

1. Agency - Generally, an Aino Yehudi is not halachically considered an agent of a Jew. However, with respect to ד"כ קרטא – acting on behalf of a Jew – Chazal were stringent and considered an Aino Yehudi to be an agent of a Jew.2 Halachically, an act carried out through an agent is equal to an act performed by the principal. Even if the Aino Yehudi was asked on a weekday to perform a melachah on Shabbos, it would be prohibited as he is acting as the Jew’s agent.3

2. Ydei Avodah – One’s manner of speech on Shabbos cannot be the same as during the week.4 Therefore, on Shabbos it is forbidden to tell an Aino Yehudi to perform a melachah, even if the instructions were to be carried out by the Aino Yehudi on a weekday.5

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Notes from the
STAR-K Bais Medrash Govoha Halacha Chabura:
The following article is based on an actual in depth and detailed ‘limud’ that the STAR-K Kollel Chabura conducted during the past Zman.

RABBI YAACOV HEINEMANN
ROSH KOLLEL

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1. מנה אף מנסיכו 70a
2. Posonim 113a
3. German Beer Purity Law; a regulation limiting the ingredients in beer to water, barley and hops.
Q: Does a walk-in closet in my house need a mezuzah?

A: Many of the doorways of the various rooms in a person’s house are required to have a mezuzah on the doorposts; however, not every doorway is halachically obligated to bear one. Whether or not a particular room needs to have a mezuzah will depend upon the location of the doorway, the intended use of the room, and other factors. A complete exposition of all relevant halachos is beyond the scope of this article. We will limit ourselves to one specific question: What are the specific measurements that a walk-in closet would need to meet in order to be considered a “room”? In other words, when is a walk-in closet large enough to require a mezuzah and when is it small enough that it does not?

A large walk-in closet is halachically considered to be a room if it is four amos wide and four amos deep, or larger.1 Four amos is equivalent to 6 feet according to Rav Chaim Noeh, 7 feet 1 inch according to Rav Moshe Feinstein, and 7 feet 7 inches according to the Chazon Ish.2 Rabbi Heinemann, shlit’a, paskens that one should not recite a bracha unless the closet is larger than 7 feet 1 inch by 7 feet 1 inch.3

Not every closet is square in size. A closet may be rectangular and have a floor area of 16 square amos, even though one of its sides is less than four amos long. For example, a closet may be eight amos wide and two amos deep, or two amos wide and eight amos deep. In such a case, a mezuzah should be affixed without a bracha.4 16 square amos is approximately 38 sq. ft. according to Rav Chaim Noeh, 50 sq. ft. according to Rav Moshe Feinstein, and 57 sq. ft. according to the Chazon Ish.

If the closet has built-in shelving, the floor area under the shelves is not included when calculating the floor area of the closet. However, if the closet contains furniture that is not attached to the walls, the floor area under the furniture is included when calculating the floor area of the closet.5

A room which has a floor area of less than 16 square amos is generally exempt from a mezuzah. However, the Chamudei Daniel is of the opinion that a room which is fully functional for its intended purpose is required to have a mezuzah, even if it has a floor area of less than 16 square amos. According to the Chamudei Daniel, a walk-in closet is required to have a mezuzah.6 Other Poskim disagree with the Chamudei Daniel,7 and the Chazon Ish is quoted as having said that one may be lenient and not concerned about the chumrah of the Chamudei Daniel.8

Reb Akiva Eiger suggests a different reason as to why this walk-in closet requires a mezuzah. He points out that the doorway of the walk-in closet connects two areas, the area of the walk-in closet and the area of the larger room to which the closet is attached. Even though the walk-in closet may have a floor area of less than 16 square amos, Reb Akiva Eiger says that the doorway does not require a mezuzah due to the closet, but it does require one due to the larger room.9

Therefore, for different reasons, the Chamudei Daniel and Reb Akiva Eiger both agree that the doorway of a walk-in closet with a floor area of less than 16 square amos requires a mezuzah. However, there is a significant difference between these opinions. According to the Chamudei Daniel, the mezuzah should be affixed to the doorpost on the right side when walking from the larger room into the closet, and it should be positioned slanting towards the closet. However, according to Reb Akiva Eiger, it is the larger room that necessitates the mezuzah which should be affixed on the right side when walking from the closet into the room (the left side when walking from the room into the closet); it should be positioned slanting towards the room.

Other Poskim disagree with Reb Akiva Eiger and pasken that one should not recite a bracha without a mezuzah to the doorway of a walk-in closet with a floor area that is less than 16 square amos.10 The mezuzah should be attached to the left side when walking from the room into the closet. If the floor area of the walk-in closet is so small that one does not actually walk into it when retrieving objects from the closet, then the doorway of the closet does not require a mezuzah.11
There are cholim (ailing or frail individuals) who would greatly benefit from being able to use electric devices on Shabbos. GramaChip Technologies is a company that provides halachically compliant solutions for these cholim; its products are STAR-K certified.

As its name suggests, the products rely on the halachic principle of grama. The Mishna discusses grama in the context of putting out a fire on Shabbos. One is permitted to arrange a ring of water around a fire, even though the fire will certainly be extinguished when it reaches the water. This is halachically allowed due to the time delay between the action of arranging the water and the subsequent melacha of extinguishing the fire on Shabbos. Similarly, any activity that includes a time delay between a person’s action and the ensuing melacha would be categorized as a grama.

However, grama of a melacha de’rabonon is permitted only in situations of financial loss. It is permitted on Shabbos: The use of electric devices which produce fire, heat or light is forbidden midoraissa. The use of other electric devices is forbidden midere’ahaisa. Operating them through grama should be permitted. Nevertheless, doing so is generally considered to be a desecration of the sanctity of Shabbos and is, therefore, forbidden. This is not the case when performed by a choleh who does not have other available options.

For example, there are many people who have limited mobility and are unable to walk up and down a flight of stairs. During the week they may use a stairlift, which is a motorized chair that carries the person up and down the stairs. On Shabbos, they cannot use this device and may be unable to get from one room to another (e.g., from the bedroom to the dining room). GramaChip Technologies produces a device which can be installed in a stairlift to enable its use on Shabbos.

The company also produces a scooter, which can be used by cholim on Shabbos in an area which has an eruv. The scooter should not be used by a person who can easily walk without it, although he could operate it for someone who needs it. GramaChip Technologies also produce nebulizers and other medical devices for those in need on Shabbos.

GramaChip Technologies can be contacted at 732-655-4206 or at info@gramachip.com.

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Leadership in Kashrus Education

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2. There is no prohibited benefit.

Any type of melachah which is not part of the cleaning lady’s daily routine would be forbidden for her to perform on Shabbos. This is due to the appearance of wrongdoing, as it would appear as if she was instructed to perform the melachah specifically on Shabbos. Even though the כהן was not actually instructed to perform the melachah, the concern of appearance would apply.12

3. There is no test of שם, cheapening of the sanctity of Shabbos.

Any melachah that is degrading when done on Shabbos is forbidden (e.g., garden work, washing windows, etc.). Furthermore, melachos which attract attention because they are noisy (e.g., vacuuming, running a dishwasher or dryer, etc.) are also included in this exception and may not be performed on Shabbos.13

4. There is no prohibited benefit.

Chazal forbade deriving benefit from any melachah which is performed by an Aino Yehudi for a Jew on Shabbos, even if he did it of his own accord without any request from the Jew.14 For example, a Jew should not derive benefit if a cleaning lady turned on the lights in a dark basement. Chazal were concerned that if a benefit was permitted, one may come to request this type of activity from an Aino Yehudi outright in the future.15 However, if an Aino Yehudi turned off a light on Shabbos, a Jew may go to sleep in that room even though he is deriving benefit from the lack of light (because a lack of light is not a direct benefit). Additionally, when there already exists enough light in the room to perform activities (e.g., eat, read, etc.), and an Aino Yehudi lit additional light, a Jew may derive benefit from that light. This is because making it a little easier to see is not considered a substantial benefit; only significant vazim was forbidden by Chazal.16

Based upon what we have explained, a live-in maid would be permitted to: 1) wash dishes, even if it is being done for after Shabbos or Yom Tov; 2) wash clothes; 3) fold laundry; 4) take out the garbage; 5) clean the house, even if it is being done for after Shabbos or Yom Tov; 6) extinguish lights or candles.17

The halacha would not be the same for a part-time cleaning lady. This is because she is being paid by the hour and is balachically considered to be acting on behalf of her employer. Generally speaking, one cannot allow a part-time cleaning lady to do anything that one is not permitted to do himself.18 However, there are a number of things one can ask the cleaning lady to do:

1. One may tell the cleaning lady to do something if it could be done in a permissible way. There is no need to intervene if she chooses to do it in a way which is forbidden, as long as there is no zizul Shabbos.19

One may, therefore, ask a cleaning lady to wash the dishes as long as he says, “I don’t mind if you use cold water.” It would not be necessary to stop her if she chooses to use hot water with a sponge. Similarly, one may request that she wash the floor if he says, “I don’t mind if you just pour water and then dry it”, even though she will probably use a mop.20

2. משך ידבס – Asking an Aino Yehudi to perform an activity which is prohibited by rabbinic ordinance is permitted in the following circumstances: a) Mitzvah – For the purpose of a mitzvah. For example, one may ask a cleaning lady to carry a safer or talis across the street to someone in another house, even if there is no eruv in place. b) Great necessity - For example, if someone is locked out of his house, he may ask an Aino Yehudi to break the lock in order to regain entry.21 c) Damage - A large loss is expected. For instance, if someone is worried that something expensive may be stolen, he may ask an Aino Yehudi to move it to a safe place22 (provided he doesn’t need to transport the item through a kohanim righteous). d) Slight illness – One may ask an Aino Yehudi to apply liquid medication to a gauze pad and place it on a wound.23 (In the case of total body illness, one may ask an Aino Yehudi to perform even a melachah.)

3. אם יש ים - One may ask an Aino Yehudi to perform a permitted activity, even though he knows that a melachah will inevitably occur.24 For instance, one may ask an Aino Yehudi to open a refrigerator door even though he knows the lightbulb will turn on automatically.25 Similarly, one may ask an Aino Yehudi to take ice from the icemaker, even though it will automatically turn on the icemaker to produce more ice. The rationale in both cases is that the Jew asked the Aino Yehudi to perform a permitted activity and the subsequent melachah, which is not an inherent part of the request, is not included within the prohibition of שומם.26

The laws of מאריד are intricate, and small details can affect the balachic outcome. It is always recommended to consult a competent rabbi for further guidance.
bananas. Senior of Curacao is a famous triple sec (orange liqueur) using the orange peels from Laraha oranges.

How about apples? Indeed, ‘ye olde hard apple cider’ is a variety steeped in hundreds of years of British tradition; it even made its way to Jamestown in the late 1600s. With the introduction of Angry Orchard by Boston Beer Company, new age hard cider has made significant inroads in the contemporary U.S. beverage market.

So what is hard cider? How does it differ from other alcoholic fruit-based beverages? To understand hard cider, a quick review of the fermentation process is in order. Fermentation, one of the Ribbeno Shel Olam’s unique phenomena in nature, is a chemical process wherein an agent causes an organic substance to break down into more simple substances. In the case of alcoholic beverages, a fungus such as yeast is found in nature. In the case of fruit such as grapes, plums and apples, yeasts are found on the skins of the fruit which can convert the liquid sugar (e.g., apple juice) into carbon dioxide (natural carbonation) and ethyl alcohol.

Fermentation is the basic chemical process for producing beer and hard cider; it is the basic initial step of liquor production prior to distillation. In the case of barley (beer) and other fermentable grains (e.g., bourbon, scotch, rye) many steps have to be taken in order to convert the starch of the grain mash such as barley, corn or rye into a fermentable sugar solution. Those steps are skipped when one ferments apple cider. Hashem has made the cider ready for fermentation after pressing the apples. The apple juice is ready for fermentation.

The art of brewing is a skill not given to chance, and uniformity is critical in producing a quality brew. Although there are literally thousands of yeasts, not all yeasts are created equal and not all yeasts can be used to produce quality hard cider. This is probably why Rava was so complimentary of Rav Pappa’s brewing skills and ability to produce quality beer using the right type of yeast and quality ingredients.

Today, with modern know-how, brewing yeasts are carefully selected to achieve a quality brew. Saccharomyces cerevisiae is the yeast variety used to produce ales, and saccharomyces uvarum is the variety used to produce lagers. Champagne and wine yeasts are used to produce quality hard cider, both of which require reliable kosher certification.

Are all apples created equal? It is an astounding fact that there are 7500 varieties grown worldwide; 2500 varieties are grown in the U.S. and 100 commercial varieties are sold in the marketplace! Which apples do we pick to make the best quality hard cider? Historically, the answer is equally astonishing – of the 7500 varieties available, the best is the crab apple!

Once the apples are pressed into cider, the juice is filtered and clarified. Although gelatin is a popular apple juice clarifier, no gelatin is used to clarify kosher Angry Orchard apple cider. As is the case with any beverage, all flavorings and processing aids require reliable kosher certification. What sets hard cider apart from other hard beverages is that it is a natural product with just enough alcohol to ‘gladden the heart’, a lower alcohol content than other hard beverages.

Today’s hard cider varieties of apples are a balance between European bittersweets (e.g., Dabinett, Y arlington Mill, Tremblett’s Bitter) and U.S. domestic culinary apples (e.g., Gold Rush, Winesap, Gala, Fuji, Pink Lady, Cortland, Braeburn and McIntosh). Moreover, hand-picked flavors are also added to give hard cider enthusiasts unique taste experiences.

Interestingly, in Talmudic times there was another critical health related consideration in making (fermentable fruit) date beer the drink of choice. The presence of pathogens in water made drinking plain water very dangerous. “Shaichar” (date beer) was a viable answer to the health conscious consumer and resolved those health issues, gladdening the heart while easy on the stomach.

With all of today’s technological know-how, modern brewing expertise and renewed popularity, it can honestly be stated that Angry Orchard has become the pick of the orchard.☆
For many assisted living and nursing home residents, some of whom have kept kosher their entire lives, a facility with a trustworthy kosher certification is non-negotiable; for others, it is a welcomed taste of tradition—literally! From a marketing standpoint, the importance of a facility’s choice of a universally well-respected *kashrus* agency cannot be overstated.

Even prior to accepting the position of Executive Director of Tudor Heights Assisted Living Community—the forerunner of today’s Tudor Heights, A Solvere Living Community—Dovid Lapin strongly urged the facility’s management to partner with STAR-K. “Clearly, the local supervision that had been in place for a number of years was not working, as the census was at 34 and there were 30 vacant rooms,” recalls Mr. Lapin. “I asked for permission to begin a national marketing campaign, promoting Tudor Heights and STAR-K as partners in this beautiful state-of-the-art community. We truly branded ourselves as the quintessential Kosher Assisted Living Community, and the results spoke for themselves. Within one year, we were full with a waiting list; for the next year we maintained a census above 90%. Without doubt, this partnership brought together quality care and exceptionally high standards of *kashrus*—exactly what was needed to make this venture the success it was. We attracted new residents from as far away as Denver, Miami, New York, New Jersey and California. The national—and international—reputation of STAR-K most definitely got the attention of prospective residents and their families. Without that piece of the puzzle, I believe we would have been spinning our wheels.”

STAR-K currently certifies King David Nursing and Rehabilitation Center, and Tudor Heights in Baltimore, MD; CareOne in Teaneck, NJ; and, Dry Harbor Nursing Home in Middle Village (Queens), NY. The latter two facilities are Glatt Kosher, Cholov Yisroel and Pas Yisroel. STAR-K *Kashrus* Administrator Rabbi Shmuel Heinemann is a *kashrus* consultant for Menorah Park in Cleveland, OH; its campus houses several assisted living facilities and a full nursing home.

In providing the gold standard for *kashrus* in these facilities, STAR-K *Kashrus* Certification goes beyond overseeing the kosher basics to bringing their residents a more holistic ‘kosher experience’. As STAR-K *Kashrus* Administrator Rabbi Mayer Kurcfeld put it, the logistics of certifying assisted living and nursing home facilities involve overseeing the cooking of wholesome kosher meals and enforcing rules such as assigning appropriate lunch rooms for staff, monitoring outside food brought into the facility, and keeping the residents’ food strictly kosher.

“Kosher food by itself is not enough; if you provide it without a kosher environment—a Jewish environment—you are not fulfilling all of the residents’ needs,” opines Rabbi Kurcfeld. “Even though STAR-K is not directly involved in that capacity, we are in a peripheral way—whether it is, for example, the scheduling of Shabbos and Yom Tov meals; preparing for the Pesach seder; coordinating *davening* with the activities schedule; or, modifying menus to include special holiday foods like *hamantashen* and *matzah*.”

Rabbi Kurcfeld has personally been going the extra mile to create that non-tangible kosher ambiance in Tudor Heights. It started over 18 years ago, when he stopped by the facility that was then called ‘Catered Living’ to inspect the kitchen. He overheard the program director speaking German in an unsuccessful attempt to communicate in Yiddish to a resident. Rabbi Kurcfeld joined in the conversation, speaking and joking in Yiddish. The native Yiddish-speaking Brooklynite continued to visit this resident, chatting in Yiddish, and was eventually invited to conduct a Yiddish class.

“Besides giving the residents a Jewish flavor, I use it as a therapeutic method for challenging their memories and awakening their emotions,” shares Rabbi Kurcfeld. “In that hour, I want to bring out the life in the residents, awakening those who are often just sitting there by helping them think, speak, remember, and react—bringing tears to their eyes when I tell a touching story, or making them laugh when I tell jokes. Of course, it is not purely selfless of me—when you give, you get back much more in return, and with no living grandparents I really look forward to that warm Bubba and Zeidy experience!”

Tudor Heights General Manager Shoshana Kesner adds, “Having a kosher kitchen and a STAR-K partnership allows us to be welcoming and inclusive of residents of all walks of Judaism...It’s just not about the kosher food, it’s about honoring tradition and Jewish living.”

**Kosher Provides a Taste of Yiddishkeit for Assisted Living and Nursing Home Residents**

**MARGIE PENSAK**

**CONTRIBUTING WRITER**

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