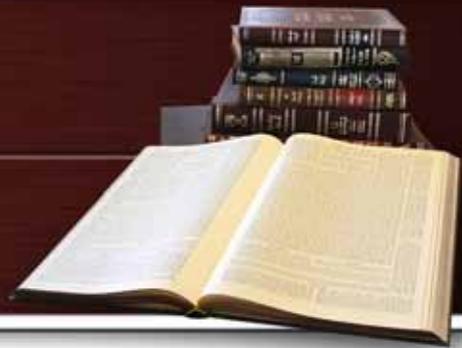


HALACHICALLY SPEAKING



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Volume 7 • Issue 2



BISHUL AKUM- DIFFERENT METHODS OF COOKING

In the last issue we dealt with the basics of bishul akum. In this issue we will deal with other halachos which apply to bishul akum. Such as what methods of cooking are an issue if a non-Jew cooks for a Jew. In addition, to the halachos relevant to non-Jewish help, and much more.

Frying / Roasting / Salting etc.

Bishul akum includes food preparation with a source of heat, such as cooking,¹

1. Refer to Chelkes Binyomin 113:126 page 106 biurim “d’lo” if food was cooked in an empty pot that was removed from the fire if this is included in *bishul akum*, see Shevet Ha’kehusi 5:135 who is lenient. Refer to Shevet Ha’Levi 9:164:2, Shevet Ha’kehusi 5:134:2, Shraga Hameir 6:167:2 in regard to a *kli sheini*. The same would apply to something which tends to cook easily in a *kli sheini* (Shevet Ha’kehusi 5:134:3). Some say a non-Jew who cooked by pouring water from a *kli rishon* on food does not prohibit the food (Maharsham 3:296, Chai Ha’Levi 5:53:5, Shevet Ha’Levi 9:164:2, Noam Halacha page 129:12, see Chelkes Binyomin 113:biurim page 106).



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baking,² frying,³ roasting⁴ and electric (gas) ovens.⁵ Salting,⁶ soaking,⁷ (pickling) and drying out in the sun⁸ are not included. Some explain that these are not foods that are served to guests, while others say that this is not considered “fire.”

Smoking

The opinion of the *poskim*⁹ is that smoked foods are not subject to the laws of *bishul akum*.¹⁰ Some explain that it is not the normal manner of cooking food.¹¹ There is a discussion among the *poskim* if this is referring exclusively to cold smoke or hot smoke. Many *poskim* say that cold smoke is not considered cooking at all,¹² but many also permit hot smoke as well.¹³ This discussion has ramifications in smoked fish

2. Meiri Meseches Avodah Zarah 38a, Shulchan Aruch Y.D. 113:2, Ben Ish Chai Chukas 2:19. This is if a food which is being baked is subject to *bishul akum* (M'Bais Levi 8:page 35:21). Refer to Shulchan Aruch 113:5. The Shevet Ha'kehusi 4:198 says if something is heated from the walls of the oven it is baking and if it is heated from smoke of the oven it is smoking.

3. Pischei Teshuva Y.D. 87:3, Chochmas Adom 66:6, Aruch Hashulchan 24, Darchei Teshuva 16, Chelkes Binyomin 113:14, M'Bais Levi 8:page 35:21. Refer to Meseches Beitzah 16a, Avodah Zarah 38a.

4. Toras Habayis (hakutzer) 3:7, Meiri Meseches Avodah Zarah ibid, Aruch Hashulchan 27, Darchei Teshuva 16, Kaf Hachaim 16, Chelkes Binyomin 113: 14, 120.

5. Dinei Machalei Nuchrim page 28:5, Hakashrus page 380:footnote 56 in depth, Chai Ha'Levi 5:53:4, Teshuvos V'hanhagos 1:339, Shevet Ha'Levi 8:185, Noam Halacha page 209, Teshuvos V'hanhagos 1:439, Kashrus V'Shabbos B'matbeich Hamardeini 4:pages 173-177, Chashmal B'halacha 4:pages 299-300. Refer to Shevet Ha'kehusi 5:137:2.

6. Refer to Ran Meseches Avodah Zarah page 30 “dag”, Mordechai Meseches Avodah Zarah 832, Pilpulei Charifta Meseches Avodah Zarah 2:90, Meiri Meseches Avodah Zarah 38a, Rashba in Toras Habayis (Bais Hakutzer) 94a, Toras Habayis Ha'aruch 95b, Rambam Hilchos Machalas Asuros 17:17, Shulchan Aruch 13, Toras Chatos 75:24, Levush 12, Tiferes Yisroel Meseches Avodah Zarah 2:52, Ben Ish Chai Chukas 2:20, Chochmas Adom 66:5, Aruch Hashulchan 24-26, Kaf Hachaim 75, Chelkes Binyomin 113:14, 111.

7. Tur 113, Rama Y.D. 113:13, Toras Chatos 75:24, Levush 12, Tiferes Yisroel Meseches Avodah Zarah 2:52, Chochmas Adom 66:5, 13, Aruch Hashulchan 24, Zivchei Tzedek 113:50, Kaf Hachaim 79, Chelkes Binyomin 113:14. Refer to Shiurei Beracha 15-16. This is common with sour pickles (Kitzur Hilchos Bishul Akum (Berger) page 15:12).

8. Kaf Hachaim 76, Chelkes Binyomin 113:125.

9. Ran Meseches Avodah Zarah page 30 “dag”, Rashba in Toras Habayis (Bais Hakutzer) 94a, Haruch 95b, Issur V'heter 43:16, Mordechai Meseches Avodah Zarah 832, Rambam Hilchos Machalas Asuros 17:17, Tur 113, Bais Yosef, Shulchan Aruch Y.D. 113:13, Levush 12, Shach 18, Pri Chadash 23, Chochmas Adom 66:5, Ben Ish Chai 2:21, Aruch Hashulchan 27, Kaf Hachaim 75. Refer to Yerushalmi Nedarim 6:1, Meiri 38a “af al pi”, see Pri Chadash 87:2, Peleisi 87:12.

10. Refer to OU *madrach* pages 87-88 on the different types of smoking. Refer to Bishul Yisroel pages 1-14 (teshuvos) if the Shulchan Aruch is talking about cold or even hot smoke.

11. Refer to Bishul Yisroel page 23. The Kaf Hachaim 113:88 says smoking is not a concern of *bishul akum* because it is not fit for a king's table.

12. OU document A-5 in depth, Mesora 6:pages 78-82, opinion of Harav Falk Shlita as expressed in Bishul Yisroel (teshuvos) pages 1-14 in depth, opinion of Harav Yisroel Belsky Shlita quoted in OU document A-142.

13. Refer to Prisha Y.D. 87:9, Darchei Teshuva Y.D. 16, Bishul Yisroel pages 24-25. See OU *madrach* pages 87-88

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manufacturing (this will be discussed in a later issue).

Steam

Steam is used extensively in commercial factories to cook food, either directly (live steam) or indirectly (see footnote).¹⁴ Therefore, the status of steam in the *halachos* of *bishul* is very relevant to *halacha* today. The opinion of many *poskim* is that steam is not subject to *bishul akum*.¹⁵ Others are stringent in this regard, arguing that the only reason steam was not included with other forms of cooking is that its use was not available at the time of the *gezeirah*.¹⁶ Practically speaking, we only rely on the leniency when there are other mitigating factors.¹⁷ It should be pointed out that if the steam is not directed on the food (direct steam), but rather cooks the water (which is common with canned food)¹⁸ then it is subject to *bishul akum* according to the KOF-K,¹⁹ as well as other *kashrus* agencies²⁰ and *poskim*.²¹

Microwave Oven

If a microwave oven is just used to warm up food, then there is no concern of *bishul*

and OU document A-41, Chelkes Binyomin 113:121 and in *biurim* pages 103-104.

14. It is very practical to steam jacketed kettles since the steam does not touch the pot and is considered as instead of fire and therefore is considered cooking (Bishul Yisroel pages 32-33).

15. Ben Ish Chai Chukas 2:22, Achiezer 4:36, E'ven Shisiya Y.D. 50, Teharas Hamayim page 329, opinion of Harav Gedalya Felder zt"l in Sheilas Yeshurin 21, Bais Avi 3:115, Zichron Betzalel 2:53:2, Yabea Omer Y.D. 5:9, Halichos Olom 7:page 131, Yalkut Yosef Y.D. 2:page 159, Sredei Eish 2:22:page 401, Dinei Machalei Nuchrim pages 27-28, Bishul Yisroel pages 29-32, Minchas Yitzchok 3:26:6, opinion of the OU as stated in document A-21, A-23 (end), A-41, also document A-60:7, opinion of Harav Aron Kotler zt"l (Halacha Berurah Vol 6 Issue 5), Daf Hakashrus Jan. 1993, see OU document A-5. Refer to OU document A-47:4 says to only rely on steam not being included in the *gezeirah* of *bishul akum* if there is a *tzorech* to do so (Harav Yisroel Belsky Shlita).

16. Shem Aryeh Y.D. 22, opinion of Harav Chaim Ozer zt"l (Bishul Yisroel page 30), Shevet Ha'Levi 2:45 (end), 9:162, 164:2, Shraga Hamier 7:6:2, M'Bais Levi 8:page 36:24, Chelkes Binyomin 113:121, and page 105 in the *biurim*, opinion of Harav Elyashiv Shlita quoted in OU document A-56, OU *madrich* page 98, and in Shevus Yitzchok 6:pages 64-65, opinion of the Chazon Ish zt"l as stated in Orchos Rabbeinu 3:page 79:41, Teshuvos V'hanhagos 3:247:page 270, opinion of Harav Falk Shlita as expressed in Bishul Yisroel (teshuvos) page 47, Kitzur Hilchos Bishul Akum (Sharf) 29, Kitzur Hilchos Bishul Akum (Berger) pages 40-42. Refer to Kochvei Yitzchok 3:23, Teshuvos V'hanhagos 3:247.

17. This is the opinion of Harav Yisroel Belsky Shlita and Harav Herschel Schachter Shlita (as stated in OU document A-146). Refer to Minchas Yitzchok 3:72:2, 10:67.

18. Refer to Bishul Yisroel pages 34-36 in depth. This is how a steam jacketed kettle cooks as well.

19. As expressed by Rabbi Ari Senter Shlita.

20. Such as the OU, see opinion of Harav Yisroel Belsky Shlita as expressed in OU document A-164, A-23, A-46, and A-47:3. Daf Hakashrus Jan 1993, Mesora 8:page 66. Refer to Mesora 1:page 95 (bottom).

21. Refer to Noam Halacha page 205, Shevet Ha'Levi 9:162, Chelkes Binyomin page 105 in the *biurim*, Mesora 2:page 75. The author of the Bais Avi was lenient as well (as related by Harav Aron Felder Shlita).



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akum.²² The question arises concerning cooking food in a microwave oven, as it does not use heat to cook the food. The consensus of the *poskim* is to be stringent. Since a microwave can be used to cook food, it is comparable to a regular oven.²³

Food Cooked by a Non-Religious Jew

There is a discussion in the *poskim* regarding the status of a Jew who is not observant. The *Rambam*²⁴ states that a Jew who is *mechalel Shabbos* (openly) is considered like a non-Jew for all *mitzvos*. The *Pischei Teshuva*²⁵ debates the status of a *mechalel Shabbos* (*mumar*) in regard to *bishul akum*, since the prohibition is dependent on the two reasons for the *issur* of *bishul akum*.²⁶

As mentioned in the last issue, one reason for *bishul akum* is because we are concerned that the Jew will come to marry the non-Jew.²⁷ It is questionable if this applies to an irreligious Jew. The second reason, however, is a concern that the non-Jew will mix some non-*kosher* ingredients into the food.²⁸ This issue would apply to an irreligious Jew.

Some *poskim* rule that food cooked by a Jew who is not observant is forbidden,²⁹

22. On the topic of microwaves see Techumin 8:pages 21-36.

23. Opinion of Harav Yisroel Belsky Shlita. Refer to Chelkes Binyomin 113:126:footnote 320, miluyim page 367, opinion of Harav Elyashiv Shlita quoted in Shevus Yitzchok 6:page 61, Shraga Hameir 6:52:3, Shevet Ha'Levi 6:108:6, 8:185, M'Bais Levi 8:page 36:25, Dinei Machalei Nuchrim page 29:footnote 6, Kitzur Hilchos Bishul Akum (Berger) pages 39-40, Kitzur Hilchos Bishul Akum (Sharf) 30, opinion of Harav Pam zt"l (as related by Rabbi Zev Smith Shlita), Minchas Chein Y.D. 1:4, opinion of Harav Shlomo Zalman Aurbach zt"l (as related by Rabbi Menachem Genack Shlita). Refer to Rivevos Ephraim 8:511:1 (answer) says he thinks it is permitted but he never ate a food that a non-Jew cooked in a microwave oven. Refer to Hechsheiros K'halacha pages 382-383 which brings those who are lenient. Also see Lehoros Nosson 7:64 who is lenient, Noam Halacha page 208 in depth, and Vayivorech Dovid 1:95 in depth who brings proofs to be lenient. Refer to Chelkes Binyomin 113:126. The opinion of Harav Shmuel Felder Shlita was to be lenient, but when he saw that many *gedolim* were stringent, he too decided to be stringent (Tape on *bishul akum*). Harav Willig Shlita is lenient (as related by Rabbi Ari Senter Shlita). Harav Heinemann Shlita is lenient (Star-K article entitled "Food Fit For A King" page 2). Refer to Igros Moshe O.C. 3:52, Nishmas Shabbos 318:79, and Shulchan Shlomo Shabbos 328:footnote 52 in regard to *hilchos Shabbos*.

24. Hilchos Shabbos 30:15.

25. 113:1.

26. Kaf Hachaim 113:1. Refer to Shach 112:1, and Matei Yehonoson 112 who says the *issur* is only by a non-Jew who bows to *avodah zarah* (see Yechaveh Daas 5:54). Nonetheless, this is not *l'halacha*.

27. Rashi Meseches Avodah Zarah 35b "v'hashlukos", Rambam Hilchos Machalal Asuros 17:9, Tur 113, Taz 113:1. See Tzitz Eliezer 22:44.

28. Rashi Meseches Avodah Zarah 38a "m'd'irabannan".

29. Refer to Kitzur Shulchan Aruch 42:2, Tuv Taam V'daas 2:16, Avnei Nezer Y.D. 92, Darchei Teshuva 113:15, Yehuda Yaleh Y.D. 1:31, Maharsham 2:262, Be'er Moshe 5:94:12, Zichron Betzalel 2:53:1, Teshuvos V'hanhagos 2:386, 3:247, Dinim V'hanhagos of the Chazon Ish Y.D. page 11:17, Orchos Rabbeinu 3:page 79:40, Chelkes Binyomin 113:1, Asci Lecha Rav 9:pages 24-25, see Pri Megadim Sifsei Daas O.C. 325:22, Y.D. 112:2, Chochmas Adom 75:13. A non-Jew is considered a *mechalel Shabbos* if he does his actions in front of ten people (Kitzur Shulchan Aruch *ibid*, see Darchei Teshuva 124:12).

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while others permit it.³⁰ Other *poskim* say that nowadays it is difficult to find someone who is a true *mumar*, as most assimilated Jews are *tinokos shenishba*³¹ and transgress the *Torah* accidentally.³²

Contemporary Opinion

The opinion of *Harav Yisroel Belsky Shlita* is that the custom is to permit the cooking of a non-religious Jew. This opinion is based on a ruling from *Harav Moshe Feinstein zt"v*³³ that the main reason for the prohibition of *bishul akum* is intermarriage, and we are not concerned about intermarriage regarding non-*frum* Jews.³⁴

Nonetheless, it is preferable to be stringent *l'chatchilah* even by a *tinok shenishba*, but *b'dieved* it is permitted.³⁵ This is the custom among the *kashrus* agencies.³⁶

Jew's Home - Household Help

It is common practice to leave non-Jewish domestic help alone in the home and it is possible that they may cook.³⁷ Generally, it is not a good idea to leave a non-Jew at home without entering from time to time³⁸ since they may prepare non-*kosher* food in your home.³⁹

Pertaining to *kosher* food, some say that if a non-Jewish maid cooks in a Jew's house then the concern of intermarriage is diminished and the food is permitted.⁴⁰ Furthermore, since the work is done at the Jew's home, there is an excellent chance that

30. Refer to Maharam Shik O.C. 248, E.H. 14, Erech Shai Y.D. 113:1:page 59b, Tzitz Eliezer 9:41. Bishul Yisroel pages 412-413, see Pischei Teshuva 113:1, Kaf Hachaim 1. The Kaf Hachaim Y.D. 113:1 says it is permitted *b'dieved*.

31. Chazon Ish Y.D. 1, Orchos Rabbeinu 3:page 79:40, Yabea Omer Y.D. 5:10, Halichos Olom 7:page 92, See Binyan Tzion (Hachadushos) 23, M'Bais Levi 8:pages 23-4:footnote 2, Chelkes Binyomin page 2 in biurim.

32. See Rama Y.D. 159:3. Refer to Rivevos Ephraim 4:186, 4:199 in regard to Reform and Conservative. Refer to Yechaveh Daas 5:54 regarding Arabs.

33. Mesora 20:page 88. Refer to Igros Moshe Y.D. 1:45-46, Halichos Olom 7:pages 92-96 in depth, Orchos Rabbeinu 3:page 79:40 quoting the opinion of the Chazon Ish zt"l. See Teshuvos V'hanhagos 1:470.

34. OU document A-133. The opinion of Harav Herschel Schachter Shlita is that the cooking of a Jew who is not *shomer shabbos* is permitted. Since it is not common to find someone who is a true *mumar* and he has the *halachic* status of a *tinok shenishba* (OU document *ibid*).

35. Dinei Machalei Nuchrim pages 30-32, Kitzur Hilchos Bishul Akum (Sharf 6), Kitzur Hilchos Bishul Akum (berger) page 39:51, Shevus Yitzchok 6:pages 68-70, Kinyan Torah 7:64, Teshuvos V'hanhagos 1:470.

36. Refer to Mesora 1:page 94 (bottom).

37. If the non-Jewish worker cooks for him/herself the food is forbidden (Shach 113:20, Darchei Teshuva 40, see Chelkes Binyomin 113:36).

38. Rama Y.D. 118:12, Bach 113, Darchei Teshuva 38.

39. Rashba 1:68, Shulchan Aruch Y.D. 118:12, Shach 37, Aruch Hashulchan 35, Darchei Teshuva 113:37, Chelkes Binyomin 113:42, Vayivorech Dovid 1:94:page 323.

40. Tosfas Meseches Avodah Zarah 38a "ela", Issur V'heter 43:13, Shulchan Aruch Y.D. 113:4. Refer to Chelkes Binyomin biurim "u'b'dieved" pages 77-78 if this would apply to a Jewish owned factory with non-Jewish workers.



the Jew will adjust the fire in some way. Others argue with this premise and forbid the food even *b'dieved*.⁴¹ Although we do not follow the lenient opinion as *halacha l'maseh*⁴² we can use it when there are other mitigating factors.

Halachic Status of Today's Workers

Today's workers are not considered the property of the Jew since they only work part time and can resign their post whenever they want.⁴³ Furthermore, the chance that a Jew will do anything to the fire in our modern ovens is minimal.⁴⁴ Therefore, some say that we cannot rely upon this leniency. However, in pressing situations or in a situation of a great loss one can be lenient *b'dieved*.⁴⁵ Another possible *eitzah* is to set the oven on a timer (this will be discussed in a later issue) and let the non-Jew put the food in the oven. This is permitted since the Jew "turned on the fire".⁴⁶

Old / Sick Person

Elderly and sickly people often hire domestic help for basic chores and even cook. The question is whether this is permitted.⁴⁷

The opinion of the *poskim* is that a non-Jew may not cook for a sick person even during the week.⁴⁸ This is based on the *halacha* that a sick person who is not in danger may not eat an *issur d'rabannan*.⁴⁹ (There is a dispute among the *poskim* concerning food that was cooked by a non-Jew on *Shabbos* whether it is permitted for the sick person or a healthy person on *Motzei Shabbos*. In addition, there is a dispute if the utensils require *kashering*).⁵⁰

41. Ritvah Meseches Avodah Zarah 38a, Bais Yosef 113, Shulchan Aruch Y.D. 113:4, Gr'a 10. Refer to Rashba in Mishmeres Habayis 3:7 why this is *issur* according to the stringent opinion. See Rivevos Ephraim 2:index to 158:page 389.

42. Mordechai Meseches Avodah Zarah 830, Tur 113, Bais Yosef 113, Shulchan Aruch Y.D. 113:1, Toras Chatos 75:17, Ben Ish Chai Chukas 2:9, Aruch Hashulchan 3-4, Hamesivta 5754:page 91.

43. Vayivorech Dovid 1:94, Orchos Habayis 8:footnote 47, Mesora 2:page 75 (bottom), Mesora 20:pages 89-90, Kitzur Hilchos Bishul Akum (Berger) pages 36-37. Refer to Darchei Teshuva 113:37, Aruch Hashulchan 4, Hamesivta 5754:page 92:4.

44. Chelkes Binyomin 113:44, Vayivorech Dovid 1:94, Ben Yisroel L'nuchri Y.D. 10:6:page 87.

45. Rama ibid, Mekor Chaim 263:8, Kaf Hachaim 35, Vayivorech Dovid Ibid, Minchas Chein Y.D. 4:1-5. See Chochmas Adom 66:7.

46. Refer to Journal of Halacha and Contemporary Society 22:page 14. See Bais Hillel 3:pages 45-48 in depth.

47. There is a different concern of *hilchos yichud* if there is a male patient and a woman aid or vice versa. Obviously this is well beyond the scope of our discussion.

48. Refer to Bais Yosef 113, Mishmeres Habayis pages 209-210, Rama Y.D. 113:16, Bishul Yisroel pages 388-389, 407-409.

49. Rama Y.D. 155:3. Refer to Darchei Teshuva 122:26.

50. The reason why the cooking of a non-Jew is permitted for a sick person (Rama Y.D. 113:16) is since it is something which is not common there is no concern of intermarriage (Meiri Meseches Avodah Zarah 38a, Shemiras

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However, we have seen that there is room for leniency when the cooking is done in a Jew's home.⁵¹ Also, this is considered a pressing situation since there is no one else who can cook for the person. Finally, if the food is pre-cooked and the non-Jewish help is just re-warming it, it is certainly permitted.⁵²

Intention

A non-Jew who does an unintentional act of cooking is not affected by the *halachos* of *bishul akum*.⁵³ The prohibition only applies if he has intention to cook,⁵⁴ but in this situation there is no concern of closeness with the non-Jew.⁵⁵ The *Gemorah*⁵⁶ says that if a non-Jew ignited a swamp to clear it out and he roasted grasshoppers in the process,⁵⁷ or if he scorched the hair from an animal and the animal was cooked in the process then there is no concern of *bishul akum*.⁵⁸

If a non-Jew fired a wood-burning furnace and there was a pot of food near the furnace, but the non-Jew did not know about it, the food is permitted.⁵⁹ If the non-Jew intended to cook the food but not to cook for the Jew it is still an *issur* of *bishul akum*.⁶⁰ Some prohibit the food if the non-Jew knew that it was there, as he might have had in

Shabbos K'hilchoso 31:footnote 44). Refer to Mishmeres Habayis ibid, Shulchan Aruch O.C. 328:17, 19, Rama Y.D. 113:16, Taz Y.D. 112:15, Nekudas Hakesef 15, Pri Megadim M.Z. O.C. 328:6, Pri Chadash 26, Ben Ish Chai Chukas 2:12, Chochmas Adom 66:12, Kitzur Shulchan Aruch 38:9, Sdei Chemed Mareches Bishul Eino Yehudi Upitan 5:pages 286-287, Darchei Teshuva 94-95, Mishnah Berurah O.C. 318:14, 328:63, Aruch Hashulchan Y.D. 113:51-52, Shemiras Shabbos K'hilchoso 38:11, Zichron Yehuda 13, Halichos Olom 7:pages 103-104, Chai Ha'Levi 4:54:6, Nishmas Avraham 328:19 pages 207-208 (English), Piskei Teshuvos 318:5:footnote 13, Bishul Yisroel (teshuvos) pages 113-125 in depth, M'Bais Levi 8:page 39:31:footnote 42. A sick person would recite a *beracha* on the food eaten that was cooked by a non-Jew (Mishnah Berurah 328:63).

51. The Shulchan Aruch Hamikutzar 4:page 273 says for a *choleh* or an old person one can rely on the opinion who holds there is no *bishul akum* in a Jew's home.

52. Refer to Tzitz Eliezer 21:61, Minchas Yitzchok 7:62, Noam Halacha page 98:footnote 14.

53. Meseches Avodah Zarah 38a, Rashi "elah", Rosh 2:31, Issur V'heter 43:6, Rambam Hilchos Machalas Asuros 17:19, Tur 113, Bais Yosef, Shulchan Aruch 113:5, Toras Chatos 75:22, Levush 4-5.

54. Tosfas Meseches Avodah Zarah ibid "ku", Ritvah Meseches Avodah Zarah ibid.

55. Chelkes Binyomin 113:47.

56. Ibid.

57. Meseches Avodah Zarah ibid, Shulchan Aruch 113:5, Chochmas Adom 66:10, Aruch Hashulchan 28-29. It is a proof that grasshoppers do not need to be *shechted* before eating them (Rashi Meseches Avodah Zarah 38a "sh'biagam", Tosfas "l'olom", Rosh 2:30).

58. Ibid.

59. Chochmas Adom 66:10. Refer to Avnei Nezer Y.D. 98. See the Darchei Teshuva 113:41 on how this may apply to cooking a food which is edible raw with a food that is not edible raw (also see M'Bais Ha'Levi 8:page 38:footnote 39).

60. Ritvah Meseches Avodah Zarah 38a, Tur 113, Shulchan Aruch 113:5, Toras Chatos 75:22, Levush 5, Minchas Yaakov 75:43, Aruch Hashulchan 29, see Darchei Teshuva 113:44.



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mind to cook this food as well.⁶¹ Others argue with this last point and maintain that even if the non-Jew knew about the food but did not have it in mind, it is permitted.⁶² Nonetheless, one should be stringent in this case if it is not a great need.⁶³

Based on this discussion, if there is a blackout or a fuse blew and a non-Jew turned on the power, then the food in the oven is permitted since the non-Jew did not have in mind to cook when he turned on the electricity.⁶⁴

There is an opinion in the *poskim* that the intention of the non-Jew is only a factor if the Jew did not have in mind to cook, but if the Jew had intent to cook then the non-Jew's involvement is irrelevant.⁶⁵ For example, if a Jew placed the food on the range and the non-Jew lit the fire, it is permitted. This opinion is disputed.⁶⁶

In addition, if a non-Jew pasteurizes food in order to preserve it but does not have in mind to cook the food, that food is not subject to the *halchos* of *bishul akum*.⁶⁷

Cooked for Commercial Sale

Bread baked by a non-Jew for a company is *pas paltar* and is permitted.⁶⁸ This does not hold true for cooking food, and even if a non-Jew cooks it for commercial sale it is prohibited.⁶⁹

Factory Setting

It is reported that *Harav Moshe Feinstein zt"l* is quoted as saying that if a factory cooks food with equipment that is not found in the home there is no concern of *bishul akum*.⁷⁰ This leniency only applies to a factory. The difference is that there is no direct contact with the non-Jew in a factory setting, since the products are sold and bought

61. Tur 113, Chochmas Adom 66:10. Refer to Taz 5.

62. Ran Meseches Avodah Zarah page 15a "kol", Bais Yosef 113, Kaf Hachaim 41.

63. Pri Chadash 11, Aruch Hashulchan 28, Kaf Hachaim 41.

64. Chai Ha'Levi 5:64, Shevet Ha'kehusi 5:137:2.

65. Aruch Hashulchan 29, see Darchei Teshuva 43.

66. Opinion of Harav Falk Shlita quoted in Bishul Yisroel (teshuvos) pages 44-45 who brings many proofs to this, see Noam Halacha pages 107-108, Chai Ha'Levi 4:52:4.

67. Opinion of Harav Shmuel Wosner Shlita quoted in M'Bais Levi 8:page 39:29:footnote 40. Refer to Bishul Yisroel pages 37-40 in depth.

68. Shulchan Aruch 112:2. Refer to Pri Megadim M.Z. 112:3.

69. There is an opinion in the *Rishonim* who is lenient, but this is not the simple reading of the Shulchan Aruch (Y.D. 112:1). Refer to Shiurei Beracha 112:9:pages 17-17b, Tzitz Eliezer 9:41:14, Chelkes Binyomin 113:2, biurim "u'b'dieved" page 77, Yabea Omer Y.D. 5:9:5, Bais Avi 3:115:5.

70. Mesora 1:pages 93-94, Rivevos Ephraim 5:596 who says that Harav Reuven Feinstein Shlita said this was the opinion of Harav Moshe Feinstein zt"l. This is also the opinion of Harav Gedalya Felder zt"l in Sheilas Yeshurin 21:pages 108-112. An example of this is the machinery used for canning food (Harav Yisroel Belsky Shlita), see OU document A-60.

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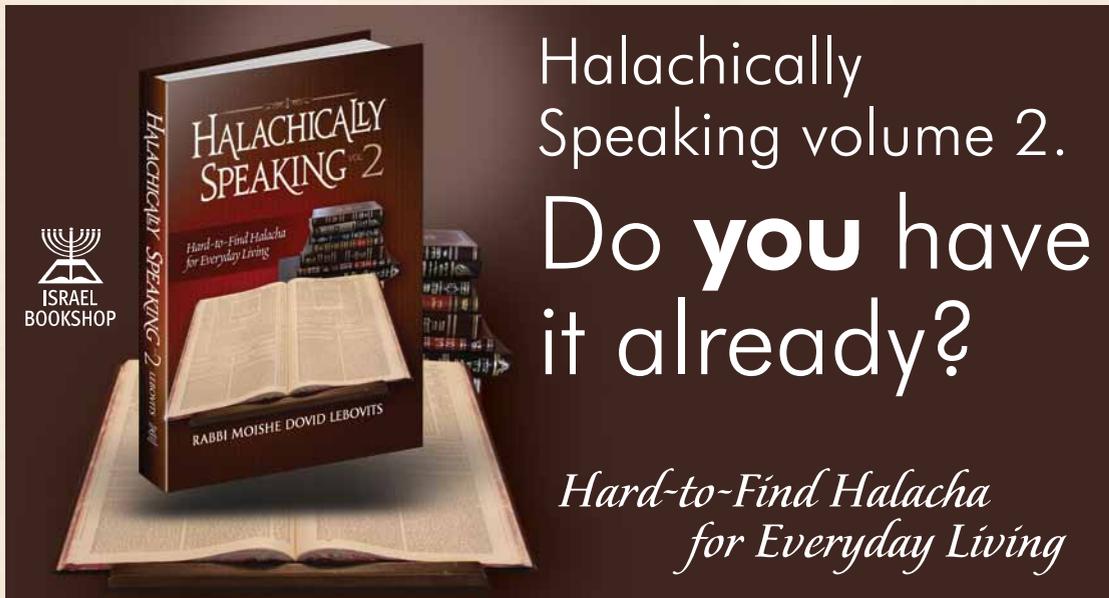
through a distributor and they use different equipment which is not common in one's home. Many *poskim* say this can only be relied upon as a mitigating factor.⁷¹

The *Shevet Ha'Levi*⁷² says in the name of the *Chazon Ish* zt"l to be stringent. Other *poskim* are also stringent with this.⁷³

Re-cooking

Frozen food that was cooked by a Jew may be re-heated by a non-Jew. Once food is cooked there is no concern of a non-Jew re-cooking it,⁷⁴ and there is no issue of coming close to a non-Jew in this situation.

Please Note: The opinions expressed in this article do not represent the opinion of the KOF-K (unless stated).



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71. Yabea Omer Y.D. 5:9:5, Shevet Ha'Levi 7:133, OU document A-60 quoting the opinion of Harav Yisroel Belsky Shlita. Refer to Chelkes Yaakov Y.D. 27.

72. 6:108:6, 9:23:1, M'Bais Levi 8:page 37:26.

73. Minchas Yitzchok 3:26:6, Dinei Machalei Nuchrim pages 35-36, Bishul Yisroel page 59 quoting the opinions of Harav Yaakov Kamenetsky zt"l, Harav Elyashiv Shlita and others, Teshuvos V'hanhagos 3:247, Chelkes Binyomin 113:4 biurim "u'b'dieved", (pages 77-78), Hechsheiros K'halacha page 370 quotes this as the opinion of Harav Mordechai Eliyahu Shlita. Refer to Bishul Yisroel (teshuvos) pages 46-54 in great depth.

74. Rashi Meseches Shabbos 20a "kol 'sh'hu", Rosh Meseches Avodah Zarah 2:32, Pri Chadash 113:7, Shach 5, Kitzur Hilchos Bishul Akum (Sharf) 14, M'Bais Levi page 35:20, Shevet Ha'kehusi 1:227.



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