BISHUL YISROEL
Mekareiv Bishulo

RABBI ELI GERTSEN
RC Recorder of OU Psak and Policy

THE SHULCHAN ARUCH (Yoreh De’ah 112:9) writes that to create pas Yisroel in an oven that was lit by a non-Jew, it is sufficient for a Yisroel to throw a twig into the fire (hash’lachas ki’sem). Shulchan Aruch explains that the purpose of the twig is not to assist in the cooking, but rather to serve as a sign (heker) that pas akum is forbidden. Rav Belsky zt”l explained that since the purpose of the twig is to act as a heker, it is only effective if there is already a fire, and the non-Jew must wait until the Yisroel is available to throw in a twig. But if a Yisroel lights a twig in a cold oven, there is no heker. The oven anyways could not bake. Therefore, if the non-Jew comes along afterwards and lights the oven, it will not become pas Yisroel. This is one of the reasons that Rav Belsky zt”l did not approve of the use of light bulbs or glow plugs to create pas Yisroel or bishul Yisroel in an oven.

Turning on the light bulb after the fire was lit would also not be a long term solution, if the oven will eventually get turned off. Although the light bulb always remains on, it will no longer serve as a heker once the oven cools down to below 80° C (approximately 180° F) which Rav Belsky considered the lowest cooking temperature. Furthermore, Rav Belsky questioned whether a bulb which does not combine with the fire is equivalent to hash’lachas ki’sem.

Although the Shulchan Aruch was maikel to allow hash’lachas ki’sem, in truth this is subject to a machlokes Rishonim. The Tur (Y.D. 112) quotes his father, the Rosh, as not approving of hash’lachas ki’sem. The Rosh writes that to create pas Yisroel the Yisroel must assist in the cooking in a meaningful way. If the Yisroel will throw in a piece of wood, it must be big enough to actually hasten the cooking (מקרא 대וד). This is also the opinion of the Ramban, the Rei Bal Hatosfos and many other Rishonim. Nevertheless, Shulchan Aruch paskened l’kula like the Rambam that a heker is sufficient.

Although the Rosh is seemingly the machnir position, it yields a leniency as well. According to the Rosh, if a Yisroel lit a fire that could meaningfully assist in the cooking of the food, and then afterwards the non-Jew lit the main oven, this would be acceptable. Though we previously noted that hash’lachas ki’sem is ineffective before the oven is turned on, in this case it is effective because, the fire does not just serve as a heker, but actually contributes to the cooking of the food. A similar case is discussed in Shulchan Aruch. Shulchan Aruch (Y.D. 112:10) writes that if a Yisroel was machloir an oven (did something to make it a fire of a Yisroel), the fire went out, and a non-Jew relit the oven, even though the Yisroel added nothing to the new fire, it is still considered the fire of a Yisroel. The Beirur Ha”Gra explains that Shulchan Aruch is discussing a scenario where the earlier fire still contributes to the overall heat of the oven in a meaningful way. Since the Yisroel’s earlier fire, hastens the cooking, it is considered as though the Yisroel is still assisting in the cooking of the food.

Rav Belsky would give the following guideline to determine whether the fire lit by the Yisroel is meaningful. If the non-Jew will need to adjust the amount of fuel he will add, or his baking time, then the contribution of the Yisroel was meaningful. But if the non-Jew will not need to make any adjustment to his cooking, then the contribution of the Yisroel was not mikareiv bishulo.

EXAMPLE: Some commercial stovetops have very large pilot lights that are situated on the burner and are on all the time. In some instances, the pilot alone can be strong enough to boil a small pot of water.

continued on page 10
Although the OU ordinarily does not permit lichatchila the use of pilot lights in restaurants to avoid bishul akum, since the leniency of aish m’aish (a fire lit by a non-Jew from a flame that was lit by a Yisroel) is only permitted bi’dieved at best, but if the stove has a large pilot that will meaningfully contribute to the cooking, then Rav Belsky ruled that it is permitted lichatchila.

Another very practical scenario that relates to the issue of mikareiv bishulo is the following. If a Yisroel lights a boiler, the kettles cooked with that steam will be bishul Yisroel. What happens if a non-Jew will light additional boilers? Do we say that since, most of the steam in the plant was produced by non-Jews, the food is bishul akum, or is it enough that one of the boilers was lit by a Yisroel? Rav Schachter ruled that since the steam from all the boilers combines to cook the food, this is analogous to the large pilot on the burner. If only three of the four boilers would turn on, there would be a shortage of steam, and the food would take much longer to cook. Since the first (Jewish lit) boiler contributes 25% of the heat towards the cooking of every kettle, this is certainly a meaningful contribution and can be considered mikareiv bishulo. Therefore, all the food cooked in this plant is bishul Yisroel.

The Orthodox Union certifies MARTIN’S FUNNEL CAKE FLAVORED POTATO CHIPS produced by Martin’s Potato Chips, Inc. Thomasville PA as an OU - Dairy product. This product contains dairy as indicated in the ingredients and allergens statements. Some packaging was printed with an “OU Pareve” symbol as opposed to an OU - Dairy symbol. Correction actions are being implemented.

The Orthodox Union does not certify any GELL SINGH PRODUCTS. Gell Singh Light Salsa de Soja produced by Saldiet, Argentina sold in Argentina (and possibly elsewhere) bears an unauthorized symbol. Corrective actions are being implemented.

The Orthodox Union does not certify any TROPIC LIFE CANNED PRODUCTS. Tropic Life Canned Mandarin produced by Veld World, Ukraine bears an unauthorized symbol. This product is being sold in Eastern Europe (and possibly elsewhere). Corrective actions are being implemented.

Dear Rabbi Grossman,

Thank you for sharing your wonderful, charming and engaging kashruth consultant Rabbi Shaul Gold. He was in Boston and gave a very interesting and enlightening workshop to grade four boys at the Torah Academy in Brookline, MA with the Menahel Rabbi Shmuel Ochs in attendance. Rabbi Ochs subsequently wrote a beautiful letter of thanks to the OU regarding Rabbi Gold’s presentation. Many thanks to Rabbi Eli Eleff for arranging this presentation and to Rabbi Dov Schreier for the use of his excellent power point.

Recently Rabbi Shaul Gold delivered a Harry H. Beren ASK OU OUTREACH Power Point Program to the 4th Grade Boys at the Torah Academy in Brookline, MA with the Menahel Rabbi Shmuel Ochs in attendance. Rabbi Ochs subsequently wrote a beautiful letter of thanks to the OU regarding Rabbi Gold’s presentation. Many thanks to Rabbi Eli Eleff for arranging this presentation and to Rabbi Dov Schreier for the use of his excellent power point.