

The Meatless Menu (Annotated Teacher's Guide)

International Seminar for Halakhic Study 2025 | Rabbi Avram Israel Reisner

A. The Prohibition of Food Cooked by a Gentile

1. *Mishnah, Avodah Zarah 2.6* (2nd c.)

אלו דברים של גוים אסורין, ואין איסורן איסור הנאה: חלב שחלבו גוי ואין ישראל רואהו, והפת והשמן שלהן...ושלקות.

These are things of gentiles that are prohibited [to us to eat], though their prohibition is not a prohibition of use: Milk that was milked by a gentile unobserved by a Jew, their bread and oil...and their cooked foods.

Babylonian Talmud, *Avodah Zarah 35b* (6th c.)

מה ראו חכמים לאוסרה?...משום חתנות!

For what reason did the sages prohibit it? Due to [inter]marriage!

This is the basic prohibition. It is rabbinic in origin, not based on a Biblical prohibition. The Talmud gives a reason (the desirability of social separation between Jews and gentiles) that disregards obvious concern for mixing of unkosher ingredients. However, the milk example is clearly worried about that.

Suggested Question: Why give the reason of social separation and not that of a concern for unkosher ingredients? (Possible answer: 1) In bread and oil one is unlikely to add unkosher ingredients. 2) An effort to assert that these prohibitions stand even if you can establish no unkosher ingredient).

Maimonides, *Mishneh Torah, Laws of Forbidden Foods 17.9-10* (13th c.)

ויש דברים אחרים אסרו אותן חכמים, ואע"פ שאין לאיסורן עיקר מן התורה, גזרו עליהן כדי להתרחק מן העכו"ם עד שלא יתערבו בהן ישראל ויבואו לידי חתנות...ואלו הן: אסרו לשתות עמהן, ואפילו במקום שאין לחוש ליין נסך, ואסרו לאכול פיתן או בישוליהן, ואפילו במקום שאין לחוש לגיעוליהן...כיצד? לא ישתה אדם במסיבה של עכו"ם...

There are other things the sages prohibited which, although they do not have a basis in the Torah, they decreed against them in order to create distance from the gentiles with the object that Jews will not mix with them and come to marry...These are they: They forbade drinking with them, even where there is no reason to suspect wine of libation, and they forbade eating their bread or their cooked foods, even where there is no reason to suspect unkosher food...How so? A person should not drink at a gentile's party...

Rambam foregrounds the implications of Talmud's understanding. He adds another implication not found above.

Suggested Question: How tenable is Rambam's prescription?

2. **Tur, Yoreh Deah 112 (in the name of his father, Rosh)** (R. Jacob b. Asher, 14th c.)

קצת מהמחברים חלקו בין של בעל הבית לשל פלטר, דלא שייך חתנות אלא בשל בעל הבית, הלכך אסרוהו... אבל בשל פלטר אין כאן כל כך קירוב דעת, שבאמנותו הוא עוסק.

A few codifiers distinguished between a homemaker's [bread] and a baker's, since concern about marriage only applies to that of a homemaker, for which reason they prohibited [it]...but concerning that of a baker there is not so much socializing, for the baker is simply plying his trade.

Bedek ha-Bayit 3.7 (R. Aaron ha-Levi, 13th c.)

האופה אופה בבית מיוחד לכך...דכי הא לא חשיב בישולי נכרים, דלא שייך בהא איקרובי דעתא.

A baker bakes in a dedicated space...in such a case it is not considered gentile cooking [= is not included in the prohibition] because fraternization is not relevant.

Some codifiers tried to limit the prohibition, at least with regard to bread. (This approach was evident already in the Jerusalem Talmud in the fifth century).

Suggested Questions: What was the codifiers' interest? How reasonable does this interpretation and the limitation of the prohibition seem? What are the implications of this line of reasoning regarding the question before us of eating at a vegan or vegetarian restaurant with gentile cooks and no Jewish supervision?

3. **Mishnah, Avodah Zarah 2.6** (2nd c.) – **Babylonian Talmud Avodah Zarah 37a** (6th c.)

רבי ובית דינו התירו בשמן – מיסתמיך ואזיל ר' יהודה נשיאה אכתפיה דר' שמלאי שמעיה. א"ל: שמלאי, לא היית אמש בבית המדרש כשהתרנו את השמן? אמר לו: בימינו תתיר אף את הפת! אמר לו: א"כ קרו לן בית דין שריא.

[Mishnah]: Rabbi and his court permitted oil – [Talmud]: R. Yehudah the Patriarch II walked, leaning on the shoulder of his aide R. Simlai. He said to him: Simlai, were you not in the *Bet ha-Midrash* [house of study] last night when we permitted oil? [Simlai] responded: You will yet permit bread in our day! [R. Yehudah] said to him: If so, they would call us a permissive court.

Beyond the consideration above about the context in which we meet gentile food, the prohibition in the *Mishnah* itself begins to be chipped away at only two generations later. The target is the item

least likely to be affected by an unkosher admixture, i.e. oil. The same logic seeks to go further, but R. Yehudah the Patriarch II is hesitant.

Suggested Question: Why would R. Yehudah the Patriarch II be hesitant to take this reasoning to its logical conclusion?

Jerusalem Talmud, *Avodah Zarah* 2.8 and *Shabbat* 1.4 (5th c.)

רבי יעקב בר אחא בשם רבי יונתן: פת מהלכות של עימעום היא. כך אני אומר: מקום שפת ישראל מצויה בדין הוא שתהא פת נכרים אסורה, ועימעמו עליה והתירוה.

R. Yaakov bar Aḥa says in the name of R. Yoḥanan: Bread is among the *halakhot* that were fudged. This is what I say: In a place where Jewish bread is available, the law should require that gentile bread should be forbidden. But they fudged and permitted it.

Despite R. Yehudah the Patriarch's unease, the populace is apparently less hesitant.

Suggested Question: What is the meaning of עימעמו? (Here translated "hedged" – Alcalai's dictionary offers "dim, darken, obscure, hesitate, overlook.")

Hagahot Moshe ha-Kohen of Lunel to Maimonides (above # 1) (13th c.)

מכל מקום, אין אנו נזהרין מזה, שאנו שותים במסיבותן מייננו ואין אנו חוששין לחתנות.

Nevertheless, we do not concern ourselves with this. We drink at their parties of our own wine and do not worry about intermarriage.

A contemporary of Maimonides is skeptical of Maimonides' stringency – but note that he extends his skepticism to the whole rationale.

Suggested Question: What is the point behind "our own wine"? (Possible answer: While skeptical of the "soft" rationale of threat of intermarriage, he maintains, of course, the "hard" prohibition of drinking wine connected with idolatrous worship).

B'Inyan Stam Yeinam Shel Goyim, Israel Silverman, Proceeding of the CJLS 1927-70, vol. III (1964)

בזמן הזה פג כחה של הגזירה הזאת לגמרי, והעובדה היא שנשואי תערובת אינם תוצאות ישירות משתיית סתם יינם דווקא.

In our day the force of this decree has altogether waned. It is a fact that intermarriages are not *specifically* the direct result of drinking gentile wine.

In the Conservative Movement in the twentieth century, in limiting the “hard” prohibition against idolatrous wine, Rabbi Silverman, in a footnote, reflects on the continued applicability and relevance of this prohibition.

Suggested Question: How similar is his skepticism to that of Moshe *ha-Kohen* of Lunel?

The Use of All Wines, Elliot Dorff, *Responsa 1980-90, CJLS* (1985)

The original motivation for the prohibition against using wine touched by non-Jews was to prevent mixed marriages...If anything that problem is more acute in our day...I frankly doubt, however, that prohibiting wine touched by non-Jews will have any effect whatsoever on eliminating or even mitigating that problem... In keeping with our acceptance of the conditions of modernity, we in the Conservative Movement would undoubtedly hold that, short of mixed marriages, Jews *should* have social and business contact with non-Jews.

Rabbi Dorff shares Rabbi Silverman’s skepticism, but adds an affirmative reason to abolish this prohibition.

Even if (precisely when) this “soft” social prohibition is abolished, it becomes necessary to consider the other “hard” prohibition of unkosher food.

B. Do We / When Do We Require Supervision?

1. Babylonian Talmud, *Avodah Zarah 34b* (6th c.)

ההוא ארבא דמורייסא דאתי לנמילא דעכו, אותיב רבי אבא דמן עכו נטורי בהדה. א"ל רבא: עד האידנא מאן נטרה? א"ל: עד האידנא (למאן) [למאי] ניחוש לה? אי משום דמערבי ביה חמרא, קיסתא דמורייס בלומא, קיסתא דחמרא בד' לומי!

A shipment of muries (fish beer) arrived at the port of Akko. Rabbi Abba of Akko set a watch over it. Rava said to him: Until now who was watching it? Abba responded: Until now, what concern did we have? If [our concern was] that they might mix in some wine, a pint of beer goes for a dollar, whereas a pint of wine goes for four dollars! [The coin here represented as a dollar is a Luma, the volume measure represented as a pint is a Xestes. The equivalences are approximate, for illustrative purposes only.]

Suggested Question: What is the theory of supervision set out here? When do you need supervision and when (and on what basis) can you do without it?

Bigger Question: What is the theory of *kashrut* and risk that is at heart of this source? Is the theory of *kashrut* that eating unkosher food causes you to be impure? That it introduces a taint to one’s

pristine body? (The Torah might suggest that in its choice of the terms of **בהמה טהורה** [pure animal] and **בהמה טמאה** [impure animal]). If that were the case, could you tolerate the risk? Or is the theory that observing *kashrut*, like other *mitzvot*, is a measure of your striving for Godliness, and subject to human uncertainty and error?

What do the laws of **בטול בששים** (nullification in an amount less than one part in sixty) and **נותן נופן** (that a residual unkosher taste which imparts a taste that mars the food, but is not substantive, does not make it unkosher) imply vis-à-vis this question of a theory of *kashrut*?

2. *Arukh ha-Shulhan, Yoreh Deah 119.1, 4, 9* (R. Yehiel Mikhel Epstein, 19th c.)

כל ישראל בחזקת כשרות קיימי, וכל זמן שאינו חשוד מותר לקנות כל דבר ממנו...מכל מקום, החנווניים, מפני שהם מוכרים תמידים, תקף להו יצרייהו דממונא...בזמן הזה שרבתה הפריצות והמינות, אסור ליקח מאדם שאין מכירין אותו בלא כתב הכשר.

All Jews are assumed to be upright. As long as one is not suspect, it is permissible to buy anything from him...Nevertheless, merchants, given that they are regularly involved in sales, will [likely] be overcome by their desire for money...In our day, where non-observance and heretical beliefs abound, it is forbidden to buy from any person one does not know without written certification.

Arukh ha-Shulhan, nearer our time, reflects the greater demand and reliance on supervision, due to the perceived lack of compliance with the laws of *kashrut*.

Suggested Question: If this is true even of Jews, how much more so of non-Jews who do not have a concern for or history of attention to *kashrut*.

C. Why Can We Rely on Supervision? Can We Depend on Anything Else?

1. Rashi, *Talmud Avodah Zarah 27a* (11th c.)

מומחה - לא מרע נפשיה.

An expert does not jeopardize himself.

Despite the broad demand for supervision, certain exceptions exist.

Suggested Question: How might this apply to a vegan / vegetarian restaurant?

In fact, R. Abraham Kook cited this as the very source of our reliance on supervision. Why do we not need to see the supervision for ourselves? Why can we rely on the say so of a *kashrut* supervisor? It is because, wrote R. Kook, a *kashrut* supervisor is an expert with regard to the laws of

kashrut, and would not risk his status as an expert by laxity or falsehood. Therefore, he may be believed.

2. ***Shulhan Arukh, Yoreh Deah 122.6*** (R. Joseph Karo, 16th c.)

אסור לומר לעובד כוכבים: בשל לי ירקות בקדרתך וכן לא יאמר לו עשה לי מרקחת...ואפשר שעל ידי הרקחים (או שאר אומנים) מותר, שכל האומנים מייחדים כלים נקיים למלאכתם, כדי שלא יפגמו אומנותם.

It is prohibited to say to a non-Jew ‘cook vegetables for me in your pot’ nor should he say to him ‘formulate a pharmaceutical for me’...But perhaps at the apothecary (or other artisans) it might be permitted, for all artisans set aside clean utensils for their work so that their artisanal product not be tainted.

This is actually a new stricture that prohibits ordering from a gentile even where we know the “hard” *kashrut* matters are all in order.

Suggested Question: If we cannot ask a gentile to cook for us, does that not foreclose ordering at a gentile restaurant altogether?

The very stringency, however, is immediately restricted to justify the apparently standard practice of using gentile pharmacists, who “cook up” medicines in a pre-modern world.

Suggested Question: How should one apply this, then, to our vegan/vegetarian restaurant?

3. ***Iggrot Moshe, Yoreh Deah I, 47*** (Moshe Feinstein, 20th c.)

ובדבר החלב של הקאמפאניעס במדינתנו אשר יש פקוח הממשלה...ודאי מירתת מלערב [חלב בהמה טמאה], יש טעם גדול להתיר...משום דהעיקר דידיעה ברורה הוא כראיה ממש...וזהו גדר אנן סהדי שמצינו בהרבה מקומות.

With regard to the companies in our country who are under government supervision...they are certainly afraid to mix [the milk from an unkosher animal], [therefore] there is a major reason to permit...since the essence is clear knowledge which is akin to actually seeing...This is the definition of “*anan sahade*” (“we attest”) which [legal principle] we find in many places.

R. Moses Feinstein is renowned for this particular responsum in which he rules that government regulation with the threat of punishment for infraction is halakhically significant.

4. ***Yabia Omer, 10 Yoreh Deah 4, (Ovadia Yosef), 20th c.*** [regarding the use of a dishwasher]

מין הש"ע (ביו"ד סי' צה ס"ד) כתב, "יראה לי שאם נתנו אפר במים החמים שביורה חולבת קודם שהניחו קדרות הבשר בתוכה להדיחן, אף על פי שהיה שומן דבוק בהן מותר, מפני שעל ידי האפר נעשה נותן טעם

לפגם". ואף כאן שהמים שמדיחים בהם את הכלים, מעורב בהם אבקת סבון ושאר חומרי ניקוי חריפים, ונותנים טעם לפגם במים ובכלים, מותר להדיח כלי בשר וכלי חלב אפילו בבת אחת ב"מדיח כלים", כי הלכה רווחת היא שנותן טעם לפגם מותר.

Our master, [author of] *Shulhan Arukh* (Y.D. 95.4) wrote, "It seems to me that if one added ashes to the hot water in a dairy cauldron before placing meat dishes in it to wash them, even though there was grease on them, that would be permitted since by dint of the ashes it imparts a tainting flavor." So, too, here where the wash water is mixed with soap or other caustic detergent which impart tainting flavor in the water and dishes, it is permitted to wash meat and milk dishes even together, for it is a well known law that a tainting flavor does not cause unkosherness [lit. is permitted].

First, the concept of *notein ta'am* and *notein ta'am lifgam* – that the essence of *kashrut* requires avoiding not just the body, but also the taste of forbidden foods. Therefore, we consider that utensils in which unkosher food was handled while hot are themselves unkosher because they have within them a taste of the unkosher food – even when clean (there is no unkosher food on the surface) – and will impart that unkosher taste to any food cooked in them (*notein ta'am*). This is generally seen as a biblical proscription, and therefore must be treated stringently.

Nevertheless, a taste from an unkosher foodstuff that harms the flavor of the food with which it mixes (unlike the positive flavor discussed above) is NOT considered to impart unkosherness (*notein ta'am lifgam*).

Suggested question: How might you apply this to the vegan / vegetarian restaurant question?

5. *Shulhan Arukh, Yoreh Deah 122.6* (16th c.) with explication of *Shakh 122.4* (R. Shabbetai ha-Kohen, 17th c.)

[שו"ע]: סתם כלי עו"ג הם בחזקת שאינם בני יומן. לפיכך אם עבר ונשתמש בהם קודם הכשר, התבשיל מותר.

[ש"ך]: הטעם, כתבו הפוסקים, דהוי ספק ספיקא: ספק נשתמש בו היום או אתמול, ואם תמצא לומר נשתמש בו היום, שמא נשתמש בו בדבר שהוא פוגם בעין או שהוא אין נותן טעם.

[ShA]: The pots of a gentile whose prior history of use is unknown are considered not to have been used in the past twenty four hours. Therefore if one has transgressed and used them before they were kashered, the food is permissible.

[Shakh]: The reason, according to the authorities, that this [= food cooked in a pot of unknown status may be eaten] is a double doubt: We are not certain if the pot was used today [= in the past twenty-four hours] or yesterday, and if you were to argue that it was used today, perhaps it was used [to cook] an item that itself imparts a tainting flavor, or perhaps leaves no [forbidden] taste at all.

The concept of *ben yomo* – As a consequence of the above, it is considered that taste held within a utensil ceases, after 24 hours, to impart a pleasant taste, and, having degraded, now imparts a flavor which mars the food cooked in it. Thus a pot that is more than 24 hours removed from its use with unkosher food (not *ben yomo*) will not impart pleasant unkosher taste, and will therefore not render the food cooked in it unkosher (though one still may not do so intentionally).

Enter the rule propounded here that argues that if one does not know that a pot was not used in the past 24 hours, you may nonetheless assume that that is the case, wherefore, you may assume that kosher food cooked in it remains kosher.

Next, the concept of *s'feik s'feika* [double doubt], require a lot of explication:

Shakh explains that you may permit the food cooked therein to be eaten because there is a double doubt (*s'feik s'feika*) at play. A single doubt (I don't know if the pot was unused for 24 hours) would not be enough. The double doubt: I don't know if the pot was unused for 24 hours AND I don't know if the food that might have been prepared in it in the last 24 hours was such that it inherently has a disqualifying taste (there are such things, say, rotten eggs) or was itself kosher.

[In case this helps: I suggest that a simple math structure helps here.

1. I don't know if the pot was unused for 24 hours – that is a binary, yes or no question – so it's a 50 / 50 chance either way.
2. About the 50% chance that the pot had been used, there is another binary question – was an unkosher-making food cooked or an innocuous one (one with no unkosher taste or bad unkosher taste)

Thus from the first doubt there is 50% chance that no taste was absorbed by the pot in the last 24 hours, so food cooked in it is kosher, and re the 50% chance that the pot had been used and absorbed taste, 50% of those cases (25% of the total) might have absorbed innocuous taste, thus also remaining kosher, and only 25% would have absorbed unkosher taste. Thus 75% of cases yield kosher food and only 25% yield unkosher. You may rely on the preponderance of possibility.]

Suggested Question: What does this say about the amount of risk the *halakhah* is prepared to tolerate?

D. How would you construct a *s'feik s'feika* (a double doubt) with regard to a vegan or vegetarian restaurant?

I have not provided sources here. Rather, my purpose of this section is to introduce a conceptual question that undergirds some of the sources that we've seen.

Suggested question: Can you name several independent reasons that seem reasonable to you that, in aggregate, would lead you to argue that the food served at a vegan / vegetarian restaurant is, in fact, kosher? In other words, what concepts can be constructed to arrive at this conclusion?

E. Conclusions and P'sak [from the teshuvah]

Conclusions: Despite the several times we needed to stop to seriously consider whether there existed any way to permit eating at a vegan or vegetarian restaurant without kashrut supervision, we have found no bar to doing so.

Eating without supervision entails a level of risk higher than would exist when under supervision. Eating under supervision we would each have the first order defense in the event of any instance of having eaten unkosher that we were relying on the certification provided by duly appointed authorities. Absent such supervision we are left to repair to the lesser defense of שווגג, that we acted appropriately and that we were unaware of the transgression.

The requirement to eat only kosher is not one of health or physical purity, but one of Godliness and the observance of mitzvot. While there are some levels of risk which the halakhah prohibits undertaking, we have argued that eating in an unsupervised vegan or vegetarian restaurant where government oversight exists and restaurants are generally concerned with their reputations does not overstep that boundary.

P'sak:

- 1) The prohibition of בישולי גוים (gentile cooked food) is not relevant to a restaurant.
- 2) The prohibition of בישולי גוים (gentile cooked food) is no longer in force.
- 3) Eating at an unsupervised vegan or vegetarian restaurant (or a café or bakery that assures you it uses no animal products) is within the halakhic parameters of the observance of kashrut in particular and of mitzvot more generally (as per the provisos discussed above and summarized below).

First proviso: It is not permitted to eat at a vegan / vegetarian restaurant on Shabbat.

Second proviso: It is best not to eat in a Jewish-owned vegan / vegetarian restaurant on Saturday night lest advance food preparation had been done on Shabbat.

Third proviso: We suggest not eating in a Jewish-owned vegan / vegetarian restaurant for two weeks after Pesah (until Yom haAtzmaut) out of concern for possible hametz she-avar alav hapesah, and to refrain from ordering liquor there until Shavuot.

The provisos deal with other halakhic matters, not central to the question of the general propriety of eating at a vegan / vegetarian restaurant.

There is no proviso here about avoiding untithed products grown in Israel and the fruit of the first three years of a tree's growth – as those were considered too unlikely to warrant a place in this ruling (מלתא דלא שכיחא) / a matter rare or uncommon, such that it does not merit halakhic consideration).

(The principle that sufficiently uncommon things do not merit halakhic concern itself implies something about halakhic tolerance of risk.)

The first proviso is to avoid a situation wherein food is prepared on Shabbat in response to your order. An objection was raised that there are arrangements possible wherein one eats on Shabbat food that has been ordered and prepared beforehand and legally heated up on Shabbat. That is a valid point that I should have addressed. If one can make such arrangements that would be acceptable. The *teshuvah* was addressing walking in off the street to dine in a vegan / vegetarian restaurant.

The second proviso is to address another facet of Shabbat concerns – benefitting from work that might have been done by a Jew on Shabbat.

The third proviso concerns itself with the specific prohibition of benefitting from hametz that was owned by a Jew on Pesach.

Suggested Question: You might wish to reflect on the differing language of these three provisos: “It is not permitted” / “It is best not” / “We suggest.”