

PAS YISRAEL IN ASERES YEMEI TESHUVAH

by Rabbi Doniel Neustadt

The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

THE BASIC BACKGROUND

As part of their overall strategy to guard the Jewish people from assimilating among the nations of the world, our Sages decreed against eating [kosher] bread that was baked by a non-Jew. This edict was one of several which served to limit social interaction between Jews and non-Jews. Thus non-Jewish wine, oil, bread, and cooked foods were all declared off-limits for the Jew (1).

Since bread is so much more of a dietary staple than wine and other cooked foods--indeed, the Rabbis call it chayei nefesh, the vital element of the diet--the decree against non-Jewish bread was not as widely accepted as the decrees against other foods (2). Consequently, in many communities where quality Jewish baked bread was not easily available, it became customary to eat pas palter, which is [kosher] bread that is baked in non-Jewish bakeries. The rationale behind allowing pas palter is that eating bread that was baked in a non-Jewish bakery does not lead to mingling and socializing with non-Jews (3).

Although eating pas palter became commonplace and was endorsed by the leading authorities of the day, it was not universally accepted. Indeed, as soon as Jewish baked bread was available, the Rabbinical decree against pas palter was reinstated in many communities, and non-Jewish bread was not an option. Only Jewish baked bread, called pas yisrael, was allowed. Thus, depending upon the locale, this Rabbinical decree was observed in varying degrees:

- Some communities adhered to it strictly--not allowing any pas palter at all (4).
- Others allowed pas palter to be eaten even when pas yisrael was available (5).
- Others allowed pas palter to be eaten only when pas yisroel of the same quality was not available (6).

Even today, when pas yisrael is available almost everywhere, there are still many communities who rely on the custom of yesteryear and allow the consumption of pas palter, especially when pas

yisrael of similar quality is not available (7).

The Shulchan Aruch (8) rules, however, that during **aseres yemei teshuvah** everyone should be careful to eat only pas yisrael (9). There are several reasons--all inter-related--for this halachah:

- a) So that we conduct ourselves with an extra measure of purity during these Days of Awe (10);
- b) To serve as a reminder of the unique status of these days (11);
- c) To beseech Hashem not to judge us stringently, just as we have adopted a practice which is not strictly required of us (12).

The following rules, therefore, apply to those who observe the halachos of pas yisrael all year round and for everyone during aseres yemei teshuvah.

[Note: The following rules pertain only to the prohibition of eating items which were baked by a non-Jew. There exists another Rabbinic prohibition, called Bishul akum, which prohibits eating any "important" food item (important enough to be served at a dinner for dignitaries) that was cooked [or roasted] by a non-Jew. Thus, there may be items which are not included in the prohibition of pas palter, but are still forbidden to eat because of bishul akum, provided that they are "important" enough to be classified as such.]

IF PAS YISRAEL IS NOT AVAILABLE:

If pas yisrael is available within an 18 minute drive from one's house, he should drive there and purchase it. If pas yisrael is not available within that distance, one should bake his own bread or assist a non-Jew in the baking process. If one is on the road, he should travel ahead another 72 minutes in order to obtain pas yisrael. If pas yisrael is not available within those distances and one cannot bake his own bread, then he may eat pas palter (13).

WHICH FOODS ARE INCLUDED IN THE REQUIREMENT OF PAS YISRAEL?

Only bread made from the five species of grain are included in this prohibition. Rice bread and corn bread are exempt from both pas yisrael (14) and bishul yisrael (15).

"Bread" includes any food over which one would recite ha-Motzi if he were to make a meal (kevius seudah) consisting of that food (16). Thus, all breads, cakes, cookies, crackers, pretzels, etc., are included in the category of bread (17). Pasta, flat pancakes, crepe-like blintzes, farfel, soup croutons, doughnuts, etc., are not considered "bread", and need not meet the requirements of pas yisrael (18).

Many poskim hold that pure mezonos cereals [whose raw batter rises like bread], e.g., Cheerios, Grape Nuts, Wheat Chex, are also required to be pas yisrael (19).

THE BAKING PROCESS:

There are three halachic phases in the bread-baking process:

1. pre-heating the oven;
2. placing the dough into the oven;
3. regulating and adjusting the temperature.

The halachah is that if a Jew was involved in any one of these three phases, even if he merely adjusted the temperature by a few degrees, the bread is considered pas yisrael (20).

But if a Jew was not involved in any of the phases of baking, the bread is prohibited. Ironically, in the atypical case when dough is prepared by a Jew but baked by a non-Jew, the halachah is more stringent, and the leniency of pas palter does not apply (21).

FACTORY PRODUCTION:

There is a minority view that tends to hold that factories which produce foods on an assembly line, in a process which is totally different from the one used in standard bakeries, were not included in the prohibition of pas palter (22). The majority of contemporary poskim do not accept this leniency (23).

QUESTION: It often happens during aseres yemei teshuvah that one forgets and prepares a dish containing pas palter (e.g., chicken or fish with bread crumbs, an ice cream dessert with cookie crumbs). May such a food be eaten during aseres yemei teshuvah?

ANSWER: If the pas palter is recognizable, as it is in the above cases, it is prohibited. If the pas palter is not recognizable, e.g., it dissolves or all visible pas palter is removed, it is permitted, as long as pas palter is not the majority ingredient. [There is no requirement of shishim for this prohibition to be bateil (24).]

FOOTNOTES

¹ Since the edict was issued to prevent intermarriage, it would seem that bread baked by non-observant Jews should be permissible (Pischei Teshuvah Y.D. 112:1; Igros Moshe Y.D. 1:45-46). Many leading poskim disagree and prohibit bread baked by non-observant Jews (see Chasam Sofer Y.D. 120; Maharam Shick O.C. 281; Avnei Nezer Y.D. 92; Chazon Ish Y.D. 49-7; Darkei Teshuvah 113:15; Minchas Yitzchak 1:10; 3:73). Nowadays, however, when the vast majority of non-observant Jews are ignorant of Jewish Law and are halachically classified as tinokos shenishbu, their bread is permitted (Chazon Ish Y.D. 1:6; 2: and other poskim).

² According to the Yerushalmi, this decree was officially rescinded by a later beis din because of the hardships it posed to daily living.

³ Some communities went as far as permitting home-baked bread, too, when absolutely no other bread was available, see Rama Y.D. 112:8.

⁴ Shulchan Aruch Y.D. 112:2; Pri Chodosh; Aruch ha-Shulchan.

5 Rama Y.D. 112:2.

6 Shach 112:9.

7 Igros Moshe Y.D. 2:33; Harav S.Y. Elyashiv (Madrach Kashruth, Orthodox Union, 1996, pg. 90). See Mishnah Berurah 242:6 who states that even those who eat pas palter all week long should preferably not do so on Shabbos and Yom Tov. This is one of the reasons why it became customary for women to bake their own challah for Shabbos and Yom Tov (Magen Avraham 242:4).

8 O.C. 603:1.

9 From the way the halachah is presented in Shulchan Aruch and Mishnah Berurah, it sounds as if it is a requirement. [See also Teshuvos Nachalas Shivah 72 who rules that is an absolute obligation.] Chayei Adam 143:1 and Aruch ha-Shulchan, though, quote this halachah as the "proper" thing to do, not as an obligation.

10 In Talmudic times, everyone was careful not to allow their food to become impure (chullin b'taharah) during aseres yemei teshuvah--Tur quoting the Yerushalmi (Shabbos 3:3).

11 Levush O.C. 603.

12 Chayei Adam 143:1; Kitzur Shulchan Aruch 130:2.

13 See Chochmas Adam 65:4; Pischei Teshuvah Y.D. 112;; Mishnah Berurah 603:1; Beirur Halachah 163:1; Aruch ha-Shulchan Y.D. 112:18.

14 Y.D. 112:1 and Aruch ha-Shulchan--since they are not from the five species of grain.

15 Since they are not "important" enough to be served at a dinner for dignitaries--see Shach 113:1 and Chochmas Adam 65:1.

16 For more details as to what exactly constitutes kevius seudah, see Discussion to Parashas Eikev 5757.

17 Rama Y.D. 112:6, Pri Chodosh and Aruch ha-Shulchan 31.

18 Some of these items, however, depending on how they are prepared, may be considered "important" foods and may be prohibited because of bishul akum.

19 Harav S.Z. Auerbach and Harav S.Y. Elyashiv (quoted in Vezos ha-Berachah, pg. 192).

20 Y.D. 112:10. Some rabbonim suggest that a Jew turning on an electric light-bulb installed inside a gas oven is sufficient involvement in the baking process, since the heat generated by the bulb is considered as aiding the baking process. Harav S.Y. Elyashiv, though, does not agree with this leniency (Madrach Kashruth, Orthodox Union, 1996, pg. 98.)

21 Y.D. 112:11, as explained by Shach 7, Taz 7, Pri Megadim, Chochmas Adam 65:6 and Avnei Nezer

95-8. See, however, Igros Moshe Y.D. 1:45 who takes a more lenient approach.

22 An oral ruling rendered by Harav M. Feinstein (quoted in the Torah Journal Mesorah, vol. 1. In Igros Moshe Y.D. 4:48 he quotes a similar ruling but maintains that although this is not a clear heter, we need not object to those who rely on it since it is a Rabbinical prohibition.

23 Shevet ha-Levi 6:108-6 quoting the Chazon Ish; Minchas Yitzchak 3:26-6; 3:72; Debrecener Rav (quoted in Pischei Halachah, pg. 117); Harav P.E. Falk (Am ha-Torah, vol. 3. # 12). Some poskim accept this leniency when it is combined with other doubtful situations.

24 Y.D. 112:14.

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