



## 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 so that non-Jewish bread was not an option. Only Jewish-baked bread, called *pas Yisroel*, 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>

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 *Chasom 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

2) Some communities allowed *pas palter* only when there was no other *pas Yisroel* available.<sup>6</sup>

3) Others allowed *pas palter* to be eaten even when there was *pas Yisroel* available, but only if the *pas Yisroel* was not of the same quality or type.<sup>7</sup>

4) Others allowed *pas palter* to be eaten even when *pas Yisroel* of the same quality and type was available.<sup>8</sup>

Even today, when *pas Yisroel* of the best quality is available, 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 Yisroel* 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 Yisroel*.<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;<sup>12</sup>

b) to serve as a reminder of the unique status of these days;<sup>13</sup>

c) to beseech Hashem not to judge us stringently, just as we have adopted a practice which is not strictly required of us.<sup>14</sup>

The following rules, therefore, apply to those who observe the halachos of *pas Yisroel* all year round **and for everyone during Aseres Yemei Teshuvah**.

*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 Avrohom* 242:4.

10 *Igros Moshe*, Y.D. 2:33; Horav Y.S. Elyashiv (*Madrach Kashrut*, Orthodox Union, 1996, pg. 90). Most kashrus 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*.

## Which foods are required to be pas Yisroel?

Only bread or bread-family products made from the five species of grain are required to be *pas Yisroel*. Rice, corn, legume and soy bread do not need to be *pas Yisroel*.<sup>15</sup>

“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.<sup>16</sup> Thus, all breads, biscuits, cakes, cookies, crackers, pretzels, etc., are included in the category of bread.<sup>17</sup> Pasta, flat pancakes, crepe-like blintzes, farfel, soup croutons, doughnuts etc., are not considered “bread” and need not meet the requirements of *pas Yisroel*.<sup>18</sup>

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 Yisroel*.<sup>19</sup> Most other cereals though, are not considered bread family products and may be eaten during *Aseres Yemei Teshuvah* even though they are not *pas Yisroel*. (Nor do these cereals fall into the category of *bishul akum*, since they are not considered “important” foods which would be served to dignitaries.)<sup>20</sup>

## How does bread become pas Yisroel?

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 or 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 Yisroel*.<sup>21</sup> 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*.<sup>22</sup> The majority of contemporary *poskim*

do not accept this leniency.)<sup>23</sup>

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 Yisroel* since some part of the baking will be done by a Jew.<sup>24</sup> (For this reason all raw pasta products do not need to be *pas* or *bishul Yisroel* because they require further cooking or baking before serving.)

**Question:** May one who lives in a community where *pas Yisroel* products are not available even during *Aseres Yemei Teshuvah* eat *pas palter* like he does during the rest of the year?

**Discussion:** If *pas Yisroel* is available within an 18-minute drive from his community, he should drive there and purchase it. If *pas Yisroel* is not available within that distance, one should try to bake his own bread or bread-family products. If *pas Yisroel* 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 Yisroel* available, he must travel that distance in order to obtain *pas Yisroel*. More than that he is not required to travel and may eat *pas palter*.<sup>25</sup>

**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 crumbs from biscuit or cookies, etc.). May such a food be eaten during *Aseres Yemei Teshuvah*?

**Discussion:** If the *pas palter* is recognizable, as it is in the above example, 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*.)<sup>26</sup>

If *pas Yisroel* items were baked in a clean utensil which was previously used for *pas palter*, the food may be eaten during *Aseres Yemei Teshuvah*.

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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; Debreciner Rav (quoted in *Pischei Halachah*, pg. 117); Horav P.E. Falk (*Am ha-Torah*, vol. 3 #12). Some *poskim* accept this leniency when it is combined with other questionable situations.

24 *Y.D.* 112:12.

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

26 *Y.D.* 112:14.

15 *Y.D.* 112:1 and *Aruch ha-Shulchan*. (Whether or not they are required to be *bishul Yisroel* 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 Horav S.Z. Auerbach and Horav 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 Yisroel*.

20 See *The Daily Halachah Discussion*, pgs. 255-258, for more details concerning the laws of *bishul akum*.

21 *Y.D.* 112:9.

22 An oral ruling rendered by Horav M. Feinstein (quoted in *Mesorah*, vol. 1). In *Igros Moshe*, *Y.D.* 4:48 he quotes a similar