

HALOCHOSCOPE



This week's question:

Are flour based wraps considered bread? If wraps manufactured by a non-Jewish company are baked further by a Jew, may they be considered *pas Yisroel*?

The issues:

- A) *Pas Yisroel*, the requirement for bread to be made by a Jew
- B) The criteria for being considered *pas*, bread
- C) Partially baked bread, re-baked

Most of the material here is from *Halochoscope* X:30.

A) *Pas Nochri* or *Pas Yisroel*

[*Nochri* means gentile. *Akum* is the acronym in Hebrew for '*ovaid kochavim umazalos*' one who worships stars and constellations. This self-censoring term was used by Jewish printers to avoid having a passage expunged. It would look as though the Talmud really referred to ancient pagans, rather than a non-Jew. Thus, the two terms are used interchangeably, and most modern literature uses them both.] *Bishul akum*, food cooked by a gentile, is Rabbinically forbidden: (i) as a precaution against eating non-kosher foods that a gentile might mix in with the kosher foods; (ii) as a preventive measure against socializing with gentiles, that could lead to intermarriage.

The prohibition is limited to foods that were not edible before being processed by the gentile, such as raw fish. The food must also be fancy enough to be used at a royal table, [an invited guest]. This excludes cereals and very plain foods, such as beans. According to some, the food must also be the type that would be used as a dish to be eaten with bread. This excludes fancy snacks and desserts. These three conditions are known as: *aino ne'echal kemos shehu chai, oleh al shulchan melachim, lelafais bo es hapas*.

Pas nochri, bread baked by a gentile, was also forbidden Rabbinically. This decree was purely to prevent socializing. It is less stringent than *bishul akum*. The primary reason for the lower standards is that it was probably initially not adopted by the majority of Jews. Talmudic sources imply that it might have been revoked. In addition, this decree was limited from the start. It is harder to avoid eating bread than to avoid consuming other cooked foods. A Rabbinical decree is not ordained if it will cause undue hardship, or if it might never be adhered to. Therefore, it was never instituted with the same severity.

The main difference between *bishul nochri* and *pas nochri* applies to *minhag*. Communities follow practices based on the rulings of their rabbis. We find differences in communities' customs. Some communities do not forbid *pas palter*, bread baked by a gentile commercial baker. In a commercial setting, there is less concern for socializing. [Some say this applies only where no Jewish bakery exists.] *Pas baal habayis*, bread baked by a gentile for personal use or in a personal setting, may not be used according to all customs. This applies even if one is purchasing the bread. If a private person bakes bread to sell, it is considered *pas palter*. If a professional bakes for personal use, it is con-

sidered *pas baal habayis*.

Bishul akum is forbidden even when cooked commercially. [Many contemporary poskim permit *bishul akum* on mass-produced items. The factory is far less personal than even a commercial professional chef or food service.] If a gentile baked a Jew's bread for him, many maintain that the laws of *bishul* apply, rather than the laws of *pas*.

On the other hand, there is a stringency for *pas*. While for *bishul* the rule of *oleh al shulchan melachim* exempts certain foods from the ordinance, this exemption does not apply to *pas*. For obvious reasons, the exemption of *lelafais bo es hapas* could not apply to *pas*. It is the bread itself, yet this is exactly what was forbidden.

The wraps in our question are mass-produced. This might make them less stringent than *pas palter*, according to some. Nowadays, the product is used in place at formal dinners, but not in place of bread. If it is not considered bread, this could place it in the *bishul akum* category. However, fashion alone might not determine whether it is *oleh al shulchan melachim*. [See Avoda Zara 35b-38b, Poskim. Tur, B.Y. Sh. Ar. YD 112:1-4 7-8 11-12, Taz 7, 113:6-11, Mateh Yehonasan, Ar. Hash. 113:6-7, commentaries]

B) Bread

Halachically, the definition of bread determines when one is required to wash *netilas yadayim*, recite the *brocha hamotzie* and recite *bircas hamazon*. Somewhat related to this would be the definition of a *seuda*, for purposes of *kiddush*, *Shabbos*, *Sukah* and the like. The restrictions on *pas akum* also depend on this definition. Dough of a bread mixture requires the separation of *chalah*, including many types of dough that might never qualify as bread, based on debates and certain opinions. Therefore, the Talmudic definitions of a *challah*-qualifying dough help decide whether a product is considered bread.

Generally, bread is baked in an oven. It might also be hearth baked or baked on a stove top in some form. The most important ingredient in a bread product must be flour from one of the five 'cereal' grains: wheat, barley, rye, oats and spelt. If there are other ingredients that when cooked alone qualify as *bishul*, such as eggs, when mixed into a dough with flour they become *pas*. They acquire the leniencies of *pas palter*. If the other ingredients are not mixed with the flour in dough, but are spread on top or filled inside it, they pose a problem. Thus, the poskim do not allow a bread with an egg-based glazing from a gentile bakery. The glazing poses a *bishul* issue.

Accordingly, cakes and cookies would be considered *pas*. Even if the flour content is not the majority, but is the base of the product, it is *pas*. Pies, glazed buns and filled rolls could pose a problem of *bishul*. The filling or glazing must be examined to see whether it fits the criteria of *bishul*. If, for example, the glazing is made up of items that are eaten raw or are not usually eaten with bread, the issue of *bishul* would not apply.

There is a third consideration: *tzuras hapas*, the form of bread. While the method of preparation to make something edible might be by baking in an oven, if it is not bread type food it is considered cooked. The methods forbidden as *bishul nochri* are not limited to cooking on the top of a stove. Anything that is inedible in its raw state and is made edible through a heating process, is cooked. If it qualifies as bread, it is considered *pas*, and if not, it might still qualify as *bishul*. The consensus of the poskim is that the same rules that determine whether grain based foods can be considered bread as a staple in a meal, taking the *brochos hamotzie* and *bircas hamazon*, apply to *pas nochri*. Accordingly, the

wraps in our question are meant as a substitute for the bread. They serve the same purpose, as a variation on the sandwich theme.

For *hamotzie* and for *chalah* applications, the Talmud and poskim discuss the thickness of dough, whether it is oven-baked or pan-baked, with or without a liquid medium, or whether it is simply dried. They also discuss, various ways of baking mixtures of flour and water in ways that they do not become formal bread, based on how thin the mixture, and on whereabouts in the oven they are 'baked'.

The wraps in our question are made of a regular or slightly thin dough, rather than a batter that is poured. Traditionally, wraps, or flour tortillas, are baked on a griddle, with no liquid medium. They are generally edible in their present state. They are not made with a filling, but are only filled after they have been baked. The baking process is not simply a drying out process, akin to 'baking in the sun'. In fact, they are not dried out, but remain soft. Rather, the process is to transform them through the baking process into edible 'bread'. They would appear to have the characteristics of bread. [See our discussion, Halochoscope X:20, etc. Sh Ar OC 168:13-14, YD 112:6, Taz, commentaries.]

C) Re-baking par-baked bread

Bread baked by a gentile with a Jew's participation is not considered *pas nochri*. One method involving minimal participation is called *hashlachas kitem*, throwing a twig into the fire. If the Jew added a twig to the fuel in the oven, it is not *pas nochri*. Thus, if a Jew lights the oven, or even adjusts the flame, it is considered *pas Yisroel*. In the case of a solid fuel, a Jew stoking it or even fanning it is sufficient. If the bread was edible but was still not fully baked, and a Jew completed the process, it is considered *pas Yisroel*. To avoid *bishul akum*, it is questionable whether a Jew's participation always helps. If a Jew cooked it to its minimum edible state, and a gentile completed it, or vice-versa, it is not *bishul akum*. However, if a Jew simply did *hashlachas kitem* some poskim consider it *bishul akum*. Others maintain that *hashlachas kitem* works for *bishul* as well.

In our case, the wraps are already baked. However, the Jew plans to bake them further, with a filling. The issue is whether this second step of baking can be considered completing a partial process. If so, it can be considered *pas Yisroel*. An additional issue arises: If a bread dough is filled before baking it could lose its 'bread' status. If the filling is fruit, it gains the status of *pas haba'ah bekisnin*, whose *brocha* is *mezonos*. If the filling is a main meal dish, such as meat, the poskim debate whether it is considered *pas kisnin*. It should be eaten with real bread, to avoid the *brocha* issue. If it is first baked as bread, then filled, there is no question on its bread status. In our case, it will be re-baked, possibly enough to consider it baked by a Jew. Will this then create a *brocha* issue, since it might now be considered 'baked with its filling inside'?

For *bishul*, the minimal level of edibility is *kemaachal ben drusai*, literally, [as well cooked as] the food eaten by *Ben Drusai*. (Some say this was a robber who ate in a hurry. He could not wait for his food to be fully cooked.) This is a third or half-cooked, depending on whom we follow. For bread, the minimal edible level is when a crust has formed. This does not mean that the surface has browned. Rather, if the surface has formed a membrane, it is considered minimally edible. There are two surfaces on a flattish type loaf, the top and the underside. They do not crust at the same time. The Talmud debates which surface must crust to make it minimally edible by *halachic* standards.

If a Jew processed food to its minimal edible stage, then removed it from the stove, and then a gentile finished the process, it is permissible. In the case of *bishul*, this would be a third of its cooking, and in the case of *pas*, when a crust forms. If a gentile processed it until this stage, then a Jew finished it, the poskim debate the matter. For *bishul*, the consensus is to permit it only in emergency situations, such as late on *Erev Shabbos*. For *pas* the consensus is to practice leniency. According to some, as long as the bread still 'needs the oven', if the Jew returned it to the oven it is considered as though he baked it. Others maintain that even if the bread was fully baked, if it is 'improved' by being returned to the oven, it is as though the Jew baked it. Some qualify this last statement. While the item might not need to be baked more but is fully edible, it has not quite finished baking. If it had finished baking at the hands of the gentile and is simply made more crusty or toasty by the Jew, it is not considered *pas Yisroel*.

Some bread is sold par-baked, almost fully baked. It can be eaten in its present state, but really needs to be baked a little longer, having been dampened with a little water. When done by a Jew, this would qualify as *pas Yisroel*. Products like wraps, sold to be re-baked at the consumer's discretion, are left slightly underdone, so that the second heating/baking does not burn them. Re-baking them with a filling is thus considered a normal way to finish them. If a Jew puts them back in the oven, or turns the oven on, they are *pas Yisroel*. Though it does not 'need the oven', we may rely on the view that improving them counts as finishing it. In matters of a Rabbinical decree, the consensus would follow a lenient view, provided it is not in the minority. However, since the wraps were already considered bread before the second baking, they do not lose their bread status for *hamotzie*. [See *Shabbos 20a*, *Avoda Zara* (as above), *Poskim. Tur, Sh Ar OC 268:13 16, YD 112:6 9 12, 113:9, commentaries.*]

In conclusion, flour-based wraps are considered bread, even after re-baking with filling. If a Jew re-bakes them with a filling, they may be considered *pas Yisroel*.
*On the Parsha ... I am a stranger and I sojourn with you, give me a lot for burial .. You are the prince of G-d in our midst, in the choicest of our graves .. [23:4 6] Some say they did not want to give [Avraham] a special grave, but a grave among theirs. Avraham responded I want my own separate grave. [Peirush Hatur (He'aruch)] Do not take a wife for [Yitzchok] from the daughters of the Kenaani in whose midst I dwell. [24:3] Though I dwell among them .. [Or Hachaim] Because I dwell among them .. [Kli Yakar] The reason to remain apart from gentiles is to avoid learning from their idolatrous practices. Both marriage and burial rituals are linked to religious [idolatrous] practice. Having made the point of being a stranger among *Bnai Chais* for burial, *Avraham* allowed himself to dwell in their midst. When it came to *Yitzchok's* marriage, *Avraham* made sure to stay separate, even though he now dwelled in their midst.*

♣ In honor and in memory of my mother, Yitele bas R. Shimon a"t, Henriette Silver. ♣

Sponsored by Robin Knee in loving memory of her father, Dovid Tevel ben Yehuda

Lipa z"l, whose *yahrzeit* is on the 24th of Cheshvan.

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