

# EATING PAS YISRAEL DURING ASERES YEMEI TESHUVA

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## 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.<sup>(1)</sup> This edict was one of several which served to limit social interaction between Jews and non-Jews. Thus non-Jewish wine, bread, and certain cooked foods were all declared off-limits for the Jew.<sup>(2)</sup>

Since bread is so much more of a dietary staple than 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 cooked foods.<sup>(3)</sup> 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.<sup>(4)</sup>

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 some communities, and non-Jewish bread was not an option. Only Jewish-baked bread, called *pas Yisrael*, was allowed. Thus, depending upon the locality, this Rabbinic decree was observed in varying degrees:

1. Some communities adhered to it strictly, not allowing any *pas palter* at all.<sup>(5)</sup>
2. Some communities allowed *pas palter* only when there was no other *pas Yisrael* available.<sup>(6)</sup>
3. Others allowed *pas palter* to be eaten even when there was *pas Yisrael* available, but only if the *pas Yisrael* was not of the same quality or type.<sup>(7)</sup>
4. Others allowed *pas palter* to be eaten even when *pas Yisrael* of the same quality and type was available.<sup>(8)</sup>

Even today, when *pas Yisrael* of the best quality is available almost everywhere, there are still many communities who rely on the custom of yesteryear and allow the consumption of *pas palter*,<sup>(9)</sup> especially when *pas Yisrael* of similar quality or type is not available.<sup>(10)</sup>

Shulchan Aruch advises, however, that during *Aseres yemei teshuvah* everyone should be careful to eat only *pas Yisrael*.<sup>(11)</sup> 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;(12) b) to serve as a reminder of the unique status of these days;(13) c) to beseech Hashem not to judge us stringently, just as we have adopted a practice which is not strictly required of us.(14)

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

### **WHICH FOODS ARE REQUIRED TO BE PAS YISRAEL?**

Only bread or bread-family products made from the five species of grain are required to be pas Yisrael. Rice, corn, legume and soy bread do not need to be pas Yisrael.(15)

"Bread" includes any baked item 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 just like bread dough rises, e.g., Cheerios, Grape Nuts, Wheat Chex, are also required to be pas Yisrael.(19) Most other cereals, though, are not considered bread family products and may be eaten during Aseres yemei teshuvah even though they are not pas Yisrael. [Nor do these cereals fall into the category of bishul akum, since they are not considered "important" foods which would be served to dignitaries. See The Daily Halachah Discussion, pgs. 255-258, for more details concerning the laws of bishul akum.]

### **HOW DOES BREAD BECOME PAS YISRAEL?**

There are three halachic phases in the bread-baking process: a) pre- heating the oven; b) placing the dough into the oven; c) regulating and adjusting the temperature. 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) If a Jew was not involved in any of the phases of baking, however, the bread is prohibited.

[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.(21) The majority of contemporary poskim do not accept this leniency.(22)]

There are certain food items which are only partially baked at the factory and the consumer completes the baking process before serving. Those items are considered pas Yisrael, since some part of the baking will be done by a Jew.(23) [For this reason all pasta products do not need to be pas or bishul Yisrael, since they require further cooking or baking before serving.]

**QUESTION:** May one who lives in a community where pas Yisrael products are not available even

during Aseres yemei teshuvah eat pas palter like he does during the rest of the year?

**DISCUSSION:** If pas Yisrael is available within an 18-minute drive from his community, he should drive there and purchase it. If pas Yisrael is not available within that distance, one should try to bake his own bread or bread-family products. If pas Yisrael is not available and one cannot bake his own bread, then he may eat pas palter.

If one is on the road, and he knows that within a 72 minute drive ahead [or 18 minutes back] there will be pas Yisrael available, he must travel that distance in order to obtain pas Yisrael. More than that he is not required to travel and may eat pas palter. (24)

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

**DISCUSSION:** If the pas palter is recognizable, as it is in the above case, 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 .(25)]

If pas Yisrael items were baked in a clean utensil which was previously used for pas palter, the food may be eaten during Aseres yemei teshuvah.

FOOTNOTES:

1 Y.D. 112:1. See Halichos Shlomo 2:3, Orchos Halachah, note 11, who explains the relevance of this issue in contemporary times.

2 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). Although many leading poskim disagree and prohibit bread baked by non-observant Jews (see Chasam Sofer, Y.D. 120; Maharam Shick, O.C. 281; Kitzur Shulchan Aruch 72:2; Avnei Nezer, Y.D. 92; Chazon Ish, Y.D. 49-7; Darchei Teshuvah 113:15; Minchas Yitzchak 1:10; 3:73), nowadays, when the vast majority of non-observant Jews are ignorant of Jewish Law and are halachically classified as tinokos she'nishbu, their bread is permitted (Chazon Ish, Y.D. 1:6; 2:16 and other poskim).

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

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

5 See Y.D. 112:13. See also Darchei Teshuvah, Y.D. 112:18 and Kaf ha- Chayim 31 and 56 quoting the Arizal.

6 Y.D. 112:2. See Aruch ha-Shulchan 17.

7 Y.D. 112:5; Shach 112:9.

8 Rama, Y.D. 112:2.

9 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.

10 Igros Moshe, Y.D. 2:33; Harav Y.S. Elyashiv (Madrach Kashruth, Orthodox Union, 1996, pg. 90). Most kashruth agencies in the U.S. follow this view and certify pas palter items as kosher.

11 O.C. 603:1. 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 it is an absolute obligation.) Chayei Adam 143:1, Kitzur Shulchan Aruch 130:2 and Aruch ha-Shulchan, though, quote this halachah as the "proper" thing to do, not as an obligation.

12 In Talmudic times, everyone was careful not to allow their food to become impure (chullin b'taharah) during Aseres yemei teshuvah; Tur, O.C. 603 quoting the Yerushalmi (Shabbos 3:3).

13 Levush, O.C. 603.

14 Chayei Adam 143:1; Kitzur Shulchan Aruch 130:2. See also Elef ha-Magen 603:2, quoting the Ramak.

15 Y.D. 112:1 and Aruch ha-Shulchan. [Whether or not they are required to be bishul Yisrael will depend on the exact ingredients used in the baking process; see Shach 113:1 and Chochmas Adam 65:1.]

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

17 Rama, Y.D. 112:6, Peri Chadash 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 Y.S. Elyashiv (quoted in Vezos ha- Berachah, pg. 192). There are other poskim who hold that these cereals do not resemble bread at all and are not required to be pas Yisrael.

20 Y.D. 112:9.

21 An oral ruling rendered by Harav M. Feinstein (quoted in 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.

22 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 questionable situations.

23 Y.D. 112:12.

24 Entire Discussion based on Chochmas Adam 65:4; Pischei Teshuvah, Y.D. 112:6; Mishnah Berurah 603:1; Beiur Halachah 163:1; Aruch ha-Shulchan, Y.D. 112:18.

25 Y.D. 112:14.

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