

# ליקוטי ופסקי הלכות

## "חוקי חיים"

ותלמד  
"תוקף חיים"  
לעשות רצונך  
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Krias HaTorah

Hechsherim – 1

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### Kosher Food

#### Hashgachah over Foods

1. It has become accepted by Jews worldwide not to eat any food bought from someone else unless it has a hashgachah from a rav, rabbinic agency, or the like attesting to the kashrus of the food and its ingredients. Thus, when buying food, eating at a restaurant, eating catered food, or the like, one must always ensure that the food has a reliable hashgachah from a rav or rabbinic agency.
2. **Not everything labeled "kosher" is kosher.** However, there is lots of confusion regarding the standards of various hechsherim, especially when one is in an unfamiliar place and does not know the background or level of the local hechsherim. Many people come to Eretz Yisroel thinking that any food they buy from a Jew is kosher since Israel is "a Jewish country that keeps Torah and mitzvos." This is far from the truth, especially in a shemitah year, when there are kashrus organizations that rely on questionable heterim and kulos (see Issues 242, 244). Thus, we saw it fit to explain a bit about hashgachah and hechsherim, shed some light on this delicate topic, and discuss the source of the need for a hechsher in the first place.
3. Also, people make all sorts of food products in their homes and sell them without any hechsher. Is there any basis for this practice? This will also be explained.

### The Need for a Hechsher on Foods

#### עד אחד נאמן באיסורים

4. There is a rule in the Torah that a single witness is believed about issurim (גיטין ב:). Rashi explains that the Torah allows us to trust any Jew about separating terumah, shechitah, and removing the gid hanasheh and forbidden fats. This is derived from the pasuk "וספרה" (כתובות ע"ב). i.e., one is believed to say that they are tahor. Therefore, a reliable Jewish man or woman who says something is kosher is believed. This is not similar to matters involving arayos or money, which require two witnesses. However, not everyone is believed by the rule of עד אחד נאמן באיסורין, as will be explained.

#### Person of Questionable Reliability, Regular Person

5. **Questionable reliability [חשוד].** If a person is suspected of eating assur foods – whether deoraisa or derabanan – one cannot buy food from him or trust him about kashrus of food. If one stays at his house, he should not eat food this host is suspected of being neglectful with (ש"ע י"ד סי' ק"ט סי"א). Similarly, an apikores or a person who is publicly mechaleh Shabbos is not reliable (ש"ע סי"ז).
6. **Regular person.** Some poskim say one may trust a regular Jew who is not of questionable reliability even if he does not personally know that he is a fully Torah-observant Jew (see below, 9) (רש"י, ראב"ד, טור, 9). If there is specific reason to be suspicious and the person is not known to be Torah-observant, all poskim agree we are machmir (ט' כנה"ג בהג' על הטור אות ט').
7. However, others hold one may only rely on a Jew known to be fully Torah-observant (רמב"ם הובא בדרכ"מ). This is the opinion of the Rama, who rules that one may only buy food from someone whom he personally knows to be fully Torah-observant (רמ"א שם), especially considering the deteriorating level of integrity as the generations go by (ט"ז סק"ב).

### Assumed to Be fully Torah-Observant ["מוחזק בכשרות"]

8. **Fully Torah-observant.** Therefore, many poskim agreed that one should only buy meat, wine, milk, or bread from someone known to be fully Torah-observant. Otherwise, there is concern the seller is suspected of violating the issur עור לפני עור. This is the proper practice today (רמ"א שם, פרי תואר סק"א, חמת אדם כלל ע"א דין א). Accordingly, many Acharonim hold that nowadays, it is proper to satisfy these opinions by only buying from fully Torah-observant Jews.
9. **Definition of fully "Torah-observant."** The poskim write that anyone who conducts himself according to halacha, puts on tallis and tefillin, davens three times a day, washes before meals, and guides his family members to act properly is considered a Torah-observant Jew. He does not have to have abundant yiras Shomayim, be a tzaddik, etc. Even if he is suspected of being lax in halacha regarding a detail of the mitzvos due to carelessness or the like, he still has the halachic status of a Torah-observant Jew (ערוה"ש סי"א הובא בדרכ"מ סק"ו).

### "Takanas Arba Aratzos" Requiring a Hechsher

#### Vaad Arba Aratzos

10. About 500 years ago, all communal matters in Europe were overseen by a higher centralized body, the Vaad Arba Aratzos, originally in Poland and then in Lithuania. The Vaad was composed of community representatives, leaders, dayanim, and rabbanim (e.g., the She'eiris Yosef, Mas'as Binyamin, Maharsha, Bach, Kli Yakar, Levush, Tevu'os Shor, Sema, Maharam miLublin, and others). The Vaad convened twice a year [at the big fairs that took place back then – the Gramnitz Fair in Lublin in the winter and the Yaroslav fair in the summer]. It enacted takanos and customs for the benefit of the communities; adjudicated individual and public cases; oversaw communal affairs; collected taxes; and represented the Jewish communities to the various governments. Everything was recorded in a journal to give validity to the takanos.

#### "A Seller" Needs a Hechsher

11. One of the Vaad's takanos [in 5355/1595] was not to buy any food or wine from anyone – including Torah-observant people – without a certificate from the Av Beis Din or rav stating it was made in a kosher manner (פנקס ועד הארצות מ"ו משנת ש"ז).
12. **No exceptions.** The takanah applied to everyone. While one may lechatchilah eat in an Torah-observant Jew's house or take food as a gift from him, if he sells food, he needs a written hechsher. There are no exceptions to this; otherwise, we would need to assess each person to decide whether he truly has yiras Shomayim. Also, people would be meikel and buy from sellers who do not have sufficient yiras Shomayim (תשובות והנהגות ח"ב סי' שצ"ז).
13. **Personal bias.** Another reason the poskim use to explain this takanah is that people are biased when things affect their personal monetary issues. There is a concern that people would be unwittingly misled by their desire for money and rationalize things. Therefore, it was decreed that one who sells to others needs a written hechsher so that a rav will oversee the goings-on. This also gives additional credibility to the kosher status of the food (נהרות איתן) (ח"ב סי' ל"ח).

