



CHICAGO RABBINICAL CURRENTS

October 2024

Volume I Issue 7

תשרי תשפ"ה

PAS YISROEL

by Rabbi Refoel Dovid Oppenheimer

Rabbi Refoel Dovid Oppenheimer is a Rabbinic Coordinator specializing in Industrial Bakeries, the Juice and Soda Industry, and the Candy and Nut Industry.

When the Jewish people went into exile and began to intermingle with gentiles, *Chazal* were very concerned about the possibility that socializing with them would bring about intermarriage between Jews and non-Jews. They therefore instituted a number of decrees to minimize the socializing between Jews and non-Jews. *Chazal* prohibited eating food cooked by non-Jews (*bishul akum*) as well as their wine (*stam yeinom*) and bread (*pas akum*).

While the first two decrees remained, the decree of *pas akum* did not receive universal acceptance, because bread is a staple food and there was a need for Jews to rely on gentile bakers. As such, the decree of *pas akum* was adapted to allow a leniency with regard to bread baked for commercial purposes i.e. baked for sale. This is known as "*pas palter*," bread of a baker. According to *Shulchan Aruch 112. 2*, this leniency is limited to areas where there is no Jewish baker and hence it is considered a situation of duress. However, *Rema* writes that there are those who permit a baker's bread even when bread of a Jewish baker is available. This is the prevalent custom amongst Ashkenazic Jews. However, it is important to note, that while this is the custom, it is commendable to eat *pas Yisroel*. This is evident from the *halacha* brought in

OC 603 that during *Aseres Yemei Teshuvah*, even those who generally eat *pas palter*; should be careful to only eat *pas Yisroel*. Similarly, *poskim* write (*OC 242*) that on *Shabbos*, one should be careful to eat *pas Yisroel*.

The requirement of *pas Yisroel* only applies to bread made from the five grains; wheat, barley, oats, spelt, and rye. It does not apply to bread made from other flours such as rice and sorghum. Recently the latter have become very popular because of the large segment of the population that is allergic to wheat. Breads made from these ingredients are not subject to the laws of *pas Yisroel*. However, these kinds of breads would theoretically be subject to the prohibition of *bishul akum*. Nonetheless, *bishul akum* is limited to products served at more elegant affairs (*oleh al Shulchan melochim*) and since these kinds of breads are not typically served at such events, *bishul akum* does not apply either.

It is noteworthy to point out that even when bread from a non-Jewish baker is permitted, the *Tur* writes that, it is only permitted if the dough belongs to the non-Jew. If however the dough belongs to a Jew and is baked by a gentile, the leniency of *pas palter* does not apply. This becomes very relevant in industrial settings, when a large bakery is Jewish owned, but the bakers are not Jewish. *Hagaon Rav Moshe Feinstein zt"l* was asked about this (*YD 1, 45*). He replied that the reasoning for the *Tur* must be that since it is



easy for the Jewish owner to himself turn on the oven, the leniency of *pas palter* would not apply, as the leniency was not made under such circumstances. Following this reasoning, when dealing with a large company, where the Jewish owner is not directly involved in the baking and it would be difficult for him to turn on the ovens himself on a daily basis, *pas palter* would apply. Common practice amongst kosher agencies is to rely on this ruling and certify Jewish owned bakeries even if they are not *pas Yisroel*.

What makes bread into *pas Yisroel*? The ideal way of course would be for the Jew to just bake the bread himself (*OC 603*, see *Mishna Brurah*). However, *Shulchan Oruch* rules that is not necessary for the Jew to do all parts of the baking. It is sufficient if the Jew either lights the fire in the oven or, if the oven is already on, puts the bread in the oven to bake. Further, *Shulchan Oruch* rules that even if the Jew only slightly raised the temperature of the oven by stoking the coals, which would increase the fire, or throws a small piece of wood into the fire, he has rectified the fire to make the bread baked in it *pas Yisroel*.

It is important to note that this leniency applies according to *Shulchan Oruch* only to make bread *pas Yisroel*. According to *Shulchan*

Oruch this leniency does not apply to *bishul akum*. *Shulchan Oruch* maintains that for cooking, the Jew must actually place the food on the fire. This is the ruling followed by *Sfardim*. *Rema* there brings a dissenting opinion that permits the Jew to light or increase the fire for the food to be considered *bishul Yisroel* without actually putting the food on the fire. This opinion is followed by *Ashkenazim* and is the common practice of kosher agencies.

Thus, in a home setting or in a small bakery with a Jewish employee, it is easy enough to create *pas Yisroel* by having the Jew turn on the oven before baking even though all subsequent batches are put into the oven by a non-Jew. Older ovens also had a standing pilot with a constant fire which would then turn on the larger fire used for baking. If a Jew turned on that pilot, this would also satisfy the requirements for *pas Yisroel*.

But what about industrial bakeries that wish to be certified kosher *pas Yisroel* but there is no Jew present on a daily basis to turn on the oven? The most common way

kashrus agencies deal with this is by using the glow bar system. The bakery installs heating rods in the chambers where the bread or cake is baked. These heating rods are turned on by the *mashgiach* and secured so that they cannot be tampered with. They remain on constantly. This qualifies as increasing the heat by a Jew as mentioned before.

A variation of this method can be used in a tunnel oven. A tunnel oven is a long tunnel where the bread goes through on a conveyor belt. It is heated by multiple lines of small fires above or below the belt. To satisfy *pas Yisroel* one of those fires is disconnected from the others. That one is turned on by the *mashgiach* and left on. It must also be secured. *Rav Yisroel Belsky zt"l* was of the opinion that qualifying bread as *pas Yisroel* by adding to the fire makes the bread *pas Yisroel* only if the fire is increased after the fire is turned on, thus turning the fire into a "Jewish" fire. Accordingly, he did not agree with the systems mentioned above, since the fire is left on at all times and is therefore on before the main fire that

bakes the bread is turned on. Following this ruling, OU will not certify products as *pas Yisroel* by using these systems. As mentioned, most kosher agencies, including the cRc, do allow the glow bar system.

Shulchan Oruch rules that even if bread was already baked, if by returning it to the oven, it would make the bread tastier, and a Jew returns such bread baked by a gentile into the oven, it still qualifies as *pas Yisroel*. Thus, parbaked breads, even if baked at a non-*pas-Yisroel* bakery, could still be made *pas Yisroel* at home when finished off by a Jew.

Someone who is on the road and does not have access to *pas Yisroel*, may eat a non-Jewish baker's bread even if he is generally stringent to only eat *pas Yisroel*. *Mishna Brurah* writes that one may rely on this even during *Aseres Yemei Teshuvah* (*Mishna Brura ibid*).

We accept the stringency of *pas Yisroel* during *Aseres Yemei Teshuvah* to place us on a higher spiritual level during the Days of Judgment. May that level remain with us throughout the year and may we merit a *ksivah v'chasimah tovah!*



↑ Rabbi Oppenheimer turning on the glow bar



↑ The gas valve handle is secured with cRc tape in a tunnel oven. (cRc tape is tape with the cRc logo used to seal supervised food items and equipment.)



↑ Glow bar in a cRc certified kosher Dunkin Donuts

Which Foods are Pas?

by Rabbi Dovid Cohen, cRc Administrative Rabbinical Coordinator

The term “pas” refers to bread-like foods, and to qualify as pas the food must meet the following criteria:

1. It must contain one or more of the five primary grains: wheat, barley, rye, oats, or spelt. Thus, rice cakes, corn flakes, and most corn tortillas cannot possibly require pas Yisroel since they are not made from these grains. Granola bars are made from oats, but nonetheless most Poskim rule that they do not qualify as pas (and the proper bracha rishonah recited on them is ha’adamah) due to details of how they are produced which are beyond the scope of this article.

2. It must have tzuras hapas / the “form” of bread. There is much discussion as to how to define this term, but (a) all bread, bagels, cake, crackers, cookies, pies, pizza, soft pretzels, and most hard pretzels have tzuras hapas, and (b) pasta does not. There are differences of opinion as to whether very small hard-pretzels, blintzes, very thin wafers, and wraps have tzuras hapas. Rav Schwartz zt”l ruled that wraps are considered “pas,” but Cheerios-like cereals are not, since they do not have tzuras hapas.

3. Shulchan Aruch (O.C. 168:13) cites two opinions whether pas is limited to items which are baked (or fried in a minimal amount of oil), or if it even includes doughnuts and similar items that are made with a bread-like batter but are cooked or deep-fried.

The cRc strives that all “pas” served at cRc certified restaurants and caterers are pas Yisroel year-round and makes efforts that commercially produced items should also meet that standard. In all cases, it is best not to assume a food is pas Yisroel, and one should speak to the Mashgiach, or check the packaging, to see whether it qualifies.

Food Requires pas Yisroel?

Food	Requires pas Yisroel?
Bagel	Yes
Blintzes	Difference of opinion
Bread	Yes
Breakfast cereals	
Cheerios	No
Corn flakes	No
Rice Krispies	No
Others	
With 5 grains	Depends on cereal
Without 5 grains	No
Cake	Yes
Challah	Yes
Cookie	Yes
Corn flakes	No
Corn tortillas	No Assuming they don't contain wheat flour; if they do, see wraps
Crackers	Yes
CROUTONS	
Bread crouton	Yes
Mandel type	Difference of opinion
Doughnuts	Difference of opinion
Ezekiel Bread	Yes
Flour Tortillas	Yes
Granola bars	No
Hard pretzels	Yes Some say very small hard pretzels don't
Matzah	Yes
Pancakes	Difference of opinion
Pies	Yes
Pita	Yes
Pizza	Yes
Pretzels (soft or hard)	Yes Some say very small hard pretzels don't
Rice cakes	No
Rice Krispies	No
Soft pretzels	Yes
Sprouted-wheat bread	Yes
Wafers (thin)	Difference of opinion
Wraps	
With wheat flour	Yes
Without flour	No

