

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: With so many women today in the work force, is it permitted for non-Jewish household help to cook kosher food in one's kitchen if the cooking is done under the supervision of an observant Jew?

DISCUSSION: With the intention of limiting assimilation, the Rabbis decreed against eating certain types of perfectly kosher food which were cooked, baked or roasted by a non-Jew, even if a Jew supervised the entire process from beginning to end. This is the Rabbinical prohibition known as bishul akum.

QUESTION: Which types of foods are susceptible to the restrictions of bishul akum?

DISCUSSION: There are basically two criteria which define the type of food which is forbidden because of bishul akum:

1. The food must be "important" - that is, food that would be suitable fare for a dinner served to dignitaries. Thus most dishes of poultry, meat, potatoes, pasta, eggs or fish are included, as long as they are prepared in a manner in which important people are customarily served in a formal setting. Candies, potato chips,(1) pringles, beer, breakfast cereals, canned tuna salmon and sardines,(2) popcorn, etc. are not considered "important" foods no matter how skillfully and tastefully they are prepared.
2. Foods which are edible raw [under normal conditions(3)] are exempt from the prohibition of bishul akum, even if they were cooked. Thus most fruits and vegetables, cheeses, ice cream, water, milk and peanut butter, for example, are exempt from bishul akum, even if they were prepared in a manner fit for a king, since all of these foods are edible when in a raw state.(4)

QUESTION: We have established that "cooking" by a non-Jew renders the food bishul akum. Does that mean that a non-Jew may not participate in any phase of food preparation?

DISCUSSION: The only phase of food preparation that is forbidden to a non-Jew is to place the pot or pan on the stove or inside the oven. The non-Jew may cut, chop, grind, grate, mix, season, etc. He may also turn on the gas or electricity in the stove or oven, regulate the temperature throughout, stir or baste the food while it is cooking, and remove the food once it is cooked or baked. All this is permitted l'chatchilah, as long as the non-Jew is being supervised to ascertain that no kashruth laws are transgressed.(5)

QUESTION: If the non-Jew has already placed the food on the stove or into the oven but has not yet turned on the fire, can the food still qualify as bishul yisrael?

DISCUSSION: As long as the Jew turns on the fire, the food is considered bishul yisrael. But, l'chatchilah, this should only be relied upon in this exact case, where the food is already on the stove or in the oven and the fire is being lit after the food has been placed on the stove or in the oven.(6) In the reverse case, where first the Jew turned on the fire and then the non-Jew placed the food on the stove or in the oven, some poskim hold that this is not considered bishul yisrael. B'diavad, however, most poskim maintain that the food is not considered bishul akum and is permitted to be eaten.(7)

QUESTION: If the non-Jew has already turned on the fire and placed the pot or pan on the stove or inside the oven but the food is not yet completely cooked and ready to eat, can the food still be not considered bishul akum?

DISCUSSION: There yet remain three options for the food to be considered bishul yisrael:

1. Remove the pot or pan from the fire or the oven, hold it for a moment, and then replace it. This is permitted l'chatchilah.
2. Stir, mix or flip the food over while the pot or pan are still on the fire.
3. Regulate the temperature of the fire, either by raising it a bit to hasten the cooking, or by lowering it a bit to prevent burning or singeing. However, if the food is already completely cooked and ready to be eaten, it is too late to avail oneself of any of these three options. The food is considered bishul akum.

QUESTION: Is it permitted to purchase an item at a store with the intent of using it for a short period of time and then returning it for full credit?

DISCUSSION: The answer to this question will depend on the policy of the individual store or chain of stores. Some stores would never allow such a thing. It would be forbidden, therefore, to buy an item from such a store with the intent of using it and returning it, since doing so is geneivas da'as, misleading while engaging in deceptive behavior. Geneivas da'as applies equally to Jews and non-Jews.(8) Quite possibly, purchasing an item with the intention of using it briefly and then returning it may be considered theft as well, since the store incurs an actual loss when they are forced to repackage and restock the returned item.

But there are some mega stores and chains which may permit their associates to sell an item to a customer even if they are clearly aware that the customer intends to return the item after trying it out for a short period of time. Their market research shows that invariably, some customers change their minds and decide to keep the purchase even though initially they had no intention of do so. Other customers are forgetful or lazy and forget or fail to return the item within the time period allotted, thereby forfeiting a refund and remaining with only a due bill to be used in the store. More often than not, the store makes money on these customers as well, and even if the store is

"outsmarted" occasionally, in the long run it is profitable to allow this practice.

The only way to find out what the store policy is, is to ask. Until that information is obtained, it would be forbidden to purchase an item with the intent of using it briefly and then returning it. According to many poskim, geneivas da'as is forbidden min ha-Torah,⁽⁹⁾ and needless to say, one must be particularly stringent with a Torah prohibition.

QUESTION: May an employee of a non-Jewish company participate in his company's holiday party?

DISCUSSION: It depends on the type of party the company is having. Many times, a company's holiday party has nothing to do with the celebration of the holiday; rather it is an employee appreciation party that happens to take place during the holiday season. There is no halachic objection to attending such a party. But obviously, if the intention of the party is to celebrate the actual holiday, it would be forbidden for a Jew to attend.

However, even if the party is not intended to celebrate a non-Jewish holiday, non-Jewish office parties are hardly the place for an observant Jew to be. The mode of dress, the type of language and the general lack of proper decorum at such affairs is completely alien and contrary to everything that yiddishkeit stands for. It is clear, therefore, that if for business reasons one must attend such a party, he or she must do so only when there is no other choice, and even then, he or she must come and go as quickly as possible. Linger in such an environment can lead to serious transgression of many Torah laws.

FOOTNOTES:

1 Although potatoes can certainly be prepared for a formal presentation, when they are presented as potato chips or Pringles they are no longer fit to be served to dignitaries. A minority opinion disagrees and requires bishul yisrael for potato products like potato chips as well; see The Journal of Halachah and Contemporary Society, XLII, pgs. 46-69 for a complete review of this subject.

2 Although tuna and salmon are in themselves "important" foods that are served at a royal table, once they are canned they lose their status; this is the opinion of most poskim. A minority opinion, however, disagrees and requires bishul yisrael for canned fish products as well.

3 Y.D. 113:12 and 14, Taz 14 and Aruch ha-Shulchan 26.

4 Y.D. 113:1.

5 Y.D. 113:7.

6 Avnei Nezer Y.D. 96.

7 See Y.D. 113:7, Taz 6, Shach 12, Pri Chadash and Chochmas Adam 66:8.

8 C.M. 228:6.

9 See Ritva, Chullin 94b, Sefer Kovetz on Rambam Hilchos Dayos 2:6. See also Seforno, Vayikra 25:14 who writes that geneivas da'as is included in the prohibition against ona'as devarim.

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