

THE PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING PROJECT

Ma'achalai Akum Shiur 1

Mareh Makomos for this shiur

Avoda Zora 36B מאי על ד"א until גופא אמר באלי אמר רבינא

Ran 13b מתני'

Simon 112:1 Tur Bais Yosef

Mechaber, Rama, Shach, Taz

Pischai Tshuva 1

Mishb'tzos Zahav 3

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Pas Akum



Simon 112:1 - Origins of the Gezaira

1 The Rabbis forbid 1) eating the bread 2) of nations that worship idols 3) in order to prevent intermarriage. (1) 4) *(Even if there is no chance of marriage their bread is still ossur.)* Only bread made with the 5 grains is ossur (2) but bread made with legumes or rice or millet is not part of the general gezaira.

RAMA 5) *This bread is not ossur for the reason of bishul akum (3) if it is not fit for the table of a king.*

Introduction

The **Rambam** and **Tur** begin *Hilchos Ma'achalai Akum* by telling us that the *Rabbanan* made there *gezairas* to prevent us from over-familiarization thereby preventing intermarriage.

- 1) *Pas Akum*. Bread of a non-Jew (Simon 112).
- 2) *Bishul Akum*. Food cooked by a non-Jew (Simon 113).
- 3) *Shaichar Akum*. The beer of non-Jews. The beer of non-Jews are only forbidden in the home of the non-Jew and not if it is an informal drink (Simon 114).

There is also a fourth *gezaira* on food of a non-Jew:

- 4) *Chalav Akum* and *Gevinas Akum*. Milk, even though it is from a *tabor b'hama*, if a Jew was not present at the time the *b'hama* was milked (Simon 115).

Unlike the first three *gezairos* this *gezaira* is to prevent us from actually eating an *issur* that was mixed with the milk or cheese. The *dinim* of making cheese with forbidden catalysts was brought at the end of *Simon* 87. Milk has a unique *gezaira* based on a concern that *trief* milk might be added to the *tabor* milk rendering it impure.

Pas Akum

Mishna: Avodah
 Zara 35B

And these things of non-Jews (are also) *ossur* (*mid'rabbanan*), however they are not *ossur b'hanah*: milk if a Jew did not watch the non-Jew milking the cow, *pas* (bread) and oil. *Rebbe* and his *Beit Din* permitted the oil made by non-Jews. (Furthermore) *shelakos* (cooked foods), *kanushin* (pickled food) that is made with wine and vinegar, etc... are *ossur* (*mid'rabbanan*) however, they are not *ossur b'hanah*.

The *Mishna* in *Shabbos* (13b) tells us that 18 *gezairos* were made in the attic of Chanania ben Chizkiya ben Goran in the time of Bais Hillel and Bais Shamai. The *Gemora Avodah Zara* 36b says that the bread, oil, wine and daughters of non-Jews are included as one of the 18 *gezairos*. The *gezaira* of the non-Jew's bread and oil is so that one should not drink their wine, the *gezaira* of the non-Jew's wine is so that one should not come to their daughters and the *gezaira* on their daughters is so that one should not come to idol worship. The *Gemora* explains that the *gezaira* on the non-Jews daughters means *yichud* (seclusion) with them.

Non Idol Worshipers

The **Sifsai Da'as** (2) brings the **Pri Toar** that from the *Gemora* it seems that the *gezaira* against the non-Jew's bread is ultimately not to come to idol worship. Therefore, the bread of non-Jews that do not worship idols for example Yishmaelim (Arabs) should be *muter*. The **Matah Yehonasan** says that from the fact that the *Mechaber* used the words idol worshipers it seems that this is how he learned the *Gemora*.

However, they both conclude that when the *Geomra* says that the prohibition against the non-Jews wine is so that one should not come to their daughters this means intermarriage. When the *Gemora* says that daughters means *yichud* this is a separate *gezaira* and is not connected to the previous one. Therefore, since the *gezaira* is against intermarriage this would include all non-Jews. The **Sifsai Da'as**¹ (2) says that this is the *halacha*.

¹ Found at the end of the *simon*.

Mumar

The **Pischai Tshuva** (1) brings in the name of the **Tiferes L'Moshe** that the bread of a *mumar* (one who violates *mitzvos* in public) is *muter* since there is no prohibition to marry the daughter of a *mumar*. However, the **Sha'arim M'tzuyanim B'halacha** ² (*Simon* 38) brings that the **Maharam Shik** argues that a *mumar's* bread has the *din* of *pas akum*, and the **Tuv Ta'am V'das** says that anyone who is *mechalel Shabbos* in public has the *din* of *mumar*. He concludes though with the **Biur Halacha** ³ (385:3) that one who does not keep *Shabbos* because he does not know that it is wrong does not have the *din* of a *mumar*. The **Chazon Ish** (Y. D. 1:6) says that a *tinok shenishbo* (one who was brought up without any knowledge of Judaism) has the *din* of Jew as long as he is not intentionally being *mechalel Shabbos*.

HALACHA

112:1

Three Malachos

The **Gemora Avoda Zara** 38b brings in the name of **Ravina**:

The *halacha* is that if the non-Jew was *shagur* - sent (which *Rashi* explains to mean *hesik hatanur* – lighting the oven) and the Jew bakes it or the Jew lights the oven and the non-Jew bakes it or the non-Jew both lights the oven and bakes it and the Jew does *chatiya* meaning he stirs the coals it is permitted.

The **Rishonim** learn from here that if any of the following three *malachos* are done by a Jew then the *pas* does not have a *din* of *pas akum*.

- 1) *Hesik hatanur* – lighting the oven.
- 2) *Chatiyas hagchalim* – stirring the coals.
- 3) *Affia* - baking.

However there is a *machlokes* when this can be applied. The **Ran** holds that there are two types of *pas*:

- 1) Bread of a non-Jew that was kneaded and braded by a non-Jew, even if a Jew baked it, falls under the *gezaira* of *pas akum*.

² A Sefer on the Kitzur Shulchan Aruch

³ Of the Mishna Brura

- 2) Bread of a Jew that was baked by a non-Jew fall under the *gezaira* of *shelakos* (*bishul akum*). In this case if the Jew does one of the above mentioned *malachos* it is *muter*.

The **Prisha** (112:1) says each one of the above has a *chumra* and a *kula*.

The *kula* in case one is that there are places where the *minbag* is to eat bread of a non-Jew. The *chumra* is that in the places where *pas akum* is *ossur* it does not help even if a Jew does all three of the above *malachos*.

The *kula* in the second case is that even though the non-Jew baked the bread, it is still *muter* if the Jew does one of the three *malachos*. The *chumra* is that there are no places that accept this *pas* if all three *malachos* were done by a non-Jew.

The **Rambam**⁴ does not differentiate between who owns the bread. Therefore, even by bread of a non-Jew it is enough for a Jew to throw a twig onto the coals to be called *chatiyas bagchalim*⁵ thereby permitting the bread.

The **Shach** (1) says that the *Mechaber* holds like the *Rambam* and the *Rashba* that there is no difference between bread of a non-Jew or Jew in that if a Jew does one of the three *malachos* the bread is *muter*.

The Utensils

The **Shach** (3) adds that there is no *chasbash* that the *utensils* used by the non-Jew will render the bread *ossur* (because of *treifos*) since *stam keli aino ben yomo* (and therefore the *blias* are *lifgam*).

Five Types of Grain

The Torah lists five types of grain:

- 1) Wheat, 2) spelt, 3) rye, 4) oat and 5) barley.

The **Shach** (5) says that other types of bread such as rice, *dagan* and bean are not considered *chasuv* (valuable). The **Taz** (2) explains that therefore, there is no chance of *kiruv das* (assimilation).

⁴ *Hilchos Ma'achalos Assuros* 17:13.

⁵ We will learn more about this in seif 9

The **Mishb'tzos Zahav** (3) brings a *kula* and a *chumra* for the two types of bread:

- 1) Bread made from the five grains:
 - a) *Chumra*: even if the bread is made from coarse bran (so it is not fitting for a king's table)⁶, as opposed to the grain itself, it would be *ossur*.
 - b) *Kula*: That if such bread is made by a *paltar* (a public baker) it is *muter*.
- 2) Bread made from other grains:
 - a) *Chumra*: If such bread is fitting for a king's table, it is *ossur* because of *bishul akum*.
 - b) *Kula*: If it is not fitting for a king's table then it is *muter* even though it was made by a *ba'al habayis*. (Note: we will discuss the difference between a *paltar* and *ba'al habayis* later in the *shiur*).

Review Questions

- 1) Why did the *Rabbanim* make a *gezaira* against eating *pas akum* and *bishul akum*?
- 2) What is the reason for the *gezaira* against *chalah akum* and *gevinas akum*?
- 3) Is the bread of a non-Jew that does not worship idols included in the *gezira*?
- 4) Is the bread of *mumar* included? What would you say about non Orthodox Jews today?
- 5) What can a Jew do when a non-Jew is making *pas* in order to remove the *din* of *pas akum* from the bread?
- 6) If the bread is owned by a non-Jew do the *heterim* given for the above question apply?
- 7) What *kula* and *chumra* does *pas* made from other than the 5 important grains have if it is made by a non-Jew?

⁶ That which is fitting for a king's table is considered to be an honourable food to serve to a guest. When the non-Jew gives the Jew such food it leads to assimilation.