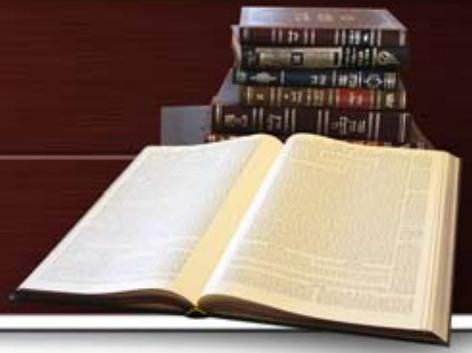


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Volume 5 • Issue 16



PAS AKUM, PAS PALTUR, AND PAS YISROEL (PART 2)

In the last issue we dealt with many *halachos* of *pas akum*, *pas paltur* and *pas yisroel*. In this issue we will continue our discussion as well as learn how a Jew can affect the status of baking bread.

Thick Dough

The *beracha* on thick dough which is cooked or fried is *mezonos* even if the finished product looks like bread, since the *beracha* is determined at the time of cooking or frying.



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
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Others say the *beracha* remains *hamotzei*.¹ The custom is to make a *mezonos*;² however, a person who fears *Hashem* should only eat such foods during a bread meal.³

Doughnuts

Doughnuts are made by deep frying dough in oil.⁴ Accordingly they should only be eaten during a bread meal.⁵ However, the custom is not like this, and in fact the *beracha* is *mezonos* even according to the opinion above that the *beracha* on thick dough which is fried is *hamotzei*. The reasons given are the following: There is an opinion in the *poskim* who maintains when dough is deep fried it is considered as if the dough is made with oil and not only flour and water.⁶ Furthermore, the dough is made with sweet ingredients, and not made with only flour and water.⁷ Some say since one is not *koveah seuda* on such items the *beracha* is *mezonos*.⁸ This applies to doughnuts without a filling as well.

One should still avoid eating doughnuts to the amount that one is *koveah seuda* on.⁹ Some say a doughnut in middle of a meal does not require its own *beracha* and is exempt with the *beracha* of *hamotzei* in the beginning of the meal.¹⁰ Others say one should have in mind at the beginning of the meal (when he washes) to exempt the doughnuts with the *beracha* on the bread.¹¹

One can see that the doughnut status whether it is bread or not is not a simple matter, but it seems to be a *pas haba b'kisnin* food which would be subject to the *halachos* of *pas paltur*.

How to Make a Bread / Dough *Pas Yisroel* - Jews Involvement in the Fire

In a bakery they start baking very early in the morning. The questions arises how does a bakery which wants to offer *pas yisroel* do so since no Jew is there so early in the morning.

1. Shulchan Aruch O.C. 168:13, Aruch Hashulchan 42. See Mishnah Berurah 168:67-73 who explains these opinions. Refer to Pnei Hashulchan pages 55-57.
2. Rama 168:13, Mishnah Berurah 74. Refer to V'sein Beracha pages 496-497:footnote 3.
3. Shulchan Aruch 168:13, Mishnah Berurah 76.
4. In order for it to be *halachically* considered deep fired it has to be that the doughnut has a deep fried taste (Mishnah Berurah 85).
5. Mishnah Berurah 77, Biur Halacha "yerei shomayim."
6. Refer to Mishnah Berurah 82, Biur Halacha "kol ze," Pischei Halachos 8:37, Vezos Haberacha pages 28-29, page 378, Sharei Haberacha 16:31.
7. V'sein Beracha pages 496-497, Sharei Haberacha 16:footnote 61, Halichos Shlomo Moadim 17:10:footnote 12. He says the reason why we eat doughnuts on *Chanukah* is because the *mizbe'ach* was not able to be purified after the *Yevonim* invaded the *Bais Hamikdosh*. Therefore, we eat doughnuts in order to mention in the *al hamichya* about the *mizbe'ach*. Refer to Minchas Osher 24:pages 55-58.
8. Pnei Hashulchan page 57:footnote 7.
9. Pnei Hashulchan page 57.
10. Refer to Biur Halacha 168:8 "te'unim," Halichos Shlomo Moadim 1:17:10. See Vezos Haberacha birurim 12:4:page 228 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l.
11. V'sein Beracha page 497:footnote 413.

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
בן עולם
...הבא
(נדה ע"ג)

There are three basic ways that the bread etc would be considered *pas yisroel*. 1. The Jew stirs the coals¹² or raises the temperature of the fire 2. The Jew turns on the fire¹³ 3. The Jew places the bread in the oven.¹⁴ The reason why any of these three actions help to consider it *pas yisroel* is because we consider it like the bread is being baked by a Jew since the Jew was involved with the baking,¹⁵ and it serves a *heker* to know a Jew did something to the fire.¹⁶

Stirring the Coals or Raising the Flame

If a Jew stirs the coals or raises the fire of an oven¹⁷ the bread is *pas yisroel*. Some are of the opinion that one is permitted to throw even one twig into the fire and it is considered *pas yisroel*.¹⁸ Although others are not so convinced that this would permit the bread,¹⁹ the custom is to be lenient.²⁰ This action is known as “*hashlochas kiseim*.” The reason for the stringent opinion is since the action of the Jew has to accomplish one of the steps in the baking process, and throwing in a twig is not sufficient to accomplish anything. The reason for the lenient opinion is because throwing in a twig adds some heat to the fire and quickness to the baking process.²¹ Furthermore, it is a *heker* that a Jew was involved in the baking.²²

The *Rama*²³ maintains that blowing on the fire has the same status as stroking the coals.

Some say if a non-Jew placed bread in the oven and a Jew closed the door to the oven the bread is *pas yisroel*.²⁴

12. Rashi Mesechtas Avodah Zarah 38b “chitos.”

13. Refer to Minchas Yitzchok 7:62:3, Bishul Yisroel pages 247-248, Chelkes Binyomin 112:85.

14. Refer to Mesechtas Avodah Zarah 38b, Bais Yosef Y.D. 112, Shulchan Aruch Y.D. 112:10, Levush 10, Aruch Hashulchan 25, 27, Chelkes Binyomin 112:83 in depth. This may be relied upon even *l'chatchilah* (Darchei Teshuva 112:61, Chelkes Binyomin 112:87). If the bread will burn because of the added heat of the Jew then it would not make it *pas yisroel* (Darchei Teshuva 65).

15. Refer to Ritva Mesechtas Avodah Zarah 38b, Rambam Hilchos Machalas Asuros 17:13.

16. Levush 10, Kaf Ha'chaim 52.

17. Chelkes Binyomin 112:88, Noam Halacha page 36.

18. Rambam Hilchos Machalas Asuros 17:13, Shulchan Aruch 112:9, Taz 113:7, Levush 112:10, Pri Megadim Sifsei Da'as 16, Chochmas Adom 65:5, Kitzur Shulchan Aruch 38:2, Kaf Hachaim 51.

19. Rosh Mesechtas Avodah Zarah 2:33, Bais Yosef 112.

20. Tosfas Mesechtas Avoah Zarah 38b “v'osa,” Rosh ibid, Tur 112, Bais Yosef, Shulchan Aruch 112:9, 113:7, Pri Megadim Sifsei Da'as 16, Chochmas Adom 65:5, Aruch Hashulchan 26, Bishul Yisroel pages 424-425.

21. Bais Yosef 112, see Gr'a 18. The Aruch Hashulchan 27 says one should not rely on any other leniency if there is not a pressing situation except the three mentioned above which are lighting the fire, stirring the coals, or placing the bread in the oven.

22. Levush 10, Kaf Hachaim 52. Refer to Chelkes Binyomin 112:90. The Kaf Hachaim ibid says one should have in mind when throwing in the twig that he is doing so to fix the fire of the non-Jew, without this thought throwing in the twig does not help. See Shach 113:10, Taz 8, Gilyon Maharsha 112:10. The Rama Y.D. 113:7 is lenient.

23. 112:9, see Levush 10, Darchei Teshuva 63, Aruch Hashulchan 26, Kaf Hachaim 53.

24. Chelkes Binyomin 112: page 33 biurim “v'ofa.”



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
...בלמד
(ברכות ה')

Glow Plug

A glow plug is an electrical heating element which is placed in the oven by an electrician and gives off a large amount of heat in the oven.

There has been much debate whether or not a glow plug would suffice as *pas yisroel* or not. Some say the glow plug would be thrown in daily and the glow plug is placed in the oven once. In addition, some *kashrus* agencies take issue with the glow plug and maintain that since the glow plugs are not near the fire which the non-Jew lights it is not considered “throwing in a twig.” Others say that since heat is being added to the oven with the glow plug it is considered *pas yisroel* since it is considered as one is continuously adding heat to the fire. Since there is a difference of opinion regarding the usage of glow plugs, one who wishes to be stringent in this matter should consult with the *kashrus* agency that supervises the specific bread in question as to the process of how *pas yisroel* is maintained.

Needs Additional Baking

As long as bread baked by a non-Jew can be better if it is baked by a Jew then it is considered *pas yisroel* if the Jew finishes off baking of the bread to make it taste better.²⁵ This may be done even after the bread is removed from the oven (before being fully baked), if placing it back in the oven would make it taste even better.²⁶ The entire *heter* mentioned above is if the bread needs to be further baked.²⁷

Raw Dough

Many times people buy raw dough which has to be baked by the consumer. Such doughs are not subject to *pas akum* or *paltur* since the non-Jew did not bake them.

Bread Crumbs

One who eats only *pas yisroel* bread should only use bread crumbs which are *pas yisroel*.

This is true even if one cooks the bread crumbs while making chicken cutlets etc.²⁸

Par-Baked Bread

Many times a *pas paltur* company will partially bake the bread and ship it to other companies. If the second company has an arrangement for *pas yisroel* then this bread is *pas yisroel* since the bread needs to be baked further.

25. Some say one has to know for sure that it will be better if it is placed in the oven (Darchei Teshuva 112:77).

26. Shulchan Aruch 112:12, Levush 112:13, Chochmas Adom 65:8, Darchei Teshuva 112:79, Aruch Hashulchan 28, Kaf Ha'chaim 62. Some say in this situation only stirring the coals may help and not throwing in a twig (Aruch Ha'shulchan ibid).

27. Aruch Hashulchan ibid.

28. See Halachos Ketanos 2:83, Yuchin U'boaz 1:76, Avnei Nezer Y.D. 1:100, Noam Halacha pages 42-43:footnote 17. See Taz Y.D. 112:10. In regard to bread crumbs the OU holds no *bishul yisroel* is required since they are only *oleh al shulchan melachim* as a *tafel*.

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
בן עולם
...הבא
(נודה ענ')

Oven does not go off for a While

The *Rama*²⁹ says if the fire lit by a Jew went out, and the oven remained hot,³⁰ it may be relit, even by a non-Jew, and the bread baked inside will still be *pas yisroel*. However, this is only³¹ where the fire was out for less than twenty four hours. The reason for this leniency is because as long as the fire stays hot it is considered as if the Jew contributed to the fire (even if only a little).³² The *Aruch Hashulchan*³³ says this should only be relied upon in a pressing situation, and *l'chatchilah* one should have one of the three methods mentioned in the *Gemorah*. 1. Lighting the fire. 2. Stirring the coals. 3. Putting the bread in the oven.

According to the opinion of the *Rama* the original lighting of the Jew can be extended for many days. Others say that this can go on for weeks at a time.³⁴

Some say since our ovens cool rather quickly when they are shut off the *heter* of the *Rama* would not apply.³⁵ However, in an industrial setting where there are big ovens which reach very high temperatures the *Rama's* heter would still apply.³⁶

Conclusion regarding a Jews Involvement

Based on the above, there are many ways in which bread can be *pas yisroel* 1. Jew turns on fire 2. Jew raises the fire 3. Rely on the glow plug. 4. The oven does not cool down 5. The bread needs additional baking.

Thermostat – Timers

Some *poskim* say if a Jew turns on a thermostat then it is considered *pas yisroel* even if it will subsequently go off and back on soon. However, even when it goes off it should not allow the oven to cool down too much.³⁷

There is a discussion in the *poskim* if a Jew sets a timer for the oven to go on at a later time is this considered as an action of the Jew and the bread is *pas yisroel*? The consensus of some of the *poskim* is that one should be stringent and it is not considered a Jew's action.³⁸

29. Shulchan Aruch Y.D. 112:10, see Levush 12, Chochmas Adom 65:5.

30. How hot is this referring to? The opinion of both Harav Shlomo Zalman Aurbach zt"l and Harav Yisroel Belsky Shlita is that the oven has to be 176° F, which is about 80° C (OU document A-112).

31. Mesechtas Avodah Zarah 38b.

32. Aruch Hashulchan 112:27. This is the opinion of the Minchas Yitzchok 4:28 as well. Others say the reason why this is permitted is because the heat from the first baking is still in the walls of the oven and when baking the second time it's easier to bake (Chelkes Binyomin 112:97).

33. Ibid, Kaf Hachaim 60.

34. Sdei Chemed 5:pages 287-288. Others say it is only permitted if it will be a loss and one can not sell it to a non-Jew (Ibid).

35. Chelkes Binyomin 112:97, Bais Hayehudi 9:page 103. See OU document H-48, Noam Halacha page 38:11:footnote 21.

36. Chelkes Binyomin 112:footnote 279.

37. Refer to Chai Ha'Levi 4:52:1, Chelkes Binyomin 112:88.

38. Harav Yisroel Belsky Shlita, opinion of Harav Falk Shlita quoted in Bishul Yisroel (teshuvos) pages 40-42,



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להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
...בלבד
(ברכות ה)

Other *poskim* are lenient and hold that doing so is permitted.³⁹

Kashering

According to some *poskim* if bread was baked in an oven which was not *pas yisroel*, and now one wishes to bake bread which will be *pas yisroel*, one does not have to *kasher* the oven between usages.⁴⁰

Enjoyment from *Pas Akum*

Bread which was baked by a private non-Jew and is *ossur* because of *pas akum* may be sold by a Jew but only if there is no concern that it will be sold to another Jew.⁴¹ In addition one is permitted to give it as a gift etc.

Eating by someone who eats *Pas Paltur*

If a host who is careful and does not eat *pas paltur* has guests who do eat *pas paltur*, he may still exempt the guests by making *hamotzei* on *pas paltur*.⁴² If each guest recites their own *beracha* then this *halacha* does not apply.⁴³ In addition, the *Aruch Hashulchan*⁴⁴ maintains that this *halacha* is only applicable by someone who is a real guest to which the concept of *hachnosas orchim* applies, but if one is with family members etc this would not apply and the host should recite a *beracha* on the *pas yisroel*.

On the Road

When traveling and the only bread one can purchase is *pas paltur* is doing so permitted or should one who is careful with eating *pas paltur* be stringent in this situation as well?

One who is careful with *pas paltur* and is on the road where there is no *pas yisroel* for seventy-two minutes of travel,⁴⁵ even by car etc,⁴⁶ may eat *pas paltur*.⁴⁷ Some say the seventy-two minute shiur is only in the direction one is heading and one does not have to go out of

opinion of Horav Elyashiv Shlita quoted in Shevus Yitzchok (Microwaves) 6:page 71-72.

39. Minchas Yitzchok 4:28:4, Shevet Ha'Levi 9:164.

40. Refer to Kaf Hachaim Y.D. 112:8. See Darchei Teshuva 112:60, Zera Yaakov 26:pages 84-89 in depth.

41. Refer to Mesechtas Avodah Zarah 35b, Noam Halacha page 14, Chelkes Binyomin 112:2.

42. Shulchan Aruch Y.D. 112:13, Levush 15, Chochmas Adom 65:9, see Shach 21, Taz 8, Pri Megadim M.Z. 8. Refer to Shulchan Aruch O.C. 168:5, Magen Avraham 12, Mishnah Berurah 21, Biur Halacha "al," Aruch Hashulchan 8.

43. Refer to Machtzis Hashekel 168, Mishnah Berurah ibid, Darchei Teshuva 112:81, Aruch Hashulchan Y.D. 112:22.

44. O.C. 168:8. See Kaf Hachaim Y.D. 112:64.

45. This means the time it takes one to travel round trip.

46. Pischei Teshuva 112:6, Aruch Hashulchan 18, Kaf Hachaim 74.

47. Shulchan Aruch Y.D. 112:16. One who is careful with *pas yisroel* and now he wants to start eating *pas akum* (not on the road) must be *matir neder* (Minchas Yaakov 112:2, Darchei Teshuva 112:94).

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
בן עולם
...הבא
(נודה ענ')

his way to get *pas yisroel*.⁴⁸ One who bought *pas paltur* in the above situation (on the road) and now he comes home and has some left over is permitted to eat it if he can not get *pas yisroel*.⁴⁹

The above is only according to the opinion of the *Shulchan Aruch* who says that *pas paltur* is only permitted if there is no *pas yisroel* available, but according to the *Rama* who says *pas paltur* is permitted without this, then one does not have to wait at all.⁵⁰



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
...בלמד
(ברכות ה')

48. Pri Chadash 28, Darchei Teshuva 95. Refer to Chochmas Adom 65:3, Aruch Hashulchan 18, Kaf Hachaim 73. See Mishnah Berurah O.C. 163:3, Shar Hatzyon 163:3.

49. Betzel Hachuchma 5:83, Ohelecha B'amisecha 20:footnote 13, see Minchas Yitzchok 3:45. Refer to Chochmas Adom 65:11.

50. Aruch Hashulchan 112:18.



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Volume 1 Issue 13



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