

Eating at a non-Kosher Household

Question: I'm invited to a home which is generally non-kosher, but the host promised me that everything will be kosher. What should I do¹?

Answer: There is no simple answer to this question because there are many variants, both technical and emotional. Technically, we have to determine what the potential problems at a non-kosher home are, and whether the host, with all of his good intentions, will be able to overcome them. Also, do we trust the host to keep his promise, and what happens if some rules have been broken or requirements have not been met. Emotionally, we must consider the perspectives of both the host and the guest. We have to be careful not to insult the host by turning down the invitation or by showing up and suddenly remembering that we are fasting, and also careful not to force the guests to eat something which they think is non-kosher, and which will cause them guilt and remorse later.

Let us start with the emotional element. If you feel that all the halakhic deliberations will not convince you that you are allowed to eat at your friend's house, don't go or don't eat there. There are many ways to do it, though, and you should choose one which is not offensive. You could say that you cannot make it that day, or that you are a vegetarian, vegan, lactose intolerant, gluten intolerant, or whatever-food-you-don't-want-to-eat intolerant. You could also tell your friend the truth: I love and respect you and I cherish our relationship, but I simply cannot eat at your home, even if technically everything will be kosher. It's not about you, it's about me. If your friend really wants you to taste his food, maybe he will agree to come over and cook in your house. If you can manage such a negotiation without hurting his feelings or harming the relationship, this is wonderful, but have in mind that people do not always reveal their true feelings, and that your friend may be deeply hurt without showing it.

If you choose to accept the invitation, there are two main questions you will have to ask yourself:

1. Do I trust my friend to not deceive me?
2. Do I trust my friend to be able to adhere to the laws of Kashrut?

The first answer is one we deal with regularly. Our society is based on trust, and we constantly, even if only subconsciously, determine how much trust to put in those who provide us with goods and services. We trust oncoming traffic to stop at the light, doctors to be knowledgeable and certified, and teachers to be educators. We trust babysitters, online vendors, and reviews on Yelp, Amazon and Google. We also trust people in the food industry to serve us clean, uncontaminated food, though, if we looked behind the scenes at a restaurant or catered event, we would probably pass on many delectable delicacies. Just as an example, I recall that while praying Minha behind the curtains at a wedding in Brooklyn, the staff was busy setting the buffet. One worker was transferring sushi pieces one by one, with gloved hands, from his cart to the plate, when the cart's wheels got stuck. He bowed down, and with the gloved hand pulled from the wheel grime and hairs which blocked it, and then returned to placing the pieces, with the same glove, on the plate (no sushi for me that night!). We trust, of course, that such incidents do not happen at our favorite eateries without our knowledge.

But, you will say, this never happens in the Kosher world. The food may not be very clean, but if there is a certificate on the wall, a Mashgiach on premises, and a seal [or three, or ten] on the package, it must be kosher. Unfortunately, this is not so. The more rigorous the supervision, the more expensive it becomes, and as a result, the greater the incentive to deceive. In 2006, the orthodox world was shocked when it was found that a kosher butcher in Monsey, NY, deceived his clients for eight years, and even gave free (non-kosher) meat to needy orthodox families before Shabbat. Similarly, several years ago, a main purveyor of Kosher meat in Los Angeles used the 15 minutes his Mashgiach took for Shaharit break to bring on truckloads of non-kosher meat. In that last case, the Mashgiach was also guilty, because he was part of a permanent supervision system and was not allowed to leave his post for prayers.

To summarize the discussion so far, one should be careful not to hurt the host's feelings, but is not obligated to go against his beliefs and sensitivities. One should do the research and determine where to draw the line. Let us now turn to the two factors one must consider when accepting the invitation: 1) Do I want to eat there? 2) Can I trust the good intentions of the host?

Both questions are subjective, and there is a variety of possible responses to such an invitation. Here we are going to deal with a case in which you have decided to accept the invitation, and now want to know whether you can trust the host who guarantees that everything is kosher. That promise also depends on two elements: 1) can I fully trust the host to get only kosher ingredients? 2) Even if the ingredients are kosher, what about all the laws of kashrut?

Let us consider a scenario in which the host promises us that all the ingredients are kosher, but deliberately buys non-kosher ingredients. He might do that either because of convenience (cheaper, closer to home), because he does not believe that it is forbidden to eat that food, or because he wants to cause the guest to transgress a prohibition. All these possibilities depend on the type of relationships between the host and the guest, and the guest must judge if one of them is highly probable. Traditionally, Jewish law would say that we cannot rely on the testimony of someone who routinely transgresses a certain prohibition. The rationale of that law is that since that person does not acknowledge the divine source of the law, nothing will deter him from deceiving the believer. By that logic, even if the host promises that the ingredients are kosher, he cannot be trusted.

Despite that clear stance of Jewish law, a way was found around it by Rabbi Moshe Feinstein, who had to deal with a new reality, of families sharply divided religiously yet living under one roof. He writes²:

When I was in Moscow in 1934, I was asked about the parents in that country, who eat on the table of their sons and daughters. [These sons and daughters] eat treif meat and all other forbidden foods, and most of them do not believe in God and in His Torah. Even though they have kosher meat [easily] available, they choose to eat non-kosher, and are therefore not to be trusted when they declare a certain food kosher.

Rabbi Feinstein witnessed a reality in which the older, still observant generation, could not take care of itself, and relied on the children, who were communist atheists. He hints that if there was a monetary reason to eat non-kosher, the children could have been trusted, but because there is

no great difference in price or availability, their behavior demonstrates a total rejection of Jewish law. He continues:

The elderly and frail parents have no solution. Not only they cannot eat meat, which is important for their health, they cannot eat any cooked food. Though usually the food is permitted post-facto even if it was cooked in a non-kosher dish... this doesn't apply when one wants to eat this food regularly.

Rabbi Feinstein says that kosher food cooked in a non-kosher dish does not necessarily become forbidden, but one should not regularly eat in a place where non-kosher dishes are used³. He understands, however, that it is impossible and dangerous to forbid the parents from eating their children's food. He therefore suggests an innovative solution:

I have come up with a new concept which will allow a more lenient approach for many people. If the father knows with certainty that his daughter or daughter-in-law will not cause him to eat non-kosher... because she does not want to cause him sorrow, or because by nature she respects other people's beliefs, he can trust her and eat meat or any other food when she tells him that the meat and the dishes are kosher. This is not considered a testimony but rather recognition of the truth [by the parent]...

Rabbi Feinstein's innovation was for some revolutionary, and one of his fiercest critics, Yom Tov Schwartz HaLevi, accused him of causing many people to eat non-kosher meat⁴. Schwartz, like other critics, failed to understand the great insight of Rabbi Feinstein, which is that Halakha takes into considerations human emotions and attitudes. Rabbi Feinstein gave the mandate to those who asked the question to decide whether they feel comfortable eating at their children's home or not. The guest should therefore decide if he fully trusts the host to buy and serve kosher ingredients, and if the answer is positive, he could accept the invitation and enjoy the meal. We now have to discuss kashrut concerns such as the kashrut of certain ingredients, the mode of preparation, and possible forbidden mixtures. As we review them one by one, please have in mind that my intention is not to give a final decision on each one, but rather provide the readers with information which will help them make their own decisions:

Kashrut of Dishes:

Traditionally we maintain separate sets for dairy and meat foods, for fear of cooking meat and dairy together, and because the flavor of one dish is absorbed in the pot, for example, and then transmitted to the next dish cooked in that pot. We will deal with the concern of mixtures later, but when visiting or traveling there is no need to worry about flavor absorbed in the dishes. As I explained in length in my article on Kashrut in the Modern Kitchen, the materials used for cookware, silverware, and surfaces are of very high quality and do not absorb any flavor. This rule applies also to dishes at a restaurant, hotel, Airbnb, catering business, etc. It also applies to chinaware, Corel, etc.

Dishes used on Shabbat:

The rabbis forbade food which was cooked on Shabbat and declared the dishes used to cook on Shabbat to be non-kosher. The prohibition of the food is not Halakah-based but a fine meant to

deter people from doing it, and that Halakah is observed only if you know with certainty that the food was cooked on Shabbat. If you were invited on Shabbat and you have a good basis to believe that the food was cooked before Shabbat you are allowed to eat it. The non-kosher status of the dishes is dependent, just as dishes used for non-kosher food or for meat and dairy, on the absorption of flavor, and as explained above, it is not applicable nowadays.

Dipping dishes (*tevilat kelim*):

The practice of dipping dishes in a *mikveh* is rabbinic, and the poskim mention several cases in which one can be lenient and use the dishes without being dipped⁵. A guest can rely on this approach, and can even assume that the dishes were dipped.

Oven:

A large oven can be used for meat and dairy simultaneously as long as the dishes don't splatter, and if the dishes are covered there is no concern at all. The oven deemed by Halakhic definition a large oven is much smaller than the average residential oven, and one therefore need not worry that the baked dish he is eating has absorbed flavor from the oven.

Mixtures:

The one mixture which can cause problems is that of meat and dairy (with the exception of Pesah and mixtures of Hametz). Part of the trust we have in the host is that he knows not to mix meat and dairy, so one should not be concerned that the host cooked meat with butter. There is still a concern, however, that he used unknowingly sauces or frozen foods with dairy ingredients. This is not a certain fact but a דפּק – a doubt. The rule is that even if we assume that the host used a sauce with dairy ingredients, it will become null and void in the general mixture, and in any case, will not be a meat and dairy mixture which would be forbidden by biblical standards, only by later stringencies.

Ingredients:

Meat: if meat dishes are served (poultry, beef, mutton), one must rely on the host. If the host guarantees that the meat is kosher, and you feel you can trust him, there is no need, and there might be even a prohibition, to ask further questions. It does not matter if you regularly eat Glatt or Beth Yosef meat, you can eat at the host's house, as I explained in my article about Glatt Meat.

Fish: if you can identify the fish as kosher fish (for example, salmon or trout), or if the fish is served with some skin on and scales are visible, it is kosher even if the host is not trustworthy. With other types of fish, such as tilapia which closely resembles catfish, one needs to rely on the host.

Dairy: there should be no concern about the host using, by mistake, non-kosher cheese, since all cheeses and dairy products are technically kosher. This is thoroughly explained in my article about Kosher cheese.

Vegetables and grains: the main concern regarding vegetables and grains is that they might be infested, but this concern applies only to what can be seen with the naked eye. Also, the prohibition is only against a deliberate consumption of insects, and in most kitchens the regular method of preparation takes care of visible bugs. If one claims to not trust the cleaning done by the host, he should also avoid coleslaw, rice, broccoli, celery, chives and many other staples even under the strictest supervision. The rule of thumb, as Rabbi Yosef Mesas says and as explained in my article about the topic, is that the Torah was not given to angels and we do what is within our power.

Bread: If the bread is home-baked, there is no need to assume that it was baked with butter or milk, which will render it dairy and unfit to be eaten with meat, or with lard, which will make it non-kosher. Most commercial breads do not contain dairy ingredients or lard. When buying fresh bread at a bakery, or wrapped bread at a store, one could ask about or check the package for ingredients. When the bread is served by the host, who generally do not keep kosher, there is a concern that he might not have bothered to find out whether the bread is dairy. The guest might choose not to eat bread, but since it is only a doubt and not certain knowledge, he is allowed to eat it. It could be eaten even with meat, because to cause a forbidden mixture of meat and dairy, the dairy ingredient in the bread must be cooked with the meat.

Oil: all oil is kosher, but you might be concerned about used oil. If the host serves a dish which was deep-fried, you might want to ask him if the oil was used before to fry something else, which perhaps was non-kosher. The decision whether to ask depends on your assessment of the host and the possibility that he would unknowingly would do such a thing. If the host answers positively, it is better to avoid that food. You could decide not to ask and simply skip that dish, but if you decided to eat it, without asking, no prohibition was transgressed. The reason is that even if non-kosher food was fried in the oil and then it was used for frying kosher food, the amount of non-kosher flavor or fat which was absorbed in the oil and then transmitted to the second dish is negligible.

Wine: Wine is clearly labeled, and usually served in the original bottle. In case it is not kosher, the guest should find a polite way to explain to the host why he is refraining from drinking it. The same follows for wine served in decanters with no way to know what its label is. However, there is no need to be concerned or to conduct a research to find out if wine was used in cooking and if so, what wine. That is because most wines in the market today are technically kosher. The original prohibition was on wine which was libated in pagan worship. The prohibition was later expanded to include all wine made or even touched by a pagan. In today's reality, two conditions for the prohibition are missing: 1) the wine is never touched; 2) we do not leave among pagans (Christianity is not considered paganism).

Some poskim expanded the prohibition even further, to wine opened in the presence of a pagan, even though it was not touched by him, and to non-observant Jews. Both these "stringencies" are tenuous and have little basis in Halakha. They are rather part of the attempt to use the concept of Kosher wine as a marker and a divider, so though one does not drink wine which was not labeled as kosher, he should not be worried about the possibility of such wine used for cooking.

Vinegar: Vinegar was included in the original decree of Mishnaic sages against drinking pagan wine, because it was wine before it became vinegar. This only applies to their reality in which good wine would not be wasted, and only when the wine went bad it was used to make vinegar. Today it is very rare for wine to go bad in the wineries, and so vinegar is destined from the beginning of production to be vinegar and not drinking wine. This means that vinegar, including balsamic, does not need supervision. As a guest at a non-kosher household, one should not be concerned that the host had wine that went bad and he turned it into vinegar, and therefore could eat dishes which were prepared with vinegar, as well as use vinaigrettes (i.e. not only passive but also active use.)

Bishul Akum – Myth and Reality

For the definition of Bishul Akum (food cooked by a non-Jew), as understood and as supervised by the Kashrut organizations, here is a segment from the discussion on the Star-K website:

“Occasionally, there may be circumstances where both ingredients and equipment are 100% kosher and through a violation of a Rabbinic ordinance some foods or food products would be prohibited, while other food products undergoing the very same process would remain 100% kosher. This disqualifying process occurs when certain foods are totally and exclusively cooked by an aino Yehudi, a person who is not required by the Torah to keep kosher. When a kosher raw chicken is boiled in a pot of water by an aino Yehudi it is as non-kosher as chicken cooked in butter! Our Rabbis call this disqualification bishul akum, literally, food cooked by a person not required by the Torah to keep kosher. There are two reasons why our Chachomim, Sages, enacted this ordinance: First, as a precaution against inadvertently eating non-kosher food; second, as a prevention against unnecessary socialization that could lead to intermarriage.”

In this short segment there are several problematic points, which I fear border on misinformation.

1. The author refrains from saying “non-Jew”, apparently since the website is frequently visited by non-Jews who seek supervision for their products. Instead he uses the Hebrew term “aino Yehudi” (is not Jewish), or the more cumbersome “a person not required by the Torah to keep kosher.”
2. The author analogizes Bishul Akum to chicken cooked in butter.
3. When providing the reasons for the ordinance by the sages, the author fails to clarify that the ordinance is included in the Mishnah, while the reasons are not given by the commentators for another thousand years.
4. The two reasons are presented as equals, even though the majority of halakhic literature deals only with the problem of intermarriage, and ignores the concern about non-kosher food.

This choice of wording is not accidental. It is meant to convey an image of a homogenous, impenetrable wall, and to justify the work of the Kashrut organizations, which could have relied on precedents to waive the need for supervision of the cooking process in the hospitality and food production industry. Let us analyze the subliminal message underneath each one of those half-truths.

1. Translating “aino Yehudi” as “a person not required by the Torah to keep kosher,” suggests that we cannot rely on that person to provide kosher food, since he is not commanded to eat kosher. It would be analogous to trusting a carnivore to serve a vegetarian meal. This, of course, is not the reason. When the sages of the Mishnah speak of a non-Jew, they refer to a pagan, and the decree has to do with the effort to alienate Jews from pagans.
2. This analogy is misleading. Poultry was still cooked in dairy until the third century, but eventually the rabbinical prohibition against it became widely accepted, while Bishul Akum was challenged throughout history and as we shall see, many ways were found to circumvent it. Also, the author knows that he cannot say that Bishul Akum is like eating meat cooked with dairy, because this would not be true. Meat with dairy is a biblical prohibition while Bishul Akum is a rabbinic decree. However, since for most people there is no difference between cooking chicken or meat with milk, the author has succeeded in planting the seed of fear in the heart of his readers.
3. The fact that medieval commentators were the first to present the reasons for the prohibition shows that there was a lack of clarity regarding the reasons. It might even suggest that the prohibition was not closely observed in the Jewish diaspora. This long historical gap is ignored.
4. The focus of the Halakhic literature on the reason of intermarriage shows that the second reason, that of the fear of eating non-Kosher food, was not widely accepted. However, it convenes the author to present the two as having equal status, because the critical reader will be quick to point out that the first and main reason is no longer applicable today. Eating tuna which was canned overseas by factory workers I will never see or know will not cause intermarriage. There is a need, therefore, to highlight the second reason.

Let us now examine the various exceptions given by the poskim throughout history. Their significance and practical applications are relevant to the whole system of kashrut and supervision, but in our context of visiting a household which might not be fully kosher, we will see that there is no need to worry about Bishul Akum.

Nahmanides, quoted by R. Yosef Karo in Beth Yosef⁶, writes that Bishul Akum does not apply to one's servants. He refers to servants owned by a master, a phenomenon still common in medieval times, and explains that they are, in a sense, an extension of the Jewish master and therefore do not fall under the rubric of non-Jews. Nahmanides also adds that this is not a theoretical statement but the widespread practice. The exception given to servants working in a Jewish household is significant, because it is only given for food cooked by non-Jews, and not to wine touched by them. This shows that people intuitively understood that the original decree against Bishul Akum does not apply to someone who works for you, and that the rabbis respected people's opinion.

Nahmanides' disciple, the Rashba, further explains that the reason the servants are excluded from the decree is that⁷:

The prohibition was meant to prevent intermarriage, which is the result of extreme closeness. This decree only applies to one who prepares and serves food of his own

accord because of his love to his Jewish friends. The servants must cook, whether or not they want to...

R. Mordechai Yafeh (Poland, 1530-1612) extends the exclusion from servants owned by a Jew to regular employees⁸:

We are not concerned about intermarriage, because they are of a lower status which naturally separates them... they will also not risk their livelihood by feeding us non-Kosher food... the practice is to be lenient even with employees [who are only hired and not owned by the Jew] because one of the Jewish members of the household is bound to stir the coals.

The argument of R. Yafeh in favor of the practice is very weak. He does not say that it is a requirement for a Jew to stoke the fire, but rather says that it will certainly happen. It is farfetched to assume that in every Jewish household, every time something is cooked, a Jew will decide to help with stoking the fire. Indeed, in later generations, the assumption was replaced by a requirement that a Jew will turn on the fire. It is obvious, though, that R. Yafeh's argument is an attempt to defend a practice which took root and which was very reasonable.

Finally, let us go back in time to R. Aharon HaLevi (Spain, 14th century), aka the Raah, who makes a very logical distinction⁹:

A baker bakes in a designated place and is not cooking for himself or for any specific person. He rather does his work as a hired employee, which is to bake and cook for all who come [to purchase food], in a designated place, where people do not eat and drink [as they do at home] and it is open to everyone. Here we can say that it is not considered Bishul Akum because there is no friendship and closeness [among the clients].

The Raah, who speaks of baking and cooking interchangeably, argues that the original prohibition of Bishul Akum only applied to food prepared by a non-Jewish friend or acquaintance, and served in circumstances which foster friendship and could lead to intermarriage.

It therefore follows that commercially prepared food, while requiring supervision for kosher ingredients, does not fall under the rubric of Bishul akum. Similarly, in the case of eating at the house of a non-Kosher friend, there should be no concern about this prohibition.

Conclusion:

When invited to a non-Kosher household with the promise of preparing kosher food for you, and assuming that you trust the host and that he will purchase kosher meat, your decision largely depends on your assessment of your feelings after the visit. If you know that despite all the explanations presented here you will be haunted forever by the fear that you have consumed non-kosher food, thus contaminating body and soul, you should find a polite way to refrain from accepting the invitation. If, however, you know that you will toss and turn at night thinking of the divine wrath which might be unleashed against you for eating non-Kosher food, you may rest assured. Accepting the invitation you will not lead you to transgress any prohibition. As a matter

of fact, the greater offense, which might raise God's wrath, is rejecting the invitation, insulting the host, and deepening the chasm between factions of the Jewish people.

As stated earlier, it is not an easy choice to make, and it involves learning and researching, but it is your choice.

¹ This article was originally published in segments on my daily Halakha email, and I have received this email from a concerned reader. I would like to address that email here:

...I have to say that I am having a very hard time understanding and accepting the leniencies and the logic expressed in the Guest series. Rabbi Moshe Feinstein comments on the leniencies and common sense expressed then, would not apply today. Russia in 1934 is not the abundance of 2017. Someone who is not very strong in his/her belief, the Guest series, can be damaging. Did I miss something?

My answer is:

I have made it very clear that the halakhic solutions presented here are to be used by people per their discretion. No one can be forced to accept the invitation, and this article only serves as a guide to understanding margins and flexibility. It could help you make the decision whether to go, and once there, how not to offend the host while not worrying about committing a grave sin of forbidden consumption.

R. Feinstein ruling, unfortunately, was not embraced by the orthodox community, and we are witnesses of the devastating results. The lack of trust and multiple competing kosher labels have created an atmosphere of suspicion, judgment, divisiveness, and even animosity. They have fragmented the orthodox world and deepened the chasm between it and the rest of the Jewish community. Reb Moshe, in his sensitivity and understanding, probably predicted this sad reality and tried to circumvent it with his ruling.

The fact that our society is blessed with abundance actually helps when there is trust, because we have no reason to assume that the host, who promised kosher food, will purchase non-kosher ingredients. If the argument is that people should not regularly eat non-kosher when kosher is easily available, it is not an unshakeable one. Buying and eating kosher is not easy and not cheap, and unless one was brought up in a certain way he will not be able to embrace this lifestyle.

Finally, what is lacking in today's orthodox world is education! Unquestioning obedience and rigid rules have created a divide between devout followers and those who reject or abandon observance. The purpose of this article, as well as all of my Halakhic writing, is to encourage people to see the full picture, to understand the historical and social factors of Halakha, to consider emotions and sensitivities, and to ask the right questions. I believe this is the way to create bridges of understanding and to make one's Jewish experience more meaningful, and, to judge by the response I am receiving, it is happening.

שו"ת אגרות משה יורה דעה חלק א סימן נד: בהיותי במאסקווא בשנת תרצ"ד, נשאלתי בדבר שהאבות ניוונים במדינה הזאת בעוונותינו הרבים על שלחן בניהם ובנותיהם, האוכלים נבלות וכל דבר איסור, ורובם הם כופרים בה' ובתורתו. ושבקי היתרא ואכלי איסורא, ואם כן אין נאמנים על איסורים. ואין להאבות החלושים והזקנים עצה איך לאכול בשר כשצריכים לבריאותם וגם לא כל דבר מבושל, דאף שסתם כלים אינם בני יומן, מכל מקום הרי הוא כלכתחלה כיון שקבע מושבו אצלם. והדשתי שיש מקום להקל להרבה אנשים, באם האב יודע וקים ליה בגוה דבתו וכלתו שלא יכשילוהו באיסור משום דמכיר טבעה בידיעה ברורה ע"י שניסה אותה הרבה פעמים וראה שאינה מכשילתו מטעם שאינה רוצה לצערו או שטבעה שלא להעביר אחרים על דעתם, יכול לסמוך עליה ולאכול מה שמבשלת בעדו מבשר וכל דבר כשאמרה לו שהוא מבשר כשר ובכלים שהזמינה עבורו. משום שלא נכנס זה בגדר נאמנות אלא בידיעה עצמית שהוא כראיה ממש כיון שידוע בברור שאינה משקרת לו

³ The situation is different today since most dishes do not absorb flavor.

⁴ the author was very disrespectful to Rabbi Feinstein and his book was removed from the shelves at bookstores and libraries. – מענה לאגרות, הקדמה, דף ד

שו"ת יביע אומר חלק ז, יורה דעה, ט:א... וכן כתב המשנה ברורה בביאור הלכה (סי' שכג סעיף ז) ד"ה מותר, שמן התורה אין שום איסור להשתמש בכלים בלא טבילה, ורק חכמים אסרו להשתמש בהם עד שיטבילים

בית יוסף, יורה דעה, סימן קיג: כתוב בארצות חיים (הל' איסורי מאכלות סי' סז) כתב הרמב"ן בתשובה דעתי שאין איסור בשפחות הללו ⁶ הקנויות לנו דמלאכה דעבד ערל דישאל היא דקנוי לו למעשה ידיו ומוזהר עליו בשבת מן התורה וליתיה בכלל גוים והילכך ליתיה בכלל גזרות דידהו וכן נהגו עכ"ל

שו"ת הרשב"א, חלק א, סימן סח: שיש מרבתינו ז"ל שעמעמו על בשולי העבדים והשפחות שלנו להתיר. ונותנין טעם לדבריהם שאין איסור⁷ הבשול אלא מגזרת חתנות. ואין גזרת חתנות וקרוב הדעת אלא במי שעושה מרצונו לאהבת ישראל. ואלו עושין בין ירצו בין לא ירצו ואין קרוב הדעת בכיוצא בזה ולא גזרת חתנות

לבוש, יורה דעה, סימן קיג סעיף א: אלו השפחות הקנויות לנו למלאכתן לא גזרו בהן, שכיון שמוזהר עליה בשבת מן התורה כמו שנתבאר⁸ בלבוש החור סימן ד"ש [סעיף א] הרי מלאכתה קנוי לו למעשה ידיה וליתא בכלל גוים שגזרו עליהם, דלא חיישינן באלו משום חתנות, דמשום שפלותן בלאו הכי לא יתחתן עמהם, ולא משום שמא יאכילנו דבר טמא, שאימת רבם עליהם, ויש אוסרין, ונוהגין להקל באלו השפחות שבבית אפילו אינם קנויות לנו אלא משרתות אותנו, מפני שאי אפשר שלא יחתה מעט אחד מבני הבית באש

בדק הבית על תורת הבית, בית ג שער ז: ועוד שהאופה אופה בבית מיוחד לכך ואינו מתכוין לבשל לעצמו ולא לשום אדם מיוחד אלא⁹ למלאכתו לפי שהוא שכיר לאפות ולבשל לכל הבא בבית מיוחד שאין בני אדם אוכלין בו ולא שותין בו והוא רשות הרבים לכל העולם בזה אפשר לדון לזכות דכי הא לא חשיב בשולי נכרים דלא שייך בהא איקרובי דעתא