

HALACHICALLY SPEAKING



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BISHUL AKUM – THE BASICS

Bishul akum is a routine issue which faces kashrus agencies when they certify many products. Although these halachos are not very well known, they do have an application in the home as well. Therefore, we will dedicate a few issues of Halachically Speaking to learn the halachos of bishul akum in depth.

The Gezeirah

The *Chachomim*¹ enacted a *gezeirah* forbidding food that was cooked by a non-Jew.²

1. This *gezeirah* is *d'rabanan* in nature (Meseches Avodah Zarah 38b, Yerushalmi Meseches Avodah Zarah 2:8, Ran Meseches Avodah Zarah page 28 “rebbe,” Rosh Meseches Chullin 3:61, Issur V’heter 43:1, Rambam Hilchos Machalas Asuros 17:9, Shulchan Aruch Y.D. 113:16, Aruch Hashulchan 1, Sdei Chemed mareches bais page 133:69, see Teshuvos V’hanhagos 3:247 who seems to say there is a *semach* to a *d’oraisa* and therefore one should be very careful with these *halachos*). Refer to Kav Hayosher 75:5.

2. Meseches Avodah Zarah 35b.



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(ברכות ח.)

However, it is permitted to derive benefit from the food.³

Reasons

There are a number of reasons for this *gezeirah*. The opinion of *Rashi*⁴ is that *chazal* wanted to prevent socializing with non-Jews, which might lead to intermarriage⁵ (*chasnus*).⁶ *Rashi* in *Meseches Avodah Zarah*⁷ says that we are concerned that the non-Jew will mix in a non-*kosher* item into the food.⁸ Most *poskim* agree with the first reason.⁹ *Chazal* were more stringent with *bishul* (cooking) than with bread of a non-Jew.¹⁰

Exceptions

There are two basic exceptions to the *gezeirah*. A food that falls into either of these two categories¹¹ is not subject to the *halachos* of *bishul akum* and may be eaten by a Jew *l'chatchilah*.¹²

1. A food that can be eaten raw may be cooked by a non-Jew for two reasons.

3. Meseches Avodah Zarah *ibid*.

4. Meseches Beitzah 16a “ein,” Avodah Zarah 35b “v’hashlakos.” Refer to Rambam Hilchos Machalas Asuros 17:15, Tur Y.D. 113, Ramban Meseches Avodah Zarah 35b.

5. Devarim 7:3.

6. Rambam *ibid*, Issur V’heter 43:1, Tur Y.D. 112. Refer to Pardes Yosef Vayeichi 49:page 838 (new). The *issur* applies even if one may not come to intermarriage (Refer to Rashba 1:248, Ramban Meseches Avodah Zarah 35b, Levush Y.D. 113:1, Shevet Hakehasi 6:273). There is no difference if the non-Jew bows down to idols or not in regard to this *halacha* (See Pri Tohar 112:3, Matei Yehonosson 112, Rav Poalim Y.D. 4:17, Yechaveh Daas 5:54, see Rav Poalim Y.D. 4:17, Shema Shlomo Y.D. 2:67, Shulchan Melachim pages 194-198). Regarding whether an issue of *bishul akum* exists if there will be animosity see Taz Y.D. 152:1, Shach on Taz *ibid*, Chavos Yuer 66, Shulchan Melachim pages 189-194 in depth.

7. 38a “m’d’rabanan.” Refer to Tur 113, Ha’go’es Ashri Meseches Avodah Zarah 2:28, Levush 113:1, Chochmas Adom 66:1.

8. Refer to Bishul Yisroel page 3:footnote 1 on the two views of Rashi.

9. Rambam Hilchos Machalas Asuros 17:9, 15, Tosfas Meseches Avodah Zarah 38a “ela”, Issur V’heter 43:1, Tosfas Harid Meseches Avodah Zarah 35b, Ohr Zeruah Meseches Avodah Zarah 2:190:page 53, Tur 113, Bais Yosef 113, Bach, Levush 113:1, Taz 1, Shach 1, Prisha 3, Chochmas Adom 66:1, Pischei Teshuva 113:1, Aruch Hashulchan 2, 6, Kaf Hachaim 1, Chelkes Binyomin 113:1. The Halichos Shlomo Moadim 2:3:footnote 11 says the reason for the increase in intermarriage today is because of the many leniencies we accept for *bishul akum*.

10. Shach 112:17, Aruch Hashulchan 113:1-2, see Mesora 1:pages 84-85. Refer to Igros Moshe Y.D. 1:45, Noam Halacha page 64:footnote 3 in depth.

11. This is expressed in Tosfas in Meseches Avodah Zarah 38a “ika”, and “dagim”, and codified by the *poskim*. Refer to Rosh Meseches Avodah Zarah 2:28:page 83, Ran page 15, Rashba Meseches Avodah Zarah 38a, Ramban Meseches Avodah Zarah 37b, Toras Habayis 3:7, Meiri Meseches Avodah Zarah 38a, Rambam Hilchos Machalas Asuros 17:14-15, Bais Yosef 113, Bach, Shulchan Aruch 113:1, Levush 2, Aruch Hashulchan 5. Refer to Mordechai Meseches Avodah Zarah 830:page 42.

12. Chelkes Binyomin 113:3.

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
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(נדה עג)

First, the cooking does not really improve the food¹³ because it can be eaten raw¹⁴ (and not considered cooked).¹⁵ Second, food which is edible raw is not an important food and one would not invite someone to his home to eat such foods.¹⁶ Examples of such foods are beets,¹⁷ cheese,¹⁸ fruits,¹⁹ honey,²⁰ juice, ice cream, milk, (this will be discussed in a later issue), sugar cane,²¹ zucchini and other vegetables,²² and water.²³ Examples of foods that are not edible raw are asparagus, cauliflower, chicken, meat, potatoes, (this will be discussed in a later issue) and pumpkin.²⁴

2. The *issur* of *bishul akum* is limited to foods which are served on a king's table²⁵ (*oleh al shulchan melachim*) and accompany bread (see below) (such as meat,²⁶ eggs, or fish)²⁷ or as an appetizer.²⁸ Only these types of foods are served at social

13. Rashi Meseches Beitzah 16a "ein", Chochmas Adom 66:1, Bais Yitzchok 33:pages 565-566, Chelkes Binyomin 113:3, 5.

14. Meseches Shabbos 51a, Avodah Zarah 38a, Ran Beitzah page 8b "im tzolon", Rosh Meseches Avodah Zarah 2:28, Rif page 14, Issur V'heter 43:2, Tur 113, Shulchan Aruch 113:1, Toras Chatos 75:16, Levush 2, Chochmas Adom 66:1, Kitzur Shulchan Aruch 38:6. Refer to Tosfas Meseches Avodah Zarah 38a "dagim".

15. Rashi Meseches Beitzah 16a "ein buhem", Levush 113:2.

16. Ran Meseches Beitzah 8b "im tzolon", Taz 113:1.

17. OU document A-110. Refer to the opinion of the Be'er Moshe quoted in Pischei Halacha (Kashrus) page 119:12 regarding *borscht*.

18. Tosfas Meseches Avodah Zarah 38a "ika", Darchei Teshuva 113:5, Kaf Hachaim 15. Refer to Bishul Yisroel pages 576-557 regarding processed cheeses.

19. Refer to Shevet Ha'Levi 6:108:5. This is even if they are fried in sugar or honey (Aruch Hashulchan 13).

20. Tosfas Meseches Avodah Zarah 38a "ika", Rosh 2:28, Rambam Hilchos Machalas Asuros 17:23, Issur V'heter 43:5, Shulchan Aruch Y.D. 114:7, Aruch Hashulchan 113:13, Yalkut Yosef Y.D. 2:page 149, Shevet Ha'Levi 6:109.

21. Aruch Hashulchan 23.

22. Refer to Rambam Hilchos Machalas Asuros 17:14, Shulchan Aruch 113:3. This is only if the vegetable is not cooked with meat that is *bishul akum* since the fat from the meat gets absorbed into the vegetable (Shulchan Aruch *ibid*, see G'ra 3, Darchei Teshuva 33-34, Chelkes Binyomin 33).

23. OU document A-110.

24. OU document *ibid*.

25. Meseches Avodah Zarah 38a, Rosh 2:28, Ran page 15, Rashba Meseches Avodah Zarah 38a, Rambam Hilchos Machalas Asuros 17:15, Tur 113, Shulchan Aruch 113:1, Levush 3, Kitzur Shulchan Aruch 38:6, Chochmas Adom 66:1, see Ritvah Meseches Avodah Zarah 38a.

26. Aruch Hashulchan 10.

27. Rambam Hilchos Machalas Asuros 17:15, Ritvah Meseches Shabbos 51a, Meiri Meseches Avodah Zarah 35a.

28. Rambam Hilchos Machalas Asuros 17:18, Issur V'heter 43:2, Tur 113, Bais Yosef, Shulchan Aruch Y.D. 113:1, Toras Chatos 75:16, Shach 112:5, Chochmas Adom 66:1, Kitzur Shulchan Aruch 38:6, Chelkes Binyomin 113:12, Bishul Yisroel pages 180-181. Others say a dessert which is not eaten with bread is not a concern (Pri Chadash 114:6, Chasam Sofer 113:2, Kaf Hachaim 7), while others disagree (Refer to Shulchan Aruch Y.D. 113:1, Aruch Hashulchan 7, Darchei Teshuva 12).



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gatherings and only then is there the concern for intermarriage.²⁹ When there is no invitation, we are also not concerned that a non-Jew will mix non-*kosher* with *kosher* food.³⁰

Many say that any food that is fit to be served on a king's table is subject to *bishul akum* even if it is not eaten with bread.³¹ Others say that the above stipulation is to be taken literally and even an important food is only prohibited if it is eaten with bread.³² The accepted custom follows the stringent opinion.

3. There is a third, somewhat obscure exception, which permits food which does not change when it is cooked.³³ However, most *poskim* maintain that this may not be relied upon to permit *bishul akum*.³⁴

What Does “Eaten Raw” Mean?

The *poskim* debate the definition of “eaten raw.” Some say that it depends on each individual's eating habits.³⁵ However, many say that it follows the custom of most people.³⁶ Accordingly, if most people eat a food raw then one may eat it if a non-Jew cooked it. Even if he personally would not eat this food raw, his *da'as* is *botel* to all the other people.³⁷

A food which can only be eaten raw in difficult circumstances is not considered

29. Rashba Toras Habayis 3:7.

30. Chelkes Binyomin 113:3. Refer to Bishul Yisroel pages 130-131.

31. Rashba Meseches Avodah Zarah 38a, Toras Habayis 3:7, Levush 3, Pri Tohar 3, Tiferes Yisroel Meseches Avodah Zarah 2:52, Aruch Hashulchan 7, Darchei Teshuva 12, Shevet Ha'Levi 2:43, 10:124, Bishul Yisroel page 148:footnote 15 quoting the opinion of Harav Elyashiv Shlita.

32. Ritvah Meseches Avodah Zarah 38a, Issur V'heter 43:2, Zer Zahav 2, Meiri Meseches Avodah Zarah 38a, Pri Chadash 113:3, 22, opinion of Harav Henkin zt”l quoted in Shearim Metzuyanim B'halacha 38:4, Hamesivta 5754:pages 83-84, Teharas Hamayim page 328:footnote*. Such an example would be a fancy spread (Bishul Yisroel pages 170-172).

33. The Shevet Ha'Levi 6:108:2 says this reason and the reason of edible raw is the same reason. Refer to the Pri Chadash 113:1. See Meseches Avodah Zarah 37b (bottom), Ohr Zeruah Meseches Avodah Zarah 2:191:page 53, Ha'go'es Ashri Meseches Avodah Zarah 2:28, Ran Meseches Avodah Zarah page 28 “rebbe”, Meiri Meseches Avodah Zarah 38a, Toras Chatos 75:16, Minchas Yaakov 75:32, Aruch Hashulchan 8. The Ran on page 15 (Meseches Avodah Zarah) says this third exception is not found in other *Rishonim*. See Darchei Moshe 113:3, Shach 113:1.

34. Issur V'heter 43:1, Shach 1, Be'er Heitiv 1, Pri Chadash 1, Pri Tohar 1, Aruch Hashulchan 9, Darchei Teshuva 14, Zivchei Tzedek 113:1, Kaf Hachaim 3, Chelkes Binyomin Biurim “davar” pages 60-61, Shevet Ha'Levi 2:43, Hamesivta 5754:pages 78-80. Refer to Avnei Nezer Y.D. 96:1.

35. Pri Chadash 113:2-3, Aruch Hashulchan 112:12, Darchei Teshuva 113:3 quoting the opinion of the Bnei Chai.

36. Rashi Meseches Avodah Zarah 38b “I'inyun”, Rashba Toras Habayis 3:7. Refer to Chochmas Adom 66:3. Refer to Shiurei Beracha 113:1, Darchei Teshuva 3, Chochmas Adom 66:4, Aruch Hashulchan 113:12, Kaf Hachaim 10, Shevet Ha'Levi 5:93:page 97, Chelkes Binyomin 113:6, Be'er Moshe quoted in Pischei Halacha (Kashrus) page 116:16. Refer to Chelkes Yaakov 113:5.

37. Chelkes Binyomin 113:6, see Biurim “nechal.”

halachically edible raw,³⁸ while others argue and hold it is still considered *halachically* edible raw.³⁹

If it is the *derech* to eat the item raw with other ingredients, then the raw item is still considered edible raw.⁴⁰ A food which was edible raw while fresh is not considered edible raw after it dries out.⁴¹

Product Shipped From one Place to Another

If a non-Jew cooks a food which is edible raw then it is permitted even if it is shipped to a country where it is not eaten raw.⁴² This is not a common issue as a food which is edible in one country is usually edible in a different country as well.⁴³

“Fit to be Served on a King’s Table”

We mentioned earlier that food which is fit to be served on a king’s table is subject to the *halachos* of *bishul akum*.⁴⁴ This term requires clarification. What if a king eats it for breakfast but would not eat it for supper? Some say that this refers to food that would be served at a royal dinner;⁴⁵ the prevailing opinion is that it refers to anyone of stature, not just a king.⁴⁶ Others say it means food which would be served at a state

38. Rashba Toras Habayis (hakutzer) 3:7:page 213 (new), Ran Meseches Avodah Zarah 16b “beitzah”, Meiri Meseches Avodah Zarah 38a, Tur 113, Shulchan Aruch 113:12. Refer to Pri Chadash 113:21, Chochmas Adom 66:3, Ben Ish Chai Chukas 2:22, Aruch Hashulchan 26, Kaf Hachaim 71, Shevet Ha’Levi 9:162, Chelkes Binyomin 113:117, Bishul Yisroel pages 85-87. Refer to Bach 113 “umeiy shnu” who explains why if a food is cooked is it permitted even if it can be eaten if one pushes himself.

39. Rama ibid. Refer to Ramban and Ritvah Meseches Avodah Zarah 38b.

Gilyon Maharsha Y.D. 113, Magen Avraham O.C. 203:4, Mishnah Berurah 203:11, M’Bais .40 Levi 8:page 26:1, Chelkes Binyomin 113:6-7. Refer to Bishul Yisroel page 102, OU Document A-59 quoting the opinion of Rav Schachter Shlita, OU madrich pages 100-101. See Darchei Teshuva 113:4, Bishul Yisroel page 102 quoting the opinion of Harav Shmuel Felder Shlita. Refer to Bishul Yisroel page 463 who is not sure what status sushi has in this regard.

41. Aruch Hashulchan 15. See Dugel Mervuva Y.D. 113. Refer to Bishul Yisroel pages 88-90.

42. Harav Yisroel Belsky Shlita as expressed in OU document A-88, see Pri Chadash Y.D. 113:22, Shiurei Beracha 113:1, Kaf Hachaim 113:11. Refer to Shevet Ha’Levi 9:163. The reason for this is since the food is edible raw in one place there is no certainty that it will not be edible raw in the place where it is shipped since it is many days from when the food is made and the food may be dry.

43. OU document ibid.

44. Refer to Darchei Teshuva 113:10 if this applies to a Jewish king or non-Jewish king. In addition refer to Bishul Yisroel pages 187-188 if this applies to something which is fit for a king’s table sometimes. See Tosfas Meseches Beitzah 16b “dagim”, Avodah Zarah 38a “dagim”.

45. Based on the Gemorah in Meseches Avodah Zarah 38a. Refer to Shevet Hakehasi 6:274:4.

46. Issur V’heter 43:2, Shiurei Beracha Y.D. 113:2, Ben Ish Chai Chukas 2:9, Zivchei Tzedek 113:2, Kaf Hachaim 13:2. Refer to Aruch Hashulchan 18 who seems to hold this way as well. See Chelkes Binyomin 113:10, Bishul Yisroel page 133. See Shulchan Melachim 2:pages 1164-1165.



dinner,⁴⁷ while some apply it even if a food is eaten by a king at breakfast⁴⁸ (this is not *l'halacha*). Others are of the opinion that it refers to a food that one would serve on *Shabbos* to invites guests,⁴⁹ or food served at a *seudas mitzvah*.⁵⁰ *Harav Yisroel Belsky shlita* says it refers to food served at a wedding smorgasbord.⁵¹ Examples of foods which do not fit the above and are permitted are: chickpeas,⁵² corn (this will be discussed in a later issue), snacks,⁵³ Rice Krispies,⁵⁴ and popcorn.⁵⁵

Adding Spices to the food

If a food would only be fit for the king's table after certain spices and seasoning were added, it is still considered fit for the king's table even without the spices.⁵⁶

Is “Fit to be Served on a King’s Table” According to the *Min* or Specific Food?

Some *poskim* hold that if a certain type of food can be prepared in a way that could be served at a king's table, then any dish prepared from this food falls under the problem of *bishul akum*, even if this particular dish would not be served at the king's table.⁵⁷ However, most *poskim* disagree with this position and maintain that each dish must be evaluated individually.⁵⁸ Accordingly, if a specific potato is prepared in a way

47. Refer to Kashrus Kurrents from the Star-K “Food Fit For A King”.

48. Refer to Mesora 1:page 86:2, Shulchan Melachim 2:page 1209:3.

49. Based on the opinion of the Rambam in Hilchos Machalas Asuros 17:15, Be'er Moshe quoted in Pischei Halacha (Kashrus) page 116:18, opinion of Harav Falk Shlita in Bishul Yisroel (teshuvos) page 28:3. Refer to Bishul Yisroel pages 134-135 who says this clause is not mentioned in Shulchan Aruch, but it seems to be *l'halacha* anyways.

50. Shevet Ha'kehusi 6:274:4, see Dinei Machalei Nuchrim pages 18-19.

51. Based on a personal conversation. Refer to Bishul Yisroel (teshuvos) page 28:3 who does not seem to agree with this.

52. Refer to Darchei Moshe 113:3, Rama 113:2, Aruch Hashulchan 13, 15-16, Halichos Olom 7:pages 102-103, Opinion of the Be'er Moshe quoted in Pischei Halacha (Kashrus) page 119:14, Halichos Olom 7:page 102, OU Documents A-64:1, A-130, M-7. Refer to Rambam Hilchos Machalas Asuros 17:17, Ben Ish Chai Chukas 2:12. See Minchas Yaakov 75:31 who says (in his days) cooked chickpeas were fit to be served on a king's table.

53. Toras Chaim Avodah Zarah 38a, Zechor L'Avraham 5762-5763:page 749, Teshuvos V'hanhagos 1:438, Noam Halacha page 190, opinion of Harav Elyashiv Shlita quoted in Bishul Yisroel page 169:footnote 3, Kitzur Hilchos Bishul Akum (Sharf) 11.

54. Be'er Moshe quoted in Pischei Halacha (Kashrus) page 117:21, Star-K article entitled “Food Fit For A King”.

55. Ibid:page 118:2, Rivevos Ephraim 7:page 450, Noam Halacha page 193, Chai Ha'Levi 4:50:10.

56. Darchei Teshuva 113:9, Chelkes Binyomin 113:8. Refer to OU document A-41.

57. Refer to Aruch Hashulchan 113:10, Emes L'Yaakov Y.D. 112:footnote 42, Teshuvos V'hanhagos 1:438, opinion of Harav Elyashiv Shlita quoted in Bishul Yisroel page 146:14, Igros Moshe Y.D. 5:48:5, Dinei Machalei Nuchrim pages 23-24, Bishul Yisroel pages 139-144, Teshuvos V'hanhagos 1:438, Be'er Moshe quoted in Pischei Halacha (Kashrus) page 116:17. Refer to Tiferes Yisroel Avodah Zarah 2:52.

58. Harav Yisroel Belsky Shlita, see OU documents A-21, A-23, and A-106, Maharsham 2:262, Gan Shoshanim 2:page 202. Refer to Chelkes Binyomin 113:6, 8, biurim page 96, Shevet Ha'kehasi 6:274, Teshuvos V'hanhagos

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that it is fit for a king's table then only that type of potato is a problem of *bishul akum*. This opinion is followed by most *kashrus* agencies.

Product Shipped from one Place to Another

If a non-Jew prepared a food (which is not edible raw) in a country where it is not served on a king's table and shipped it to a country where the food is fit to be served on a king's table the food is forbidden because of *bishul akum*.⁵⁹ If the situation is reversed, and a non-Jew prepared a food which is not edible raw and it is fit to be served on a king's table in that country, then the food is forbidden even if it is shipped to a country where it is not eaten on a king's table.⁶⁰

Each Place

The opinion of the *Chochmas Adam*⁶¹ and others⁶² is that these categories are based on the current custom and not on previous customs.

Beverages

The consensus of the *poskim* is that there is a concern of *bishul akum* with beverages (i.e. soup) if one cannot drink it without cooking it or it is fit to be served on a king's table.⁶³

Important Person

There is a discussion in the *poskim* if a "*chashuva*" person should go beyond the letter of the law regarding the *halachos* of *bishul akum*. Some *poskim* say that such a person should refrain from any food cooked by a non-Jew even if it can be eaten raw, if it is fit to be served on a king's table.⁶⁴ The reason is that if one sees a *chashuva*

3:249, Bishul Yisroel page 143, Kerem Ephraim pages 64-65.

59. Refer to Bishul Yisroel (teshuvos) pages 31-32. See OU document A-131.

60. Harav Yisroel Belsky Shlita as expressed in OU document A-88, opinion of Harav Falk Shlita as expressed in Bishul Yisroel (teshuvos) pages 31-34 in depth. Refer to Shiurei Beracha 113:7, Ben Ish Chai Chukas 2:12, Chaim Shaul 1:74:6, Kaf Hachaim 113:20, Kerem Ephraim pages 62-63, Bishul Yisroel pages 61-62. In regard to tortillas see Dinei Machalei Nuchrim pages 93-101 in depth.

61. 66:4.

62. Rambam Hilchos Machalas Asuros 17:18, Pri Tohar 7, Shiurei Beracha 113:9, Kaf Hachaim 6 and 11, Chelkes Binyomin 113:6, Bishul Yisroel pages 198-199. The Pri Chadash 113:5 argues (see Sdei Chemed mareches bishul akum u'pitan 5:page 287, Darchei Teshuva 113:7).

63. Refer to Tosfas Meseches Avodah Zarah 31b "v'travaihu," Rosh 2:15, Rambam Hilchos Machalas Asuros 17:14, Orchos Habayis 8:14:footnote 41, Bishul Yisroel pages 185-186. Refer to Pri Chadash 113:3, 114:6 who seems to argue. See Sdei Chemed mareches "bishul einu yehudi u'pitan" page 349:10.

64. Refer to Meseches Shabbos 51a, Meiri Shabbos 51a, Ritvah 51a, Shach Y.D. 152:2, Bach Y.D. 113, Shiurei Beracha 113:4-5, Tosfas Shabbos O.C. 257:17 in depth, Kaf Hachaim 12, Shevet Ha'kehasi 4:200, M'Bais Levi 8:page 31:13, Shevet Ha'Levi 6:108:3, Minchas Yaakov 75:30, Dinei Machalei Nuchrim page 9:footnote 4, see Pri Megadim



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person being lenient even though it is permitted *al pi din*, the onlooker will potentially be more lenient in a circumstance where it can be forbidden.⁶⁵ If it is eaten raw and fit to be served on a king's table one should be stringent.⁶⁶ However, others disregard this concern,⁶⁷ and the custom seems to follow the latter opinion.⁶⁸ Even the stringent opinion makes allowances for health reasons (see below).⁶⁹

Doubt

The *halacha* is that anytime⁷⁰ one has a doubt⁷¹ whether a Jew stroked the coals⁷² (this will be discussed in a later issue), or if a food was cooked 1/3 by a Jew⁷³ (this will be discussed in a later issue), then we can be lenient. Some even say that if one is not sure whether a particular food is subject to the laws of *bishul akum* he may be lenient because of a *sofek d'rabanan l'kula*.⁷⁴ There is a discussion if we can be lenient if one is unsure if a food is fit to be served on a king's table. Some *poskim* are lenient even if one can verify the status,⁷⁵ but the custom is to be stringent.⁷⁶

Jew Watching non-Jew

Even according to the view of *Rashi* that the concern of *bishul akum* is also because the non-Jew may mix in non-*kosher* food, there remains an *issur* even if the Jew observes the cooking process and ensures that nothing is added. The reason is that the main reason for the *issur* is because of intermarriage, and standing over a non-Jew does not

Eishel Avraham 257:15. The Taz 3 says it is a pious act. Some even says this applies to water (Kaf Hachaim 13 quoting the opinion of the Arizal).

65. Rashi Meseches Shabbos 51a "odom", Meiri Meseches Shabbos ibid.

66. Refer to Bishul Yisroel pages 385-386.

67. Dugel Mirvuva Y.D. 113, Zivchei Tzedek 113:10, Machzik Beracha O.C. 257:2, Kaf Hachaim 113:12, Hamesivta 5754:page 82, see Chelkes Binyomin 113:4.

68. Harav Yisroel Belsky Shlita, see Pri Chadash 113:3, Aruch Hashulchan Y.D. 113:11, Chai Ha'Levi 4:51:6.

69. Tashbatz 1:89, Maharsham 5:36:page 35.

70. Rama 113:11, Chochmas Adom 66:9, Aruch Hashulchan 48. Refer to Bishul Yisroel 304-310.

71. Even if the doubt is if a Jew was involved in the cooking of the food (Chelkes Binyomin biurim "v'chein" page 100).

72. Taz 11. This would not be valid according to the opinion of the *Shulchan Aruch* since stroking the coals is not *bishul yisroel* (Kaf Hachaim 68).

73. Chochmas Adom ibid.

74. Tosfas Meseches Avodah Zarah 38a "ika", Issur V'heter 43:10, Tur 113, Rama 113:11, Toras Chatos 75:7, Chochmas Adom ibid, Aruch Hashulchan 48. Refer to Darchei Teshuva 70.

75. Opinion of the Shevet Ha'Levi quoted in Kerem Ephraim page 48:15:1. Refer to Pri Megadim Sifsei Da'as Y.D. 110:34.

76. Shach 110:34 (dinei sfek sfeika), Bishul Yisroel pages 490-491, opinion of Harav Falk Shlita quoted in Bishul Yisroel page 52 (teshuvos) 5:16.

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mitigate this factor.⁷⁷

Health Reasons

A food which is fit to be served on a king's table and is not eaten raw is still not a concern of *bishul akum* if it is eaten for health reasons. It is not a "*chashuva*" food, and sharing it will not lead to closeness with a non-Jew.⁷⁸

Frozen

A food that is forbidden because of *bishul akum* and placed into the freezer is still forbidden even though it is inedible while it is frozen.⁷⁹ By the same token, if a Jew cooked food and froze it, there is no concern if a non-Jew heats up the food.⁸⁰

Canned Foods

There is a discussion among the *poskim* if canned food is subject to the *halachos* of *bishul akum*. Food which is cooked before it is canned and is just put in a can for storage would be forbidden.⁸¹ However, one could argue that food cooked in a can is not fit to be served on a king's table.⁸² The custom seems to treat canned goods as a concern of *bishul akum* (if the food is not edible raw) even if it is cooked with indirect steam (this will be discussed in a later issue).⁸³ However, this can be used as an additional factor to be lenient in certain cases.

Utensils

There is a discussion in the *poskim* if food cooked by a non-Jew⁸⁴ renders the pot *treif*.⁸⁵ Some *poskim* say that no *hagalah* (*kashering*) is required.⁸⁶ Some explain that

Rivav 514, Noam Halacha page 76. .77

Radvaz 3:637, Meiri Meseches Avodah Zarah 38a, Ritvah Meseches Avodah Zarah 38a, .78 Maharsham 2:262, Noam Halacha page 75, Chelkes Binyomin 113:page 11 (biurim).

79. Dinei Machalei Nuchrim page 48:6, Noam Halacha page 71:16:footnote 28, Kitzur Hilchos Bishul Akum (Berger) page 27.

80. Kitzur Hilchos Bishul Akum (Berger) page 26-27.

81. Bishul Yisroel page 34, Teshuvos V'hanhagos 3:247.

82. Refer to Mesora 1:page 86 (bottom), Mesora 2:pages 74-75, OU document A-64:4, Star-K article entitled "Food Fit For A King" page 2, opinion of Harav Pinchus Sheinberg Shlita quoted in Divrei Chachamim pages 182-183:22.

83. Refer to Bishul Yisroel (teshuvos) pages 46-47, Teshuvos V'hanhagos 3:247. Also see Bishul Yisroel pages 34-36. Some are lenient because many products do not get changed when cooked in a can (Aleh Ezra Y.D. 5).

84. The Shach 113:20 says cooking for herself is more stringent because it is unlikely that a Jew will intervene. Refer to Prisha 113:17, Chochmas Adom 66:11. See Shulchan Melachim 2:pages 959-957.

85. Some say if the cooking was not done in front of us then there is a concern of non-*kosher* being cooked and all would agree that *hagalah* is required (Chelkes Binyomin 113:134).

86. Ritvah Meseches Avodah Zarah 38a, Issur V'heter 43:8, Shulchan Aruch 113:16, Levush 16, Shiurei Beracha 18.



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the main reason for the *issur* of *bishul akum* is because of intermarriage, and there is no socializing with flavor absorbed in the pot.⁸⁷ However, many *poskim* maintain that *hagalah* is in fact required,⁸⁸ and this is the overwhelming custom.⁸⁹ The reason is that the food itself becomes forbidden, and the *blios* (absorption) from the food are considered as “*machalas asuros*.”⁹⁰ This applies even if the utensils were not used within twenty-four hours (*eino ben-yomo*) in which case the taste of the food is *pogem* (ill tasting).⁹¹ Nonetheless, one can do *hagalah* (after waiting twenty-four hours)⁹² for an earthenware utensil (which we normally do not *kasher*)⁹³ three times and use it for *kosher* food.⁹⁴ This is common if a non-Jew used a crock-pot to cook food.⁹⁵

An interesting question arises regarding *kashering* the utensils of a convert which were only used for *kosher* food. It would seem from the language of the *Shulchan Aruch*⁹⁶ (when he discusses the obligation to *kasher* from *bishul akum*) that he does not require *kashering*.⁹⁷ However, when the question arises one should discuss it with a competent *Rav*.

Refer to Hamesivta 5754:pages 123-125 who says most *poskim* hold no *hagalah* is required.

87. Bedek Habayis 3:7:page 209 (new), G’ra 40, 42, See Aruch Hashulchan 113:50.

88. Rashba in Toras Habayis 3:7 (end), Rashba Meseches Avodah Zarah 38a, Ran (teshuvos) 5:11, Toras Chatos 75:14, Tur, Bais Yosef, Shulchan Aruch 113:16, Levush 16, Shiurei Beracha 18-19, Chochmas Adom 66:11, Mishnah Berurah O.C. 328:63, Aruch Hashulchan 113:50, Kaf Hachaim Y.D. 113:89, Igros Moshe Y.D. 2:41, Kitzur Hilchos Bishul Akum (Berger) page 45:67. Refer to Matei Yehonosson 113:16, Pri Chadash 25, Kashrus 2:pages 13-20 in depth. See Shulchan Melachim 2:pages 943-951.

89. Shulchan Aruch 113:16, Aruch Hashulchan 113:50, Chai Ha’Levi 5:54:1. Some say if the cooking was done in a Jewish home or Jewish establishment no *hagalah* is required since there are two *sefikos*. One doubt is if such utensils require *hagalah* and the other doubt is if there is *bishul akum* in a Jew’s home (Halichos Olom 7:page 104:footnote).

90. Toras Habayis 3:7:page 214 (new), Aruch Hashulchan 113:50. See Gr’a 113:40, 42. Refer to Tzitz Eliezer 22:44 in depth on this dispute.

91. Ben Ish Chai Chukas 2:24, Kaf Hachaim 113:89-90, Chelkes Binyomin 113:138, Bishul Yisroel pages 373-374, opinion of Harav Falk Shlita stated in Bishul Yisroel (teshuvos) page 67. Refer to Chochmas Adom 66:12. See Darchei Teshuva 113:92 who brings a lenient opinion. See Rama O.C. 452:2, Mishnah Berurah 20. The opinion of Harav Falk Shlita stated in Bishul Yisroel (teshuvos) pages 78-79 is that in time of need one can be lenient and do *hagalah* even within twenty-four hours. Refer to Chochmas Adom 66:12.

92. Kaf Hachaim 113:90, Chelkes Binyomin 113:142.

93. Shulchan Aruch O.C. 451:22.

94. Bais Yosef 113, Shulchan Aruch 113:16, Toras Chotas *ibid*, Levush 16, Chochmas Adom 66:11, Mishnah Berurah O.C. 328:63, Aruch Hashulchan 113:50, Kaf Hachaim 95, see Gilyon Maharsha 113, Mishnah Berurah 328:63, Shevet Ha’Levi 9:162:16. Refer to Shevet Ha’Levi 6:108:8, Kashrus 2:pages 237-238.

95. Kitzur Hilchos Bishul Akum (Berger) page 46:70.

96. Y.D. 113:16.

97. Opinion of Harav Herschel Schachter Shlita and Rabbi Ari Senter Shlita. Harav Yisroel Belsky Shlita added that the non-Jew before he converted did nothing wrong when cooking for himself so his utensils are not *bishul akum* (if they were used for *kosher* food).

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Rov or Shishim

Most *poskim* are of the opinion that *bishul akum* is *botel b'rov* (majority)⁹⁸ while some maintain you need *shishim* (60 times).⁹⁹

Mixing Edible Raw Food with Non-Edible Raw Food

If food which is edible raw is mixed¹⁰⁰ with food that is not edible raw, the mixture is not subject to the *halachos* of *bishul akum* if most of the ingredients are food which can be eaten raw.¹⁰¹ Some permit even if it is half and half¹⁰² (this will be discussed in a later issue). Some say that the five grains are considered the main ingredient as is the case in *hilchos berachos*.

Tafel

Sometimes, a food may be eaten raw but is a *tafel* to the main food which has a concern of *bishul akum* (not eaten raw). The question is if the food eaten as a *tafel* is subject to the *halachos* of *bishul akum*. The rules here follow the same rules as *berachos*. A food which is mixed to the same degree where it is considered mixed in regard to the *halachos* of *berachos* would not be permitted because of *bishul akum*. For example, if peas (edible raw) are mixed with other food then there would be a *bishul akum* concern for the peas as well.¹⁰³

98. Toras Chatos 75:9, Shach 112:23, 113:21, Be'er Heitiv 18, Shiurei Beracha 113:10, Chochmas Adom 66:11, Aruch Hashulchan 53, Darchei Teshuva 90, Kaf Hachaim 91, see Mishnah Berurah ibid. Refer to Darchei Teshuva 113:91 if one is permitted to be *mevatel bishul akum* with his hands. Refer to Yeshoshua Yaakov Y.D. 113:3 in depth why one is permitted to mix a *bishul akum* food with a non-*bishul akum* food.

99. Refer to Hagalas Keilim 10:footnote 11, Chelkes Binyomin 113:136.

100. There is no concern of being *mevatel an issur* here (Darchei Teshuva 113:18).

101. Ritvah Meseches Avodah Zarah 38a, Shulchan Aruch 113:2, Toras Chatos 75:12, Levush 15, Chochmas Adom 66:6, Aruch Hashulchan 14. See Mishnah Berurah 203:11. Some say this is only permitted if the food which is not edible raw is not recognizable in the mixture (Darchei Teshuva 113:22, see Kaf Hachaim 17). Refer to Meseches Beitzah 16a-16b, Avodah Zarah 38a, Rashi Meseches Beitzah 16a "asirei," Avodah Zarah 38a "ku mashma lon", Ran page 15. Refer to Bishul Yisroel pages 330-333.

102. Aruch Hashulchan 14, Darchei Teshuva 19. Some say if the five grains are mixed in they are the main ingredient in this regard as well as in *hilchos berachos* (Darchei Teshuva 113:20, Chelkes Binyomin 113:21, see Hamesivta 5754:pages 88-89 where he asks on the Aruch Hashulchan).

103. Refer to OU document A-131.



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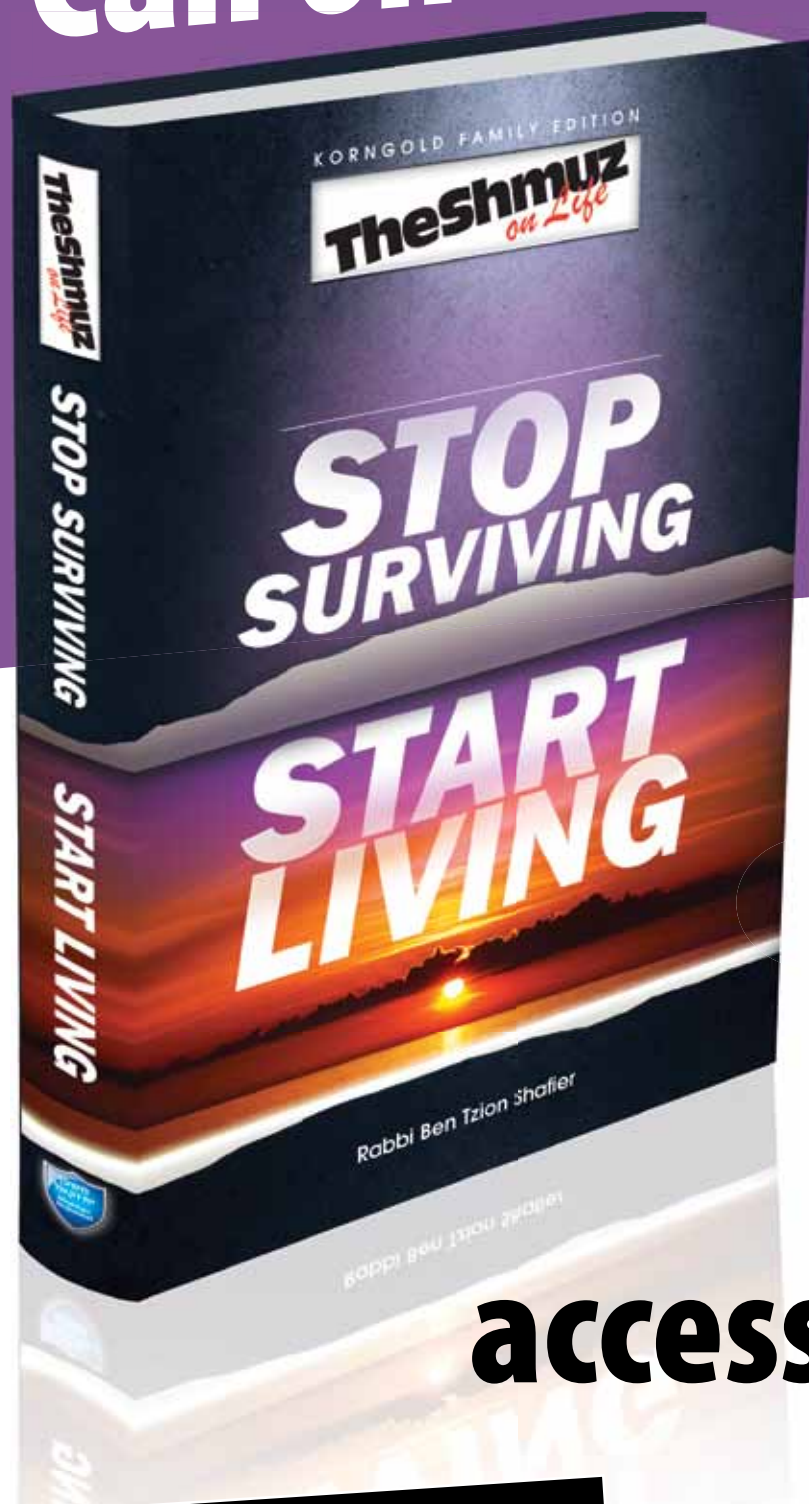
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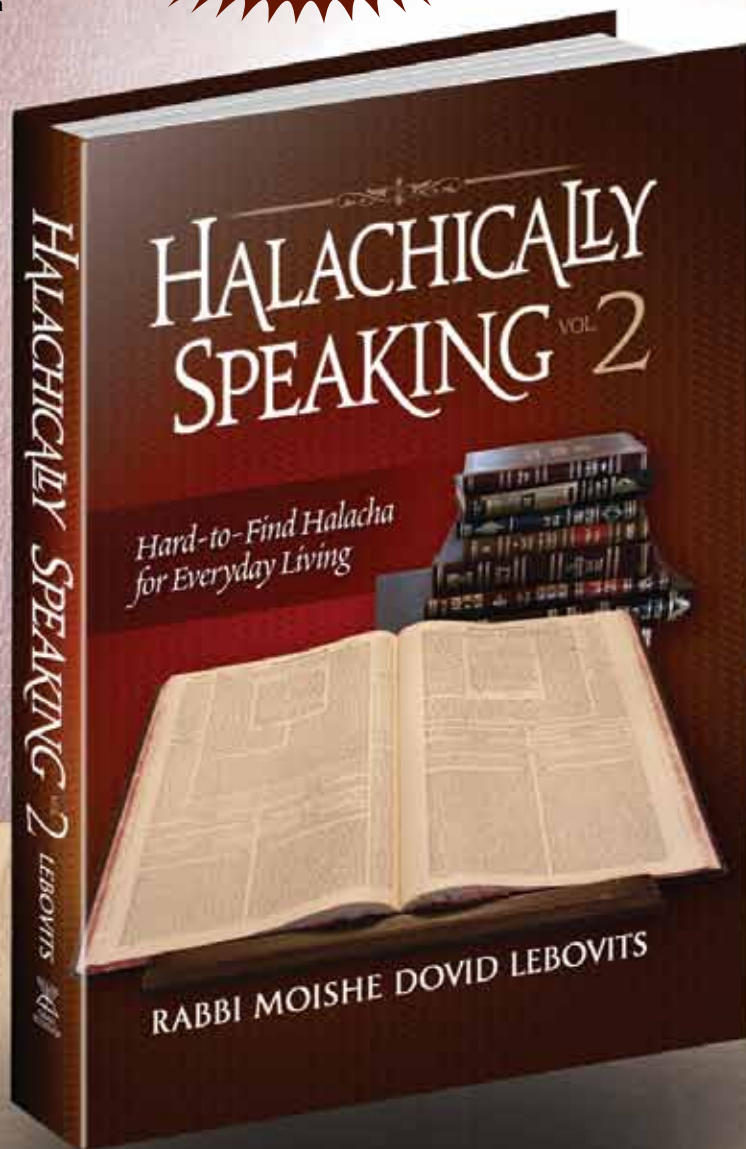
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