

בס"ד הלכה ברורה

# Halacha Berurah

צעירי אגודת ישראל



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## The Halachos of Bishul Akum (Part Two)

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### Ways to Be Considered Bishul Yisroel

With regard to *pas akum* we mentioned that the *poskim* maintain that it suffices for a *Yid* to partake in the preparation of the fire in order to render it *pas Yisroel*. There is a dispute amongst the *poskim* as to whether food can be rendered *bishul Yisroel* in the same manner. The *Mechaber*<sup>1</sup> rules stringently and maintains that a *Yid* must take part in the actual cooking of the food in order to be considered *bishul Yisroel*. This can be accomplished by the *Yid* placing the food on the fire, turning on the fire after the *goy* has already placed the food on the stove according to some *poskim*,<sup>2</sup> or stirring the food while it is on the fire. This is the *minhag* which should be followed by the *Sephardim*. The *minhag* of the *Ashkenazim* follows the *Rama* who rules that in this regard there is no difference between *pas* and *bishul*, and it suffices for the *Yid* to prepare the fire or even have a partial role in the preparation of the fire, such as adding a chip of wood to the fire.<sup>3</sup> Stoking the coals (or raising the fire on a modern day oven) is likewise sufficient to render food cooked with that fire *bishul Yisroel*. Alternatively, according to the opinion of the *Rama*, if a *goy* lit the fire from another fire that was originally ignited by a *Yid*, there is no problem of *bishul akum*. In summary, according to the *Rama*, whether the *goy* lit the oven and the *Yid* cooked the food, or the *Yid* lit the oven and the *goy* cooked the food, or even if the *goy* lit the oven and cooked the food but the *Yid* had a role in preparing the fire (such as adding a piece of wood), there is no problem of *bishul akum*.

Numerous *poskim* discuss the *leniencies* of the *Rama* regarding *bishul akum* (i.e. that it is sufficient for a *Yid* to only have a partial role in preparing the fire) and maintain that that one may rely on them only in extenuating circumstances. The *heter* of having a *Yid* ignite the fire or at least stoke the coals in a manner that will speed up the cooking is mentioned in the *Gemara* in reference to *pas*. However, the *heter* of a *Yid* taking a partial role in the preparation of the fire is not mentioned in the *Gemara* at all, even with regard to *pas*. Consequently, there are many who hold that even if one relies on this leniency with regard to *pas*, one cannot extend it to *bishul*.<sup>4</sup>

*Ashkenazim*, who follow the opinion of the *Rama*, have what to rely on if a *Yid* ignites the fire or stokes the coals to render the food *bishul Yisroel*. *Sephardim*, however, who follow the opinion of the *Mechaber*, should have a *Yid* actually take part in the cooking process

in order for the food to be *bishul Yisroel*. This presents a big challenge for *Sephardim* to obtain food that is *bishul Yisroel* according to the opinion of

the *Mechaber*. Most kosher restaurants that employ *goyishe* workers rely on the opinion of the *Rama*. Sometimes a pilot light is relied upon, as will be discussed below, and that is only acceptable according to the *Rama*. *Sephardim* must ascertain that the food they are eating is *bishul Yisroel* according to the opinion of the *Mechaber*.<sup>5</sup>

Some *poskim* are lenient in a case where a *Sephardi* is in a *Yeshivah* or camp of *Ashkenazim*, where the food is prepared primarily for the *Ashkenazim*. However, not all *poskim* agree to this leniency, and if there is no way to obtain food that was prepared according to the opinion of the *Mechaber*, a *shailah* should be asked.<sup>6</sup>

### Food That Requires Further Cooking

We mentioned above that any part of the cooking process that is done by a *Yid* (such as stirring the food) negates any problem of *bishul akum*.<sup>7</sup> Therefore, if the *Yid* started cooking the food and the *goy* finished the cooking process, there is no problem of *bishul akum*, as long as the food remained on a fire that was lit by a *Yid*. Moreover, if the *Yid* cooked the food to the point where it is partially edible (כמאכל בן דרוסאי - 1/3 cooked<sup>8</sup>) there is no problem of *bishul akum* even if the food was removed from the fire, and a *goy* then placed the food on a fire that was lit by a *goy* and finished cooking it.<sup>9</sup>

In a case where the *goy* cooks the food כמאכל בן דרוסאי, there is a *machlokes* as to whether further cooking by the *Yid* will remove any problem of *bishul akum*. The *Mechaber* writes that although the *Yid* completed the cooking process, nevertheless, since the food was already cooked כמאכל בן דרוסאי by the *goy*, it constitutes *bishul akum*.<sup>10</sup> Some *poskim* draw a distinction and maintain that if the food was removed from the fire after the *goy* cooked it כמאכל בן דרוסאי, further cooking by the *Yid* would not remove the problem of *bishul akum*, but if the food is still on the fire, further cooking by the *Yid* would render it *bishul Yisroel*.<sup>11</sup>

The *Rama*, however, maintains that in all instances additional cooking by the *Yid* renders the food *bishul yisroel*.<sup>12</sup>

Many *hashgachos* that follow the *minhag* of the *Rama*, permit *goyishe* companies to produce products that require further processing by the consumer. Since the food cannot be eaten without additional cooking, the further processing by the *Yid* renders the food *bishul*

**Please Note:** Due to the intricacy of the material discussed in each issue, and the brevity of its treatment, a *Rov* should be consulted for a final *psak halacha*. In addition, this publication does not intend to be מכריע on issues that are a *machlokes haposkim*. Although we have usually brought the dissenting views in the footnotes, we have selected for simplicity sake to incorporate into the main text the views of the *Mishnah Berurah*, R' Moshe Feinstein, R' Shlomo Zalmen Auerbach and several other preeminent *poskim*. Please send all questions and comments to 1341 E. 23rd Street, Brooklyn, NY 11210 or email to halachaberurah@thekosher.net

*Yisroel. Some examples of such foods are pasta and frozen french fries.*

## Reconstituting a Cooked Item

The *Avkas Rochel* (authored by the *Mechaber* of the *Shulchan Aruch*, Rav Yosef Karo) maintains that if a food was cooked by a *goy*, but was processed in a manner by which it has lost its edibility and can only be reconstituted by being cooked a second time, the food is permitted to be eaten if the *Yid* performs the second cooking. However, if the food can be reconstituted merely by adding cold water, the food is forbidden, since the original cooking of the *goy* is viewed as being a vital part of the preparation of the food. Many kashrus organizations have relied heavily upon this opinion when certifying instant powdered potatoes, potato flakes, and Pringles.<sup>13</sup>

Instant potato powder and flakes are produced by first cooking potatoes completely, mashing them, mixing them with an emulsifier, and then drying the mashed potatoes. The dried potatoes are then ground or chopped depending on the item that is being produced.

Regular potato chips are made by frying thin slices of raw potatoes. Pringles, on the other hand, are made from a potato paste which is made from potato flour. This flour is not simply made of ground potatoes, but is actually a flour of instant mashed potato flakes that have been milled into a powder. The chip is then formed and fried in oil.

A short time ago, the companies started using different types of emulsifiers due to government regulations. Once this changed, the instant potatoes were able to be reconstituted and made edible merely by the addition of cold water. This being the case, the *heter* of the *Avkas Rochel* is no longer applicable and may not be relied upon. Presently, some kashrus organizations primarily rely upon the fact that the potatoes are no longer actually cooked in water, but are cooked by using steam.<sup>14</sup> The issue of whether steaming is forbidden with respect to *bishul akum* is a major *machlokes haposkim*. One should consult his *Rov* for a final *psak* as to the permissibility of eating these items.<sup>15</sup>

## Intention - כוונה

Some *poskim* say that if a *Yid* did one of the acts of the cooking process unintentionally, it would not solve the problem of *pas* or *bishul akum*,<sup>16</sup> while others say that intent is not needed to negate the problem of *pas* or *bishul akum*.<sup>17</sup>

If a *goy* cooked food unintentionally, there is no problem of *pas* or *bishul akum*.<sup>18</sup> For example, if a *goy* turned on an oven to warm up the room and in the process cooked food that was inside the oven, there is no problem of *pas* or *bishul akum*. Alternatively, if there was a power failure, and the power was restored by the electric company which in turn caused food that was inside the oven to get cooked, there is no problem of *pas* or *bishul akum*. However, if the *goy* turned on the oven to cook his own food, and in the process cooked other food that had been inside the oven, the food may not be eaten.<sup>19</sup>

## Sofek - ספק

If one is not sure whether a *goy* cooked a specific food, there is no concern of *pas* or *bishul akum*, because *sofek Derabonon lekulah*.<sup>20</sup>

## Utensils - כלים

The *poskim* dispute whether a utensil used to cook food that has a *din* of *bishul akum* must be *kashered* or not.<sup>21</sup> Nevertheless, even according to those who do require the utensils to be *kashered*, one who cooked food in such a utensil prior to *kashering* it may eat

the food, and there is no concern that perhaps the food absorbed a forbidden taste of *bishul akum*.<sup>22</sup>

## One Who is Ill - חולה

One who is ill (even if not in danger) may eat food cooked by a *goy*, if food cooked by a *Yid* is not available.<sup>23</sup> Food cooked by a *goy* on *Shabbos* for an ill person may be eaten by anyone after *Shabbos*.<sup>24</sup> Nevertheless, there are those who hold that after *Shabbos* even the ill person may not eat the food cooked by the *goy*, if *bishul Yisroel* is available.<sup>25</sup>

## Pilot Lights

The *poskim* discuss whether according to the *Rama* (who maintains that even if the *Yid* only had a partial role in preparing the fire, there is no problem of *bishul akum*) one may rely on a pilot light lit by a *Yid* to avoid a problem of *bishul akum*. Some hold that the leniencies of the *Rama* are only *bedieved*,<sup>26</sup> and not everyone agrees with the *Rama* regarding a *goy* lighting the fire from a fire lit by a *Yid*.<sup>27</sup> Consequently, some *poskim* hold that one may not rely on the pilot light *lechatchila*.<sup>28</sup>

It has been said that Rav Moshe Feinstein was not happy with the practice of relying on a pilot light, because the pilot light burns indefinitely, and it is difficult to consider this a perpetual *aish Yisroel*.<sup>29</sup> There are other problems with the use of pilot lights including the fact that many pots overflow and can possibly extinguish the fire of the pilot light, in which case the *goy* may relight it on his own. This problem is even more prevalent in restaurants and hotels where fires go out regularly.<sup>30</sup> A *mashgiach* must make sure that fires are not relit by *goyishe* kitchen help.

Although it may not be completely acceptable for a *kashrus* agency to grant a *hashgacha* purely on the basis of a pilot light, a pilot light may be used as a backup to save the situation from *bishul akum*, if the first line of the *hashgacha* (i.e. having a *Yid* light the fire) fails.

## The Light Bulb

Earlier, we discussed the opinion of the *Rama* that if a *Yid* merely throws a small piece of wood into a fire ignited by a *goy*, the problem of *pas* and *bishul akum* is removed. Recently, some have suggested the use of an incandescent light bulb installed in the oven by the *mashgiach* to serve in place of the splinter thrown into the fire by a *Yid*. They claim that the heat emitted by the light bulb is excessively greater than the heat produced by a splinter of wood and should certainly be sufficient.<sup>31</sup>

However, leading kashrus organizations have rejected this line of reasoning. There are several fundamental differences between the light bulb and the splinter of wood mentioned by *Rama*. One difference is that in the case mentioned by the *Rama*, the splinter is added to an existing fire. The light bulb, however, is lit by the *Yid* before the fire in the oven, which will be cooking the food, is ignited. In addition, the ruling of many *Rishonim* and the *Shulchan Aruch* is that the fire prepared by the *Yid* must have the ability to cook or bake the food on its own. Obviously, the heat that the bulb emits is insufficient to cook or bake the food by itself. According to these *poskim*, the *heter* of the splinter of wood was only said once there is already a full fledged fire burning, and not before.<sup>32</sup>

Additionally, the entire light bulb theory is based upon the premise that the *heter* of the splinter of wood is due to the fact that it adds additional heat to the fire, albeit a miniscule amount. However, many *Rishonim* write that the splinter of wood removes a problem of *pas akum* (as well as *bishul akum* according to the *Rama*), since the *Yid* was involved in the preparation of the actual fire that will be baking the food, and it is therefore considered as if he lit that entire fire. The light bulb is completely separate from the primary fire, and unlike



