



Conditions for *Bishul Akum*

Our Sages decreed that certain foods cooked by non-Jews are prohibited for consumption, even if the ingredients themselves are entirely kosher. This rabbinic prohibition is known as *Bishul Akum*. According to most early authorities (see *Tosafot*, *Avodah Zara* 38:a), the rationale for this decree is to discourage overly close social interaction with non-Jews, which could ultimately lead to intermarriage.

While this decree may appear to prohibit all forms of cooking by non-Jews, the Sages established specific conditions under which this prohibition applies, based on the underlying logic of the decree.

TWO CONDITIONS

The *Gemara* (*Avodah Zara* 38:a) presents two key conditions, each taught by one of the major *Batei Midrash* in Babylonia during the Amaraic period. The *Beit Midrash* in Sura taught that the prohibition of *Bishul Akum*

only applies to foods that are not typically eaten raw, i.e., foods that are usually cooked before consumption. The *Beit Midrash* in Pumbedita, on the other hand, held that *Bishul Akum* applies only to foods that are served at a king's table, meaning they are of a type customarily served at formal or distinguished meals.

Both conditions reflect the same underlying concern: social intimacy created through shared meals. When food is typically eaten raw or is not served at elegant meals, it lacks the social significance that the Sages were concerned about, and thus does not fall under the decree of *Bishul Akum*.

DISPUTE AMONG THE RISHONIM

There is a notable dispute among early halachic authorities regarding whether both conditions must be met for the prohibition to apply. The *Ramban* (*Avodah Zara* 37:b) rules that only one of the two conditions is sufficient. According to his view, if a food is either not eaten raw or is served at a king's table, it would fall under the prohibition of *Bishul Akum*. Conversely, *Tosafot* (ibid) adopts a more lenient position, requiring both conditions to be present. Therefore, if a food can be eaten raw—even if it is also served at formal meals—it would not be subject to the prohibition.

The *Shulchan Aruch* (YD 113:1), followed

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by virtually all later authorities, rules in accordance with *Tosafot*. As such, both conditions must be met for a food to fall under the prohibition of *Bishul Akum*.

PRACTICAL APPLICATIONS

This ruling has several practical implications. For example, dairy products such as cheese and yogurt, although commonly served at formal meals, are typically eaten raw. As such, their preparation by non-Jews would not fall under the prohibition of *Bishul Akum* (*Ozta Halachot, Bishul Akum* p.261) however, a food like porridge, while made from ingredients that are not eaten raw, is not typically served at formal meals, and would likewise be exempt.

The *Gemara* also mentions an additional condition: whether the food is eaten with bread at a formal meal. The *Pri Chadash* (113:3) cites this view and provides evidence that the *Rambam* supports it. According to this approach, desserts such as cakes and soufflés would not be subject to *Bishul Akum* because they are not typically eaten with

bread.

However, the *Tur* and *Shulchan Aruch* (ibid) do not codify this condition as part of the halacha. The *Aruch HaShulchan* (YD 113:7) explains that while the *Gemara* uses this expression, it is not meant to be taken literally. Rather, it serves to illustrate that the food in question should be of the type typically served at a significant meal—where bread would usually be present. Thus, the phrase “eaten with bread” indicates social importance, not a literal requirement.

In summary, although desserts are not eaten with bread, they may still qualify for *Bishul Akum* if they are not eaten raw and are served at formal meals. The same applies to foods like rice, which, while not typically eaten with bread, are often served at distinguished meals and thus may fall under the decree. ■

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