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The Halachos of Pas Akum

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issue of *pas akum*. *Pas ba'al habayis* is bread that was baked¹⁰ by an *akum* for personal consumption, even if produced in a commercial

manner. *Pas palter* is bread that was baked by an *akum* for commercial purposes, even if produced privately.¹¹ *Pas Yisroel* is bread that was baked by a *Yid*, either for his own use or for commercial purposes.

The *Mechaber* writes that people in certain communities are lenient and purchase *pas palter*, where *pas Yisroel* is not available.¹² Being that the bread was produced for commercial purposes, the fear of friendship and socialization between the *Yid* and the *goy* doesn't arise, since the *goy* is selling the bread for business and not to promote any friendship.

Ordinarily, there is a concept in *halacha* of *lo plug*, which means that once *Chazal* forbade something, items that fall into that category are forbidden regardless of whether the reason for the enactment applies to them or not. Only if the item is different in nature would it then be excluded from the enactment. Since commercially produced bread is similar in nature to household bread, it *should* be forbidden according to this principle despite the fact that the reason (i.e. socialization) may not be applicable. The *poskim* differ as to why commercial bread is treated more leniently. Some explain that since bread is a necessary food item, *Chazal* permitted commercially produced bread.¹³ (In addition, the throwing of a splinter into the fire by a *Yid* suffices to render the bread *pas Yisroel*.¹⁴ Regarding *bishul akum*, however, this leniency is not applicable according to the *Mechaber*, as we will discuss in the next issue.) According to this explanation, only *pas palter* is permitted, and only in cases of necessity (i.e. when there is no *pas Yisroel* available).¹⁵ Others write that *Chazal* didn't relax the restriction of *pas akum*, but that when *Chazal* initially prohibited bread baked by a *goy*, adherence to this prohibition was not widespread due to the fact that bread is a basic necessity for many people. According to this explanation, *pas palter* is permitted even if *pas Yisroel* is available, because there was never any restriction on *pas palter*.¹⁶ Indeed, this is the ruling of the *Rama*.¹⁷ There is a *machlokes Rishonim* whether according to this line of reasoning even *pas ba'al habayis* is permitted where *pas Yisroel* is available. The consensus of almost all *poskim* is that *pas ba'al habayis* is forbidden when *pas Yisroel* or even *pas palter* is available.¹⁸ However, in instances where no bread other than *pas ba'al habayis* is available, the *Mechaber* and *Rama* do permit its consumption.¹⁹

Chazal enacted a set of laws concerning *pas akum*, which is bread baked by a *goy*, and *bishul akum*, which is food cooked by a *goy*, in order to limit social interaction between *Yiddin* and *goyim*. These laws apply even where all the ingredients are kosher in and of themselves.

Chazal were concerned that if *Yiddin* engage in eating certain foods prepared by a *goy*, this may cause an increased social relationship which may ultimately lead to intermarriage.¹ Regarding *bishul akum*, *Rashi* adds a second reason that perhaps, the non-Jew will feed the *Yid* non-kosher food.²

There is a discussion among the *poskim* whether food items prepared by all *goyim* (e.g. *Yishmaelim*) are included in this prohibition or only food prepared by those who worship *avodah zara*. The consensus of the *poskim* is that the food of all *goyim* is included in this prohibition since the reason of intermarriage is still applicable.³ The *poskim* maintain that this prohibition applies even to non-Jews who do not have children, such as priests who have taken a vow of celibacy, even though the fear of intermarriage is not applicable.⁴

The *poskim* discuss the status of bread baked by a Jew who is a *mumar*, an apostate. Some say that since the prohibition of intermarriage does not apply, we are lenient in this regard.⁵ Others write that since *Chazal* equate a *mumar* to a *goy* (e.g. regarding wine), the bread of a *mumar* has the same status as the bread of a *goy*, even though there is no prohibition of intermarriage.⁶ Regarding *bishul*, a *mumar's* food would most certainly be considered *bishul akum* for although there is no prohibition of intermarriage, the fear that he will feed the *Yid* non-kosher food is still applicable.⁷

It should be pointed out that nowadays it is difficult to find a person who is an authentic *mumar*. Many assimilated Jews are not apostates, and instead fall into the category of *tenokos shenishbu*.⁸

Although one may not consume *pas* and *bishul akum*, one is permitted to derive benefit from *pas* and *bishul akum* (e.g. it may be bought, sold, given as a gift etc.).⁹

פת עכו"ם – Pas Akum

It is worthwhile to briefly explain various terms relevant to the

In summary, according to the opinion of the *Mechaber*, both *pas palter* and *pas ba'al habayis* are permitted in cases of necessity. The *Rama* permits *pas palter* in all circumstances, and *pas ba'al habayis* only in cases of necessity. The consensus of almost all *poskim* is that *pas ba'al habayis* is forbidden when *pas Yisroel* or even *pas palter* is available. The reason for this is because such a case is the sole reason for this prohibition: to restrict socialization between *Yiddin* and *goyim*.

Even according to the *Mechaber*, one who generally purchases *pas palter* only when there is no *pas Yisroel* available, may purchase *pas palter* if *pas Yisroel* of comparable quality is not available, or if the *pas* is of a different kind that is not available as *pas Yisroel*.²⁰

Since *pas palter* was only permitted due to the fact that bread is considered a necessary food item, those who are *medakdek be'mitzvos* do not buy *pas palter* at all.²¹ Nowadays, many people have accepted upon themselves to abstain from eating *pas palter*.

It should be noted that the *heter* of *pas palter* only applies where a *goy* baked bread belonging to a *goy* for commercial purposes. If the bread belongs to a *Yid* and the *goy* bakes it for commercial purposes, it is forbidden even for those who are lenient with regard to purchasing *pas palter*.²² This may be a problem with respect to a bakery that is owned by a *Yid* who employs *goyishe* workers, where there is no *hashgacha* to ensure that the fires are being lit by a *Yid*. Since the bread belongs to a *Yid*, there is no *heter* of *pas palter*. Rav Moshe Feinstein explains that since *pas palter* was only permitted due to the difficulty in obtaining *pas Yisroel*, in an instance where the owner of the bakery is a *Yid* and he can easily light the fire in the oven, the bread is forbidden.²³ However, if the owner is a *mumar*, and he cannot be convinced to have a *Yid* light the fire in the oven, the bread is permitted.²⁴

The *Mishnah Berurah* maintains that even those who eat *pas palter* during the week, should only eat *pas Yisroel* during the *seudos* on *Shabbos* and *Yom Tov*.²⁵ During the *Aseres Yimei Teshuvah*, even those who eat *pas palter* all year round, should only consume *pas Yisroel*.²⁶

The permissibility to purchase from a non-Jewish bakery does not necessarily apply nowadays when bakers use various shortenings and dough conditioners (mono and diglycerides). In addition, the oven floors may be smeared with various oils, which could likewise be a problem. One must ascertain that all ingredients are kosher and there is no possibility of mixing pans and ovens where non-kosher products are baked.²⁷ A strong *hashgacha* is needed.

What is Considered *Pas*?

In order for an item to be considered '*pas*' and thereby fall into the category of *pas akum* (as opposed to *bishul akum*) when baked by a *goy*, it must have all of the following characteristics: 1. It must be a baked item, 2. It must be made from one of the 'five grains' - wheat, barley, oats, spelt, or rye,²⁸ and 3. It must be a product on which one recites *hamotzie*, either normally, or where one is *koveah seudah* (a full meal is eaten).²⁹ One example of food that bears all three characteristics is a group of products known as *pas haboh bikisnin*. Some examples of *pas haboh bikisnin* are cakes, cookies, crackers, and pretzels.

Ways to Be Considered *Pas Yisroel*

Bread can be considered *pas Yisroel* even if the *Yid* did not actually bake the bread, by one of the following three ways: 1. The *Yid* places the bread into a hot oven. 2. The *Yid* lights the fire in the oven. 3. The *Yid* stirs the coals or raises the fire.³⁰ (Raising the fire would suffice on most stoves and ovens. Where there is a thermostat on the stove or oven (as is found on electric ovens), it might not be sufficient for a *Yid* to merely raise the thermostat. Raising the thermostat lengthens the time that the fire will remain lit, but does not intensify the fire. The *Yid* should first lower the thermostat so that the electric element goes off, and then raise it.³¹

It should be clearly understood that for bread to be considered *pas Yisroel*, a *Yid* must have some involvement in the process. Recently, there were those who wished to claim that since the fire in the oven is only brought about through the flip of an electrical switch, it is not considered as if the *goy* created the fire, and the bread should therefore be permitted. Aside from the fact that most *poskim* deem the flipping of a switch as actually igniting the fire, the bread would be forbidden nonetheless, because even if the *goy* did not bake the bread, there still was no involvement of a *Yid* at all in the preparation of the bread. This principle applies to *bishul akum* as well, which will be discussed in the next issue.³²

If a *Yid* throws a splinter of wood into the fire of the oven, it suffices to render the bread in the oven *pas Yisroel*.³³ Alternatively, if a *goy* lit the fire from another fire that was originally ignited by a *Yid*, there is no problem of *pas akum*.³⁴ The *Rama* writes that if the *Yid* fired up the oven, then all the items baked in the oven afterwards (even after the fire has gone out) are considered *pas Yisroel*, as long as a period of 24 hours didn't pass without the oven being fired up,³⁵ (i.e. even if a *goy* is providing the subsequent fuel for the fire). That is, the original firing up of the oven by the *Yid* permits all subsequent baking as long as the oven stays hot.³⁶ The *Aruch Hashulchan*, however, writes that this should be not relied upon except in extreme circumstances, and that *lechatchila*, one of the three methods mentioned above should be used to render bread *pas Yisroel*.³⁷

The previous *heter* of the *Rama* (that an oven may be used within 24 hours of being fired up by a *Yid*) may not be applicable to many of our contemporary ovens, since they cool off very quickly. Many bakeries stop baking in the afternoon, and don't continue baking until the night when the ovens are already completely cold.³⁸

If bread was baked by an *akum* without the involvement of a *Yid*, then as long as the bread still requires further baking and will become better with the additional baking, the *Yid* may raise the fire and thereby render the bread *pas Yisroel*. Some say that even if the bread was already removed from the oven, nevertheless, if it will be improved with additional baking, the *Yid* can return it to the oven and thereby render it *pas Yisroel*.³⁹

Some suggest that if a *Yid* places the *pas akum* in a toaster and toasts it, it is now considered *pas Yisroel*. However, most *poskim* disagree because prior to placing the bread in the toaster, it was already completely baked and was therefore considered *pas akum*. The *Shulchan Aruch* clearly states that this whole *heter* applies only if the bread still *requires* further baking.⁴⁰

Utensils

Although with regard to *bishul akum* the *poskim* dispute whether the utensils require *kashering*, regarding *pas* there is no such concern and utensils that were used to prepare *pas akum* need not be *kashered*. In fact, one who is *makpid* not to eat *pas akum* may eat his bread from the same plate as someone else who is not *makpid* on *pas akum*, even though the *ta'am* of the *pas akum* enters his own *pas*.⁴¹

Bagels

When bagels are made, the dough is first cooked partially and then baked. The *poskim* write that there is certainly no problem of *bishul akum* regarding bagels, because it is barely edible after the cooking. The baking that is done afterwards classifies it as *pas*, and it is therefore subject to the laws of *pas akum*.⁴²

Donuts

As was stated before, in order for something to be considered *pas* it has to have been baked. Most donuts are boiled in oil and are not baked at all, and therefore are not considered *pas*, and one would not recite *hamotzie* on them even where one is *koveah seudah*. Therefore, donuts are not included in the category of *pas akum* when made by a *goy*, but are included in the category of *bishul akum* and are subject to the applicable *halachos* which will be discussed in the next

