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"החוקי חיים"
לעשות רצונך
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Pas Akum – 3

Korach [E"ץ] Shelach [chu"l] 5786

384

Making Pas Yisroel

Some Principles of the Issur

1. In the previous issues (381-382), we discussed the fundamentals of the issur of pas akum, pas palter, the types of breads included in the gezeira of pas akum, and the ways mentioned in Shulchan Aruch of giving pas Yisroel status to bread baked by a non-Jew (382, par. 27 and on). As an introduction to the current issue, we will briefly review the common ways pas Yisroel was made back then so that we can go on to discuss the different ways used today.

Various Ways in the Past

2. A Jew does not need to perform the entire baking process to produce pas Yisroel; it suffices for him to participate in some aspect of the baking. Any one part a Jew participates in is enough: putting the bread in the oven even if a non-Jew lit the fire; lighting the fire in an oven even if a non-Jew put in the bread; stoking the coals or turning up the gas/temperature; adding wood to the fire, or even a single woodchip to the oven; or blowing the fire (ש"ע י"ד סי' ק"ב; see Issue 382, par. 27 and on).

Oven Still Hot from Earlier Fuel

3. **Same day.** If a non-Jew heated an oven with wood and a Jew "kashered" it by adding a woodchip, even if it subsequently cooled and was then reheated by the non-Jew that day, the bread is mutar. Since it is impossible there are no burning coals left from the earlier baking, even with this later heating, it is like a Jew now added a woodchip for this baking, as the remaining coals have the effect of "adding a woodchip" for this current fueling of the oven (ש"ע סי' ק"ב סי' י"ב). (סי' לבוש, ת"ח כלל ע"ה דין ו' ערך השלחן, דרכ"ת, חלקת בנימין סקצ"ד).
4. **Even multiple days.** Some are more meikel and hold every time the oven is reheated, even several days later, it is still mutar as long as the oven did not go 24 hours without any fuel at all (רמ"א שם). In other words, even if there are no coals left from the original heating, there is likely heat remaining in the oven's walls from the original heating until 24 hours pass, and this heat also helps the oven heat up faster next time. Accordingly, as long as 24 hours have not passed without any fuel in the oven, one may still rely on the Jew's adding a woodchip the first time it was heated (דרכי משה, (ת"ח שם). Some limit this heter to no more than one week (דרכ"ת (ס"ק ס"ז, מו"ר בשו"ת שבט הקהתי).

Modern Ovens

5. **In the presence of a Jew.** Unlike in previous times, we no longer use ovens heated with wood or coals today. Our ovens operate with gas, electricity, or the like, so several of the methods relied on in the past—e.g., stoking coals, adding wood or a woodchip into the fire, or blowing the fire—are no longer applicable. The primary accepted methods today are having a Jew put the bread in the oven, turn on the oven, or turn up the oven's temperature.
6. **Previous heating.** It should be noted that the kula of a previous heating facilitated by a Jew (above, 3-4) likely does not apply to modern ovens either. The kula was applicable in previous times, when oven walls were made of clay or stone, which retains its heat for a long time. Home ovens and store/bakery ovens, on the other hand, cool completely very quickly, in much less than 24 hours. However, industrial or factory ovens likely retain their heat for a long time or are not turned off for a long time, so this kula would remain in force, depending on the circumstances (חלקת בנימין סקצ"ז).

7. **In the absence of a Jew.** However, these methods are mainly applicable when a Jew is on site and physically takes part in the baking, as is common in places with a mashgiach nearby. The main challenge arises when no Jew is present, as is common today in many commercial bakeries spread throughout countries across the world, far from Jewish communities. In these situations, kashrus agencies must investigate and find ways to give the products pas Yisroel status to provide the public with baked products of a high-level kashrus. Below we will look at some of the solutions and suggestions discussed by the poskim with regards to this shaila and whether they can be relied upon in practice.
8. **Practice of top kashrus agencies.** It should be noted that the accepted practice of the best and most machmir kashrus agencies, particularly in Eretz Yisroel, e.g., the Eida Chareidis and others, is that the mashgiach is on site and personally turns on the oven or puts the items into the oven. They do not l'chatchila rely on alternative solutions in which the Jew's action is done from afar or in a roundabout way (א"ס תמ"ד). Nevertheless, these methods are discussed at length in the poskim, as will be explained.

Various Methods

Pilot Light

9. **Meikilim.** One of the well-known heterim today is for the mashgiach to light the pilot light—a small, fixed flame that remains lit nonstop for many days or weeks, from which the main burners are lit each time the oven is put into use. In previous years, this method was very common, but in recent years, it is not as common due to upgraded technology in industrial ovens.
10. We wrote regarding bishul akum (Issue 376, par. 25-29) that some rabbonim allow this based on the halacha of a fire lit from a fire started by a Jew (רמ"א סי' ק"ג ס"ז)—some say l'chatchila, some say only b'dieved (תלמידי האג"מ)—and it is considered bishul Yisroel. This heter was also extended to pas akum. This method is very commonly employed by the OU and other kashrus organizations in the United States.
11. **Machmirim.** However, we mentioned many poskim are machmir (הגרש"א הליכות שלמה עש"ת פ"ג הע' 11, ס' אתקינו סעידתא סי' כ"ט). Some argue on the whole heter of a fire lit from a fire started by a Jew (376, par. 24). Sometimes the pilot light accidentally goes out. Some hold this only allows one instance of cooking (ibid., 27). And the whole concept of the heter of lighting one fire from another is based on the fact that it is evident a Jew was involved; a pilot light, on the other hand, is built into the oven unit and is not visible to the eye, so the whole concept of making something different or evident is missing (ibid., 28). Furthermore, the bread is not actually baked by the fire the Jew lit. This participation of the Jew is more distant than the ones listed in Shulchan Aruch.

Glow Bar, Bulb

12. Another common method among kashrus agencies is use of a "glow bar". The bakery installs and adds an electric heating element, e.g., heat-producing electric bulb or glow bar, in the chamber for baking bread or cakes. This element is turned on by the Jewish mashgiach and is locked in a box to prevent the possibility of interference or adjustment. It remains on continuously and is considered additional heat provided by a Jew.

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13. **Meikilim.** Some are meikel to make pas Yisroel with this method, relying on the logic that it is considered like adding a woodchip (Issue 382, par. 32). Although it does not add much heat and one would likely not be able to bake with just this bulb, it is no worse than the heter to add a woodchip, which one also cannot bake with alone. This bulb also adds a bit of heat and is halachically the same as adding a woodchip (הגר"מ היינמן, cRc). [Pictured is an oven in a non-Jewish bakery with a continuously active electric glow bulb installed.]



14. **Machmirim.** Many poskim are machmir. They hold this is not comparable to the woodchip heter for multiple reasons. Firstly, a woodchip is added to an existing fire in the oven, and then it adds somewhat to the baking (רשב"א) or at least makes the Jew's involvement recognizable (רמב"ם), but the action is to an actual existing fire. Here, though, it is like adding a woodchip to a cold, empty oven, then having a non-Jew add fuel and light the fire. We do not find any source that this helps, as it does not strengthen an existing fire. There is no source for a heter when the distinguishing action is done in a cold oven rather than to an existing fire. The whole heter of adding a woodchip is novel; we cannot further expand its range (OU הגר"מ היינמן, בעלסקי, OU הגר"מ היינמן, הגר"מ היינמן, הגר"מ היינמן).
 15. Even though we find one may rely on a woodchip from an earlier heating (above, 3-4), that is only when the earlier heating was in fact facilitated by a real adding of a woodchip; not when the oven was originally "fueled" with just a woodchip in an empty oven and only then heated properly (הנהגות ח"א ס' תמ"ד).

Heating Element

16. Some kashrus agencies allow adding a heating element to an oven which can only be turned on by a Jew, provided the element can reach the minimum temperature that can actually bake or cook, which is 176°F/80°C. Only with this can the oven be prepared for making pas Yisroel. If the temperature of the additional heat source is less than this, e.g., with the glow bar or bulb (above, 12), it cannot be relied on for pas Yisroel (OU, הגר"מ היינמן, בעלסקי).

Turning Oven on Remotely

17. **Shabbos clock.** We previously wrote about a Shabbos clock with regards to bishul akum (376, par. 30); this is also relevant for pas akum. We discussed whether baking can be allowed by having a Jew set a Shabbos clock to consider the future turning on of the oven as the Jew's action. We cited poskim who say it is assur since it is not evident during the baking that a Jew participated (הגר"מ שבות יצחק); poskim who are unsure (ח"ו עמ' ע"ב שו"ת שבט הלוי ח"ט ס' קס"ד, מ"ר); and poskim who are lenient (הגר"מ היינמן, בשו"ת שבט הקהתי ח"ד ס' קצ"ו, מחשה אליהו ח"ב ס' מ"ג, הגר"מ היינמן).
 18. **Remote control, phone, app.** We also covered the discussion of the poskim regarding bishul akum (376, par. 31) whether it is considered pas Yisroel if a Jew turns on the oven from afar via modern technological capabilities. Most poskim agree this may be relied on (שו"ת אבן ישראל ח"ט ס' ע"ג, הגר"מ שבות יצחק, שו"ת שלחן הלוי ב"ר הלכו ס' כ"ו), and many kashrus agencies rely on this when there is a way built into the system to ensure that is the only way to turn on the oven (OU, תעוד). However, some do not rely on this (הגר"מ היינמן).

Tunnel Oven

19. Large factories today very commonly use tunnel ovens. A tunnel oven has a tunnel-like chamber open on both ends, with heating elements or gas flames along the whole length of the chamber which slowly and uniformly bake foods. The food products move along a conveyor belt made of a metal mesh or band. The dough is loaded on one end, and the fully baked goods emerge from the other end. In more sophisticated sites, the dough is loaded on automatically, without any human intervention. The poskim discuss multiple aspects of this.



20. **Turning on the oven.** Obviously, if a Jew turns on the oven at the outset, all the products are pas Yisroel, as it is like the Jew started the entire fire.
 21. **Heating element.** Some kashrus agencies add an electric bulb (above, 12), heating element (see above, 16), or the like inside the oven to make pas Yisroel. The poskim discuss where in a tunnel oven the heat source must be added. On the surface, it would seem an added heat source would work anywhere in the oven, as it plays a part at every stage of the baking.

22. However, some hold the main stage of baking bread is when the bread forms a light crust, i.e., the stage at which it is no longer a soft dough but starts taking the form of bread (רב בעלסקי). Thus, according to the machmir opinion—the one requiring a heating element rather than a bulb that does not produce much heat, and a minimum temperature of 80°C (above, 16)—the added heating element must specifically be placed in the spot where the crust forms. Similarly, the heating element in that spot must be able to independently create a temperature of 80°C (רב בעלסקי).
 23. **Putting dough in the oven.** If an oven is heated by a non-Jew but a Jew puts in the bread, the bread is pas Yisroel (above, 2). The poskim discuss if we can attribute the putting in of the bread to a Jew if he activates the conveyor belt. [This also applies to bishul akum according to the Mechaber, who holds a Jew must do something with the food itself, e.g., put the food in the oven (see Issue 376, par. 13), but helping or lighting the fire is not enough—is this considered the Jew putting the food in?]
 24. **Food on the conveyor belt.** We must distinguish between different situations. If the food was on the belt at the beginning of the day, before the Jew activated the belt, it is considered as though the Jew put the food in the oven even if the food was originally loaded onto the belt by a non-Jew (אהל יעקב ס' ק"ג הע' ק"ג).
 25. **Food subsequently loaded on by a non-Jew.** However, food loaded onto the belt by a non-Jew after a Jew turned it on is likely not considered made by a Jew, as the non-Jew's action came after the Jew's (הגר"מ שבות יצחק ח"ו סוף פ"ו, חוט שני ה'ל מוזהר עמ' ת"ו, משמרת) (הבית פ"ב סעי' ס"א).

In Conclusion

Being Careful About Pas Yisroel

26. In the last three issues, we explained the fundamental points behind the issur of pas akum, which was decreed to prevent intermarriage. We will review some of them. We explained (Issue 382) that the issur applies to any baked product made from the five grains (par. 5). It applies even if the bracha is Mezonos, as long as one would say Hamotzi and Birkas Hamazon if he eats the item as a meal and it has a bread-like form (par. 7).
 27. Pas baal habayis made in a non-Jew's house is assur under all circumstances (par. 12). With respect to pas palter made in stores, factories, or with the intent of being sold: in some places, e.g., Eretz Yisroel, people accepted the issur (23). In other places, they are meikel to sustain life (14). Nevertheless, people who are meticulous with mitzvos avoid this in all places and times (19). Others are only careful about it during the Aseres Yemei Teshuva (20).
 28. We discussed many different products, specifying whether they are subject to the issurim of pas akum or not. We mentioned many products which are topics of machlokes (Issue 383). In the current issue, we mentioned multiple ways of making bread into pas Yisroel, some of which are subject to machlokes, and some of which are only b'dieved.
 29. Thus, it is important to know that even when a product is labeled as pas Yisroel, that does not guarantee it is pas Yisroel according to all opinions; just that it follows the guidelines and opinions of the hechsher-granting organization. Therefore, with regards to a product that has stronger grounds for applying the halachos of pas akum, it is always advisable to consider the possibility it might not be considered pas Yisroel according to all opinions and to ideally choose a product that is truly pas Yisroel.
 30. **Machmir hechsherim.** The most machmir hechsherim insist on products that are pas Yisroel according to all opinions and do not rely on meikel opinions. They ensure in most cases that a Jew is present to turn on the ovens and the like, to the extent possible.
 31. Similarly, it should be noted that since there are a great number of products with good hechsherim made as pas Yisroel, in most cases, food items are considered to have a similar pas Yisroel option. At least according to the Mechaber (Issue 382, par. 17), there is stronger reason to be machmir to only buy those and not get involved in uncertainties or kulos.
 32. **Exhortation of Rav Shlomo Zalman Auerbach זצ"ל.** It is appropriate to conclude with a powerful point Rav Shlomo Zalman made at the end of his life. Since Chazal made a gezeira against pas akum to prevent intermarriage, one should be very careful about it, even with pas palter [from a bakery or factory], and even in cases the Rama is meikel on. He hinted that it is possible the frightening percentage of assimilation in the world, and particularly in the United States, stems from the fact that they rely there on weak kulos and rationales. Because of this, Chazal's gezeira exacts a cost due to the indifference toward it, and the wall is breached. Thus, it is incumbent upon us to greatly reinforce this for the protection of the tahara and kedusha of Klal Yisroel (הליכות (שלמה תשרי פ"ג הע' 11) מהדור ראשונה לפני שהושמט).