

HALOCHOSCOPE

This week's question:

A type of bread is baked with potatoes as an ingredient. If it is baked by non-Jews, does it have the status of *pas nochri*, gentile bread, or of *bishul akum*, gentile cooking, or both?

The issues:

A) *Pas Yisroel*; *Bishul akum*

B) Bread

C) Combinations of both

Much of the material here is from Halochoscope X:30 and XII:13

A) *Pas Nochri* or *Pas Yisroel*; *Bishul akum*

[*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 Talmudic sources imply that it might have been revoked.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. [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. This is actually a matter of *min-hag* also. *Sepharadic* custom follows the view that it does not pose a problem of *bishul*. *Ashkenazic* poskim consider it *bishul*. However, some say that this does not apply to a thin shine or glaze, but to a substantial coating. Thin glazes are *bateil* to the bread.

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*.

For *hamotzie* and for *chalah* applications, the Talmud and poskim discuss the thick-

ness 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'. [See our discussion, Halochose X:20, etc. Sh Ar OC 168:13-14, YD 112:6, Taz, commentaries.]

C) Combinations of *pas* and *bishul*

The bread in our case has the ingredients of both bread and cooked food. The food, potatoes, could be considered qualifying as *oleh al shulchan melachim*. This could depend on the society or local custom. In general, food served at a royal banquet is of a higher quality to begin with. Lower quality food would not be elevated by preparing it in a fancy way. In this respect, potatoes as such could be considered a low grade type of food. New potatoes, that are small and fancy, are indeed considered a delicacy fit for a king. Nowadays, regular potatoes come in varying qualities. High-class chefs use top grade potatoes to to prepare potato-based dishes. Does this mean that potatoes are automatically presumed *oleh al shulchan melachim*? The poskim debate whether this is determined on a universal basis, or whether it changes according to time and local custom.

Assuming that the potatoes present a problem of *bishul*, the issue facing us in this case is whether the potato content renders the 'bread' a form of *bishul*, with its leniencies and stringencies, or another type of *pas*. We mentioned the cases of pies and glazed breads. The issue in those cases is that on the one hand, the item is bread-type. From the *brocha* perspective, it is a question of *hamotzie* or *mezonos*, because the major component remains the flour. On the other hand, the cooked food is either dominant in the mixture, as it is often the reason one eats it, or at least, it is a separate entity.

If the non-flour component is integrated into the mixture, so that it is not visible as a separate entity, the consensus is that there is no concern for *bishul*. The non-flour item is *bateil*, neutralized by the flour, and the finished product is bread. Thus, onion rolls could pose a problem, since the pieces of onion are intentionally clearly visible. Onions, however, are eaten raw. The poskim discuss a type of fish-bread. If it is not finely ground, so that the pieces show, it is forbidden. If the fish is well-ground, but small pieces remain, it is permissible. The small pieces were just not ground so well.

However, if the non-flour component was first cooked separately, this does not help. It attained a *bishul* status first, and it does not lose that status due to later processes. Thus, if a bread or cake product requires a liquid or solid ingredient that must first be cooked, when it is mixed into the bread, it remains a combination of *pas* and *bishul*. To pose this problem, the cooked ingredient would have to be ready to eat before it is mixed into the cake, such as a fruit filling or a broth. It would also have to have the other conditions, *aino neechal kemos shehu chai* and *oleh al shulchan melachim*. This could include margarine, which is oil processed through heat, and is considered cooked, or even sugar or salt, that are also cooked. They can also be spread on bread. Some ready-made powders, such as broths or puddings, might have been prepared by cooking to a state that they could be served, and then dehydrated. The same could apply to potato flakes in our cases. This would need to be examined. It is possible that one need not consider them finished at the point that they are ready to eat. Their entire purpose is to be further processed and packaged as an instantly prepared food, or even one that requires re-cooking. In their



packaged state, they are not ready to eat, until they go through another step of preparation. [For a discussion on instant foods' state of readiness, see Halochoscope V:8, on whether they qualify for *mishloach manos* on *Purim*. Normally, the foods delivered as *mishloach manos* must be considered fully prepared.]

Accordingly, in our case, these two considerations must be made. First, is the potato content visible as its own entity, or is it integrated into the mixture? Second, is the potato content cooked before being added to the mixture? A third issue would be whether potatoes can ever be considered *oleh al shulchan melachim*. If the potato is mixed, but visible lumps are left intentionally in the final product, it would raise the issue of *bishul*. Many poskim maintain that a glaze made of eggs is considered visible and is not *bateil*.

In order to make the potato invisible in the dough, it would need to be ground as fine as flour. Alternatively, it could be cooked and mashed before being mixed into the dough. If it is not ground fine, little pieces will be visible. If it is cooked and mashed first, it raises the *bishul* issue as well. A similar issue arises with regard to zucchini bread. In this case, even if finely ground, the zucchini is recognizable by its green color. According to the view that an egg glaze poses no major problem because it is only recognizable due to its *chazusa*, outward appearance, this, too poses no problem.

There is some question whether potatoes could be considered *melafsin bo es hapas*. They are often eaten as a staple in their own right. However, there is a view that foods that serve as a staple in their own right that are called *maachal chashuv*, a prominent food, need not be *melafes es hapas* to be forbidden. Others question the basis for this. Thus, while porridge is not forbidden as *bishul*, some forbid rice. Potatoes seem to be more like a side-dish of vegetables, and would be forbidden. [See Tur Sh Ar YD 112:6 113:1-3, Kaf Hachaim 112:34 113:5 10 32, etc., commentaries.]

In conclusion, if raw potatoes are integrated into the bread, it is an issue of *pas*. Otherwise, the issue of *bishul* arises, depending on whether potatoes are served at a banquet. ***On the Parsha ... Dinah ... went out to visit with the daughters of the land. [34:1] To see the societal customs of the local girls. [Targum Yonasan-Yerushalmi] Dinah was modestly staying indoors. Shechem arranged that the local girls come around playing music, to attract her attention and draw her outside ... [PrkDRE 38] Later on, Shechem came directly to Yaakov to negotiate marriage to Dinah. Why then, did he first need to make these indirect attempts to get her attention? Why did he choose to do it through the girls and their music? This was the first instance of an attempt at 'intermarriage'. It was caused by innocent socializing. In addition, Dinah did not consider socializing with Shechem, but with the local girls. Even then, only after she was attracted to their music, did she go out 'to see' what their socializing customs were about. Thus, we learn that to prevent intermarriage, it is necessary to decree against casual and indirect socializing. In fact, direct socializing might put one on guard. Casual and indirect socializing catches one off-guard. Even without attending a social event, just eating each others' foodstuffs, can lead to forbidden associations.***

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visit to Pittsburgh. 

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