



Bishul Akum: Reasoning and Exemptions

Our Sages prohibited eating kosher food cooked by a non-Jew. As mentioned in previous articles, there are two main reasons behind this prohibition. The Talmud (*Avoda Zara* 36b) states that eating food cooked by non-Jews may cause excessive mingling and lead to the severe transgression of intermarriage. The decree of *bishul akum* is intended to maintain distance between Jews and non-Jews in order to avoid transgression. The other reason for this decree is the possibility that a non-Jew could have mixed in non-kosher food, either maliciously or due to his lack of knowledge of kashrut.

As with many rabbinic decrees, so too with *bishul akum*, the question is how much does the underlying reason affect its practical application. The classic example is with a non-Jew who has no children, and thus the issue of intermarriage seems irrelevant; would a Jew be able to eat kosher food cooked by this non-Jew? *Rashba* writes clearly that in such a case, the reason does not set aside the prohibition. *Rashba*, in his responsa (1:248), examines the question of food cooked by a priest. Since Catholic priests do not marry nor do they have children with whom to intermarry, is it permitted to eat food cooked by a priest being that the reason for *bishul akum* seemingly does not

apply to him? *Rashba* answers that we have a principle regarding rabbinic decrees: even in a case in which the reason does not apply, the prohibition still stands. Later authorities codify this opinion of *Rashba* (*Rema YD* 112:1; *Taz*, *ibid*). Although the rule seems clear, later authorities cite different examples which still leave room for dispute.

NOT KNOWING THE FOOD IS BISHUL AKUM

Later authorities examine the case of someone who is unknowingly eating (kosher) food that is *bishul akum*. Responsa *Chik'kei Lev* (YD 24) rules that in such a case, there is no obligation for someone else to inform the eater. *Chik'kei Lev* explains that even though in general there is an obligation to inform someone who is transgressing a biblical or rabbinic *halacha*, here there is no such obligation. Since the reason behind *bishul akum* is the concern of intermarriage and the person eating has no idea the food is from a non-Jew, he may continue eating and **need not** be informed (see *Bein Yisrael LaNochri*, p. 59). Other authorities disagree, claiming there is no difference between this situation and *Rashba's* responsa regarding a priest; indeed, even when the underlying reason doesn't apply, the ruling should be the same in both cases. One might answer that the cases are different since eating



without knowledge is a *b'diavad* (ex-post facto) occurrence, and once someone found out that a food is *bishul akum* he must refrain from further consumption. Regardless of this distinction, the opinion of *Chik'kei Lev* is rejected by many authorities (see *Pesakim Ut'shuvot* 112:2).

FOOD COOKED BY A CONVERT

Another interesting situation regarding exemptions to *bishul akum* is that of converts. Authorities discuss a case where a non-Jew (in the process of conversion) cooked food and subsequently converted. Would the food cooked the day before still be prohibited because of *bishul akum*? Would the convert himself be prohibited to eat it? Responsa *Avnei Zikaron* (88) rules that both the convert and anyone else may consume the food. His main argument is that the decree on that particular non-Jew is no longer relevant; as such, other Jews may consume the food, and certainly the convert himself should be able to eat since there is no possibility of marrying himself.

Many later authorities dispute this ruling on the grounds that even when the reasoning for the decree is no longer relevant, the halacha does not change (*Hagahot Imrei Baruch* 1:64; Responsa *Lev Arie* 2:25). Rav Chaim Kanievsky and Rav Yosef Lieberman are also quoted as prohibiting the convert or anyone else from consuming the food in such a case (*Bin'tivot Hahalacha* 46, p. 667).

IN SUMMARY:

- *Bishul akum* was decreed by our sages to distance Jews from intermarriage.
- In a case where this reason does not apply, the decree is still binding. As such, *bishul akum* applies to a catholic priest.
- Someone who is unknowingly eating (kosher) food that is *bishul akum*. An observer aware of this has an obligation to inform them.
- A convert may not eat cooked kosher food he made prior to his conversion. ■

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