Bishul Akum

Part 4

**Household Help**

It is important to know that the laws of bishul akum do not apply solely to foods cooked in a non-Jew’s home and to food-production factories which are staffed by non-Jews. In fact, the prohibition equally applies in an instance where a non-Jew cooks food in a Jew’s home using his pots and utensils. This is clearly codified in the Shulchan Aruch (113:1): “Even if the utensils of a Jew were used in a Jewish home, there is a prohibition of food cooked by a non-Jew.”

According to this, if a non-Jewish household employee in a Jewish home cooks something for the family the food is prohibited. The same is true of non-Jewish workers in public kitchens.

**A Sefardic Stringency**

What can be done to get around the prohibition? With regards to pas akum, food baked by a non-Jew, there is a leniency that the food becomes permitted if a Jew warms up the oven or simply adds a small twig to the fire. Regarding bishul akum, however, there is a difference of opinion between the author of the Shulchan Aruch and the Rema whether this leniency can be used.

The Shulchan Aruch (ibid:7) rules that this leniency does not apply to bishul akum. As he states, this is because these actions make a difference in aiding the baking process, but are totally inconsequential for the cooking process. Therefore, in order to permit the food a Jew must actually place it on the fire.

The Rema (ibid) disagrees and cites the custom of Ashkenazic Jews to permit foods cooked when one of these small actions done is done by a Jew.

Thus, the custom of Sefardic Jews, who follow the rulings of the author of the Shulchan Aruch, is more stringent than the custom of Ashkenazic Jews, who abide by the rulings of the Rema. Food cooked by a non-Jew is not permitted for Sefardic Jews unless a Jew actually places the food in the pot onto the fire. Askenazic Jews are permitted to eat food cooked by a non-Jew as long as a Jew lit the fire or added to it in some way. It goes without saying that Ashkenazi Jews can partake of food that a Jew placed on the fire, even if a non-Jew lit the fire.

Another leniency applies if a Jew does an action to speed up or assist in the cooking process. For example, if a Jew would mix the food in a pot it becomes permitted, even if all the other cooking activities were done by a non-Jew.

**Fire From A Fire**

The Rema (ibid:7) relates one more leniency. He states that even if no Jew had any part in the cooking process, if the fire was lit from a fire that was started by a Jew the food cooked with this fire is not subject to the prohibition of bishul akum.

The Aruch Hashulchan (ibid:44) expounds on this leniency and explains its source. He explains that the leniencies of having a Jew light the fire or mix the food in the pot are explicitly mentioned in the Gemara, however, the leniency of adding a twig to the fire, which the Rema endorses, is not. Rather, it is a leniency based on the customs of certain lands. This lenient opinion holds that it is evident from this custom that the laws of bishul akum are the same as the laws of pas akum. Therefore, because the laws of pas akum contain many leniencies (as is stated in Shulchan Aruch 112), the laws of bishul akum also are open to leniencies, and one can also be lenient when the fire that is cooked on by a non-Jew was lit from a fire that was originally lit by a Jew.

The Aruch Hashulchan continues by saying, “**In truth, these are tremendous leniencies and one should not depend on them except in a pressing situation and if the cooking was done in a Jewish home.”**

Accordingly, one would be able to rely on this leniency for household help cooking in one’s home. However, it should not be relied on in large factories. And, as a matter of practice, the prevalent custom is to be stringent in food-producing factories and not to rely on any leniencies that are not agreed upon by all opinions and are not acceptable to Sefardim as well.

A **Leniency That Can Be Used**

Still and all, there are some leniencies that can be used even in factories. For example, if a food is already fully cooked by a Jew, there is no problem if a non-Jew reheats it. This is even true if the food had completely cooled down and was inedible without the non-Jew reheating it.

**The Status Of The Pots**

The Shulchan Aruch (ibid:16) rules that pots used by a non-Jew to make something that falls under the category of bishul akum must be koshered through the process of “hagalah” (immersing in boiling water). (There is a second opinion cited in the Shulchan Aruch that koshering is not required. However, the custom is to follow the first opinion.)

Before being immersed in boiling water, the pot must be unused for a period of 24 hours, as is the rule in all cases of hagalah.

For this reason, when a kashrus certification wishes to certify a factory where the equipment has previously been used, even if it was not used for anything that is non-kosher per se, all of the pots and other equipment must be koshered.

This is one of the most difficult aspects of koshering a factory. The entire factory operations must be placed on hold for 24 hours, and every utensil and area of the factory must be thoroughly checked to make sure it was properly koshered. Only then can the factory be used for kosher food production.