



Bishul Akum: Maids and Servants

As mentioned in previous articles, our Sages decreed that kosher food cooked by a non-Jew is prohibited for consumption. The decree, *bishul akum* does not apply to all non-Jews; one of the earliest disputes is regarding servants or employees. This issue has significant implications for restaurants, hospitals, and foreign home-care workers.

THE LENIENT OPINION

Ramban is quoted in various places as allowing a non-Jewish servant to cook for a Jew. *Orchot Chaim (Isurei Maachlot 16)* explains that the leniency is based on a purely halachic consideration. A slave belonging to a Jew, has certain halachic obligations such as keeping Shabbat and having a *brit milah*, and is considered “half Jewish”, meaning he is not a halachic Jew yet has a status in between Jewish and non-Jewish. The subject of halachic servants, *avadim* in Hebrew, is discussed in *Shulchan Aruch YD 267*. According to *Ramban* the decree of *bishul akum* only applies to those who are completely non-Jewish, not to those with the halachic status of *avadim*.

Re'ah (Bedek Habayit 3:7), his student, quotes a different ruling by the *Ramban*. *Re'ah* claims that our Sages only enacted *bishul akum* in a

case where the cooking is done in a non-coercive or professional relationship, since only then is there a concern of mingling and potential intermarriage. However, the decree was never meant for a setting where the non-Jew is a servant or employee. Although the *Re'ah* offers this insight in the name of *Ramban*, he mentions that *Ramban* himself felt this reason was not strong enough to set aside the decree, since halacha generally does not differentiate between scenarios for rabbinic decrees.

THE STRINGENT OPINION

Rashba in his responsa (1:149) does not accept any differentiation between non-Jews, whether they are servants or not. *Re'ah* (ibid) rules that since there is truth in both opinions, it is appropriate to be stringent.

Shulchan Aruch (YD 113:4) cites both opinions, and later authorities rule that he gives greater weight to the stricter opinion (*Aruch Hashulchan* YD 113:4). In addition to this ruling, *Ta'z* (YD 113:3) and others note that the reality of an actual halachic slave had long been abolished (even during the times of the *Ta'z* over 400 years ago). The *Ta'z* explains that the only basis to be lenient regarding non-Jewish servants or maids was because they had the status of “half Jews”; they were literally the property of their masters and had almost no freedom. In his time, however, and certainly in modern times, butlers and maids are considered workers who are employed for a period of time and with contracts that can be broken. In such a reality, there is no basis

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for leniency (see *Pri Chadash* 113:9).

In the following articles we will expand more on the subject of non-Jewish butlers, maids and household help. ■

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