

HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

This week's question:

During the *Aseres Yemei Teshuva*, the Ten Days of Repentance between Rosh Hashana and Yom Kippur, may one use bread-crumbs manufactured by a gentile?

The issues to discuss:

- (A) *Bishul Akum* and *Pas Palter*, the foods that are forbidden when processed by a gentile.
- (B) What is *Pas* bread?
- (C) The *Aseres Yemei Teshuva*, and its customs and practices.

(A) *Bishul Akum* and *Pas Palter*

Bishul Akum, food cooked by a gentile, is forbidden Rabbinically. There are two reasons given for this prohibition: As a precaution against eating non-kosher foods that the gentile might mix in with the kosher foods, or as a preventive measure against socializing with the gentiles, which could lead to intermarriage. [See *Avoda Zora* 38a. Rashi, Tosafos, Hagahos Ashri Rambam Hil. Maachalos Asuros 17:9.]

The prohibition is limited to foods which were not edible before being processed by the gentile, such as raw fish. The food must also be fancy enough to be used for a royal banquet because this is the type of food that one might invite a friend over to eat. This excludes cereals and some very plain foods such as beans. According to some authorities this must also be the type of food used as a dish to be eaten with bread, which excludes fancy snacks. However, most authorities do not add this limitation. These two qualifications are known as *Aino Ne'echal Kemos Shechu Chai* and *Olch Al Shulchan Melachim*. [See *Avoda Zora* 38a, Tosafos, Rambam Hil. Maachalos Asuros 17:10 Aruch Hashulchan Y.D. 113:6-7.]

Pas Akum, bread baked by a gentile, was also forbidden Rabbinically, probably at a later date and by a separate decree, although not all commentaries follow this view. The reason for this institution was purely to prevent socializing. This prohibition is less stringent than *Bishul Akum*. There are a number of reasons given for this; primarily, that it was probably not accepted by the majority of Jewish people, and therefore was revoked by a later Rabbinical body. Some Talmudic sources actually mention that it was revoked. A second reason is that it was a more limited decree to begin with because it is more difficult to avoid eating bread than other cooked foods. The main difference between the two prohibitions is that many communities do not forbid bread baked by a gentile baker commercially, *Pas Palter*, although some Poskim say this is only permitted

where there is no Jewish bakery. *Pas Baal Habayis*, bread baked by a gentile for personal use, may not be eaten. Bishul Akum may not be eaten even if it is cooked for commercial purposes. (Many contemporary Poskim assume that there is no prohibition of Bishul Akum on items that are mass-produced in a factory.) If a gentile baked a Jew's bread for him, the laws of Bishul, and not Pas, apply. [See Avoda Zora 35b, 36a-b, 37b, Tosafos, Rosh, Rambam Hil. Maachalos Asuros 17:12. Shulchan Aruch Yoreh Deah 112:1,2,3,4,7,11. Taz 7, commentaries.]

Bread baked by a gentile with a Jew's participation is not considered Pas Akum. Therefore, if a Jew lights the oven, or even adjusts the flame, or if the bread is not fully baked and the Jew completes the process, even if it was already fit to eat, it is considered Pas Yisroel. For Bishul Akum, it is questionable if a Jew's participation always helps. If the food was cooked to *Maachal Ben Drusai*, the minimum edible state, by a Jew, or if a gentile began the process, but the Jew did the main part of the cooking, it is not Bishul Akum. However, some Poskim say that for Bishul Yisroel too, it is sufficient if the Jew participates in lighting the stove. [See Avoda Zora 38a-b. Sh. Ar. Y.D. 112:8, 12 etc. 113:6-11, commentaries.]

Unlike Bishul, there is no qualification of *Oleh Al Shulchan Melachim* with regard to Pas Akum, according to most Poskim. [See Tur and Sh. Ar. Y.D. 112:1, Rema, commentaries, Match Yehonasan]

(B) What is Considered Pas?

In order to be considered bread, a food must generally be baked in an oven, and its most important ingredient must be flour from one or more of the following five grains: wheat, barley, rye, oats and spelt. Even if there are other ingredients, which, when cooked alone would be forbidden because of Bishul, such as eggs, when they are mixed in to the dough, they become part of it and are allowed the leniencies of Pas Palter. However, if these ingredients are not mixed into the dough, but spread over the top of the bread, like a glazing, there is a problem of Bishul because they could be considered separate things.

Another important qualification of Pas is *Tzuras Hapas*, it must have the form of bread. This does not mean it must be shaped like a loaf, but that it is not bite-size. This includes a cake or cookie but, according to most authorities, does not include pretzels. Pretzels, therefore, come under the guidelines for Bishul Akum, rather than Pas. In their case, as in the case of flour-based cereal, this does not lead to a stringency because they are not to be considered *Oleh Al Shulchan Melachim*. Another qualification according to some authorities is that it should be made from a dough or thick batter, otherwise it is considered Bishul, but others consider a thin batter as Pas also. A very thin batter is definitely not Pas, and the laws and conditions of Bishul apply. According to some Poskim, the guidelines for Pas are the same as those for the *Challah*, the obligation to separate some dough as a tithe. Challah is separated from any dough used for Pas. Based on those rules, if the batter is baked, it is considered Pas. If it is cooked in water or fried, it might still be considered Pas if it is a stiff batter, or a dough. Even according to this opinion, it must have *Tzuras Hapas*. [See Tosafos on Avoda Zora 38a, and Chulin 64a. Pesachim 37b. Berachos 37b. Teshuvos Rivash 28. Sh. Ar. Y.D. 112:6. Rema. Shach. Bais Meir. Darkei Teshuva 50-53 Aruch Hashulchan 31 and Y.D. 329:1-4.]

(C) *Aseres Yemei Teshuva*

The Talmud tells us that the obviously righteous and wicked people whose verdicts are clearcut are judged by Hashem right away on Rosh Hashana. Anyone who is "average", with an equal amount of merits and sins, is given the chance to change things, to improve and add to his merits until Yom Kippur. He is then rejudged on Yom Kippur. Everyone should consider himself an "average" person and should try to use all the opportunities for doing good deeds in the intermediate days between Rosh Hashana and Yom Kippur. To this end, some meritorious practices are added to the daily routine during this time. These include the addition of some extra Tefillos, prayers, refraining from all idle chatter, fasting and refraining from certain foods. These are usually foods that are permitted but have a sound Halachic basis to forbid them. This might be because their Kashrus is questionable, or difficult to ascertain. An example of this is a practice not to eat vegetables that require *Bedikas Tolaim*, checking for insects. Although throughout the year one is willing to "take a chance" by checking them to the best of one's ability, at this time if year one wishes to be "on the safe side".

These practices are *Chumros*, stringencies, that are not obligatory, but do have a basis in Halacha. One such stringency is recorded by the Talmud: To ensure that one is *Tahor*, ritually clean, before eating any food. Ordinarily, this was only required for partaking of foods that are forbidden if they become *Tamei*, unclean, such as *Teruma*, the tithes give to the Kohen, or *Kodshim*, the parts of the offering that are eaten. However, some people always took special care to eat everything *Betabara*, in a state of ritual cleanliness. Although most people are unable to keep to this high standard all year, they should make an effort to do so during the *Aseres Yemei Teshuva*. Based on this, those who eat bread baked by a gentile baker all year refrain from eating it during these Ten Days. [See Rosh Hashana 16b. Kiddushin 40a-b. Yerushalmi Shabbos 1:1. Rosh end of Rosh Hashana. Sh. Ar. O.C. 602-603. commentaries. Aruch Hashulchan 203:2]

In our case: breadcrumbs are manufactured by baking bread specially for its crumbs. The bread is apparently baked in a way that it does have *Tzuras Hapas*, and would therefore fit the guidelines for Pas, rather than Bishul. However, it is possible that since this bread is only baked for use as crumbs, never to be eaten whole, it is exempt from the Challah obligation. Thus it might not be considered Pas. Most Poskim, however, only exempt this type of bread when it is not baked in loaves, and has no *Tzuras Hapas*. [See Mishna Challah 1:5- "K'nuvkaos etc." commentaries. Berachos 37b-38a. commentaries Rambam Bikurim 6:13-14, Mahari Korkos. Sh. Ar. Y.D. 329:3,7]

There could be another reason for leniency here: In a place where there is no kosher bakery, the common practice is to permit Pas Palter. Someone living in this place who restricts himself to Pas Yisroel, has the rules of Neder, vow. One rule of Neder is that when one mentions a food in his Neder, he is restricting himself from all foods commonly called by that name in the vernacular. He does not intend to include those foods which technically are considered part of that category Halachically, but are not known by that name. Cake is not usually called "bread" and would not be forbidden in this case. Accordingly, during the *Aseres Yemei Teshuva*, when the custom of eating only Pas Yisroel is really a form of Neder, cakes are not included in the restriction. In the same way,

breadcrumbs are not included. However, this, too, might not help since all bread is included and breadcrumbs are really crumbled bread.

In conclusion: it is preferable to refrain from using breadcrumbs produced by a gentile, but one who wishes to use them has some Poskim to rely on. [See Darkei Moshe O.C. 603. Shaarei Teshuva 112:54.]

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS SHACHARIS	9:00 AM
SHABBOS MINCHA	7:05 PM
SLICHOS MOTZEI SHABBOS	1:00 AM
SHACHARIS SUNDAY	8:00 AM
SLICHOS MONDAY - TUESDAY	6:30 AM
SLICHOS WEDNESDAY	5:40 AM
MINCHA SUNDAY - TUESDAY	7:20 PM
CANDLE-LIGHTING 1ST day ROSH HASHANA	7:10 PM
MINCHA EREV ROSH HASHANA	7:15 PM

ERUV TAVSHILIN

SHIURIM:

GEMORO MAKOS	SUNDAY	7:15 AM
HALACHA B'IYUN	MONDAY	9:00 PM
HILCHOS SHABBOS	SHABBOS	8:15 AM
DAF YOMI	SHABBOS	6:00 PM
	SUNDAY	8:50 PM
	MON-TUES	8:00 PM

This issue of HALOCHOSCOPE has been sponsored by Dr. Aryeh Melnick in memory of his mother, Tzivyah bas R. Nachman A"H, whose Shloshim ends on Rosh Hashana.

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