



Bishul Akum in a Jewish home

Our Sages decreed that food cooked by non-Jews, *bishul akum*, is prohibited to consume, even when the food is otherwise entirely kosher. According to most early authorities (see *Tosafot, Avodah Zara* 38a), the reason for this decree is concern about possible intermarriage resulting from the socializing with non-Jews. This article will discuss different circumstances of *bishul akum* and where they apply.

INTENT TO COOK

Generally, even when the reasoning for a halacha might not seem relevant to the situation, the halacha does not change. However, there might be some exceptions based on other factors. The Gemara gives an example. In a situation where the non-Jew had absolutely no intent to cook but as a result of his actions food was cooked, there is no halachic basis to consider the food *bishul akum* (*Masechet Avodah Zara* 38:a). For example, if a non-Jew was asked to kasher an oven by turning it on the highest temperature for a period of time, a piece of raw meat that was in the oven unbeknownst to him would certainly not be *bishul akum*, simply because the non-Jew had no intent to cook it (see *Taz* YD 113:5). This principle in no way conflicts with the reasoning of the decree, and clearly

our Sages never meant to include situations in which there was no intent. However, there are cases where the reason seems to stand yet authorities dispute whether the decree still stands.

WITHIN A JEWISH HOME

R. *Avraham Ben David*, one of the early tosafists, (see *Hagahot VeHe'arot on Tur* YD 113 and *Gilyon HaShas Yoma* 18b) rules that *bishul akum* is not applicable within a Jewish home. When a non-Jew is cooking in a Jewish home or a Jewish-owned establishment, the food is always permitted and is not included in the decree of *bishul akum*. *Rabbeinu Tam* (ibid) and many other early authorities (see *Tur* and *Beit Yosef* YD113) reject this opinion and rule that *bishul akum* applies no matter where the food was cooked.

It would seem that this dispute stems from a fundamental disagreement over the mechanism of rabbinic decrees. According to R. *Avraham Ben David*, *bishul akum* is only relevant when the reason applies; however, when the non-Jew is cooking in a Jewish setting, the risk of intermarriage is remote. On the other hand, *Rabbeinu Tam* maintains that even in a situation where the underlying reason is largely absent, the blanket decree of our Sages still

Kashrut Questions in Israel?

Call or Whatsapp Rabbi Friedman at
050-200-4432



The OU Israel Gustave & Carol Jacobs Center for Kashrut Education was created to raise awareness and educate the public in all areas of kashrut. Rabbi Ezra Friedman, Deputy Rabbinic Administrator for OU Kosher Israel is the Center's director.

stands. He argues that the logic of the decree may not be utilized to make exceptions since this might cause a slippery slope and undermine the decree itself (see *Issur Ve'heter* 43:13).

Later *poskim* codify that R. Avraham Ben David's opinion is rejected. This is clearly the ruling of the *Shulchan Aruch* and other authorities (see *Shulchan Melachim* 13:2). Many later authorities do not completely accept this rejection, however, and they cite R. Avraham Ben David's position as a mitigating factor. For example, *Apei Ravreivi* (77:6) rules that in a case where the food was cooked accidentally by a non-Jew in a Jewish home, the food would be permitted *ex-post facto*. Other authorities permit food cooked by a non-Jew in a Jew's home if there were other halachic considerations. (This situation will be discussed in future articles.)

COOKING FOR HIMSELF

Shach (YD 113:20) explains that R. Avraham Ben David's ruling applies only when a non-Jew is cooking **for** a Jew; however, when a non-Jew is cooking for himself in a Jew's home, there is no room for leniency (See also *Avnei Nezer*, YD 97). It seems that R. Avraham Ben David was discussing a case where the non-Jew was working for or doing a service for a Jew, which might neutralize the issue of closeness and unnecessary mingling, an assumption that can't be made when the non-Jew is cooking for himself

(*Meishiv Nefesh* 2, pp. 571-2). Authorities do not discuss the case of a non-Jewish acquaintance or friend. If someone were to invite a non-Jewish colleague or friend over and he or she offered to make some food, would that be considered *bishul akum* even though it's in a Jewish home? According to the logic mentioned above, it would not be included in the lenient ruling of R. Avraham Ben David.

IN SUMMARY:

- If a non-Jew accidentally cooked food with no intent, such food is not included in the decree of *bishul akum*.
- Early authorities debate whether food cooked by a non-Jew in a Jew's home is considered *bishul akum*. The consensus is to be strict except for certain circumstances.
- According to all authorities, if a non-Jew cooks for himself in a Jewish home, the food is prohibited because of *bishul akum*. ■

FEATURING A COMPLETE LINE OF
HAND SHMURA MATZA
SUPERVISED BY THE OU

Whole Wheat, Organic Whole Spelt,
GF Gluten Free Oat. Hand & Machine.

Please order your healthful
specialty shmura matza today

The Matza Man

For Hechsherim, & ordering visit
www.MatzaMan.co.il
matza2024@matzaman.co.il
Distributed throughout Israel

Last day to order is
Thursday, April 4

רפואה שלמה
רות נחמה בת ברטה

Dr. Eliezer Rosenblum
NYS Licensed and Board Certified
Chiropractor
Offices in Jerusalem, Ramat Beit Shemesh
052-662-4658