**The *G’zeiras Chachamim* of *G’vinas Akum***

The *sugya* of *G’vinas Akum* begins with a *mishna* in Avodah Zarawhich reads*[[1]](#footnote-1)*:

*ש”...וגבינת בית אונייקי של עובדי כוכבים אסורין ואיסורן איסור הנאה דברי ר' מאיר וחכ"א אין איסורן איסור הנאה אמר ר’ יהודה שאל ר’ ישמעאל את רבי יהושע כשהיו מהלכין בדרך אמר לו מפני מה אסרו גבינות עובדי כוכבים אמר לו מפני שמעמידין אותה בקיבה של נבילה אמר לו והלא קיבת עולה חמורה מקיבת נבילה אמרו כהן שדעתו יפה שורפה חיה ולא הודו לו אבל אמרו אין נהנין ולא מועלין אמר לו מפני שמעמידין אותה בקיבת עגלי עבודת כוכבים אמר לו אם כן למה לא אסרוה בהנאה השיאו לדבר אחר…”ש*

*“…And the cheeses of idol worshippers produced in Beis Oneiki are prohibited to benefit from, says Rabbi Meir, but the Chachamim say that the prohibition extends only in so far as their consumption. Rabbi Yehuda brings a conversation between Rabbi Yishmael and Rabbi Yehoshua when they were once walking together. Rabbi Yishmael asked Rabbi Yehoshua “what was the reasoning of the Chachamim for prohibiting the consumption of cheese produced by idol worshippers?” Rabbi Yehoshua responded that the prohibition was due to their using the rennet from the stomach of a n’veilah [which is prohibited for eating but not benefit] as a congealing agent.[[2]](#footnote-2) [[3]](#footnote-3) But surely, retorted Rabbi Yishmael, the rennet from an olah offering is more stringent [in that it is also prohibited for benefit] and yet, whilst the Chachamim hold that a Cohen is not permitted to drink the rennet of an olah, if he were to do so he would not have transgressed the prohibition of meilah![[4]](#footnote-4) Rabbi Yehoshua concurred and brought another reason. The prohibition is because they use the rennet of calves slaughtered for idol worship.[[5]](#footnote-5) Rabbi Yishmael counters that in that case the Chachamim should have said the cheese was also prohibited to benefit from [as is the case with items used for idol worship].[[6]](#footnote-6) Rabbi Yehoshua distracted Rabbi Yishmael with another topic…”*

In reading this *mishna,* one can ask four questions: 1) What is the actual reason for the Chachamim’s prohibition against eating cheese produced by non-Jews? 2) Why does RabbiMeir further extend the prohibition to include benefit in the case of cheese produced in *Beis Oneiki*? 3) What would RabbiMeir hold in a case where the cheese wasn’t produced in *Beis Oneiki* but rather elsewhere? 4) Why does RabbiYehoshuaseemingly give up trying to answer RabbiYishmael’s questions and rather distracts him with another topic? The first part of this article will deal with answering these questions. The second part will deal with what we hold *halacha l’maaseh*.

It is simplest to answer these questions starting with the last. The *gemara* later discusses why Rabbi Yehoshua felt the need to distract Rabbi Yishmael.[[7]](#footnote-7) Ulah answers that this *g’zeirah* was, at the time of the discussion quoted in the *mishna*, still brand new and the reason for a new *g’zeirah* was never released until twelve months had passed since its institution. This policy was implemented due to the worry that certain people would claim that since the reason didn’t apply to them, they were not bound by the *g’zeirah*. Rashiexplains that since nobody knows the reason, they will accept the *Chachamim’s g’zeirah* without question.[[8]](#footnote-8)

Next, we need to deal with why RabbiMeir holds that the cheese produced in *Beis Oneiki* is also prohibited to benefit from whilst the Chachamimdo not. Additionally, we must understand what RabbiMeir holds in other cases. In answer to the first issue, ReishLakishsays that the town of *Beis Oneiki* slaughters most of its calves for idol worship. Therefore, it is possible the rennet used as a curdling agent could have been sourced from one of them.[[9]](#footnote-9) However, despite the majority of calves being used for idol worship, when considering the presence of all the other animals in the town that the rennet could have come from, the idol worship calves should be a minority. The reason that RabbiMeir says that the cheese produced is prohibited even to benefit from is that he is *chosheish l’miuta* [concerned for the occurrence of events that happen only rarely]. He therefore considers the possibility that the rennet could have come from those calves slaughtered for idol worship a significant worry. The Chachamim*,* on the other hand, are not concerned with this possibility and rely on the principle of *rov.[[10]](#footnote-10)* In terms of what Rabbi Meir holds in general, it is clear from the TosfosRid and Meiri that when the *gemara* asks what the reason for the prohibition of eating cheese produced by non-Jews is, the *gemara* is asking according to both the Chachamim and Rabbi Meir. Accordingly, Rabbi Meir’s prohibition of benefiting from the cheese of *Beis* *Oneiki* was unique to that case, owing to the circumstances explained above.[[11]](#footnote-11) However, according to Rashi, it’s unclear what Rabbi Meir would hold in general. On the one hand, Rashi, commenting on the *machlokes* in the *mishna*, states that the cheese of other places would be *mutar behana’ah,* seemingly indicating this is the case even according to Rabbi Meir. Conversely, when explaining the same *gemara* as the Meiri and Tosfos Rid above, Rashi states that the question of the *gemara* is only according to the Chachamim.[[12]](#footnote-12) The Rashash, noting this inconsistency, posits that Rashi understands Rabbi Meir to be prohibiting cheese in general as a *g’zeirah otu deBeis Oneiki;* in other words, Rabbi Meir forbids cheese everywhere due to the prohibition placed on the town of Beis Oneiki. *[[13]](#footnote-13) [[14]](#footnote-14)*

Thus far, we have answered three of our four questions. The only remaining issue is what the main reason for the *g’zeirah* against eating the cheese produced by non-Jews in areas other than *Beis* *Oneiki* is.[[15]](#footnote-15) The *gemara* brings a total of five possibilities, although the last two are rejected. The first suggestion is that of RabbiYehoshuabenLeviwho says the issue is due to *nikur*, namely the rabbinic prohibition to consume certain liquids that were left overnight for fear that a snake has drunk from the liquid and thereby left traces of its poison in the liquid. This substance would then be drunk and be detrimental to the health of the individual consuming it.[[16]](#footnote-16) In our case, the concern is that the milk was left uncovered, a snake drank from it and then the milk was curdled into cheese meaning that the final product could be poisonous cheese.[[17]](#footnote-17) The *gemara* brings RabbiYirmiyahwho replies that this cannot possibly be the basis of the *g’zeirah* since if the cheese contained poison it wouldn’t curdle and dry properly which would be a clear indicator that the cheese shouldn’t be consumed. In response to this challenge, the *gemara* brings RabbiChanina who says *l’fi she’ee efshar lah beloh tzachtzuchai chalav*. There are four possibilities as to what this means; the first is Rashi*,* who explains that RabbiYehoshuabenLevi’s suggestion has been rejected and this is, in fact, an alternative answer. According to Rashi, RabbiChaninais now answering that the basis for the *g’zeirah* is the concern that the non­-Jews will have mixed in milk from a non-kosher animal. The milk of non-kosher animals doesn’t curdle and therefore, whilst all the kosher milk would curdle, the non-kosher milk would remain sitting in the holes of the cheese.[[18]](#footnote-18) [[19]](#footnote-19) The Ba’alei haTosfosraise a number of issues with this. First, it is difficult to assume that the non-Jew, who is trying to make cheese and presumably sell it, will mix in other milk from a *treif* animal that won’t curdle properly and therefore reduce both the quality and quantity of cheese he can produce. Second, if this is the concern, why doesn’t the *gemara* mention non-kosher milk? Finally, if this was indeed a rejection of RabbiYehoshuabenLevi’sopinion then the *gemara* should have said the word *‘elah’* to indicate as such.[[20]](#footnote-20) In light of these issues, the Ba’aleihaTosfos*,* quoting both RabbeinuTam and RabbeinuChananel answer that this is coming to resolve the challenge against RabbiYehoshuabenLeviby saying that the cheese will, in fact, curdle in all places other than where the poison is located. Therefore, we will have fully formed cheese with pockets of snake venom in its holes.[[21]](#footnote-21)

The third and fourth possibilities as to what Rabbi Chanina means are variations of what Rashi*,* RabbeinuTamandRabbeinuChananelanswered above and are quoted by the Ritvaand the Ramban. They understand Rashi as explaining as above; that Rabbi Yehoshua ben Levihas been rejected and that RabbiChaninais giving an alternative answer. However, they understand the concern to be that the non-Jew, as part of the final steps of making the cheese, will use *treif* milk to glisten the surface of the cheese. They understand RabbeinuTamand RabbeinuChananelthat RabbiChaninais answering for RabbiYehoshuah ben Leviand that the concern is that the non-Jew will, as part of the glistening process seen above, use milk that was left exposed and therefore potentially contains snake venom. According to this understanding, RabbiChanina answers the *gemara*’s challenge, that surely if it contained poison it wouldn’t dry properly, by saying that is true but here we are worried that, after the cheese has set, the potentially poisonous milk was applied to the surface of the cheese.[[22]](#footnote-22)

We have, thus far, explained the first answer of the *gemara* as to what is the *g’zeirah* against eating *g’vinas akum*. The second answer is that of Shmuel who says that the reason is due to the use of the *or keivas n’veilah* (the lining of a *n’veilah*’s stomach). That is to say, non-Jews use the abomasum of a *n’veilah* as a curdling agent.[[23]](#footnote-23) [[24]](#footnote-24) The problem presented is that despite the fact the abomasum would be considered *batul* in terms of transfer of taste, and would therefore not be considered present, nevertheless, since it is a *davar hama’amid* it cannot be considered not present since it is an essential component;[[25]](#footnote-25) consequently, it is considered like one is eating *n’veilah*.[[26]](#footnote-26) The Rashba, amongst others, asks in the name of the Ri MiGash why the *gemara* brings a case where the animal is a *n’veilah*. Surely even if it was properly slaughtered there would be a prohibition of *basar b’chalav*![[27]](#footnote-27) The Ri MiGash answers that the *issur* of *basar b’chalav* only applies if there is a transfer of taste through cooking them together and since there is no here, there wouldn’t be any problem of *basar b’chalav*. Considering this, there would not be any issue of *davar hama’amid* either since all that is being made present is a permissible piece of meat that isn’t subject to *basar b’chalav.* An alternative answer is brought in the name of the Ra’avad that there would only be, at most, a rabbinical prohibition if the animal was correctly slaughtered since all the ingredients are cold.[[28]](#footnote-28) [[29]](#footnote-29) Finally, the Ramban says that the *gemara* could have indeed brought a case of a correctly slaughtered animal but since all *shechitah* performed by a non-Jew is, by default, considered *n’veilah,* the *gemara* just brought the most likely case.[[30]](#footnote-30)

The third answer the *gemara* brings is that of Rav Malkiahin the name of Rav Ada bar Ahavahthat the non-Jews smear the surface of the cheese with lard. This would obviously be subject to the *issur* of eating *treif*.[[31]](#footnote-31)

The fourth suggestion, proffered by Rav Chisda,is that we are worried that wine-derived vinegar was used as the congealing agent. All wine of non-Jews is prohibited as is anything derived from it, including vinegar.[[32]](#footnote-32)

The fifth and final answer, suggested by Rav Nachman bar Yitzchakquoting Rav, is that we are worried that the sap of *orlah* fruit was used as a congealing agent and *orlah* is *assur*.[[33]](#footnote-33) These previous two answers are also based on the principle of a *davar hama’amid*, that could otherwise be seen as a *batul* substance, is considered present in the mixture due to its importance to the process, thereby making the substance *assur* since the *davar hama’amid* is prohibited. The *gemara* questions these two answers because their logical conclusion is that the cheese should also be prohibited for benefit whilst we know that *g’vinas akum* is only forbidden to eat. The *gemara* has no answer. In summary, the *gemara* gives three possible reasons as to why the cheese of non-Jews is prohibited. The first reason, according to Rashi, is that non-kosher milk is used; or according to Tosfos that the cheese potentially contains snake venom. The second reason is that the *or keivas n’veilah* is used as a curdling agent and the third reason is that lard is smeared on the surface of the cheese.

The continuation of this article will deal with how we take on *l’halacha*.

Rabbeinu Tamsays that, of the three possibilities, we *pasken* like the opinion of Rabbi Yehoshua ben Levi*.* His logic is that in a *machlokes* between Rabbi Yehoshua ben Leviand Rabbi Yochanan,we hold like the former. In a *machlokes* betweenShmueland Rabbi Yochananwe hold like the latter. Therefore, in our case, where it’s a *machlokes* betweenRabbi Yehoshua ben Leviand Shmuel, we will hold like the former. Rabbeinu Tamfurther states that since there is no longer any prohibition against consuming uncovered liquids, because snakes are no longer present, the entire prohibition of *g’vinas akum* no longer applies. He adds that even if we were concerned for the opinion of Shmuel*,* that *or keivas n’veilah* is used, since the majority of cheesemakers use vegetable rennet, this is also not an issue.[[34]](#footnote-34) He cites the G’onei Narvonaand Rabbeinu Chananelas agreeing with him. Rabbeinu Tamthen pre-empts the question that surely since this is a *g’zeirah,* it must have been a *davar shebeminyan*, and therefore requires a beis din of greater number and stature in order to remove it. Tosfos holds that the takana only ever applied in places where snakes were found. Since there was never an issue with snakes in the region where Tosfos lived, there is no need to have a *Beis Din* of greater number and stature to repeal the *takana.* It is clear though that the majority of *Rishonim* disagree with Tosfos; the Rambam, Rashba, Meiri and the Ran, quoting the opinions of the Ra’avad, Ramban and Ri Hazaken, all say that since this is a *g’zeirah*, and therefore a *davar sheb’minyan*, its repealing would require a *Beis Din* of greater stature and number.[[35]](#footnote-35) They say that this is not comparable to the case of uncovered liquids since that was purely based on the danger involved whilst this was an actual *g’zeirah*. The Rambam, Ran, Rashba and Meirialso state that even if vegetable rennet was used, it would still be *assur* since the *g’zeirah* covers all cheese produced by non-Jews.

The Shulchan Aruchsays that *g’vinas akum* is forbidden since they use *or keivas n’veilah* as a curdling agent but even if they were to use vegetable rennet, it would still be forbidden. The Ramahagrees that this is the *minhag* but if one lives in a place where there is a *minhag* to not be concerned about unsupervised cheese produced by a non-Jew, then it’s permissible to rely on that *minhag*. He further states that if both the milking of the cow and the production of the cheese has been supervised by a Jew then it is the accepted *minhag ashkenaz* to permit the cheese.[[36]](#footnote-36) [[37]](#footnote-37) The Shachdisputes this last point and says it doesn’t help at all if the cheese production is supervised.[[38]](#footnote-38) He brings a proof for this from the fact that when the *gemara* says the milk of non-Jews is forbidden, it states that this is only when it was milked without a Jew present; no such distinction is made when the *gemara* forbids *g’vinas akum*.[[39]](#footnote-39)

In conclusion, it seems certain that *g’vinas akum* is prohibited for consumption based upon the above rulings of the Shulchan Aruch, Ramah and Shach. The other points brought by the Ramah, namely that if there is a *minhag* to permit it or if the production was overseen by a Jew, don’t seem to apply to us since I’m unaware of us having any *minhag* to do so nor are any of the cheeses produced by non-Jews supervised at all by any Jew.[[40]](#footnote-40) This is indeed how the London Beis Din rules as well; cheeses, both hard and soft (cottage cheese, cream cheese and fromage frais) made by non-Jews are forbidden and therefore only those with Rabbinical supervision are permitted.[[41]](#footnote-41)

1. Avodah Zara 29b [↑](#footnote-ref-1)
2. *N’veilah* refers to an animal that died without being slaughtered in a halachicallypermitted fashion. This would include it being slaughtered by a non-Jew. See Devarim 14:21. At this point in the mishna, we assume that the rennet produced by the *n’veilah* is considered part of the animal and therefore subject to the same prohibition as the *n’veilah*. [↑](#footnote-ref-2)
3. Rennet was traditionally procured from the inner lining of the fourth stomach chamber of a calf, called the abomasum. [↑](#footnote-ref-3)
4. *M’ilah* refers to the biblical prohibition of non-permitted benefit of sacred property. See Vayikra 5:15. The *mishna* now understands that the rennet is considered independent of animal. See Chullin116b*,* Rashiadloc*.* s.v*. im yesh bah,* Tosfosadloc*.* s.v. *hachi garsinan,* RifAvodahZara43a *b’dapei haRif,* RambamHilchos Ma’acholos Assuros 9:15and ShulchanAruch Yoreh Deah 87:9,10 for a further discussion on rennet. [↑](#footnote-ref-4)
5. Despite the fact that at this point we understand the rennet to be an independent entity, in the case of an animal slaughtered for *avodah zara,* the rennet is also prohibited. To explain this, the *gemara* between34b and 35abrings two possible explanations. One reason is that since the contents of the animal’s intestines, including the rennet, contribute to it looking slightly fatter and therefore a more prized offering, they too are prohibited. See ibid for the other reason. [↑](#footnote-ref-5)
6. See RambamHilchos Avodah Zara 7:2who says the source of the *issur* to use items that have been used for *avodah zara* is from the *passuk* in Devarim 7:26 - *v’lo savi to’evah el beisecha,* do not bring an abomination into your house. [↑](#footnote-ref-6)
7. Avodah Zara 35a [↑](#footnote-ref-7)
8. Ibid Rashi s.v. *dilmah ikar* [↑](#footnote-ref-8)
9. Avodah Zara 34b [↑](#footnote-ref-9)
10. Rashi ad loc. s.v. *Rabbi Meir chayash l’miuta* notes that this *machlokes* of the Chachamimand RabbiMeiris also found in a *gemara* in Yevamos 119awhere RabbiMeiris concerned for the small possibility that a *katan* or *k’tana* could turn out to be a *saris* or *ailonis* respectively when they get older and therefore prohibits them performing a levirate marriage or *chalitzah*. The Chachamim*, l’shitasam,* are not concerned with this prospect since the majority of minors do not end up being *s’risim* or *ailonios*.  [↑](#footnote-ref-10)
11. Tosfos Rid ad loc*.* s.v. *mipnei mah;* Meiri Avodah Zara34as.v*. g’vinas Beis Oneiki*  [↑](#footnote-ref-11)
12. See Rashi Avodah Zara 29b s.v. *g’vinas Beis Oneiki* and s.v. *mipnei mah;* Avodah Zara 34b s.v. *mipnei mah.* [↑](#footnote-ref-12)
13. Rashash Avodah Zara 29b s.v. *mipnei*  [↑](#footnote-ref-13)
14. One could ask that this seems to be a *g’zeirah ligzeirah*. However, Rabbi Meir is *chosheish lemiuta* on a *d’oraysa* level. (See the discussion of Rabbi Meir’s opinion in Chullin 6a and Yevamos 119a.) If so, according to Rashi, the *g’zeirah* everywhere other than Beis Oneiki is a standard *g’zeirah* to ensure the *d’oraysa* is not transgressed. The Meiri and Tosfos Rid would maintain that that the *g’zeiros* are separate and that Rabbi Meir would agree in general cases to the Chachamim’s reasoning. [↑](#footnote-ref-14)
15. As has been previously explained, according to Rashi, this question is only on the Chachamim whereas, according to the Tosfos Rid and Meiri, the question is on both the Chachamim and Rabbi Meir. [↑](#footnote-ref-15)
16. Tosfos Avodah Zara 35a s.v. *mishum nikur* wonders, if the concern is that snakes might drink from the liquid, why *Chazal* didn’t also ban drinking the water of non-Jews, for which, presumably, there is the same concern. He answers that whilst non-Jews are not particular about exposed liquids, they are fastidious about dirt and will therefore cover their water appropriately. However, with regards to milk, since they don’t eat it as milk, but rather only after they have curdled it into cheese and they filter it before curdling, they will assume that it’s fit for consumption. Filtration will not, however, remove the poison and so the issue of *nikur* remains. [↑](#footnote-ref-16)
17. Avodah Zara 35a [↑](#footnote-ref-17)
18. Rashi ad loc. s.v. *l’fi she’ee efshar. ­*See Toras haBayis leHaRashba *Bayis 6 Sha’ar 6* who seems to agree with Rashi. [↑](#footnote-ref-18)
19. This answer is problematic for several reasons, some of which will be mentioned soon. However, it is interesting to note that this reason is the same reason the *gemara* brings for the *g’zeirah* against consuming the milk of non-Jews that was not milked in the presence of a Jew. (See Avodah Zara 35b for the discussion about the milk of non-Jews.) The question arises why two separate *g’zeiros* were required. The ChasamSofer in a *t’shuva* explains that Rashiholds that the *g’zeirah* regarding milk was enacted before that of cheese. This *g’zeirah* encompassed all milk that wasn’t milked in the presence of a Jew, even if it was originally intended for cheesemaking, which you might assume was permitted since the non-Jew isn’t going to mix milk that can’t curdle into his mixture. The *g’zeirah*, however, only applied if the milk remained in its current state and therefore if it were to be made into cheese it would become permissible. Hence the need for a second, separate *g’zeirah* prohibiting cheese. (See Shut Chasam Sofer Yoreh Deah Chelek 2 Siman 107 s.v. *hinei*; cf. Chazon Ish Yoreh Deah Siman 40*,* Igros Moshe Yoreh Deah Chelek 1 Siman 49.) [↑](#footnote-ref-19)
20. Tosfos HaRosh Avodah Zara 35a s.v. *l’fi she’ee efshar.* See also Tosfos ad loc. s.v. *l’fi she’ee efshar* and Tosfos Rash meSens ad. loc. s.v. *l’fi she’ee efshar.* The Tosfos Ridad. loc. s.v. *l’fi she’ee efshar* tries to defend Rashi regarding the first question mentioned by saying that it’s possible the non-Jew had originally intended to sell the milk and therefore, to increase his profit, he mixed in cheaper *treif* milk to bulk out his merchandise. He then decided to make cheese instead. The Tosfos Roshibid rejects this as it is absurd to think the entire *g’zeirah* is for such an unlikely case. [↑](#footnote-ref-20)
21. Tosfos ibid. Tosfos Rosh ibid. Tosfos Rash meSens ibid. Rabbeinu Chananel Avodah Zara 35a s.v. *uparik Rabbi Yirmiyah.* See also Ran Avodah Zara 13a *b’dapei haRif* s.v. *masnisin* who seems to agree. [↑](#footnote-ref-21)
22. Ritva Avodah Zara 35a s.v. *girsas Rashi z”l;* RambanAvodah Zara 35a *s.v. elah amar Rabbi Yirmiyah* and *veRabbeinu Tam z”l.* [↑](#footnote-ref-22)
23. Avodah Zara 35a [↑](#footnote-ref-23)
24. The abomasum is the fourth and final stomach compartment of ruminants that secretes rennet. See note 3 above. [↑](#footnote-ref-24)
25. *Davar hama’amid*: *lit. a substance that establishes*. In this case, the *or keivas n’veilah* is a vital component that causes the cheese to curdle and therefore cannot be considered *batul*. [↑](#footnote-ref-25)
26. It seems odd that the reason for the *g’zeirah* would be due to the presence of *n’veilah* since surely this would just come under the precept of *sofeik d’oraysa l’chumra* and wouldn’t warrant its own distinct *g’zeirah*. A Rav I spoke to suggested that this might depend on whether the precept of *sofeik d’oraysa l’chumra* is of biblical or rabbinical origin. I unfortunately have no developed answer to this question. [↑](#footnote-ref-26)
27. Rashba Avodah Zara 35a s.v. *Shmuel amar;* see also Ritvaad loc. s.v. *mipnei sheMa’amidim oso,* Ramban ad loc. s.v. *ha d’amar Shmuel,* Tosfos ad loc. s.v. *mipnei sheMa’amidim oso,* Toras HaBayis l’HaRashba Bayis 3 Sha’ar 6 s.v. *g’vinah shel goyim,* Ran Avodah Zara 13a *b’dapei haRif* s.v. *masnisin* (end; on 13b). [↑](#footnote-ref-27)
28. Rashba ibid. Ritva ibid. Ramban ibid. Toras HaBayis ibid. [↑](#footnote-ref-28)
29. This answer would seem to agree with the answer Tosfos ibid. brings. The answers of the Ri MiGashand the Ra’avad differ, it would seem, as to whether there is an *issur d’rabanan* applied to an uncooked mixture of meat and milk: The Ra’avad says yes and the Ri MiGash says no. Interestingly, the footnote in the Mossad haRav Kook Ritvaibid. §683 points out that in the actual *Chiddushei haRa’avad*, he brings the same answer as the Ri MiGashand not that which is quoted in his name here. The Ramban ibid. rejects the reasoning of the Ra’avad*,* that an *issur d’rabanan* wouldn’t be sufficient cause for a *g’zeirah*. He points out that the *gemara* brings as another potential cause for the *g’zeirah* being due to the non-Jew using wine-derived vinegar which would be subject to the rabbinical *issur* of *stam yeinam.* [↑](#footnote-ref-29)
30. Ramban ibid. This answer would seem to disagree with both that of the Ri MiGash and the Ra’avad and one would need to work out what he holds regarding a *davar hama’amid* with *basar b’chalav*. [↑](#footnote-ref-30)
31. See Vayikra 11:3 – 8 [↑](#footnote-ref-31)
32. See *mishna* Avodah Zara 29b [↑](#footnote-ref-32)
33. For the prohibition of eating *orlah*, see Vayikra 19:23 [↑](#footnote-ref-33)
34. See the Beis Yosef Yoreh Deah 115:2who quotes the Mordechaias saying that this is only in a case where the milk was originally milked for the purpose of making cheese rather than to sell as milk since there is a concern that the non-Jew would mix in milk for a non-kosher animal; see Tosfos Avodah Zara 35b s.v. *L’G’vinah* that would seem to confirm this. [↑](#footnote-ref-34)
35. Rambam Hilchos Ma’acholos Assuros 3:13 – 14, ibid. 9:16; Rashba Avodah Zara 35a s.v. *issur zeh* and in Toras HaBayisibid;Meiri Avodah Zara 35a s.v. *mitoch* (see continuation as well s.v. *mikol makom* where he delineates five different types of *g’zeiros* and in what manner, if at all, they can be cancelled); Ranibid. [↑](#footnote-ref-35)
36. Shulchan Aruch and Ramah Yoreh Deah 115:2 [↑](#footnote-ref-36)
37. I had wondered that considering the Igros Moshe Yoreh Deah1,47 says that it is permissible to have non *chalav yisrael* milk because the government will heavily fine any company that mixes in other types of milk, maybe the same logic would apply to *g’vinas akum*. If so, this would fulfil the criteria set by the Ramah. I contacted Rabbi A. Gordimer, a Kashrus adviser for the OU, who said that “the reason that Reb Moshe’s *heter* would not apply to cheese is that *g’vinas akum* is *assur* due to concern for the use of animal-based rennet (plus other possible reasons, as per the *gemara* and as cited by the Tur). The government in fact does allow animal-based rennet, etc. Therefore, government monitoring of cheese-making does not help. Furthermore, the Shach and others rule that *yotzei v’nichnas hashgacha* [intermittent supervision by a Jew] suffices for milk; the idea seems to be that a *y’di’ah* is all that is necessary. Government supervision is at this same level, and Reb Moshe writes that *y’di’ah b’rurah* creates an *Anan Sahadei* [a high level of certainty], like *re’iyah* [seeing with our own eyes]. However, nowhere do we find that *yotzei v’nichnas* works for cheese. For cheese, the Halacha appears to be that physical full-time *re’iyah* is necessary according to the Ramah.” [↑](#footnote-ref-37)
38. Shach Yoreh Deah 115:20 [↑](#footnote-ref-38)
39. See Avodah Zara 35bfor the *mishna* about milk. [↑](#footnote-ref-39)
40. With regards to communities having a *minhag* to permit *g’vinas akum*,I found quoted on the website of Rabbi Kaganoff that there is an Italian community that has a *minhag* going back over 800 years to allow the consumption of *g’vinas akum*. [http://rabbikaganoff.com/tag/gevinas-akum/ - Friday 11/08/17 at 15:44] [↑](#footnote-ref-40)
41. London Beis Din website as of Friday 11/8/17 at 15:47 [↑](#footnote-ref-41)