1. **Mishnah Avodah Zarah 2:5**


(5) Rabbi Yehuda says: Rabbi Ishmael asked Rabbi Yehoshua [a question] as they were walking along the road. He said to him, "What is the cause for the prohibition against the cheese of non-Jews?" He said to him, "Because they curdle it inside the stomach of carrion." He said to him, "But is not [the law regarding] the stomach of a burnt offering more stringent than the stomach of carrion?! And they [the Sages] said: [It was proposed that] a priest with a good disposition may burn [a burnt offering after sucking out the fat from its stomach] while it it still raw [and has not yet been burnt with the offering, which would forbid one form deriving any benefit from it]. And they [the sages] did not agree with him [who proposed this opinion], but they said: One may not derive benefit [from the fats of the stomach], nor is one [who does so] liable for meilah [deriving prohibited benefit from from a sanctified object]." [Implying that one should therefore not be liable for the less stringent case of a stomach of carrion.] He [Rabbi Yehoshua] retracted, and [instead] said, "Because they curdle it in the stomachs of calves that were used for idolatry." And he [Rabbi Ishmael] said, "If so, why is there no prohibition to benefit from it?"

He [Rabbi Yehoshua] redirected him to another topic. He said to him, "Ishmael, my brother, how do you read (Shir HaShirim 1): 'For dodechah [Heb. masc: "your love"] is better than wine;' or 'For dodayich [Heb. fem: "your love"] is better than wine? He said to him, "For dodayich is better than wine."' He said to him, "The matter is not so. For its fellow [the following verse] teaches about it: 'For the fragrance of shemane'eha [Heb. masc: "your oils"] is good."

2. **Avodah Zarah 35a**

Diverted him to another matter: What is the meaning of the words "For thy love is better than wine?" For when Rav Dimi came from Palestine he explained it in this way: Knesset Yisrael says to the Holy Bless one: Master of
the Universe! The words of your beloved ones are more pleasant to me than the wine of the Torah."

Why did he ask him just about his verse? Rav Shimon ben Pazi - some say Rav Shimon Bar Ami said: he hinted at the beginning of this verse, "Let him kiss me with the kisses of his mouth" meaning, Yishmael, my brother, press your lips on each other and do not be too eager to ask for an answer. Why? Ulla (or R. Shmuel ben Aba) said: This is a new ordinance about which one should not investigate.

But what is the reason for this law? R. Shimon ben Pazi said in the name of Rav Yehoshua ben Levi: The probability that the cheese has been bitten by a snake. Then why not tell him the reason? Because of Ulla's ruling, for Ulla said, "When an ordinance is made in the West, its reason is not revealed before a full year passes, lest there be anyone who would disagree with the reason and would treat the ordinance lightly. This was ridiculed by Rav Yirmiyah. If so, then hard cheese and old cheese should be permitted. Hanina said, when anything becomes dry it is permitted because snake venom would not let it become dry, and if it is aged cheese it should be fine since snake venom would prevent the cheese aging. Rav Hanina said: The reason for prohibiting the cheese is because it is impossible for it not to have particles of milk. Shmuel said, because it is set in the skin of the rennet of a neveilah. But this implies that the rennet itself is permitted. How could Shmuel ahve said so? Did we not learn, "The rennet of a gentile's animals or of a neveilah is forbidden?" And when the question was asked, is then any animal of a gentile indeed considered neveilah? Shmuel answered, These are meant to be taken together: The rennet of an animal slaughtered by gentiles which is neveilah is forbidden. This is not a contradiction for...
3. **Avodah Zarah 35b**

...the former represents R. Yehoshua's position before it was reversed the latter after it was reversed and the Mishnah was left unchanged.

R. Malkiah in the name of Rav Adda bar Ahava said: Cheese is forbidden because its surface is smeared with pig fat. Rav Hisda said, because it is curdled in vinegar. Rav Nachman bar Yitzchak said: Because it might be curdled with the sap of orlah plants.

4. **Tosafot on Avodah Zarah 35a:39:1**

Rabbenu Tam said that now, since we no longer find a simple reason to prohibit since the reason for the prohibition is snake venom, as is said by Rabbi Yehoshua ben Levi, for we uphold the halakha in accordance with the opinion of Rabbi Yehoshua ben Levi, even when he disputes Rabbi Yochanan, and even the more so when he disputes Shemuel for when Shemuel disputes Rabbi Yochanan, the halakha is in accordance with Rabbi Yochanan. And this was the ruling of Rabbenu Hannanel and so too Seder Tena'im ve'Amoraim declares that the halakha is in accordance with Rabbi Yehoshua ben Levi in all cases. And the words of Rav Ada bar Ahava ammount of nothing since he sotnot the same Rav Ada bar Ahava who was a student of Rava, for he came later - for his words are mentioned earlier than those of Rav Hisda and Rav Nahman bar Yitzchak who were all earlier than Rava. And also the words of Rav Hisda and Rav Nachman bar Yitzchak stand in conflict. And there is no need to be concerned about a mixture of non-kosher milk since it will not become cheese as Rashi explains, for the gentiles are not so foolish as to mix non-kosher milk into their cheese mixtures since it will not form cheese. Rather, it is certain that the reason for the prohibition is for no other reason than the concern about snake venom and we, who do not live in a region with many snakes have no reason to be concerned about uncovered liquids. And do not say that a decree that has been enacted by a court requires another court to gather to overturn the decree for certainly it was never forbidden for any region other than those wherein snakes are found as I will explain concerning wine. And in many places they eat these...
cheeses because they are are made using flowers. However, in those places where the cheeses are made with rennet, Rav Yitzchak ben Rabenu Hayim says there is a slight reason to forbid since the rennet is salted with its skin and there is a concern of dairy and meat together since salting is equivalent to roasting. And I have seen places where they make the cheese firm with some other salted thing.

5. **Mishneh Torah, Forbidden Foods 3:13-14**

Accordingly, logic would dictate that any milk found in the possession of a gentile is forbidden, lest the gentile have mixed the milk of a non-kosher animal with it. And the cheese of the gentiles should be permitted, for the milk of a non-kosher animal will not form cheese. Nevertheless, during the age of the Sages of the Mishnah, they issued a decree against gentile cheese and forbade it, lest they use the skin of the stomach of an animal they slaughtered - which is forbidden as a *nevelah* - to cause it to solidify.

If one would say: The stomach skin is a very small entity when compared to the milk that it is used to solidify. Why is it not nullified because of its insignificant size? Because it is used as the catalyst to cause the cheese to curdle. Since the catalyst which causes it to curdle is forbidden, everything is forbidden, as will be explained.

[The following laws apply when] cheese is left to solidify with herbs or fruit juice, e.g., fig syrup, and it is apparent [that these substances were used for] the cheese. There are some of the *Geonom* who have ruled that it is forbidden, for [our Sages] already decreed that all the cheeses of gentiles are forbidden, whether they caused them to solidify with a forbidden entity or with a permitted entity. This is a decree, [instituted] because they cause them to solidify using forbidden entities.
6. Shulchan Arukh, Yoreh De'ah 115:2

(2) Cheese made by non Jews was forbidden because that they are produced with the dried stomach of an animal that was not correctly slaughtered. And even when the cheese is produced using vegetarian rennet it is forbidden.

Rema: And thus is the custom, and it must not be changed, unless you are in a place that has permitted this since earlier times. And if a Jew oversees the production of the cheese and the milking, it is permitted. And thus is the custom that spread in all of our countries. And if a Jew oversees the making of the cheese, but not the milking, it is permitted after the fact, because there is no concern that perhaps something non-kosher was mixed in after the cheese was made from the milk, because non-kosher milk will not allow the cheese to form, and of course the non-Jew did not mix anything in once he knew it was for making cheese. And in any case, it is forbidden to eat such milk.

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8. "עיבוריהם מבישתנו ממסכת עבודה והר פרק ב משמית הז סימן: [マークの Shuttle, Shulhan Arukh, Yoreh De'ah 115:2]

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Rav Soloveitchik zt”l offered an interesting solution to this conundrum to explain his opinion with regard to consuming Kraft cheese and other “gevinat akum” (non-Jewish cheese). As is well known, the Rav, following the Rama (YD 115:2), ate Kraft cheese when no or little Jewish produced cheese was available, since the curdling process of the cheese was not done inside an animal-skin sac. It has been reported in Rav H. Schachter’s *Me-Peninei Ha-Rav* (p. 153-154) however, that while the Rav told his talmidim in shiur of this leniency, he would not publicize it to ba’al ha-batim (lay people) who asked him this question, as he considered it to be a case of halakha ve-ein morin ken be-rabim, since it went against the psak of the Shulchan Aruch. One talmid, however, questioned the Rav’s logic, as he had already publicized the heter in shiur. The Rav responded by quoting a *kulah* found in Rashi’s Talmud commentary (Ta’anit 13a) in which Rashi would allow work to be done on Tisha Be’av night, but asserts that this *kulah* should not be publicly spread.

Rashi, the Rav noted, was of course publicizing this *kulah* by writing it in his commentary, but apparently felt that anyone who would be learning *gemara* and his commentary should be considered one of the “*tenuim*” who be trusted to use the *heter* appropriately. Similarly, his learned and committed *talmidim* could be trusted with the Kraft cheese *heter*, but it was inappropriately to announce it publicly. In other words, those (elite?) who can learn the *heter* inside the seforim can be trusted, while others cannot.

If this is indeed the correct distinction – that we can publicize the lenient halakha to the learned who have access to the mekorot – then how does this work with contemporary halakha handbooks? On the one hand, one might assume that anyone is opening the book must care about halakha, and therefore could be trusted with the *kulah*. On the other hand, the fact that they are resorting to a halakhic handbook might indicate that they are not learned enough to find the *kulah* inside primary sources, and therefore perhaps are not trustworthy enough. To a certain extent, this relates to the basis of the “*heter*” for those who can learn the *sefarim*: does their trustworthiness stem from their erudition, or their effort in learning the sources? (Or to put it *lomdishe* terms: Is their learning a *sibah* for the *heter*, or just a *siman* for their loyalty to halakha?)

12. From "Mesorah" the Torah Journal of the Orthodox Union, Shevat 5768 pp. 59-60
Shaking Up Israel's Kosher Certification System

by Timothy D. Lytton, and Motti Talias

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...Israel's chief rabbinate consists of a rotating presidency between the Ashkenazi and Sephardi chief rabbis who supervise a chief rabbinate council and a network of local chief rabbis. It serves as the ultimate authority on matters of Jewish law, including kosher certification. The Ministry of Religious Services, presided over by a cabinet minister, appoints and partially funds municipal and regional religious councils, which administer kosher certification locally. A restaurant or banquet hall seeking kosher certification must apply to its local religious council. The council sends a staff member to conduct an initial inspection of the applicant’s facility. If the council approves, it refers the application to the local chief rabbi, who formally grants certification by signing a certificate. The council then assigns a qualified inspector to provide ongoing supervision. These kosher inspectors must pass a test administered by the chief rabbinate. The certified business pays an annual fee to the council to maintain its certification. Fees to the council range from $100 for a small restaurant to $3,500 for a large hotel. In addition, the business pays the inspector an hourly wage set by the chief rabbinate of approximately $10.50.

But, as government audits, public commissions, and ongoing press coverage have shown, there are problems. To begin with, since kosher inspectors are paid directly by the restaurants and banquet halls that they supervise, the inspectors have a conflict of interest. A business owner who isn’t happy with an inspector can request a different one. Thus,
inspectors have an incentive not to be too rigorous for fear that the business owner will replace them. Another problem is absenteeism. In May and June 2007, Israel’s state comptroller made unannounced visits to 54 businesses under the supervision of Jerusalem’s religious council. During morning hours, investigators found inspectors present in only six locations; in the afternoon, they found none at all. The comptroller’s report also noted a general lack of documentation, such as timesheets for inspectors and inspection reports. Private complaints and press accounts of kosher inspectors who show up infrequently (or not at all) are, in fact, common. One business owner quoted in Ha’aretz described his inspector as coming “to the restaurant daily, sometimes every two days. When his wife’s father died, he sat shiva and didn’t come all week. Whenever he did arrive, he’d come for exactly 40 seconds. He’d come, say good morning, go to the drawer, check the invoices, and leave.” Rabbi Shimon Biton, a whistle-blower who formerly served as chairman of the Petah Tikva religious council, has also recently detailed allegations of nepotism in the employment of kosher inspectors and described cases of inspectors drawing multiple salaries by holding several supervisory jobs simultaneously while working at none of them.

A third problem is lack of transparency. Standards and policies—like the Jerusalem religious council’s anti-belly-dancing “guidelines”—are frequently not published or part of any public record. Moreover, local variation between religious councils is common. For example, a chain restaurant can get kosher certification in one municipality but be denied in another. This exacerbates a perception that rules are arbitrary or, worse, manipulated to favor some and disadvantage others. It has also recently been reported that religious councils use this lack of transparency to hide anti-competitive practices and other forms of corruption...

...Government reformers like Bennett and Ben-Dahan fear that privatization of kosher certification would result in anarchy and widespread consumer fraud. But the example of the U.S. kosher certification system suggests otherwise. In the United States, a network of over 300 private certification agencies reliably ensures the kosher status of more than 135,000 retail products manufactured by some 10,000 companies. The system also provides certification to thousands of food service operations—such as restaurants, caterers, and hospitals—throughout the United States. Competition between agencies, which depend upon their good reputation among consumers and the quality of their service to clients to remain in business, makes the agencies eager to avoid mistakes and misconduct before they happen and to report them promptly when they do occur. Moreover, agencies are quick to publicize the problems of rival agencies. Despite the competition, American kosher certification agencies are also highly interdependent—certifiers of finished products or food service operations rely on other agencies’ certification of ingredients further upstream in the production chain—which leads them to closely scrutinize each other’s operations, creating a network of interagency oversight.

The United States government’s role in all of this is minimal. It simply provides civil laws and court systems that make it possible for private kosher certification agencies to make binding contracts with their clients and pursue trademark claims against fraudulent use of their certification symbols. In rare cases of intentional misconduct by uncooperative companies, state prosecutors can subpoena information, order the seizure of goods, and impose criminal sanctions. In addition, courts can award compensation to consumers who fall victim to fraud.