



The Meatless Menu

International Seminar for Halakhic Study 2025 | Rabbi Avram Israel Reisner

Dear International Seminar for Halakhic Study Participants,

I am excited that you are about to study my *teshuvah*, “The Meatless Menu,” which was passed by the CJLS in May of 2023. Several things came together to recommend that the question of whether it was appropriate for a person keeping kosher to eat at a vegan or vegetarian restaurant that did not have *kashrut* supervision deserved a *teshuvah*.

First was the observable fact that some people were doing so in the absence of formal instruction, including members of the modern Orthodox community, especially in the context of travel. Indeed, that had motivated an Orthodox *teshuvah* permitting it (in that context only). That *teshuvah* (by Dror Fixler, published in [the halakhic periodical Tehumin](#) in 2019), received substantial pushback. Additionally, for many years, some within the Conservative Movement have allowed themselves to eat dairy foods prepared in non-kosher restaurants (ipso facto not under *kashrut* supervision), reasoning that while the utensils were not fully kosher, at least there would be no unkosher product in the food. With the proliferation of vegan and vegetarian restaurants, eating at such a restaurant recommended itself as a preferable practice if it could be permitted.

Two issues came immediately to mind.

The first presenting halakhic problem appeared to be that there is an old rabbinic ruling (*gezeirah*) that quite simply prohibits food cooked by a gentile. Since these restaurants need to be presumed to be under gentile ownership, and even if under Jewish ownership, the kitchen staff that is actually doing the cooking has to be presumed to be non-Jewish (at least in our reality everywhere save Israel, and even likely in Israel itself), how is it possible to consider this at all? With regard to a kosher restaurant that is under kosher supervision, although the kitchen staff is often non-Jewish, this rabbinic ruling was circumvented by decreeing that once the cooking flame was lit by a Jew all subsequent cooking could be considered Jewish cooking, and tasking the kosher supervisor to light the flame each day. In a restaurant without a kosher supervisor that workaround was unavailable.

Assuming that hurdle could be overcome, in the absence of supervision, how could any assertions about these premises and their food preparation be considered reliable? Can we feel confident that both the ingredients and the cookware itself is not kosher-compromised? An additional problem looms – the *Shulhan Arukh* appears to prohibit ordering food to be prepared in non-kosher utensils even if it is known that those utensils are clean of any unkosher residue and those foods would be



permitted after the fact. Are we therefore prohibited from placing such an order at a restaurant that is not explicitly kosher?

These are the issues we will be considering today. Not surprisingly, there were several other ancillary issues that required attention and generated some caveats in the final ruling.

I hope you find the consideration as interesting and enlightening as I did.

Avram 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!

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

יש 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...

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.

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.

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.

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.

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.

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.

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 האינדא מאן נטרה? א"ל: עד האינדא (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.]

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, החנוונים, 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.

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.

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.

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 sahadei*” (“we attest”) which [legal principle] we find in many places.

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].

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.

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

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 *שוגג*, 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 hapesa*, and to refrain from ordering liquor there until *Shavuot*.