

In Hilchos YOM TOV

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Pas Yisroel During Aseres Yimei Teshuva

A summary of the weekly Wednesday night shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / To receive a copy send an email to InHilchosShabbos@gmail.com

The Days of Aseres Yimei Teshuva

The verse¹ states “Seek out Hashem when He can be found, (and) call out to Him when He is close.” The Gemara² explains that this verse is referring to the ten days between Rosh Hashana and Yom Kippur, the *Yomim Noraim*, when one has a greater opportunity to seek out Hashem and repent.³ The Aruch HaShulchan⁴ writes “Therefore, it is customary among all of Jewish people to increase their charity and good deeds and perform more mitzvos during these days than they would normally do during the rest of the year.”

Taking extra stringencies upon oneself during Aseres Yimei Teshuva

The *poskim*⁵ write that during these days one should accept upon himself extra stringencies that he generally does not adhere to the rest of the year.⁶ Rav Moshe Feinstein⁷ writes “During the days of Aseres Yimei Teshuva one should be stringent about things that he isn’t necessarily obligated to adhere to the rest of the year.” The Kitzur Shulchan Aruch⁸ explains that “it is befitting during these days for a person to take upon himself extra stringencies that he is not necessarily obligated to perform, since we too request that Hashem act with us mercifully manner despite the fact we may not necessarily be worthy of it.”

Adhering to the stringency of Pas Akum during Aseres Yimei Teshuva

The Shulchan Aruch⁹ writes that there is one particular stringency that one must adhere to during these days. He writes that “One must be careful not to eat *Pas Akum* (bread baked by a non-Jew) during the ten days of Aseres Yimei Teshuva.” Some people are careful not to eat *Pas Akum* throughout the entire year, but during these days even people who are generally not careful about eating *Pas Akum* during the year must refrain from eating *Pas Akum*. The Levush¹⁰ explains that the reason why we are particularly careful not to eat bread of a non-Jew during these days “is because it serves as a reminder that the Jewish nation is set apart in holiness and purity from the other nations. This recognition will arouse a person to repentance.”

In this chapter we will review the halachos of *Pas Akum* and discuss why some people are careful not to eat *Pas Akum* the entire year while others adhere to this stringency only during Aseres Yimei Teshuva.

The Prohibition of eating Pas Akum (non-Jewish bread)

In order to prevent assimilating with non-Jews and stop intermarriage, Chazal¹¹ instituted number of prohibitions.¹² One of them is the prohibition of *Pas Akum* - eating bread baked by a non-Jew. Meaning, even if the bread is made of only kosher ingredients, Chazal prohibited eating the bread if it was baked by a non-Jew. The Taz¹³ explains that since bread is an integral food it has the potential to create close relationships with non-Jews, which can ultimately lead to intermarriage. Therefore, Chazal instituted that any bread baked by a non-Jew be considered *Pas Akum* and may not be eaten. For example,

- If a non-Jewish cleaning woman baked bread for her Jewish employer, the bread is considered *Pas Akum*, even if all the ingredients in the bread are kosher and may not be eaten.

Why many people are not careful with Pas Akum throughout the year

When Chazal instituted the prohibition of *Pas Akum* a large portion of Klal Yisroel argued that it would be too difficult to uphold the halachos of *Pas Akum*, because

bread sustains a person, and many small communities did not have Jewish bakeries that could provide Jewish bread (*Pas Yisroel*). These communities relied solely on the bread sold by the non-Jewish bakeries (*Pas Akum*). As a result, it became apparent that it would be necessary to institute several leniencies along with the prohibition of *Pas Akum*.¹⁴ One important leniency is *Pas Palter* - the bread of a non-Jewish baker (commercially baked bread).

Pas Palter- The Bread of a Baker (commercially baked bread)

The Shulchan Aruch¹⁵ writes that although all opinions hold that it is entirely prohibited to eat bread that was baked *privately* by a non-Jew (*Pas Baal Ha'bayis*), there are various customs regarding eating bread baked by a non-Jewish baker (*Pas Palter*). For example, although it is strictly forbidden to eat bread that was baked privately by one's cleaning woman, there may be instances where it is permissible to eat bread baked commercially by a baker or a company. A baker, who sells his bread commercially, bakes his bread solely for *business* purposes, and therefore eating such bread is less likely lead to creating close relationships and lead to intermarriage.¹⁶ Accordingly, different customs developed regarding the permissibility of eating *Pas Palter*:

1) The opinion of the Rema - Pas Palter is always permitted

The Rema¹⁷ rules that it is always permissible to eat *Pas Palter* even when there is *Pas Yisroel* available. The reason for this is as follows: once *Pas Palter* became permissible in small communities, where Jewish bread was not available, it became permissible to eat *Pas Palter* everywhere, even in larger communities where Jewish bread is available.¹⁸ Indeed, the custom of many Ashkenazim is to be lenient regarding eating *Pas Palter* even when there is *Pas Yisroel* available.¹⁹ Obviously, one must make sure that the bread has a proper *hashgacha* which ensures that only kosher ingredients are used to bake the bread.

2) The opinion of the Shulchan Aruch - Pas Palter is permitted only when Pas Yisroel is not available

The Shulchan Aruch²⁰ rules that the leniency to permit eating *Pas Palter* applies only when Jewish bread is not available. If *Pas Yisroel* (Jewish bread) is available, one may not rely on the leniency of *Pas Palter*. Nevertheless, the Shulchan Aruch²¹ agrees that if the Jewish bread is not of equal quality to the non-Jewish bread one may be lenient and eat the *Pas Palter*, because bread sustains a person and it is important that the best quality bread be permitted to be eaten. Accordingly, Sephardim who follow the ruling of the Shulchan Aruch are generally more stringent and prohibit eating *Pas Akum* when there is *Pas Yisroel* of equivalent quality available.

The *Shach*²² adds that it is commendable for a person to be stringent and follow the ruling of the Shulchan Aruch, and not to eat *Pas Palter* of a non-Jew when there is *Pas Yisroel* of the same quality readily available. Accordingly, there were even many Ashkenazic communities that did not eat *Pas Palter* when *Pas Yisroel* was available.²³

To Summarize: According to all opinions the prohibition of *Pas Akum* includes bread that was baked *privately* by a non-Jew (*Pas Ba'al Ha'bayis*) which may never be eaten. There are various customs regarding the permissibility of eating *Pas Palter* – bread baked by a non-Jewish baker. The Rema is lenient and permits eating *Pas Palter* in all situations. The *Shulchan Aruch* rules that one may eat *Pas Palter* only if there is no *Pas Yisroel* available, or if the *Pas Yisroel* is not of equal quality.

1 Yeshaya 55:6 2 Rosh Hashana 18a 3 The Chafetz Chaim (Quoted in sefer Kol Dodi Dofek pg. 15-16) writes that during these ten days one can acquire great levels of spirituality which would normally be much more difficult to acquire. The Mishnah Berura (603:2) adds that there are seven days between Rosh Hashana and Yom Kippur which correspond to the seven days of the week. On each of these seven days one has the ability to repent for sins that were done on that day of the week of the entire year. For example, the Sunday of this week has the ability to fix up all the Sundays of the year, the Monday of this week has the ability to fix up all the Mondays, etc. 4 602:18 5 Kitzur Shulchan Aruch 130:2. Rav Doniel Neustadt (The Daily Halacha Discussion pgs. 4-5) writes that it would certainly be appropriate for a person who during the year to drink milk that is “*chalav stam*” do adopt the stringency of drinking only *chalav yisroel* during these days. (See however Aruch HaShulchan in next footnote) 6 It is interesting to note that the Aruch HaShulchan (603:2) writes one should adopt only stringencies that do not apply *mikar hadin*, but rather as a *hiddur mitzva*. However, if there is a controversial halacha that is debated by the *poskim*, and one follows the lenient opinion during the rest of the year (e.g., eating Chadash in Chutz La'aretz), he should not take upon himself to adhere to the stringent opinions during these days, because once he accepts this upon himself during these days he would need to continue doing so even after Aseres Yimei Teshuva. 7 Igros Moshe O.C. 3:12 8 130:2 9 O.C. 603:1 10 603:1 11 Avoda Zara 35b 12 ibid 36b Shulchan Aruch Y.D. 112:1 Aruch HaShulchan Y.D. 112:1 13 Y.D. 112:2 14 See Aruch HaShulchan Y.D. 112:3 15 Y.D. 112:2 16 Chay Adam 65:2 17 Y.D. 112:2 (See Shach 112:9 who cites the Rama in Toras Chatas who writes that this is indeed the custom.) 18 Aruch HaShulchan 112:17 19 Igros Moshe Y.D. 2:33 20 Y.D. 112:2 21 Y.D. 112:5 (See Igros Moshe Y.D. 2:33 that this is the final ruling of the Shulchan Aruch). See Kaf Ha'Chaim (112:30) that if one must spend a significant amount of extra money in order to obtain *Pas Yisroel*, it is considered as if there is “no *Pas Yisroel* available”. 22 112:9; Chachmas Adam 65:2 23 The Aruch HaShulchan (112:17) writes that in his community people are careful not to eat *Pas Palter*, since *Pas Yisroel* is available. Rav Belsky writes (quoted in Halacically Speaking) that indeed many have this custom nowadays as well.

Times when *Pas Palter* is prohibited

Although we have established that one may lenient regarding eating *Pas Palter*, there are a couple of times when one should be stringent and refrain from eating *Pas Palter*:

▪ **Aseres Yimei Teshuva.** As we mentioned earlier, the *Shulchan Aruch*²⁴ writes that “even those who generally have the custom to eat *Pas Palter* during the year must be stringent and not eat *Pas Palter* during the days of *Aseres Yimei Teshuva*.” However, only adults are obligated to take on this stringency during these days, one does not need to train children under the age of bar/bas mitzvah in this stringency.²⁵

▪ **Shabbos and Yom Tov.** The *Mishna Berura*²⁶ writes that “even if someone is accustomed to eat *Pas Palter* during the week it is appropriate to eat only *Pas Yisroel* on Shabbos and Yom Tov as a show of honor to Shabbos and Yom Tov.”

The Halachos of *Pas Akum*

We will now discuss the halachos of *Pas Akum* that are applicable for those who are stringent to adhere to its halachos the entire year and for those that adhere to its halachos only during *Aseres Yimei Teshuva*.

Only bread is included in the prohibition of *Pas Akum*

As we discussed above, Chazal forbade eating the bread of a non-Jew, because it is an integral food that has the potential to create close relationships and lead to intermarriage. Accordingly, only bread was included in this prohibition, due to its unique nature.

Bread-like products. Any item that is made from the five grains and is very similar to bread is considered to be part of the “bread family,” and is included in the prohibition of *Pas Akum*.²⁷ For example, cakes, cookies or danishes are foods that are considered to be part of the bread-family, and included in the prohibition of *Pas Akum*. (We will soon discuss how determine which items are included in the “bread family.”)

What foods are classified as “bread”?

In order to be considered “bread” there are two conditions that must be met:

1. It must contain one of the five grains
2. It must be from the “bread-family” (*Pas ha’ba b’kissnin*)

1. It must contain one of the five grains

The *Shulchan Aruch*²⁸ writes that in order to be considered “bread” and be included in the prohibition of *Pas Akum*, a food must contain one of the five grains: wheat, oat, barley, spelt, or rye. Only breads that contain the five grains are considered important and integral foods that can lead to intermarriage, but foods that do not contain one of these grains were not included in this prohibition.²⁹ For example,

- rice bread
- corn bread (that does not contain any regular flour)
- breakfast cereals that are made from corn or rice

are not included in this prohibition. Since these foods do not contain any of the five grains, they are not integral enough to be included in the prohibition of *Pas Akum*.

2. *Pas ha’ba b’kissnin*: Food that is from the “bread-family”

As we mentioned above, any item made from the five grains that is part of the “bread family” are included in the prohibition of *Pas Akum*. Items in the bread-family are referred to as *Pas ha’ba b’kissnin*.

How to define *Pas Ha’ba b’kissnin*

In order to be included in the category of *Pas ha’ba b’kissnin* two conditions must be met³⁰:

1- The food must be baked. Only foods that are baked can be considered part of the “bread-family.” Foods that are cooked (in water or oil) are not considered “bread” at all. For example, noodles, spaghetti, couscous not considered to be part of the bread-family, because they are cooked and not baked. Similarly, doughnuts that are deep fried in oil, are considered “cooked,” and are not considered *Pas ha’ba b’kissnin*. Accordingly, these items are not included in the prohibition of *Pas Akum*.

2- The food must have the appearance of bread. Even if a food (made of one of the five grains) is baked, it can only be considered to be part of the bread-family if it has “the appearance of bread.” Although the term “appearance of bread” is not precisely defined by the *poskim*, it seems that in order to resemble bread, an item must have somewhat of a thick and fluffy consistency, similar to that of bread (which rises and has a thick and fluffy consistency). Therefore, any

product that is baked into a very thin consistency does have the appearance of bread and is not considered part of the bread family. For example, very thin crackers, thin blintzes, wafers, cereals that are made into flakes (e.g. Raisin Bran, Wheaties, etc.) do not have a bread-like appearance and are therefore not included in the “bread-family”. Accordingly, these items are not included in the prohibition of *Pas Akum*.

On the other hand, items that do fulfill these two requirements (i.e., they are baked and have a bread-like appearance) are considered “bread” and fall into the prohibition of *Pas Akum*. For example:

- Pita, bagels
- Pie crusts³¹
- Pancakes
- Cookies, cakes, crackers
- Pretzels³²
- Bread crumbs³³

Breakfast cereals. According to some *poskim*,³⁴ breakfast cereals that have somewhat of a thick and fluffy texture (e.g., Cheerios, Captain Crunch, Wheat Chex³⁵) have the appearance of bread and are considered part of the bread-family. According to these *poskim*, such cereals that are made by non-Jewish companies are considered *Pas Palter*. Other *poskim*³⁶ rule that cereals do not have a bread-like appearance, and are therefore not considered “bread,” and accordingly, they do not pose any issues regarding *Pas Palter*.

Wraps. There is controversy among the *poskim* regarding the status of wraps. Some *poskim*³⁷ rule that wraps have a bread-like appearance, and are therefore considered bread. Accordingly, wraps made by a non-Jewish company would pose a question of *Pas Akum*. However, other *poskim*³⁸ rule that since the texture of wraps are very thin, they do not have the appearance of bread, and cannot be considered “bread.” Accordingly, they would not pose any problem of *Pas Akum*. [Also hinging on this debate is what the correct *beracha* is to recite over a wrap. If a wrap is considered part of the bread-family, one would recite *hamotzie* when eating a wrap as a meal. However, if a wrap cannot be from the bread-family then the correct *beracha* would be *mezonos* even when being eaten as one’s meal. One should consult a Rav regarding this issue.]

How far must one travel to find *Pas Yisroel*

As we mentioned earlier, because of the difficulties involved in adhering to the prohibition of *Pas Akum* a number of leniencies were instituted. One of these leniencies is that if one must travel more than 18 minutes in order to find *Pas Yisroel*, then he may eat *Pas Akum*.³⁹ Accordingly:

- Someone who is visiting a community where the closest place to find *Pas Yisroel* is more than 18 minutes away may eat *Pas Akum*.

The *Mishna Berura*⁴⁰ rules that if someone is traveling during the days of *Aseres Yimei Teshuva* he may also eat *Pas Palter* if he must travel more than 18 minutes to find *Pas Yisroel*.

How Bread Becomes *Pas Yisroel*

The *Shulchan Aruch*⁴¹ writes that for bread to be considered *Pas Yisroel* a Jew does not need to bake the bread entirely. So long as a Jew is in some way involved in the baking of the bread, it is considered to be *Pas Yisroel*. This can be accomplished in one of three ways:

1) A Jew places the bread into the oven. If a Jew placed the bread in the oven it is considered *Pas Yisroel* (even if a non-Jew turned on the fire).

2) A Jew turns on the oven. If a Jew turns on the oven the bread is considered to be *Pas Yisroel* (even if a non-Jew places the bread in the oven).

3) A Jew raises the temperature of the oven. Even if a Jew only raises the temperature of the oven the bread is considered to be *Pas Yisroel* (even if a non-Jew initially turned on the oven and placed the bread in the oven).

Since in all these cases the Jew is somewhat involved in the baking of the bread, it is enough to consider the bread *Pas Yisroel*.

Par-baked bread. There are commercially baked breads (and other baked goods) that are called Par-baked. These breads are initially only baked 85% of the way. After the bread is partially baked it is frozen and distributed for the consumer to complete the baking process and have freshly baked bread. If a Jew bakes the last 15% of the bread then the bread is considered *Pas Yisroel*, because the baking process is completed by the Jew.⁴² Similarly, a blind baked pie crust (a pie crust that is not completely baked) is considered *Pas Yisroel*⁴³ as long as the baking of the pie crust is completed by a Jew.⁴⁴

Toasting bread: Some *poskim*⁴⁵ rule that even toasting a piece of fully baked bread will suffice to consider the bread *Pas Yisroel*, since the Jew contributes to the completion of the baking process of the bread it can be considered *Pas Yisroel*.

²⁴ O.C. 603:1 ²⁵ Levush O.C. 603:1 ²⁶ Rav Shmuel Kamenetzky (Kovetz Halachos Yomim Noraim pg. 269) ²⁷ Rama 112:6 Taz 112:6 ²⁸ 242:6 ²⁹ Taz 112:2 ³⁰ See sefer V'zos Haberacha pg. 191 ³¹ OU Kosher Q&A on Rosh Hashana ³² Rav Shmuel Kamenetzky (Kovetz Halachos Yomim Noraim pg. 269) ³³ OU Kosher, Halachically Speaking quoting Halachos Ketanos 2:83. Some *poskim* (Teshuvos Avnei Nezer Y.D. 100) rule that if the bread crumbs are subsequently fried they do not need to be *Pas Yisroel*; since “frying” is a different process than baking, when the bread crumbs are fried by a Jew they are then considered to be *Pas Yisroel* since their baking was completed by a Jew. ³⁴ Rav Shlomo Zalman Aurbach quoted in V'zos Haberacha pg. 192 ³⁵ Rav Doniel Neustadt ³⁶ Rav Chaim Pinchas Schinberg (quoted in *ibid*), OU Kosher ³⁷ Rav Dovid Feinstein, Rav Yisroel Belsky (cited by the Chof-k), OU ³⁸ Rav Bodner (in the name of Rav Yosef haom Elyashiv). The CRC writes that there are opinions that rule that wraps are not considered to have an appearance of bread and are not included in the prohibition of *Pas Akum*. ³⁹ The *Shulchan Aruch* 112:16 writes that if one must travel 72 minutes for *Pas Yisroel* he may eat *Pas Palter*. However the *Aruch Ha'Shulchan* writes (112:18) [see also *Biur Halacha* (O.C. 163:1 *d'h b'rachok*)] that this only refers to someone traveling on the road and the *Pas Yisroel* is anyways on the way that he is traveling. However if someone must go out of his way to obtain the *Pas Yisroel*, he only needs to travel 18 minutes. ⁴⁰ 503:1 ⁴¹ Y.D. 112:9 ⁴² See *Shulchan Aruch* 112:12 and *Aruch Ha'Shulchan* 112:28 [Star-k, COR, Halachically Speaking] ⁴³ See *Aruch Hashulchan* 112:28 [COR] ⁴⁴ OU Kosher ⁴⁵ Rav Yisroel Belsky (cited by the OU), Rav Moshe Shternbauch (TV'h 1:444)