Bishul Akum

Part 1

**Too Many Cooks Spoil The Food**

One of the aspects of hashgacha that requires constant vigilance is that of avoiding the prohibition of “*bishul akum*”, a cooked dish prepared by a gentile.

Both *bishul akum* and *pas akum*, bread baked by a gentile, are amongst several decrees that our sages enacted as a barrier to keep the Jewish nation apart from the nations of the world in order to avoid intermarriage. The opinion of Tosfos (Avodah Zara 37B, D.H. V’Hashlakos) is that the decree of *bishul akum* was enacted earlier than the decree of *pas akum* and is also more stringent. This is because the sages originally did not want to forbid any form of bread because bread is such an important staple of life.

According to Tosfos, even after *pas akum* was forbidden, it still has several leniencies that do not apply to *bishul akum*. For example, there is a leniency that applies to “*pas palter*”, bread of a baker. This means that if the bread was prepared by a baker to sell in his shop – not for personal use – it is not included in the prohibition. This leniency does not apply to the more stringent prohibition of *bishul akum*. If a gentile cooks a dish, it is forbidden in any setting. It matters not whether he cooked it for himself in his own home, in a store or factory to sell to others, or even in a Jews home to serve to him.

**Exclusions To The Prohibition:**

Despite the severity of *bishul akum*, there are some exceptions to the prohibition. For one thing, it is only forbidden if the food is elegant enough to be served on a royal table. This is because the reason for the prohibition is to discourage Jews from frequenting gentile homes in a formal setting because we are concerned that this may lead to intermarriage. Therefore, the prohibition only applies to food that would be eaten in a formal setting, and not to food that no one would invite someone to their home to enjoy with them formally.

This ruling is codified in the Shulchan Aruch (Yoreh Deah 113:1), who also mentions another exception to the rule: In order for the food to be forbidden it must be inedible in its raw state. If the food could be eaten raw and does not actually need to be cooked in order to enjoy it, it is not subject to the prohibition.

This leniency - that there is no prohibition of *bishul akum* if it is considered normal to eat the food raw - applies even in instances where the food is enhanced through cooking, even if cooking makes it taste better, and even if it is common to cook it. For this reason, it is permitted to use hot water that was heated up by a gentile or eat applesauce that was cooked up from apples by a gentile.

**How Far Does This Leniency Extend?**

The Shulachan Aruch (ibid:12) and Rema argue if this leniency applies in cases where the food would only be eaten raw in extenuating circumstances. An example of this is carrots. Carrots are usually eaten cooked, but some people occasionally eat them raw. The Rema rules leniently, and therefore would permit carrots that were cooked by a gentile to be eaten.

There are other foods, however, that are only eaten raw in very rare circumstances. An example of this is an egg. As any cantor can tell you, it is possible to eat raw eggs. Chazzanim actually do so regularly because raw eggs are believed to be beneficial to the vocal chords. However, most people would never consider eating raw eggs. Therefore, eating this food raw is considered extremely rare and somewhat abnormal. Because of this, the Shulchan Aruch (ibid:14) rules that an egg cooked or scrambled by a gentile is forbidden.

“Wait!” you may say. “How can you say that it is abnormal to eat raw eggs? Aren’t raw eggs a key ingredient in ice cream?”

Indeed, raw eggs are used in ice cream. However, after the eggs are mixed into the ice cream batter, the mixture still needs to be processed and prepared through various means. Therefore, it is not considered as if the eggs are eaten raw.

**Better To Stay Away!**

Before we begin delving into other foods and determining whether they are considered to be normally eaten when raw, it is worthwhile to cite the words of the Bach (ibid:2), who posits that it is fitting for an “*odom choshuv*”, respectable and distinguished person, to be stringent and avoid foods cooked by gentiles even if they are easily edible when raw and even if they are not fancy enough to serve on a royal table.

His words are: “According to the letter of the law, the authorities agree that the prohibition is only for things that are not eaten raw and are fitting to be served on a royal table. However, the Gemara (Shabbos 51A) states that an ‘*odom choshuv’* should be stringent even with things that are eaten raw. Rashi explains that this is because if people see a distinguished person being lenient, they may be even more lenient with themselves. The Gemara relates that Rav Nachman asked his servant, Daru, to fetch him some water that was boiled by a gentile butcher. Rav Ami heard this and was upset. The Gemara explains that Rav Ami was upset because he felt an *odom choshuv* should be stringent. The Rif (23B) and Rosh (Perek 4, Siman 12) quote this Gemara, which indicates that they rule that the halacha is that an *odom choshuv* should not partake of something cooked by a gentile even if it is eaten raw. It is astounding why Rabenu (the Shulchan Aruch) did not codify this ruling.”

The Aruch Hashulchan (ibid:11) quotes the Magen Avrohom and Pri Chodosh, who disagree with the Bach’s ruling. He adds that we find in the Gemara (Moed Katan 12B) that Tannaim – who certainly qualify as *odom choshuv* – were not concerned about this. Therefore, we certainly need not be concerned.

As we will discuss in the upcoming parts of this series, many contemporary Poskim uphold the ruling of the Bach and are stringent regarding *bishul akum* even on foods that are eaten raw.