The Laws of Cooking
Part 2
Yeshiva Course

By Rabbi Yosef Ben David

Volume Three

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The Laws of Cooking Part 2 – Yeshiva Course
By Rabbi Yosef Ben David

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The Laws of Cooking Part 2

By Rabbi Yosef Ben David

Shiur 01: BISHUL, (Part I)

I) Principles of Bishul

Is it possible to come up with a way of cooking that is not biblically forbidden?
May one use solar energy to heat and cook food?
Is it preferable for hospitals to cook on Shabbat using a microwave?
Is it permissible to use a water heater powered by solar panels?[1]

Actions Included in the Prohibition of Bishul

Primary Melakha: Cooking and Baking

Bishul (cooking) is one of the most important primary labors (avot melakhot) of Shabbat; surprisingly, we do not find it mentioned explicitly in the master list of Shabbat prohibitions. Instead, when the Mishna (73a)[2] enumerates the thirty-nine primary melakhot, it includes ofeh, baking. The Gemara (74b) is perplexed by this: after all, the primary melakhot are derived from the work[3] necessary for the Mishkan (Tabernacle), and in the Mishkan, there was no baking, but only cooking (of the dyes used for the Mishkan's covering). The Gemara responds: "The author of our mishna follows the bread making process." In other words, the Mishna prefers to enumerate those melakhot that are tied to bread making (perhaps because this makes it easier to memorize the melakhot), and therefore baking is mentioned specifically.

The words of the Gemara indicate that there is no essential distinction between cooking and baking, and they are considered to be the same[4] primary melakha, and therefore the author of the mishna could list baking, even though it was not baking that was done in the Mishkan, but rather cooking. This is also what Rashi (ad loc., s.v. Siddura) indicates, defining baking as "the cooking of bread." The Rambam rules in a similar vein (9:1): "Whether one bakes bread, cooks food or dyes, or boils water — it is all one and the same."[5]
However, according to the Yerushalmi (7:2), baking is actually a tolada (subcategory) of cooking and it is not part of the av melakha.[6]

Frying and Roasting — Biblical Prohibitions

The Acharonim discuss whether other activities, such as frying and roasting, are considered toladot or are part of the av melakha (see, for example, Eglei Tal, Ofeh 1). In any case, it is clear that these actions and any similar actions are biblically forbidden, whether they are "co-avot" or toladot. In Shemirat Shabbat Ke-hilkhata, Rav Neuwirth summarizes this discussion accordingly (1:1):

Cooking, roasting, frying, baking — whoever renders something edible by the direct heat of a flame, or [renders something edible by subjecting the food to] anything else that was heated by a flame, violates the prohibition of bishul.[7]

An intriguing discussion arises as to whether bishul is repeatable. Do we say that ein bishul achar bishul (there is no cooking after cooking), so that once an item has undergone this process, the melakha is not applicable and one who cooks a previously cooked item would be exempt? Alternatively, do we say that yesh bishul achar bishul (there is cooking after cooking) and one who cooks a previously cooked item would be liable? Does it make a difference whether the item is solid (davar yavesh) or liquid (davar lach)? What about bishul achar afiya (cooking after baking)? We will deal with these questions at length in later weeks.

II) The Levels of Cooking

Solids — Minimal Edibility

How thoroughly cooked must a food be in order to be liable for the melakha of bishul? The Gemara in Menachot (57a) indicates that one is liable for cooking any food once it reaches the level of ma'akhal ben Derusai. Ben Derusai was a thief who would cook his food minimally: either half of the normal amount, according to the Rambam (9:5), or a third of the normal amount, according to Rashi (Menachot ad loc.).[8] Thus, the Gemara indicates that even partial cooking is enough to make one liable for the melakha of bishul.[9]

Liquids — Scalding

Ma'akhal ben Derusai is relevant only for solids; when it comes to liquids, another determining factor is mentioned in the Gemara in Shabbat (40b):

Rav Yehuda said in Shmuel's name: "Both in the case of oil and in the case of water, if the hand shrinks from it, it is forbidden; if the hand does not shrink from it, it is permitted."

This indicates that the relevant metric for liquids is not the extent of cooking, but the magnitude of the heat — if the liquid becomes so hot that "the hand shrinks from it" (ha-yad soledet bo) — i.e., "one's hand draws back out of a concern of being scalded" (Rashi ad loc.) — there is a biblical prohibition of bishul.[10] If the liquid does not reach the level of yad soledet bo, there is no prohibition at all. According to this, it is permissible to put a teabag into lukewarm water — i.e., water that has not reached the level of yad soledet bo — because the tea will certainly not reach a scalding temperature.[11]

Determining Yad Soledet Bo

What is the temperature defined as yad soledet bo? In the Gemara (ibid.), it says:

And how is "the hand shrinks from it" defined?
Rachava said: "An infant's belly is scalded by it."

Throughout the generations, many attempts have been made to define "yad soledet bo" precisely. The main problem is that it is very subjective: some people will pull their hands back upon coming in contact with an item that is only mildly hot, while others will not pull their hand backs even upon coming in contact with very hot items.

The Darkhei Teshuva (YD 105:51) writes that anything 40ÂºC (104ÂºF) or below cannot have the status of yad soledet bo, because cow's milk is considered halakhically "cold," and when it emerges from the udder, the milk is at 40ÂºC. (A similar idea is cited, in the name of the Kehillat Ya'akov, in Orechot Rabbeinu, Vol. I, p. 378).

Anything below 45ÂºC is not Yad Soledet Bo

Rav S.Z. Auerbach (Minchat Shlomo 91:8; Shemirat Shabbat Ke-hilkhatah, ch. 1, n. 3) believes that one may be even more lenient, and he cites a proof from the

laws of slaughtering animals: according to the conclusion of the Gemara in Chullin (8b), a knife used to slaughter a non-kosher animal remains kosher, because the site of slaughter (i.e., the neck of the animal) is not considered to be hot. The regular body heat of a duck exerting itself is 45ÂºC (113ÂºF), and at the time of slaughter it goes up a degree, so 45ÂºC is definitely less than yad soledet bo.[12]

Only 71ÂºC and above is Yad Soledet Bo

Rav Moshe Feinstein (Iggerot Moshe, OC, Vol. IV, ch. 74, Bishul 3; all future citations of Rav Feinstein in the Bishul section come from this unit unless otherwise noted) stresses that this low temperature is only relevant for purposes of stringency (although according to his view, one should be stringent at 43ÂºC or 109.4ÂºF): it is not clear that it is definitively considered yad soledet bo. According to his view, only a temperature of 71ÂºC (159.8ÂºF) can definitely be considered yad soledet bo:

What is the level of heat that one must be concerned that it is yad soledet bo, and at what level is it definitely yad soledet bo?

Answer: It is fitting to be stringent, it would appear to me, from a temperature of 110ÂºF [43ÂºC], which is already a high enough level of heat that we must be concerned about yad soledet bo, as our investigations show. The doubt remains until 160ÂºF [71ÂºC], because 160ÂºF is certainly considered yad soledet bo, even in order to be lenient.

According to this, one should not leave a food in a place where it can reach 45ÂºC; however for purposes of being lenient about yad soledet bo,[13] one must count only a temperature of 71ÂºC as definitely scalding.[14]

[1] These questions will be answered over the course of the next few shiurim.
[2] Throughout this series, unless otherwise noted, the citations from the Talmud are from Tractate Shabbat; the citations from the Rambam's Mishneh Torah are from Hilkhot Shabbat; the citations from the Tur and Shulchan Arukh are from Orach Chayim.
[3] The question of the Gemara indicates that the primary melakhot are based on those labors necessary to erect the Mishkan, not those labors necessary for the daily operation of the Mishkan, because baking was done regularly in the Mishkan, namely baking the showbread.
[4] According to the Maggid Mishneh (7:4), "Any melakha that is totally similar to the av, but distinct from it in the quality of the action or the quality of its object

— this is considered an av just as much," and following this, one may say that the results of baking are similar to the results of cooking.

[5] The Rambam starts to analyze the toladot of bishul only in 9:6, indicating that baking is not a tolada, but part of the av melakha.

[6] See Eglei Tal (Ofeh 1), who thoroughly explains the dispute between the Bavli and the Yerushalmi.

[7] As for cooking non-food items, the melakha of bishul does not apply solely to foods, but even to other items, as is indicated by the words of the Gemara (74b) that one who throws a tent peg into an oven in order to dry it out and harden it is liable [in the melakha of bishul]. The same applies to boiling pitch in order to liquefy it, as the Rambam (9:6) states: "This is the rule: one is liable for cooking, whether one softens a hard mass in the fire or hardens a soft mass."

[8] As for measuring the progress of cooking, the Chazon Ish (37:6) states that since it is difficult to calculate what constitutes a third or a half of the necessary cooking of a given food, one must calculate based on the time necessary to cook it. If, for example, a certain food reaches the level of "fully-cooked" after an hour of cooking, then half an hour of cooking makes the food half-cooked, and twenty minutes of cooking is one-third-cooked. The Chazon Ish adds that when one cooks the food in water, one must count this time only from the point at which the water reaches scalding temperature, because before this point, no bishul occurs.

[9] As for cooking a food after it has reached the level of ma'akhal ben Derusai, according to many Rishonim (Ramban, Rashba, Me'iri, Ran et al., 38b), the level of ma'akhal ben Derusai can also be applied for lenient purposes; once a food has been cooked to this level, there is no further prohibition of bishul violated by continuing to cook it. However, from the Rambam's words (9:3), it would appear that we can only say that the prohibition of bishul does not apply once the food has been fully cooked, but anything that has not been fully cooked (even if it has reached the level of ma'akhal ben Derusai) still has a prohibition of bishul upon it. This is also the ruling of the Shulchan Arukh (318:4), and the Bei'ur Halakha (ad loc., s.v. Afillu) lists a number of Rishonim who agree.

As for cooking food that is edible when raw, the Rishonim and Acharonim argue whether the prohibition of bishul applies. A number of Acharonim infer from the Rambam (loc. cit.) that foods that are edible without cooking, such as fruits and vegetables, are considered to be fully cooked; therefore, the prohibition of bishul is not applicable to them at all (Minchat Kohen, II, ch. 4), or that the prohibition is rabbinical only (Hagahot Rabbi Akiva Eger, Magen Avraham 254:14). The prohibition of bishul means to prepare food for eating by the application of heat, and naturally there can be no prohibition for foods that are edible even without any heat. On the other hand, the Or Zarua (II, ch. 62) states, in the name of the Riva, that the biblical prohibition of bishul applies even to fruits and vegetables that are eaten raw, because the act of bishul alters the

taste and prepares them for a different intended use. (For example, apples may be eaten raw, but once one cooks them, they may be made into applesauce; for this purpose, raw apples are not useful, and so it is the act of bishul that makes the apples fit for this). This is also what arises from the words of Tosafot (48a, s.v. De-zeitim) and the Sefer Ha-teruma (ch. 231), and there are Acharonim who infer this from the words of the Rambam (Eglei Tal, Ofeh 19; Sha'ar Ha-tziyyun 318:114). The words of the Shulchan Arukh (254:4) indicate that he rules stringently about this, that the prohibition of bishul does apply to foods that are edible raw, and this is how the Rema (318:14) rules explicitly.

[10] What is the basis for the distinction between liquid and solid? The Gemara notes different measures for solids and liquids because bishul affects them in different ways. A solid changes in a significant way due to bishul; it becomes softer and has a different consistency, and therefore the level of bishul required is defined by the level of alteration of the food, to what extent it becomes soft and edible. While a liquid does change in a significant way through bishul, it essentially just becomes hotter, and therefore the level of bishul required is determined instead by its temperature. This distinction also has ramifications for the issue of bishul achar bishul, as we shall see in later weeks.

[11] However, one should not leave a liquid or cooked food in a place where it can reach the temperature of yad soledet bo, even if one plans to move them before they will reach that temperature, because we are concerned that one will forget to do so (OC 318:14; Mishna Berura ad loc. 90).

[12] Also see the book Middot U-shiurei Torah (ch. 19), which cites a view, in the name of Rav Tzvi Pesach Frank and Rav Aharon Kotler, that anything below 52ÂºC (125.6ÂºF) is not considered yad soledet bo.

[13] We will see a number of instances in which reaching this temperature is a reason to be lenient. For example, for the issue of bishul achar bishul regarding a liquid that has cooled; according to the Shulchan Arukh, once the item has reached yad soledet bo, there is no prohibition to cook it further.

[14] Rav Feinstein's words elsewhere (Iggerot Moshe, YD, Vol. II, ch. 52) indicate that only a temperature of 79ÂºC (174.2ÂºF) is considered definitely yad soledet bo. However, it makes sense that one need not be stringent with a temperature above 71ÂºC, since this number is already quite strict. Consider that the heat of water in a boiler (an electric water-heater) does not go above 70ÂºC (a safety measure that prevents the heater from reaching a higher temperature), but hot water in a shower, if not mixed with any cold water, can certainly cause burns, not only on an infant's belly, but even on an adult's body. Thus, it is clear that yad soledet bo must be lower than 70ÂºC. This is what leads the Chazon Ish (Ma'or Ha-Shabbat, Vol. IV, p. 382; Chut Shani, Vol. II, p. 164, n. 101) to argue that a heat of about 47-48ÂºC (116.6-118.4ÂºF) is definitely considered yad soledet bo, even to be lenient (we will develop this idea further in a future week when we discuss hot water heaters).

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Shiur 02: BISHUL, (Part II)

III) Heat Source

The Prohibition of Bishul — Action or Result?

Is it the specific action of bishul that is forbidden, or is any action that brings about the result of bishul prohibited? In other words, is there a possibility to cook on Shabbat in a way that is not forbidden, or perhaps any act that brings the food to a cooked status is forbidden?

Cooking by Indirect Solar Heat

The Mishna (38b) states:

One must not place an egg at the side of a kettle for it to be rolled [cooked],[1] and one must not break it into a cloth [that was heated up by the sun]; but Rabbi Yosi permits it. Furthermore, one may not put it in sand or road dust for it to be roasted.

This mishna deals with two ways to cook an egg: toledot ha-esh (igneous byproduct) and toledot ha-chamma (solar byproduct). In each case, the egg is not being fried directly; instead it is an object that has been heated up for another purpose or for no purpose at all that is being utilized to fry the egg: the kettle has been heated over a flame, while the cloth, sand or dirt has been heated by the sun. This mishna indicates that bishul with an igneous byproduct is forbidden, while using a solar byproduct is the subject of a dispute between Rabbi Yosi and the Chakhamim.[2]

Cooking in the Sun

However, the Gemara (39a) explains that Rabbi Yosi and the Chakhamim disagree about bishul with solar byproducts, but not about cooking in the sun itself.

R. Nachman said: “In the sun, all agree that it is permitted; in a fire-heated object, all agree that it is forbidden. Where do they differ? They differ concerning a sun-heated object: one holds that we forbid a sun-heated object on account of a fire-heated object, while the other holds that we do not forbid it.”

Conclusion — Three Heat Sources

Thus, we must distinguish between three heat sources:

Fire or its byproducts: biblically forbidden (the Gemara notes: “One who rolls is liable to bring a sin-offering”).

Sun: permissible even ab initio.

Solar byproducts (namely, an object heated by the sun): according to Rabbi Yosi, this is permissible; however according to the Chakhamim, this is rabbinically forbidden, as there is a decree lest one come to cook with an igneous byproduct. This is the halakhic ruling (Rambam, 22:9; Shulchan Arukh OC 318:3).

Reason to Allow Cooking in the Sun

Why is one allowed to cook in the sun ab initio?

Rashi (s.v. De-sharei) explains:

For this is not its way of cooking (derekh bishul). No one would ever confuse fire with the sun, so there is no reason to decree against the latter because of the former.

In other words, there is no prohibition to cook in the sun, because this is not derekh bishul, and even the Chakhamim do not decree against this as they decree against solar byproducts, since there is no need to be concerned that someone will err and confuse cooking in the sun (permitted) with cooking over a flame (forbidden).

Apparently, Rashi's words are difficult. Normally, introducing a shinnui (nuance in the manner of performing an action) means that an act is no longer melekhet machshevet (thoughtful labor), and one is no longer liable on the biblical level. However, the act remains rabbinically banned. Why should the fact that solar cooking is not derekh bishul constitute a reason to allow it ab initio?

A) The results are inferior.

The Eglei Tal (Ofeh 44) responds that the intent is not for a shinnui in the act of bishul, but a shinnui in the quality and result of the act of bishul. Cooking in the sun is qualitatively different from cooking in the fire; the effect of the flame on the food is different than the effect of the sun. Writing with one's left hand is a shinnui, but it only puts the action into the realm of rabbinical prohibition, because the result is identical. Cooking in the sun, on the other hand, brings about an altered result. This is a characteristic shinnui that removes the name of the melakha, and therefore he allows this ab initio:

Clearly, it matters whether there is a shinnui in the action or the shinnui is only in the actor… If one writes with the left hand, the essence of the act remains the letter that is produced, and in this there is no shinnui; the only shinnui is in the person doing it: one performed the action with the left, while it is normally done with the right…

When one cooks with fire, the flame has an effect on the food, and one instead cooked in the sun; it is the sun that has an effect on the food, so that there is a shinnui in the cooking being done… Thus, there is no further need for the reason of melekhet machshevet, because it is not considered cooking at all… Therefore, since one who cooks in the sun alters the object itself, it is permissible to do so ab initio.

B) It is not a generally accepted way of cooking.

In Iggerot Moshe (OC, Vol. III, ch. 52), Rav Moshe Feinstein explains Rashi's words in a different way. According to him, Rashi does not intend to say that cooking in the sun is allowed because of shinnui, i.e., that one performs a forbidden labor in an uncommon way, so that one is no longer performing melekhet machshevet. Rather, he maintains, that cooking in the sun is not included at all in the melakha of bishul, because cooking in the Mishkan was done only via fire.

While it is true that generally even activities that were not found in the Mishkan are forbidden as toladot if they are similar to the melakhot that were done in the Mishkan, this is different. Bishul in the sun is not considered a melakha similar

to bishul in fire, since cooking over a flame is a common and accepted way to cook, while cooking in the sun is not a conventional way to cook at all. This is the intent of Rashi: since this is not its derekh bishul, this act is not included in the melakha of bishul:

When it comes to cooking in the sun, there is no Shabbat prohibition, as Rashi notes on Shabbat 39a — the Ran writes something similar — because this is not derekh bishul. Now, it is clear that even though cooking in the Mishkan used a flame, nevertheless, it would have been appropriate to derive solar cooking from it, as a tolada, because for every av melakha in the Mishkan, we derive that one is liable also for all acts that are similar to the avot. One is just as liable for these, and they are called toladot. Therefore, Rashi must explain that we do not derive solar cooking from igneous cooking, which was found in the Mishkan, because this is not derekh bishul.

The Eglei Tal bases the distinction on the result; according to Rav Feinstein, the distinction is in the act: since solar cooking is an act that is not accepted, it is not defined as bishul at all.

C) The Torah forbids only cooking over a flame.

The words of a number of Rishonim indicate that the allowance to cook in the sun is based on the fact that the melakha of bishul forbidden by the Torah includes only cooking utilizing fire and its byproducts. For example, the Me'iri (Pesachim 41a) writes, "one is liable for cooking only for igneous byproducts." This is also implied by the words of the Rambam (9:6), concerning bishul of metal: "This is the rule: one is liable for cooking whether one softens a hard mass in the fire or hardens a soft mass." The Rambam adds "in the fire," and it is implied that the liability is only for doing so using a flame. (However, it may be that the Rambam intends only to exclude using the sun and its byproducts). This is what the Mabbit writes in Kiryat Sefer (ch. 9): "Bishul only apples to fire and its byproducts, because this is what was used for the dyes of the Mishkan."

Rav S.Z. Auerbach (Minchat Shlomo, ch. 12, n. 4) understood this to be Rashi's view:

Even though Rashi writes on Shabbat 39a that cooking in the sun is permitted by all because this is not its derekh bishul, nevertheless, it appears that even if people do cook in a given way using the sun, such as via a solar heater and the like, one is still not liable for doing so…

Indubitably, Rashi's intent is that this is not called bishul… they had a tradition that [when it comes to bishul] we require specifically that the act be comparable to what was done in the Mishkan, where bishul was via fire and its byproducts, and nothing else.

According to him, the Sages have a tradition that bishul must be "comparable to what was done in the Mishkan," where they cooked specifically using fire and its byproducts. Rashi's intent, if so, is that there is a biblical rule that using the sun is not the way of cooking; therefore, this type of cooking is categorically excluded from bishul, and this is not dependent on human custom.

Summary: Why is Cooking in the Sun Permitted?

In conclusion, cooking in the sun directly is unquestionably permitted. There are three approaches as to why:

a. Eglei Tal: the result of cooking in the sun is not as good as the result of cooking over fire.
b. Rav Feinstein: the act of cooking in the sun is not forbidden because it is not the way of the world to cook in this way.
c. Rav Auerbach (as implied by some Rishonim): the act of cooking in the sun is not forbidden because the Torah defines the melakha of bishul solely as cooking using fire.

COOKING IN A MICROWAVE

The electromagnetic spectrum spans, in order of increasing frequency and decreasing wavelength, radio waves, microwaves, infrared radiation, visible light, ultraviolet radiation, X-rays and gamma rays.[3] Every one of these types of radiation is different, and every type is absorbed by some substances and reflected by others. For example, visible light is reflected by many substances, but it passes through clear glass. Infrared radiation, on the other hand, is also absorbed by clear glass and warms it.

Microwave radiation is absorbed by liquids, but not by solids (for the most part). When a food is heated in a microwave oven, the radiation causes the liquids inside a food to be heated, and those liquids heat the solid part of it. The result of cooking in a microwave (which does not brown the food) is also different: the original color of the food remains, and its taste is somewhat different from that of a food cooked in the normal way.

By Torah law, it is it permissible to cook in a microwave on Shabbat? This question depends on the different reasons that we have seen for the allowance to cook using the sun.

Cooking in a Microwave is Biblically Forbidden

Rav Feinstein (Iggerot Moshe, OC, Vol. III, ch. 52) writes that since nowadays (1971) it is ordinary to cook in the microwave (and even if there is a regular oven in the house, people sometimes prefer the microwave), there must be a biblical prohibition:

If so, in the microwave oven, that it is as good as cooking in an actual flame, and those who have it use it more than a flame, and the fact that these are not widespread [in Rav Moshe Feinstein's time] is because they are not yet common, but when they will be common, everyone will certainly use them, because they are better, so one may certainly derive from bishul over a flame that was in the Mishkan, with the significance of a tolada, that it is for all laws like the av of bishul through flame for a prohibition and for liability for sin-offering or stoning.

Cooking in a Microwave is Biblically Permitted

According to the view of the Eglei Tal, on the other hand, there would not be any Torah prohibition involved in cooking in a microwave, because the result of bishul in it is very different from cooking in an oven.

Similarly, according to Rav Auerbach, there is no biblical prohibition of cooking in a microwave, since this is not a fire, and this is totally different from bishul. According to his approach, we should prefer cooking in a microwave when we need to prepare food for a dangerously ill person (see Nishmat Avraham, 2nd ed., 318:1, n. 3).[4]

Other Problems with Using a Microwave

We should point out that using a microwave on Shabbat involves additional halakhic problems:

a) Completing an electrical circuit — according to the Chazon Ish (50:9), this constitutes a violation of building (boneh) and destroying (soter). However, in Minchat Shlomo (ch. 11) we find a dissenting view, and this is the accepted ruling.

b) Sparks created by completing the circuit — it is generally accepted that there is no inherent biblical prohibition in this (Chazon Ish loc. cit. s.v. U-le'inyan; Minchat Shlomo 10:7; Yabbia Omer, Vol. V, OC, 27:4).

Summary: Cooking with Alternative Sources of Heat

Practically, we forbid cooking even by using a heat source other than fire, for example, a microwave or chemical means; however, the halakhic authorities argue whether there is a Torah prohibition involved. According to the Eglei Tal, if the result is comparable to regular bishul, there is a biblical prohibition. According to Rav Feinstein, if this is an accepted way of bishul, there will be a Torah prohibition in this. On the other hand, Rav S.Z. Auerbach holds that there is no biblical prohibition unless one cooks using a flame, as it was done in the Mishkan.

[1] Rashi (s.v. Bishvil) explains that bishul is referred to here with the term "gilgul" (rolling) because a hard-boiled egg usually rolls (see Derisha 318:3). However, the Rambam, in his commentary on the Mishna (3:3), explains that the egg becomes mixed in the process of cooking, and the term gilgul refers to mixing or stirring.

[2] Rabbi Yosei (Gemara ibid.) in fact concedes that one may not put an egg into sun-heated sand; however, this is only because of ancillary prohibitions such as insulation or moving dirt.

[3] See also Professor Ze'ev Lev's essay on this, Techumin VIII, pp. 21-36, as well as in his book Maarkhei Lev, ch. 11.

[4] The halakhic status of salting and pickling on Shabbat is also affected by this argument. From the words of the Ran (Avoda Zara 38b, Rif), it appears that since we have a principle when it comes to prohibited foods that "salting is like boiling," salting is considered like cooking, and one who salts a food on Shabbat (with a great quantity of salt) should be liable for bishul.

Similarly, the Noda Bi-Yehuda writes (2nd ed., YD, end ch. 60) that since we say "pickling is like cooking," anyone who pickles food and makes it edible is biblically liable for bishul. These views are apparently feasible according to the view of Rav Feinstein that the prohibition of bishul includes every acceptable act that renders a food "cooked," but according to the view of Rav S.Z. Auerbach, it cannot be that one should forbid salting and pickling on a biblical level because of bishul, as bishul requires the use of fire or its byproducts. According to the Eglei Tal as well, one should not be liable for this, since the results of salting and pickling are different from the results of bishul. Indeed, the Ramban (Avoda Zara 74b) writes that one is not liable for salting as a variant of bishul, and this is the view of most Acharonim: one is not liable for salting or pickling as a form of bishul (see, e.g., Chokhmat Adam 58:1).

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 03: BISHUL, (Part III)

USING A SOLAR WATER HEATER

For decades, many people have used a solar water heater. Is one allowed to use this device on Shabbat?

Solar Heaters

We will first explain how a solar heater works. On the roof are collectors - black tubes that absorb the heat of the sun, wrapped in glass that traps heat. Water flows from the heater into these tubes, and the water is heated up as it travels. After it has been heated, the water returns to the heater, and in its place more water from the heater flows into the tubes.

First of all, we must analyze how we relate to the water being heated up in the tubes: is this cooking in the sun (permissible) or cooking with solar byproducts (forbidden)?

Permissive View: Cooking in the Sun

The Tzitz Eliezer (Vol. VII, ch. 19) writes that one should be allowed to use the water from a solar heater, since the water in it is considered to have become hot by the agency of the sun itself. He explains in the name of Rav Yosef Kafih that there is a difference between hot sand (considered a solar byproduct, and therefore rabbinically prohibited) and a solar heater. Hot sand, even if it is moved to another place, will stay hot for some time, and therefore one might come to mistake it for something heated by fire. In a solar heater, on the other hand, if the tube is moved elsewhere, it will cool immediately. Therefore, it is clear to everyone that this tube was heated directly by the sun.

Heating by Magnifying Glass — Permissible

The Tzitz Eliezer adds that if we explain that the glass helps to focus the rays of the sun, it is considered the sun itself. This is what he cites from the words of the Shevitat Ha-Shabbat (Mevashel, Be'er Rechovot, ch. 44), whose inclination is to allow heating by a magnifying glass that focuses the light of the sun: [1]

One cannot compare tubes to sand and dirt from the road… because sand and dirt from the road have already absorbed a lot of heat from the sun, and they can now heat and cook even in the absence of the sun: if one moves this sand to a shady part, its heat is still sufficient to cook food. It is only in this case that they have banned solar byproducts because of igneous byproducts, because they are interchangeable. However, if these substances could only make something hot while they were in the sunlight, what worry would there be of interchanging them? We would see that the sun is the sole actor, and without it no action can take place.

Now, in our case, should we take one of these collecting tubes to another place, it could not heat up anything at all, and the thickness of its metal is not sufficient to heat other substance with its own heat, and it turns out that the water is heated directly from the sun.

In such a case, we certainly view it as being heated by the sun directly and not by solar byproducts, and it should be permissible. Thus we should know that the glass panels on the collector do not act at all to heat the water, and they have no influence upon it, aside from preventing the wind and the cold air from cooling the water that passes over the collector tubes. This is the view of the learned.[2]

This is what is appropriate to say about this matter. I have seen something even greater than this in the book Shevitat Ha-Shabbat; that author is inclined to say that even when a metal vessel is heated by glass (and no flame is ignited, for if so, it would be true fire), which focuses the energy of the sun, and through this the food is cooked in it, this may be like the sun itself [and permissible].

Forbidden: Cooking with Solar Byproducts

However, this is not simple. According to the Minchat Yitzchak (Vol. IV, ch. 44), [3] the collectors are considered solar byproducts because they absorb solar energy and afterwards heat the water. On the contrary, this is actually a more sophisticated type of solar byproducts.

Additional Problem: Ancillary Water in the Heater

There is another problem, particularly in modern solar heaters. When one opens the hot-water tap, hot water comes out of the heater, and new cold water enters from the main. This water does not directly reach the collectors; rather, first it goes through the central heater (see the above diagram), and there they are heated by the water that is already in the heater, and that water has already been heated by the collectors.[4] The hot water in the heater certainly should be classified as a solar byproduct (because they have been cooked by the sun), and if so, the cold water that is heated by this heated water should be considered to be cooked by solar byproducts. According to this, it would be unanimously forbidden to use a solar heater on Shabbat because the cold water is heated by the hot water.

Is a Rabbinical Pesik Reisha Permitted?

Even so, there are those who permit using a solar heater on Shabbat. Rav Ovadya Yosef (Yabbia Omer, Vol. IV, OC, ch. 34) struggles with the issue of a pesik reisha, an inevitable, albeit unintentional, result: [5]

There is a question whether one is allowed to use hot water on Shabbat if it was heated by the solar heater, because at the time that one opens the hot-water tap in one's residence, cold water immediately comes into the heater, and this is like cooking on Shabbat… Even though one opening the tap has no intent to heat the cold water (which flows immediately into the heater when the tap is opened), nevertheless, it should be a pesik reisha, and this is like cooking on Shabbat, because it is forbidden to cook via solar byproducts on Shabbat…

However, in our case, that one does not intend to heat and boil the water, we have come to a dispute among the halakhic authorities about the law of pesik reisha as it applies to rabbinical prohibitions, whether it is permitted or not. The Terumat Ha-deshen (ch. 64) writes that for a rabbinical prohibition, one should distinguish between full intent and a pesik reisha of an unintended consequence… However, the Magen Avraham (314:5) has argued strenuously and impressively, overwhelming every occupant of the study hall with his brilliant and convincing proofs from a number of sources that a pesik reisha of a rabbinical prohibition is prohibited… Nevertheless, the words of our master the Beit Yosef indicate that, halakhically, he believes that one should different between biblical and rabbinical pesik reisha…

The determination of the law with which we began and with which we conclude is that, by the letter of the law, one may open the tap for water that was heated

in a solar heater and use it for washing dishes, washing hands, drinking or anything of the sort (and, similarly, it is permitted to close the tap after one has finished using it). There is no need to be concerned with the flow of cold water into the heater and the tubes that come out from it where the water gets heated …[6] However, one who wishes to act stringently and avoid using water that was heated in the solar heater because of the concern of boiling the cold water is praiseworthy; nevertheless, those who act leniently have upon whom to rely for practical purposes. This is how we rule, God willing, for the tendency to permit must always be greater. May the Holy One illuminate our eyes in His holy and pure Torah, amen.

The main reason for Rav Ovadya Yosef to permit this is the fact that the person does not intend to heat the cold water that comes into the heater (it has enough hot water for his needs, so he does not need to heat additional cold water). The assumption is that the water will indeed be heated, as a pesik reisha; however, because this is a rabbinical ban (against solar byproducts) we may, in his view, be lenient for a rabbinical pesik reisha.

Magen Avraham: Rabbinical Pesik Reisha Is Forbidden

However, there is no consensus to allow this. The Magen Avraham (314:5) argues and forbids even rabbinical pesik reisha (even if it is unwanted). This is how Ashkenazim rule, following the Rema's view (314:1, Mishna Berura ad loc. 11; Rema 340:3, Mishna Berura ad loc. 17; et cetera). A number of Sephardic authorities also rule this way.

Perhaps There Is No Pesik Reisha

However, many times there is no certainty that the cold water will be heated by the hot water, since the cold water enters the solar heater from below, and many times the water that is already there in the bottom of the heater is cold (and that water will still need to be heated more by the collectors, so that it may be that it is considered like the sun and not like solar byproducts). If so, it may be that there is no pesik reisha but rather a doubt (or chance) of a pesik reisha, and the Mishna Berura (316:16) permits a doubtful pesik reisha of rabbinical prohibition.

No Concern of Confusing with Igneous Byproducts

There are halakhic authorities who want to allow the use of a solar heater for another reason, based on the view of the Maharshal (Responsa, ch. 61). The Maharshal claims that the entire prohibition of cooking via solar byproducts applies only when there is a concern of confusion or error — i.e., when one may

confuse a solar byproduct with a byproduct of fire. However when it is clear to all that the heat comes from the sun, there is no prohibition in using the substance, even though we are talking about a solar byproduct. Based on this, the Maharshal allows cooking food directly on a hot roof that has been heated by the sun, because it is obviously visible that the source of the heat is the sun. Based on this allowance, there are those who believe that it is permitted to use a solar heater, since the heating is always being done by the sun, and the matter is similar to a hot roof, concerning which there is no concern for error (Shemirat Shabbat Ke-hilkhata, 1st ed., 1:29, n. 67).

Rav Auerbach: Nowadays, a Concern Exists

However, this approach is also the subject of some dispute. First of all, the Magen Avraham (318:10) writes that the words of the Maharshal are not conclusive; he cites Acharonim who dispute this view and forbid to cook on a hot roof. Secondly, according to Rav S.Z. Auerbach (Shemirat Shabbat Ke-hilkhata, ch. 1, n. 127), even when it comes to a solar heater there is a concern for error. Nowadays, the solar heater generally contains a heating element (even if there is no such element, generally the tap in one's home is also attached to a water source heated by electricity). Thus, there is a concern that a person may open the tap at home and think that the water is coming from the solar heater, when the water is in fact being heated via electricity (which has the halakhic status of fire). The concern is very significant, since even if the boiler is currently off, if before Shabbat the water had been heated by the electricity (and it is still hot due to this), the water remains an igneous byproduct, and there is a concern of violating the biblical prohibition of bishul.[7]

In Practice

Practically, it is best to avoid using a solar heater on Shabbat because of the concern that this device has the status of a solar byproduct, as well as the concern that one will confuse the water heated by this device with water heated by a boiler. However, in a time of need (e.g., for the ill or for minors), one who is lenient about this has upon whom to rely (particularly when we are talking about a rabbinical doubt).[8]

[1] Furthermore, Rav S.Z. Auerbach (Minchat Shlomo 12:2) allows one to heat using a magnifying glass.
However, the allowance is limited to one who is heating it directly by the sun. If one uses the magnifying glass to ignite paper, then one is definitely violating the prohibition of kindling, and then it is forbidden to cook with such a fire.
[2] As we have said, these are the words of Rav Yosef Kafih, and this responsum is addressed to him.
[3] This is the view of the Shevet Ha-Levi, Vol. I, ch. 94.
[4] We should note that there is no barrier between the cold and hot water, because the cold water ends up on the bottom due to its weight.
[5] This responsum is remarkably long, including the clarification of many important laws of Shabbat, the law of pesik reisha among them. From those familiar with Rav Yosef, I have heard that it took him half a year to write this responsum.
[6] Nevertheless, even according to him, it is preferable to close the pipe leading the cold water into the heater:
However, if it is possible to close the pipe of cold water and prevent its flowing into the heater, it is proper to do this in order to avoid any question. Nevertheless, when it is impossible to do so, it is permissible to use the hot water. (If the water is very hot and one wants to open both of the faucets simultaneously, the hot and the cold, one may be lenient about this too.)
Indeed, in a practical sense, it is impossible to shut off the cold water from entering the heater, because this will also prevent the hot water from coming out, as this would create a vacuum and prevent any water from coming out.

[7] However, the Tzitz Eliezer (Vol. VIII, ch. 14) writes in a similar context that one should not add on to the Sages' decrees:

Now, I will tell him that I recently received a letter from Rav Moshe Zvi Neria, instructor in Yeshivat Kfar Haroeh. He told me that he once had a question about solar heaters, and he consulted the great sage and halakhic authority, Rav Tzvi Pesach Frank. His first thought was that it is ostensibly like that which is heated by the sun and therefore permitted.
Furthermore, [Rav Neria] had reminded [Rav Frank] of Rashi's words, Shabbat 39a, s.v. De-sharei: "For this is not its way of cooking, and no one would ever confuse fire with the sun, so there is no reason to decree against the latter because of the former." This raises the possibility that, at this time, when it is very common and this is derekh bishul, one should include also that which is cooked in the sun itself in the rule of the decree.
However, [Rav Frank's] answer to [Rav Neria] was straightforward: it has already been stated in the Yerushalmi that we do not add on to decrees; since they did not make the decree in their time, let us not add on to it!

[8]We might have argued that since this is the regular way to heat water it involves a biblical prohibition, as we suggested in the previous lesson concerning a microwave. However, generally the halakhic authorities have followed the path of Rav S.Z. Auerbach (discussed in the previous lesson), which dictates that only bishul by fire is biblically forbidden. (See Rav Asher Weiss, "Bishul Be-tannur Microgal Le-inyan Shabbat U-vasar Be-chalav", Oraita 18, pp. 159-163. Also see Rav Yisrael Rozen, "Bishul Be-Shabbat Le-lo Esh" Tehumin 17, pp. 15-24; Professor Ze'ev Lev, Ma'arkhei Lev, ch. 11.) In addition, since we use a solar heater only to heat water for washing and not for cooking, it may be that this is not considered the standard derekh bishul (Az Nidaberu, Vol. I, ch. 34).

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 04: BISHUL, (Part IV)

IV) Cooking in a Primary Vessel

Is one allowed to put spices in a pot of soup taken off the fire?

Clarifying Principles

First of all, let us explain the differences between different types of vessels. A keli rishon (primary vessel) is the one that sits on the fire. Once removed from the fire, a keli rishon is downgraded: it becomes a toladat ha-or (byproduct of the fire), because it has been heated up by the fire. A keli sheini is a secondary vessel, such as a cup or a plate, in which a solid or liquid has been transferred from a keli rishon. Thus, an electric urn would be considered a keli rishon, while a cup filled from it would be a keli sheini. If one puts a teabag in a teacup filled from the urn, one is putting something in a keli sheini.

If one puts cold food into an empty vessel and afterwards pours onto it food from a keli rishon, this will be more serious: this is termed irui (pouring from a) keli rishon, because the liquid from the keli rishon directly hits the cold food. Returning to our teabag, if it were put in an empty cup and then one were to pour hot water on it directly from the urn (a keli rishon), it would be a case of irui keli rishon. If one first transfers the water from the first cup to another cup and then puts the teabag into the latter cup, one is using a keli shelishi (tertiary vessel). If, on the other hand, we put the bag into an empty cup, and after that one pours water from a keli sheini onto it, this is considered irui keli sheini.

A KELI RISHON REMOVED FROM THE FIRE

Cooking in a Vessel on the Fire — Biblical Prohibition

It is clear that the prohibition of bishul is not specifically on the fire itself but rather in a pot that is standing on the fire; this is the textbook definition of cooking. Is there a biblical prohibition when one cooks in a pot that was on the fire but was removed from it?

The Mishna (38b) states:

One must not place an egg at the side of a kettle for it to be "rolled" (cooked).

The Gemara notes: "Rav Yosef says: One who rolls is liable to bring a sin-offering."

Thus, the Gemara determines that putting an egg next to a kettle involves a Torah prohibition of mevashel. The question is the following: where is this kettle (on or off the fire)?

Cooking in a Vessel off the Fire is Biblically Forbidden

It seems difficult to maintain that the kettle is still on the fire; if so, it would obviously be biblically forbidden, so why should the Gemara have any question about it? It is clear that bishul is not limited to a case where the flames touch the food, but includes cooking something in water, in a pot, over a fire — after all, this is how the dyes were prepared in the Mishkan!

Indeed, the Rambam, in his commentary on the Mishna (3:3), explains that this kettle has been removed from the fire:

A kettle — this the name of the vessel in which water is heated, generally made out of copper or iron, and it remains hot for a long time after it has been taken off the fire.

This is also how the Me'iri, Ritva and Ran (ad loc.) explain. According to this, the Gemara has a doubt about the law of cooking in a keli rishon taken off the fire, and it concludes that there is a Torah prohibition.[1] In other words, cooking with an object heated by fire is biblically forbidden.[2] This is what arises from the Rambam's ruling (9:2): "One who cooks with a byproduct of the fire is like one who cooks in the fire itself."

However, as a later passage (42a-b) implies, the law of a keli rishon removed from the fire is the subject of a Tannaitic dispute:

If a stewpot or a cauldron is removed seething, one must not put spices therein…

Rabbi Yehuda says: "One may put it in any stewpots; one may put it in any boiling cauldron."

The first view forbids putting (uncooked) spices in a keli rishon removed from the fire, while Rabbi Yehuda allows this ab initio. Apparently, there is a view that there is no prohibition to cook in a keli rishon removed from the fire. However, Tosafot (s.v. Le-khol) qualify Rabbi Yehuda's ruling:

It appears that they argue specifically about spices, but concerning other things, they agree that a keli rishon cooks, even after it has been taken off the fire.

According to their understanding, Rabbi Yehuda concedes that there is a biblical prohibition of bishul in a keli rishon (even one removed from the fire), but according to him for spices there is no such prohibition. According to this, there is no essential dispute here, only a practical argument as to whether spices can be cooked in a keli rishon off the fire. In any case, the Rishonim and the Shulchan Arukh (318:9) rule according to the first view in the Mishna, that it is also forbidden to put spices in a keli rishon, even if it is removed from the fire.

Cooking in a Vessel off the Fire is Only Rabbinically Forbidden

On the other hand, the Yerushalmi (3:4) implies that the prohibition of cooking in a keli rishon that is removed from the fire is only rabbinical in nature: "They made a safeguard for a keli rishon, but not for a keli sheini."

In other words, cooking in a keli rishon removed from the fire is only rabbinically forbidden — as a safeguard lest one err and cook in a keli rishon while it is on the fire. This is how it is explained later in the Yerushalmi (ibid. 5:5) that the prohibition of bishul is only "anything with the fire going beneath it." In other words, only cooking in a keli rishon found on the fire is biblically forbidden, but cooking in a keli rishon removed from the fire is only rabbinically forbidden.

Off the Fire but Scalding

The Gra (YD 105:13) has an interesting interpretation of the Yerushalmi. In his view, even the Yerushalmi agrees that there is a biblical prohibition of bishul in a keli rishon off the fire. According to him, the proper version of the text in the Yerushalmi is "anything that the fire had gone beneath it." According to this, one is biblically liable even for a keli rishon removed from the fire, since it was once on the fire.

For this question, there are practical ramifications in cases of doubt, because in a biblical doubt we are stringent, while in a rabbinical doubt there are those who are lenient. For example, if we have a question whether a certain food is considered cooked (so that we should apply the rule of "ein bishul achar bishul"

– once a food has been cooked any further action done to it does not violate the prohibition of bishul), we have to be stringent and not put it in keli rishon off the fire, if we understand that bishul in this vessel is biblically forbidden.

Halakhic Ruling

In terms of the final halakha, the Ramban (Avoda Zara 74b, s.v. Ha Di-tnan) is lenient and believes that there is no biblical prohibition of bishul in a keli rishon removed from the fire. On the other hand, the Ran (20a in Rif, s.v. U-de'amrinan) believes that this question corresponds to an argument between the Bavli and the Yerushalmi, as we have seen above, and the ruling follows the Bavli; consequently, bishul in a keli rishon removed from the fire is biblically forbidden. This is what the simple language of the Shulchan Arukh appears to indicate (318:9) — that the prohibition is from the Torah:

A keli rishon even after it is removed from the fire is considered to cook as long as it is still yad soledet bo (one's hand draws back out of a concern of being scalded).

A KELI RISHON THAT IS NOT YAD SOLEDET BO

The Yerushalmi cites a dispute between Rabbi Yosi and Rabbi Yona (loc. cit.):

What is the difference between a keli rishon and a keli sheini? Rabbi Yosi says that the difference is whether "ha-yad sholetet" ("the hand is in control"), [while] Rabbi Yona claims that in either case "ein ha-yad sholetet," but rather the difference is, as we mentioned above, that a safeguard was made for a keli rishon and not for a keli sheini.

Maharshal

What is the meaning of the expression "yad sholetet?" The Maharshal (cited by the Shakh, YD 105:5, and the Taz, YD 94:1) and the Magen Avraham (318:28) explain that this expression is equivalent to yad soledet. Following this, according to Rabbi Yona in the Yerushalmi, even when the pot already is not yad soledet bo, the Sages nonetheless "made a safeguard for a keli rishon." This gives rise to a great stringency: there is a rabbinical prohibition to cook in a keli rishon, even though it is not yad soledet bo.[3]
Shakh

The Shakh (loc. cit.) cites the Maharshal's view and disagrees with it:

This is what the Maharshal writes… I hesitate to be lenient about a keli rishon standing on the fire as long as it is hot, even if it is not yad soledet bo, for a safeguard was made for a keli rishon, as we find in the Yerushalmi…

However, I have not managed to plumb the depths of his view, because in the Yerushalmi, Ch. 3, we find that there is a safeguard for a keli rishon because ein ha-yad sholetet bo, which means that the hand has no control, i.e. ha-yad soledet bo. However, when ha-yad sholetet bo, it is established there in the Yerushalmi explicitly that it is allowed for everyone, and this is the consensus ruling.

According to the Shakh, the prohibition upon the keli rishon is only when it is scalding.[4]

Practical Leniency

The Mishna Berura (318:64) rules leniently like the view of the Shakh, that there is no prohibition to put uncooked food in a keli rishon after it has been taken off the fire if it is not yad soledet bo[5]:

She-hayad soledet bo – but if it is not yad soledet bo even a keli rishon is not considered to be cooking.

Therefore, one should be cautious about this and warn others that it is forbidden to put uncooked spices even in a soup or food that is in a keli rishon that has just been taken off the fire, as this involves a biblical prohibition. On the other hand, there is no prohibition to put an uncooked food in a keli rishon removed from a fire if it is not at the temperature of yad soledet bo.

V) Cooking in a Keli Sheini

May one put spices in a keli sheini?
Is one allowed to put tea in a keli sheini?
May one add lemon to a cup of tea?
May one add a bit of cold water to a boiling cup of tea?

A Keli Sheini Does Not Cook

As we have noted, a keli rishon is the pot that sits on the fire. When one pours its contents into another vessel, the latter is called a keli sheini. The Gemara (40b) writes:

Rav Yitzchak bar Avdimi said: "I once followed Rebbi [Rabbi Yehuda Ha—nasi] into the baths, and I wished to place a container of oil for him in the bath. He then said to me, 'Take water in a keli sheini, and then add the oil to it.'"

Three things may be inferred from this: oil is subject to cooking; a keli sheini does not cook; making [this oil] lukewarm is cooking it.

Why should one differentiate between a keli rishon and a keli sheini?

Rashba: Practical Determination

1. The words of the Rashba (ad loc.) indicate that the distinction between a keli rishon and a keli sheini is pragmatic: a keli sheini does not cook, while a keli rishon does cook. In light of this, he has some difficulty understanding the allowance to put the oil in a keli sheini; if we understand that making the oil lukewarm is considered cooking, the oil will certainly become lukewarm, even in a keli sheini!

However, according to this understanding, the distinction of the Gemara seems perplexing: in a keli rishon, the water may only be slightly warmer than yad soledet bo, while in a keli sheini, the waters may be close to boiling, so how can one say conclusively that a keli rishon cooks but a keli sheini does not cook? This is even more perplexing if we take into account that the prohibition of boiling water involves raising it to the temperature of yad soledet bo, and if we add a little cold water into a keli sheini in which there is already some very hot water, it is clear that the cold water will reach the level of yad soledet bo![6]

Tosafot: The Cool Walls of a Keli Sheini

2. Tosafot (40b, s.v. U-shma mina) ask:

This is perplexing: what is the difference between a keli sheini and a keli rishon? If it is yad soledet bo, even a keli sheini [should be prohibited]; while if it is not yad soledet bo, even a keli rishon does not cook!

Presumably, one should ignore the vessel's history (whether it was ever on the fire) and focus solely on the temperature!

Tosafot respond:

One may say that because a keli rishon sits on the fire, its walls become hot and they hold the heat for a long time, and therefore they set a standard that as long as it is yad soledet bo it is forbidden; but a keli sheini, even though it may be yad soledet bo, is permitted, as its walls are not hot, so it is getting progressively cooler.

One Understanding of Tosafot: Observation of Reality

Simply put, one may argue that Tosafot are giving a pragmatic response: while a keli rishon also cools down due to its contact with the room temperature air around it, a keli sheini is cooled down by both the air and its own walls, and therefore it cools much more quickly.

Nevertheless, the problem remains: is a keli rishon at its lowest temperature less capable of cooking than a keli sheini filled with boiling liquid?

A Second Understanding of Tosafot: Halakhic Determination

We may explain Tosafot in another way, saying that their view is absolutely halakhic, not pragmatic: a hot vessel separated from the fire can be considered a heat source for the issue of the prohibition of bishul only if its walls are hot. If its walls are cold, it cannot be considered a heat source. The fact that the walls of the vessel are cold and it cools quickly does not necessarily mean that water put into it will not boil, but rather that halakhically it is not defined as a heat source that is forbidden for bishul on Shabbat. A heat source is only considered a heat source for the prohibition of bishul if its heat will last for a long time.

Or Sameach: Keli Sheini — Byproduct of a Byproduct

3. The Or Sameach (9:2) also believes that a keli sheini is not halakhically defined as a heat source for purposes of bishul, but he explains it in a different way. In his view, a keli rishon is considered a toladat ha-or (igneous byproduct), and therefore one who cooks in it is liable. Similarly, the water inside a keli rishon is a toladat ha-or, since it was heated when the pot was on the fire. However, a keli sheini is the byproduct of a byproduct, since the vessel was heated by the water that was in turn heated by the flames, and therefore there is no prohibition of bishul.[7]

Another Understanding: Heat Source Must Come from the Fire

One may explain the distinction between vessels on the halakhic plain in a different way. As we have seen above, according to the Gra's version of the Yerushalmi, the prohibition of bishul is applicable only to "anything with the fire going beneath it." According to this, it may be that the heat source, for the purposes of Shabbat, is anything that has been on the fire. Naturally, only a keli rishon cooks, since it has been on the fire, and a keli sheini does not, as it has never been on the fire.[8]

Summary

In conclusion, we have seen two essential approaches to understanding the determination that a keli sheini does not cook.

One possibility is that there is a pragmatic definition: bishul does not occur in a keli sheini. This is the simple meaning of the Rashba's words, this is how the view of Tosafot may be understood, and this is what the Chazon Ish believes (52:18). The latter writes that a keli rishon is not required for the essence of the melakha of bishul, but the simple reality is that food cannot be cooked in a keli sheini.

Another possibility is that this is a halakhic determination: a keli sheini is not included in the prohibition of bishul, even if one may boil and cook in it practically. This determination can itself be understood in one of two ways: a) according to Tosafot, we may understand that since a keli sheini gets progressively cooler, it is not defined as a heat source for purposes of bishul; b) alternatively, it may be that since the keli sheini is distant from the fire (either because no flames were under it directly or because it is the byproduct of a byproduct), it is not considered a heat source for purpose of bishul.

[1] See Chiddushei Ha-Chatam Sofer (s.v. Ve-hinei), where it is established that in the Mishkan cooking was also done in a keli rishon taken off the fire, and the Chatam Sofer is therefore puzzled as to why the Gemara has a question about our issue.

[2] However, in the Chiddushim Ha-myuchasim La-Ran (s.v. Ein, s.v. Gilgel) there is a cited explanation that the Gemara has a doubt about putting an egg next to a kettle, because the egg is not fully cooked, but only a bit fried on the outside. According to this interpretation, we may reject the proof from the Gemara: it may be that we are talking about a kettle standing on the fire, and the innovative point is that one is liable even on the partial cooking of an egg, but with a kettle taken off the fire, there is no biblical prohibition of cooking

(however, in the view of the Chiddushim Ha-myuchasim La-Ran, the indication is that it indeed refers to a kettle removed from the fire).

[3] From the Maharshal's words (loc. cit.), it arises that he rules stringently only when it comes to a keli rishon on the fire and it is not yad soledet bo. However, the Magen Avraham (loc. cit.) appears to indicate that even when it has been taken off the fire and it is not yad soledet bo, it should still be forbidden.

[4] We have already pointed out the innovation of the Yerushalmi according to this interpretation: because even a keli rishon that is yad soledet bo does not have a biblical prohibition of bishul upon it once it has been taken from the fire, and it is only a safeguard.

[5] However, the Mishna Berura continues and writes that one should not put food in a keli rishon on the fire even if at the moment it is not yad soledet bo, since there is a concern that one will forget about it until it reaches the level of yad soledet bo, and cooking will consequently take place (see note 10 from our first lesson).

[6] However, the Rashba (42a, s.v. Notein Adam) claims that in a case such as this, the cold water is necessarily boiled, but it may be that the cold water retains its temperature, but because they are mixed with very hot water, the mixture as a whole appears very hot. However, this claim appears difficult from a practical viewpoint, and Rav Shlomo Zalman Auerbach (Minchat Shlomo, vol. II [5759 edition], ch. 34, 22) notes this explicitly: if one fills a plastic bag with cold water and puts it into a very hot keli sheini, it is clear that the water in the bag reaches a heat higher than yad soledet bo, demonstrating that the cold water is heated and boiled by the surrounding hot water.

[7] Indeed, the logic of the Or Sameach is difficult to understand, since when we put the food into a keli sheini, the food is not heated by the walls of the vessel but rather by the water, and the water is heated by the flame itself and should be defined as a direct byproduct, not the byproduct of a byproduct. On this issue, the Or Sameach writes that the vessel itself assists in the cooking process, as indicated by the Gemara in Pesachim 27b, which argues that if a pot is forged from illicit substances, there is reason to forbid anything cooked in it. Naturally, the Or Sameach claims that since the vessel is an element of the cooking process, there is good reason to be lenient and define the cooking here as the byproduct of a byproduct, based on the status of the vessel. However, this seems difficult, because in the Gemara in Pesachim loc. cit., the vessel stands on the fire, and it helps to transmit the heat from the fire to the food; in a keli sheini, on the other hand, the keli is almost irrelevant to the bishul; it merely keeps the water inside so that it will not spill. This is what Rav S.Z. Auerbach (Shulchan Shlomo ch. 318, n. 11, 2) argues, against the Or Sameach. See also the Shevet Ha-Levi (Vol. VII, 101:2) and the book Chut Shani by Rav Karelitz (Vol. II, p. 159); they reject the essence of the words of the Or Sameach and claim that for issues of bishul, there is no reason to distinguish between a direct byproduct and a secondary

byproduct. Ultimately, they maintain, whatever is powered and energized by fire is considered like the fire itself.

[8] This approach accords with the view that we saw in a previous lesson, maintaining that the Torah forbids cooking with fire and its byproducts only, not other sources of heat. Indeed, one may challenge this direction as we challenged the Or Sameach (see previous note), by noting that the bishul here is accomplished using the water in the vessel, and the water has been upon the fire itself.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 05: Easily Cookable Items

What Can Be Cooked in a Keli Sheini?

A number of Talmudic passages indicate that not every food is equal when it comes to the vessels in which they may be cooked; some are kallei bishul (easily cooked items), which get cooked even in a keli sheini (secondary vessel).

The mishna (145b) says:

Whatever was put into hot water before Shabbat may be steeped in hot water on Shabbat; but whatever was not put into hot water before Shabbat may be rinsed with hot water on Shabbat, except for kippers and Spanish mackerel, because their rinsing concludes their preparation.

We see from this mishna that kippers and Spanish mackerel, foods that are easily cooked, can't even be rinsed (with hot water) on Shabbat.

Tosafot (39a, s.v. Kol) cite an argument: is the rinsing mentioned here referring to irui from a keli rishon (primary vessel) or a keli sheini? According to the view that this is the latter, we can clearly see an established law that there are foods that can be cooked even in a keli sheini.[1]

We can find an additional source in the words of the Gemara (42b) that raises the possibility that salt can be cooked in a keli sheini. The Rishonim do not adopt this ruling, but we may ask why: it may be that the reason is that nothing could possibly be cooked in a keli sheini; however it may be that specifically salt does not cook in a keli sheini, but other items do.

An Additional Problem: The Appearance of Cooking

An additional reason to rule stringently about a keli sheini comes from the words of Tosafot (loc. cit.); in their view, even though a keli sheini does not cook anything, there is a rabbinical prohibition to put uncooked items in a keli sheini, since this is mechzi ke-mevashel (has the appearance of bishul).

The Rishonim argue about whether this is indeed the halakha.

Ramban and Ran: No Prohibition of Bishul in a Keli Sheini

1. The Ran (20a, Rif, s.v. U-miha shaminan) writes that even a keli rishon does not always cook:

Even though a keli rishon cooks, this refers specifically to food items that are easy to cook, such as water, oil, spices and the like; however, foods that are difficult to cook cannot be cooked in it, just as we conclude concerning salt to be lenient. Nevertheless, since we are not experts in the nature of these foods, we forbid putting anything on Shabbat into a keli sheini, aside from that which is explicitly allowed in the Gemara.

In his view, there are food items that cannot be cooked even in a keli rishon, however since we are not experts in the culinary arts and techniques, we are stringent about a keli rishon for everything. However, the Ran indicates that the doubt is about a keli rishon only, while for a keli sheini there is certainly no prohibition of bishul at all, and there is no concern of kallei bishul.[2]

The Rambam does not talk about the issue; however, his language (22:6) indicates that he is lenient:

If one pours a food from a pot to a bowl, even though it is boiling in the bowl, it is permitted to add spices to the bowl, because a keli sheini does not cook.

Though the Rambam talks about spices, he gives a general justification: “a keli sheini does not cook,” and this implies that a keli sheini does not cook at all. It may be that this approach is based on the understanding that the rule “a keli sheini does not cook” is not pragmatic but halakhic — a keli sheini is not defined as a heat source that has a prohibition of bishul, and naturally one is allowed to cook in the keli sheini even those food items that may end up getting cooked in it.

Yere'im: One May Not Put Anything Uncooked in a Secondary Vessel

2. The Yere'im (ch. 274, 134a) offers a different approach. In his view, since there are foods that are easily cooked, and we cannot identify them, we may not put anything in a keli that is yad soledet bo (scalding), despite the fact that he allows putting salt even in a keli rishon:

Therefore, a person should be careful not to put anything in a keli sheini, or even in a keli shelishi (tertiary vessel) that is yad soledet bo, because we are not experts in the definition of soft and hard foods to know whether they can be cooked in a keli sheini.

The view of the Yere'im is consistent with the view that the determination that a keli sheini does not cook is a pragmatic assessment, not merely a halakhic one, and as long as we do not know with certainty that a food will not cook if placed in a keli sheini, we must be concerned that it may belong to the category of kallei bishul.

The Leniency of the Shulchan Arukh

The words of the Shulchan Arukh (318:5) indicate that he is lenient about the law of a keli sheini, at least in reference to bishul achar afiya (cooking after baking): [3]

There is one who says that if one cooks that which has previously been baked or fried, this is considered cooking, and thus it would be forbidden to put bread even in a keli sheini that is yad soledet bo; however, there are those who allow it.

The Rema (ad loc.) explains that the language of "there are those who allow it" is meant to be understood as a leniency specifically for a keli sheini. In other words, essentially there exists a prohibition of cooking after baking, but there is no prohibition to do so in a keli sheini. This is how the Mishna Berura (43) explains: "This view holds that a keli sheini cannot cook anything."

It should be noted that there are those who believe that the Shulchan Arukh is lenient even for a keli rishon, because there is no prohibition on cooking after an item has been baked (we well get to this in a later shiur) and according to this, he is not speaking of a keli sheini at all.

The Rema's Stringency

However, the Rema himself writes that we follow the view of the "one who says," and we do not put bread even into a keli sheini.

It is our preferable custom to be careful not to put bread even into a keli sheini, as long as it is yad soledet bo.

The Mishna Berura (42) explains that according to this view we should be stringent about a keli sheini, even for other foods, following the Yere'im. This, according to him, is the law for Ashkenazim:

This view holds that there are items that can be cooked in a keli sheini because they are soft, and we are not experts. Therefore, he goes further, forbidding putting baked bread, which is soft, even in a keli sheini. Similarly, according to this view, we should be stringent about other food items even in a keli sheini.

The Middle View

3. There are Acharonim who espouse a middle view: it is permissible to cook anything in a keli sheini, excluding foods that appear to be kallei bishul. This is what the Shulchan Arukh (318:25, 44) and the Torat Shabbat (318:16) believe: a keli sheini does not cook, and one need not be concerned that everything might fall into the category of kallei bishul. However, if we observe that a certain food is easily cookable, one must treat it stringently. As the Arukh Ha-shulchan writes (ad loc. 28) about tea leaves:

The plant called tea, over which hot water is poured, is known to be easily cooked, and even in a keli sheini it will become cooked, as our own eyes have seen, so one who pours hot water over them on Shabbat, even using a keli sheini, is liable to bring a sin-offering, and many have stumbled in this…

This is also what the Chazon Ish writes (52:18-19), that it is possible that the prohibition is specific to baked goods, as once a food has been baked, it may more easily be cooked. The same would apply to eggs or other foods that, as we may observe, are easily cooked. When it comes to all other items, it is permissible to put them in a keli sheini, and one need not be concerned about this in general.

Practical Law and Custom

In fact, the Ashkenazic custom is to follow the Mishna Berura, and Ashkenazim do not put anything that is not cooked in a keli sheini, due to the concern of kallei bishul. (Even the Chazon Ish, who, as mentioned above, supports being lenient about this by the letter of the law, notes that the custom forbids it). This also appears in Shemirat Shabbat Ke-hilkhata (1:53). Among the Sefardic authorities, there are those who write that the custom is to be lenient (Tevu'ot Shemesh by Rav Shalom Messas, ch. 30, ch. 66; Tefilla Le-Moshe vol. I, ch. 33), and there are those who forbid it (Ben Ish Chai, Year 2, Bo 6; Rav Mordekhai Eliyahu in his notes to Kitzur Shulchan Arukh, 80:3). Nevertheless, it makes sense to see the concern about a keli sheini as a rabbinical prohibition only.[4]

Water, Oil and Spices

However, there are certain food items that the Gemara explicitly allows putting in a keli sheini, ones that are definitely not kallei bishul: oil (40b), water (42a)[5] and spices (42b).[6]
What falls into the category of spices?

Onions

The Taz (318:8, 14) writes that it is forbidden to put onions in a keli sheini that is yad soledet bo, since they are sharp and cook quickly. On the other hand, the Magen Avraham (15) writes that this is allowed because this is analogous to spices, a view confirmed by Shulchan Arukh Ha-Rav (318:11) and Arukh Ha-shulchan (318:44).

On the other hand, the Mishna Berura (45) is stringent about this, explaining (Shaar Ha-tziyun 69) that when the Magen Avraham was lenient he was only explaining that according to the views that we are not concerned about bishul in a keli sheini, but only about it being mechzi ke-maveshel, there is no prohibition for onions; however, according to our view, which is concerned about actual bishul too, following the path of the Yere'im, we may not put onions in a keli sheini. Rav Moshe Feinstein writes (OC Part 4, 74, Bishul, 18) that an onion is not like spices, and one should be stringent about it, because it is fit to be eaten on its own, as opposed to spices; this is evidenced by the law that onions must be tithed even though spices are exempt from tithing.

Rav Auerbach: Modern Spices are Problematic

Rav Auerbach is cited (Shemirat Shabbat Ke-hilkhata ch. 1, n. 152) as claiming that our modern processed spices cannot be equated with those in the Gemara:

It does not make sense that these are the same spices as those that we use in order to season our food, as [the latter] are extremely fine; all the more so will they be cooked in a keli sheini!

Rav Feinstein and Rav Elyashiv: Modern Spices are the Same

However, Rav Moshe Feinstein (loc. cit.) writes that cocoa and coffee are included in the category of spices, and it is permissible to put them in a keli sheini, even if they have not been cooked and even if they are finely ground. In his view, it would appear that even other ground spices may be put in a keli sheini. This is also what is cited in the name of Rav Elyashiv (Shevut Yitzchak, Bishul, 24:3), that spices are not easily cooked, and it does not matter that they have been finely ground:

I have heard from Rav Y.S. Elyashiv that a substance that is hard in its nature, even though it is ground and made fine, does not become easily cookable, since it is not made soft.[7]

Lemons

The Chazon Ish (52:19) allows putting lemons into a keli sheini because it falls into the category of spices, while Rav Auerbach (Shemirat Shabbat Ke-hilkhata, ch. 1, n. 150) writes that one should not be lenient about this, and Rav Feinstein (loc. cit.) writes that one should be stringent as well.

Cooled Liquids

One should add that the prohibition in a keli sheini applies to foods that have never been cooked, but a liquid that has been boiled and cooled may be put in it (Mishna Berura 318:23). Indeed, we are stringent to say that concerning a liquid food (davar lach) there is a prohibition of cooking, as we shall see in a future shiur, but since this law is the subject of a dispute of Rishonim, and furthermore most Rishonim believe that a keli sheini does not cook, these two can together form a good basis for leniency.

[1] This is based on the assumption that the prohibition is one of bishul, as Rashi (39a, s.v. She-hadachato), the Rambam (9:2) and the Bei'ur Halakha (318:4, s.v. Ve-hadachatan) rule. It is also possible that this is forbidden because of the eclectic melakha of makkeh ba-pattish, striking the final hammer blow, which includes various action that complete a process. (This follows the view of the Peri Megadim, cited by Bei'ur Halakha loc. cit.).

[2] As for salt, the Ran himself in his Chiddushim (42b) writes that salt can be cooked in a keli sheini. The logic is that salt does not require true bishul; rather, making it lukewarm is equivalent to cooking it, and therefore it does cook in a keli sheini. This appears to be how the Ran explains the law of Spanish mackerel. In light of this, something that requires actual bishul cannot be cooked in a keli sheini, and only concerning kippers and Spanish mackerel is there any reason to forbid it.

[3] This is the generally accepted understand of his view, that the halakha follow the latter view, and this is what Rav Ovadya Yosef writes (Yechaveh Da'at, Vol. II, ch. 44).

[4] In truth, if we are concerned about kallei bishul, it may be that this is a biblical doubt. However, since many are lenient about this, it appears that the ban is only a stringent view, and this issue should not go beyond the rabbinical level (and naturally one may be lenient about it in cases of doubt). However, when it comes to things that may be observed to be kallei bishul, there is a reason to be concerned about the doubt of a Torah prohibition.

[5] According to Shulchan Arukh Ha-Rav (318:12) and other Acharonim, all liquids have the status of water and oil, and there is no prohibition to put them in a keli sheini. However, in the words of the Mishna Berura (318:39), it appears that one should be lenient only for water and oil (as he only allows one to put tea essence and milk in a keli sheini because they have already been boiled).

[6] As we mentioned above, the view of Tosafot is that even when a keli sheini does not cook, there is a rabbinical prohibition to put uncooked things in a keli sheini, because it is mechzi ke-mavashel. Tosafot's words are adopted by the Mishna Berura (318:34) and other Acharonim. According to this, why does the Gemara allow putting certain things in a keli sheini? Concerning spices, Tosafot explain themselves that putting them in does not involve an issue of the appearance of bishul, since they come only to impart taste to the food. Concerning water and other liquids, the Peri Megadim explains (Eshel Avraham 318:32) that since they are mixed well in the food, this does not look like cooking. The problem of mechzi ke-mevashel relates, according to him, only to solid foods soaked in a liquid contained in a keli sheini, not foods that are mixed in it.

[7] We may justify this lenient view, by noting that, throughout the Talmud, we find that spices are referred to as ground, for example in Beitza (14a), "crushed spices…" etc. If so, the fact that the Mishna allows putting spices in a keli sheini

without any limitations apparently indicates that this is allowed for fine spices as well.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 06: Cooking in a Tertiary Vessel

Is one allowed to prepare a teabag in a keli shelishi?
May one make instant foods on Shabbat?

As we have seen, the Ashkenazic custom is to be concerned about cooking in a keli sheini (secondary vessel) and not to put any food into them, since one should be concerned about the issue of kallei bishul (food items that are easily cooked), which may end up getting cooked even in a keli sheini. Should one be concerned about bishul in a keli shelishi (tertiary vessel) as well? Is it allowed, for example, to prepare tea in a keli shelishi?

Peri Megadim

According to the Peri Megadim (Eshel Avraham 318:35), this is permissible:

On Shabbat, [even] according to the view in paragraph 5 [of Shulchan Arukh OC 318], that it is forbidden to put bread in a keli sheini, concerning tea in a keli shelishi and the like… one should be lenient.

Rav Feinstein
The words of the Peri Megadim are cited by the Mishna Berura (318:47) as conclusive. This is also what Rav Moshe Feinstein (Iggerot Moshe, part 4, bishul, 15) writes:

Now the tea leaves are not cooked while they are being processed, but rather dehydrated, so may one prepare tea in a keli shelishi on Shabbat?

Answer: In my humble opinion, it is not feasible to say that there are things that may be cooked in a keli shelishi, because we have found only regarding a keli sheini that it can cook some things, and naturally we have no choice but to forbid everything; however, we not found that this true of a keli shelishi.

What is written in the Arukh Ha-shulchan… that we may see with our own eyes that tea cooks in a keli shelishi is not understandable. What we see with our own eyes is that the waters grow red, but this is not an issue of bishul, for even [a teabag in] cold water will turn [the water] red as time passes, all the more so warm water that is not yad soledet bo (scalding), and this is not an issue of bishul.

Take hold of yourself, because what our eyes see is not significant. After all, we see that concerning salt, it makes no difference [and we can taste its effect] whether we put it in lukewarm or in water that is yad soledet bo. Nevertheless, the law follows Rav Nachman (42b), and even a keli rishon does not cook salt…

So it is with tea leaves: the fact that the water is colored with a bit of heat is not an issue of bishul. In fact, it may belong in the category of those things that are difficult to cook [the opposite of kallei shul]! Therefore, we should say nothing of our own accord, but rather rely on tradition, and naturally it is like all other things: in a keli sheini, it is doubtful [so we forbid cooking in it], but in a keli shelishi, one should allow it.

Rav Feinstein writes that the idea of foods being easily cooked is only raised in the context of a keli sheini, and because of this we are customarily stringent, avoiding putting any uncooked food in it, out of concern that this food may be one of the kallei bishul. In terms of a keli shelishi, on the other hand, we have never found anywhere that there is a concern of bishul, and there is no evidence that any food can be cooked inside it.

Granted, the Arukh Ha-shulchan (318:28) claims that tea certainly gets cooked even in a keli shelishi, because we see with our own eyes that the water becomes red (therefore, in his view, there is a biblical prohibition to put tea leaves even in a keli shelishi); however, Rav Feinstein determines that we should not rely on our eyes in this area. In his view, what we may observe, namely the darkening of the water in a keli shelishi as the tea leaves steep, is not a proof that the tea is being cooked, because even if we put tea in cold water, the water will eventually turn red. Thus, the color change is not an indication of bishul.

Indeed, he continues, this is true of salt as well: even though we sense the taste of salt when we dissolve it in a keli rishon, in any case, the letter of the law allows one to add salt to a keli rishon (we will discuss this in a later shiur). In other words, our perception that the tea is being cooked is not factually correct.

Therefore, we must determine when bishul takes place based solely on the words of the Talmud, not our senses, and in the Gemara it does not say anywhere that one can cook food in a keli shelishi.

Chazon Ish

However, the Chazon Ish (52:19) asks a very strong question against those who are lenient regarding cooking in a keli shelishi:

When it comes to a keli shelishi, in a situation in which using a keli sheini is prohibited, e.g. for bread or onions according to the stringent Acharonim, the Mishna Berura writes that the Peri Megadim inclines to be lenient. Furthermore, we have found no source to differentiate between a keli sheini and a keli shelishi, and anything that will be cooked in a keli sheini will be cooked in a keli shelishi, and it depends only on the temperature, whether it is yad soledet bo or not…

Nevertheless, since it is merely a stringent view, they may follow their custom; after all, for the most part, a keli shelishi is not yad soledet bo, and therefore they were lenient about this.

According to the Chazon Ish, there is no reason to differentiate between a keli sheini and a keli shelishi: if there are foods that will become cooked in a keli sheini, they will presumably become cooked also in a keli shelishi that is yad soledet bo. In a previous shiur we mentioned that the Tosafot explain that a keli sheini is special on account of its cold walls. Naturally, if we are stringent regardless in the case of a keli sheini, since we follow the temperature of the water and not the walls, there is no further reason to differentiate between a keli sheini, keli shelishi or even if we were to continue on to a keli revi'i (quaternary vessels), and only the temperature counts – if it is at the level of yad soledet bo, there is an issue of bishul.

Limitations of Stringency

However, the Chazon Ish concludes by saying that even though there is no reason to differentiate between a keli sheini and a keli shelishi, since kallei bishul may not be put in a keli sheini, and including everything in kallei bishul follows a stringent view, there is some logic in the common practice, because there is no such stringent custom for a keli shelishi. However, the foods that are definitely known as kallei bishul may not be put even in a keli shelishi, since these may not be put in a keli sheini by the letter of the law, not a stringent view, and as regards actual bishul, there is no reason to differentiate between keli sheini and keli shelishi.

Lenient View

The question of the Chazon Ish appears strong, but it appears that there is good logic to defend the lenient view. In a previous shiur, we saw the view of Rashi (39a, s.v. De-sharei) explaining the view allowing cooking in the sun: "this is not the way of cooking." Indeed, since we are not accustomed to cook in the sun (based on the different explanations we have cited there) there is no prohibition of bishul in the sun.

For our issue, it may be that the focus of the distinction between keli sheini and keli shelishi is the common custom. Most foods we cook in a keli rishon; some foods, such as tea, coffee, baby formula, etc., are commonly cooked in a keli sheini; while in a keli shelishi, one is not accustomed to cook at all. Naturally, we may say that even if on a practical level the foods that would cook in a keli sheini would also cook in a keli shelishi, there is no prohibition to cook them in a keli shelishi, because this is not derekh bishul, and it does not fall within the boundaries of the melakha.[1]

Some are Stringent and Some are Lenient

In practice, there are those who are stringent and do not prepare tea even in a keli shelishi, and many are also stringent about other food items that appear to be easily cookable. This is the ruling found in Shemirat Shabbat Ke-hilkhata (1:57): One may not put a raw egg, tea leaves or salted fish in a keli shelishi as long as the water is yad soledet bo.

On the other hand, there is a good basis for the view of those who are lenient, following Rav Feinstein, maintaining that there is no prohibition of bishul in a keli shelishi at all, as appears to be the simple meaning of the words of the Mishna Berura.[2] In any case, one who is stringent will prepare tea essence before Shabbat; this will allow one to prepare tea even in a keli sheini, even if the essence is cold, as will be explained in a later shiur.

Preparing Instant Food

As we have said, according to the lenient view, one is allowed to put anything in a keli shelishi. According to this, one may prepare instant soup or instant food on Shabbat in a keli shelishi. When we are talking about instant food, one may combine this with the fact that generally these portions are almost cooked (perhaps, in actual fact, already fully cooked) with the view of the many Rishonim who believe that there is no prohibition of bishul after the food has already been cooked to the measure of ben Derusai (as we discussed in our first shiur).

Indeed, it is not desirable that preparing instant food become a habit, as this feels like bishul; nevertheless, when there is a need, one may be lenient about this.

We should note that preparing instant food sometimes involves a problem of the prohibition of lash (kneading), as we shall see in a future shiur.

[1] According to this view, since there are food items that one is accustomed to cook in a keli sheini, a keli sheini would be considered a heat source for the issue of the prohibition of bishul, and one should not put in it any food that could conceivably become cooked, even if one does not normally cook this food in a keli sheini. (One should not be lenient except as regards things that practically cannot be cooked in it, e.g., water, oil and spices, as we have noted above.) Only a keli shelishi, in which we are unaccustomed to cook any food, is totally excluded from the prohibition of bishul.

[2] We should add that regular tea is normally roasted, so that there is more of a reason to be lenient about putting it in a keli shelishi, as one may enlist the view of those who believe that cooking after baking is irrelevant (there will be a future shiur on the topic of ein bishul achar afiya – whether cooking a food previously baked constitutes bishul). On the other hand, herbal tea is actually dried in the sun, and therefore to be lenient about preparing it in a keli shelishi, one must rely on the view of Rav Feinstein.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 07: Pouring

Is it permissible to pour hot water on a teabag on Shabbat?
Does one need to dry a moist cup before pouring hot water into it?

Pouring from a Primary Vessel

As we explained in our first shiur, pouring from a primary vessel (irui keli rishon) means that one pours a hot liquid from a pot taken off the fire directly on top of food. On the other hand, if one first pours the liquid into a cup and afterwards puts the food into it, this will be considered heating in a keli sheini. Is irui keli rishon considered like cooking in a keli rishon, so that it violates the prohibition of bishul, or does it have the status of cooking in a keli sheini, in which — generally speaking — there is no prohibition of bishul?

Tosafot (42b, s.v. Aval) cite an argument about this issue.

Ri versus Rashbam: Irui — Keli Rishon or Keli Sheini?

According to the Ri, irui keli rishon is considered like cooking in a keli rishon, as indicated by the words of Rabbi Yona in the Yerushalmi (3:5); he forbids pouring from a keli rishon on top of spices, because "pouring is like a keli rishon."

On the other hand, "Rabbeinu Shemuel brings a proof that pouring is like a keli sheini, for we have established that 'the lower prevails.'" The Rashbam is referring to a discussion on Pesachim 76a regarding a case in which one pours boiling milk on cold meat. In such a case the whole piece does not become forbidden because we say that "the lower prevails," i.e., that the cold meat on the bottom cools the boiling milk that comes from above.

Root of the Argument

As we have seen in a previous shiur, Tosafot (40b, s.v. U-shma) explain that a keli rishon removed from the fire has hot walls and a keli sheini has cool walls, and for this reason, in the latter, the liquid cools quickly. We may understand this in one of two ways:

1. Bishul is not applicable when there are no hot walls to maintain the temperature.
2. Bishul is not applicable when there are cold walls that actively lower the temperature.

Pouring from a keli rishon is an intermediate case; such a vessel has neither hot walls to keep the liquid hot nor cold walls to cool it down. The Rashbam seems to follow the first understanding, that bishul is applicable to something removed from the fire only when there are hot walls, so irui keli rishon cannot cook; the Ri follows the second understanding, and therefore irui keli rishon has the power to cook food, since there are no cool walls to lower its temperature.[1]

Rabbeinu Tam: Irui Cooks a Paring's Width

Rabbeinu Tam takes a middle path (cited by Tosafot, Zevachim 95b, s.v. Ira). In his view, irui keli rishon does indeed cook, but only kedei kelipa (a paring's width), the outer layer of the food. Thus, he splits the difference and allows us to explain that those sources that talk of the cooking power of irui as referring to kedei kelipa. The mishna there equates cooking in a vessel with pouring boiling liquid into it. The Gemara asks how we know that the two are equivalent.

Our rabbis taught: "'That in which it is cooked' (Vayikra 6:21) — this only teaches us about cooking in it; what if one merely pours boiling liquid into it? The verse says, 'And that in which it is cooked shall be shattered.'"

Tosafot state:

From this, Rabbeinu Tam deduces that pouring is like a keli rishon, because it is considered cooked…

Even though we have established that the law follows Shemuel, who says "the lower prevails," Shemuel concedes that it cooks a kedei kelipa.

Halakhically, Irui Cooks Kedei Kelipa

The ruling of the Shulchan Arukh (318:10) is that one should not pour from a keli rishon upon something uncooked, since irui does have the power to cook:

One may not put spices in a bowl and pour on them from a keli rishon.

However, in the laws of salting meat (YD 68:10), the Shulchan Arukh seemingly agrees with the view of Rabbeinu Tam, that irui keli rishon does not fully cook the food below, but only the top layer of it.

Irui Forbids, but It Does Not Permit

In light of this ruling, one must be stringent about the issue of irui keli rishon. This has multiple ramifications: on the one hand, as we have said, it is forbidden on Shabbat to pour a hot liquid from a keli rishon onto an uncooked substance — even if that substance is something that one is allowed to put in a keli sheini (e.g. spices) since irui has the power to cook food. On the other hand, if one pours scalding liquid on something uncooked before Shabbat, this does not render it cooked, because it has only been cooked kedei kelipa, and therefore it is forbidden to pour on it again on Shabbat. For example, if one pours boiling water on a teabag before Shabbat, this does not render it cooked. (Nevertheless, this may be somewhat useful for allowing one to put it in a keli sheini or shelishi, as we shall see shortly.)

Pouring into a Cup Containing Drops of Liquid

In Iggerot Moshe (OC, Vol. I, ch. 93), Rav Moshe Feinstein writes:

Now irui cooks a kedei kelipa by biblical law… Therefore, one should avoid pouring boiling liquids from a keli rishon into a vessel that has been washed in cold, unboiled water, as long as drops remain inside it. This is because the droplets boil, and even though one has no benefit from it (lo neicha leih), one must avoid it by drying it beforehand…

According to Rav Feinstein, it is true that one has no interest in heating the drops, but there is a certainty that bishul such as this will happen, and even cooking kedei kelipa is a biblical prohibition. Thus, we have an unintended, inevitable result that is also unwanted (pesik reisha de-lo neicha leih), but because we are analyzing a biblical prohibition, this would still be forbidden. This is also Rav Frank's approach (Har Tzvi, OC, Vol. I, Tal Harim, Mevashel 1).[2]

Shevitat Ha-Shabbat

Taking the opposite position, the Shevitat Ha-Shabbat (introduction to the melakha of mevashel, 19) relates that most rabbinical authorities do not have the custom to dry the cup before pouring hot water into it:

Now, I have heard of the righteous sage, Ha-Rav Aryeh Leib of Stawiski, zt"l, that he was careful not to pour hot water in a cup until it had been dried off, but we have not seen any other senior rabbis who do so.

Rav Ovadya Yosef

In Yabbia Omer (Vol. IV, OC, ch. 33), Rav Ovadya Yosef offers a number of reasons to justify being lenient:

a) According to the Arukh, any pesik reisha de-lo neicha leih is permissible ab initio.
b) The Rashbam believes that irui does not cook at all.
c) The Yerushalmi and the Ramban indicate that as long as a vessel is not on the fire, one cannot violate the biblical prohibition, and many are lenient when it comes to a pesik reisha de-lo neicha leih of a rabbinical ban.
d) Many halakhic authorities believe that there is no biblical prohibition of boiling water, since water may be consumed unboiled (see note 8 of our first shiur).
e) What is boiled is less than the amount that makes one liable (chatzi shiur), and there are those who believe that such minimal cooking is not biblically prohibited.

In light of this, Rav Ovadya writes:

The ultimate conclusion is that it is permissible halakhically to pour hot water in a cup that has been washed in cold water and that still has some moisture from the washing; the same applies to the spoon in it that has been washed and still has some surface water upon it. There is no need to dry them before pouring hot water on it. Nevertheless, one should shake out the cup from the cold before one pours hot liquid into it, and so one should shake out the spoon; one may then pour from a keli rishon upon it. In any case, one who is stringent not to pour hot water directly from a keli rishon into a cup except via another vessel (thus pouring from a keli sheini) or does so only after drying the cup and the spoon is praiseworthy.

As we have seen, even though Rav Ovadya allows this, being stringent is praiseworthy. Beyond this, we have seen that Rav Feinstein and Rav Frank seek to forbid doing so by the letter of the law.

Practically, One Must Dry the Cup before Irui

Thus, the halakhic ruling is that ab initio one should dry the cup (to the degree that it will not wet another thing that comes into contact with it), and only afterwards should one pour hot water into it.

A Cup with the Remaining Drops of a Hot Drink

However, if these droplets had been boiled in the past (e.g., they remain from a previously hot liquid), even Rav Feinstein and Rav Frank (loc. cit.) admit that one may be lenient and pour hot water on them, even though these drops have cooled. Though the ruling is that repeated bishul is an issue when dealing with a cooled liquid (we will discuss this in a later shiur), however, because most Rishonim take a lenient view we may enlist them to be lenient at least in this case, as there are many reasons to be lenient. As Rav Feinstein writes:

We may be lenient when dealing with previously boiled water that has cooled, since there are those who believe that repeated cooking is not an issue for a cooled liquid, and it is also a pesik reisha de-lo neicha leih.

Irui Keli Sheini

Apparently, just as we are stringent to say that irui from a keli rishon is like cooking in a keli rishon, we should say that irui from a keli sheini is like cooking in it.
However, the mishna (145b) indicates that we should allow this:

Whatever was put into hot water before Shabbat may be steeped in hot water on Shabbat; but whatever was not put into hot water before Shabbat may be rinsed with hot water on Shabbat, except for kippers and Spanish mackerel, because their rinsing concludes their preparation.

The Mishna distinguishes between steeping and rinsing, i.e. bishul and irui. If we assume that the mishna is talking about a keli rishon, this would prove that irui keli rishon does not cook. In order to counter this, Tosafot (39a, s.v. Kol) explain:

"May be rinsed" — following the Rashba's view that irui [even from a keli rishon] is like a keli sheini, this works out well: one may not steep it in a keli rishon, but

one may rinse it by pouring from a keli rishon; however, according to Rabbeinu Tam who believes that pouring [from a keli rishon] is like a keli rishon, we must say that rinsing refers to a keli sheini… Thus, we cannot steep even in a keli sheini; since the water is hot, it is mechzi ke-mevashel (appears like cooking).

Irui Keli Sheini Differs from Bishul

The mishna forbids putting uncooked foods in a keli sheini, since there is a rabbinical prohibition of mechzi ke-mevashel, and therefore the mishna only allows irui from a keli sheini on these foods. It appears that in any case, irui from a keli sheini on uncooked foods would be permissible. Why is this irui not also forbidden because it is mechzi ke-mevahsel? Presumably, the answer would be that the essential problem in mechzi ke-mevashel is the suspicion lest someone may come to cook in a keli rishon, and irui from a keli sheini is so far off from a keli rishon that the Sages made no decree against it.

Kallei Bishul — Even Irui Keli Sheini Is Problematic

However, the mishna continues and says that one should not pour hot water on kippers or Spanish mackerel, since they are easily cookable. According to the explanation of Tosafot, it turns out that even though we are talking about irui keli sheini, in any case one should not pour on foods that are kallei bishul, because this might cook them. Concerning this issue, we say that irui keli sheini is equivalent to cooking in a keli sheini.

The words of the Mishna are confirmed by the Shulchan Arukh (318:4), and the Mishna Berura (ad loc. 35-36) explains this according to the approach of Tosafot. According to this, as we have said, one should not pour from a keli sheini upon things that are easily cookable, because this may involve bishul on the biblical level; however it is permitted to pour from a keli sheini on other foods, since there is neither a problem of bishul nor a problem of mechzi ke-mevashel.

The Keli Sheini Stringency Does Not Apply to Irui

We should note that according to the simple meaning of the Mishna Berura's words, one should not be stringent about irui keli sheini unless we observe a given food to have the appearance of kallei bishul. However, as for the stringency adopted concerning a keli sheini, that one must concerned about every food's status as it may fall into the category of kallei bishul, this only applies to putting it directly in a keli sheini; we are not stringent about this concerning irui keli sheini, just as we are not stringent about keli shelishi.

Summary

In conclusion, one may pour from a keli sheini on uncooked foods, but concerning things that appear to the senses to be easily cookable — for example, tea leaves — one should not pour on them from a keli sheini (even if one is lenient about preparing them in a keli shelishi).

[1]] An additional ramification of this question is the issue of davar gush (a food item that is a combination solid and liquid), as we will see in a later shiur.
[2] This is what the Talelei Sadeh derives ad loc., n. 5.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 8: On Ladles and Solid Foods

VIII) Ladle

Is one allowed put pieces of matza in a bowl of soup?
Is one allowed to add salt and spices to a bowl of soup?

Is a Ladle a Keli Rishon or Keli Sheini?

Tosafot (Avoda Zara 33b, s.v. Kinsa) ponder whether a person can put a pan in a larger pot that is on the stove, wait until the water in it boils, and then place other vessels inside that pan in order to render them kosher. They write:

There are those who put a bowl inside a pot on the fire until the water in the bowl boils, and they use this bowl for rendering vessels kosher by immersion in boiling water. However, the Ri has his doubts as to whether this bowl is equivalent to a keli rishon (primary vessel) or not, and he rules stringently…

The doubt in play is whether the bowl is considered a keli rishon. Apparently, the reality described here is similar to the way we normally use a ladle, and if so, Tosafot must also be in doubt whether a ladle is a keli rishon or keli sheini (secondary vessel).

Peri Chadash: A Ladle is a Keli Sheini

However, the Peri Chadash (451:5) writes that the words of Tosafot prove that a ladle is considered like a keli sheini:

Tosafot write: "There are those who put a bowl inside a pot on the fire until the water in the bowl boils… and the Ri has his doubts as to whether this bowl is equivalent to a keli rishon or not." This indicates that if one [merely] draws in a vessel from the boiling cauldron, it would obviously be like a keli sheini…

Apparently, Tosafot only have a doubt if the ladle stays in the water until the water in it boils — this implies that if one merely inserts the ladle and then removes it immediately, the ladle is certainly considered a keli sheini. In addition, the Me'iri (42b) and Maharil (Hilkhot Pesach, cited by Magen Avraham 452:9 and Taz, see below) indicate that they believe that a ladle is considered a keli sheini.[1]

Taz: A Heated Ladle Has the Status of a Keli Rishon

On the other hand, the Taz (YD 92:30) writes that a ladle is clearly a keli rishon:

Tosafot write there that the main distinction between a keli rishon and a keli sheini is that the latter cools down because its walls are not hot, and therefore it becomes progressively cooler. This [ladle] certainly has boiling walls; after all, they have been heated by the boiling water in a keli rishon…

Thus, a ladle that has been inside a boiling soup-pot has hot walls, and it is thus considered to be a keli rishon, as we have seen in a previous shiur is the view of Tosafot. Those who are lenient about this believe, apparently, that no vessel can be considered a keli rishon unless it is itself situated directly upon the fire.

The Mishna Berura's Contradictory View

What is the halakhic ruling?

The Mishna Berura (318:87) writes:

It is called a keli sheini when they pour (iruy) into it from a keli rishon in which liquids were heated… but if one draws in an empty vessel from the keli rishon, there are those who say that it has the status of a keli rishon; certainly, if the empty vessel is left in it until the water boils, this is certainly called a keli rishon.

Thus, there is no question if the ladle is in the pot when it boils that it is a keli rishon (i.e. that we are stringent when it comes to the discussion of Tosafot), but even if it is put in for a short while, "there are those who say that it has the status of a keli rishon." In other words, there is reason to say that one should always treat a ladle stringently as a keli rishon, even when it did remain in the water for any extended length of time.
However, the Mishna Berura (45) when discussing the concept of bishul achar afiya (cooking after baking, i.e., putting baked goods in boiling water), also writes:

The Rema writes that one should be careful about this, and if one wants to add bread [to his soup, he] should wait until his soup is no longer yad soledet bo (scalding), or at least should make sure that one takes take the soup with a spoon from the pot, so that the bowl will be a a keli shelishi.

In other words, since we are concerned about bishul achar afiya, one should avoid putting bread into soup, at least making sure that the soup comes from the pot (a keli rishon) via a ladle (a keli sheini) into the bowl (a keli shelishi).[2] From here we see that the ladle is a keli sheini.

Rav Neuwirth: The Leniency for a Ladle Relates to Baked Goods

In Shemirat Shabbat Ke-hilkhata (ch. 1, n. 180), Rav Neuwirth resolves the contradiction in the view of the Mishna Berura: since there is a dispute among the halakhic authorities concerning a ladle, one should be stringent generally and consider it a keli rishon; however, when we are talking about a case of bishul achar afiya, since most authorities believe that in any case there is no prohibition of bishul for a baked food (we will discuss this in a later shiur), even though we are also stringent and concerned about the view that yesh bishul achar afiya, we may be lenient about the ladle and consider it a keli sheini for this issue.

Thus, Rav Neuwirth does indeed write that a ladle has the status of a keli rishon (op. cit. 48):

Since one puts the ladle into a keli rishon, particularly if it remains within the pot for some time, it has all the laws of a keli rishon, and therefore it is forbidden to pour the cooked food, with a ladle, upon food to which the prohibition of cooking applies.

But when it comes to bishul achar afiya he says that it can still be viewed as a keli sheini (op. cit. 59):

There is cooking after baking, roasting or frying… Thus, it is forbidden to put bread into soup or biscuits and matza into tea and the like… However, for this issue, the ladle and the spoon do not have the law of a keli rishon… Therefore, there is a reason to be lenient and to put bread in a bowl of soup that has been removed from a keli rishon by a ladle.

Minchat Yitzchak: Ladle versus Plates

Minchat Yitzchak (Vol. V, 127:3) offers an alternate way to solve the contradiction of the Mishna Berura:

It is obvious that since there is an argument if a spoon stuck in a keli rishon has the status of a keli rishon… this is a matter of halakhic doubt. Therefore, when the doubt is whether it is a keli rishon or keli sheini, he is stringent; when the doubt is whether it is a keli sheini or keli shelishi, he is lenient. This distinction is well-understood…

According to him, in the first source that we mentioned (87), the Mishna Berura is discussing putting uncooked food into the ladle. In this case, the doubt is whether it a keli rishon or sheini; cooking in the former is biblically prohibited, and since this is a biblical doubt, one must be stringent about it. In the second source (45), the Mishna Berura talks about one who pours into a bowl by way of a ladle and wants to add an uncooked food into the bowl. Here, the doubt is whether the bowl is a keli sheini or shelishi, and since the general prohibition to cook in a keli sheini is only rabbinical, this is a rabbinical doubt, and one may be lenient.

Practical Halakha

Halakhically, a ladle that remains in the pot becomes a keli rishon, and the bowl would be a keli sheini. If it is does not remain in the pot, but is only in the pot for a moment, according to the Minchat Yitzchak, the bowl is considered a keli shelishi for everything, while Rav Neuwirth sees the bowl as a keli sheini, and one may be lenient and regard it as a keli shelishi only for baked foods. It turns out that according to everyone, one may put matza in a bowl of soup: for when it comes to the issue of bishul achar afiya, the bowl is certainly considered a keli shelishi (and based on the Minchat Yitzchak, there is good reason to be lenient and put any uncooked item in a soup bowl).[3]

Modern Spices — One May Be Lenient

As we saw in the previous shiur, there is an argument whether one is allowed to put modern spices in a keli sheini. However, if one moves the food from the pot to a bowl via a ladle, since according to the Minchat Yitzchak the bowl is a keli shelishi already, one may be lenient and put spices in it.

Cold Cooked Food

The Mishna Berura (end of 253:84) indicates that one may pour from the ladle on a cooked liquid, even if it cold:

This is common practice, that one puts legumes in a bowl and pours meat sauce onto them from a keli rishon… Because it has not cooled totally, cooking does not apply… Now, if all of the legumes and the soup in the bowl have fully cooled, certainly one should by law be careful not to pour on them from a keli rishon, but rather by using a spoon.

Indeed, generally we are stringent that yesh bishul achar bishul (a cooked item can be cooked further) for a cooled liquid (we will discuss this in a future shiur). However, it appears that since there is a doubt concerning the status of the ladle, and in addition to the view of most Rishonim that ein bishul achar bishul (a cooked item cannot be cooked further) even for a cooled liquid (see loc. cit.) — we have a double doubt here, and one may be lenient (see Shemirat Shabbat Ke-hilkhata, ch. 1, end of n. 130).

IX) Solid Foods

May one put ketchup on hot meat?
May one put raw salad on a plate if it touches a hot potato?

A davar gush (literally, massive or substantial item) is a solid food that maintains its own heat and does not depend on the heat of the walls of the vessel to do so. A liquid conforms to the shape of its container, and therefore putting it in a cool vessel causes it to lose heat, by contact with the air and by contact with the surface of the vessel. However, when we transfer, for example, a hot potato from one vessel to another, it maintains its heat: it comes in minimal contact with the air, and its surface area does not change.

Naturally, the following question arises: is there significance to transferring a davar gush, or should a hot potato in a keli sheini actually be considered to have the power of a keli rishon?

The View of the Maharshal

According to the Issur Ve-hetter (36:7) and the Maharshal (Yam shel Shelomo, Pesachim, 87, no. 44), a davar gush that is that is yad soledet bo is like a keli rishon, as the Shakh (YD 94:30) notes:

The view of the Issur Ve-hetter… is that even in a keli sheini, it is considered like a keli rishon as long as it is yad soledet bo… because it is a substantial item, and this is the view of the Maharshal… For a substantial item, such as meat and the like, which is opaque, there is no difference between a keli rishon and keli sheini, but as long as it is yad soledet bo, it is forbidden.

This is the ruling of both the Shakh (YD 105:8) and the Magen Avraham (318:45).

The View of the Rema and the Gra

On the other hand, Tosafot and the Ran indicate that a davar gush in a keli sheini has the status of its container (see Chatam Sofer, YD, ch. 95). This is what the Rema writes in Darkei Moshe (YD 105:4), and this is what arises from his glosses to Shulchan Arukh (ad loc. 3), as he discusses the question of a vessel imparting forbidden taste to a permitted food in it:

This is only true with the heat of a keli rishon — for example immediately when one removes it from the fire, one puts it on the permitted food — but if it is already sitting in the keli sheini, and afterwards one puts the permitted food next to it or upon it, it does not make it forbidden at all, because a keli sheini does not make things forbidden.

This is also the Gra's ruling (YD 105:17).[4]

The Root of the Argument

What is the root of the argument? In an earlier shiur we saw two possibilities regarding the distinction between a keli rishon and keli sheini:

a) Bishul applies only in a vessel with hot walls.
b) Bishul does not apply to a vessel with cool walls.

According to the Maharshal and others, a keli sheini does not cook because it has cool walls, and therefore a davar gush, which has no walls to cool it, is considered a keli rishon; the Issur Ve-hetter (loc. cit.) says this explicitly. Another possibility is to explain that bishul indeed applies only when there are hot walls to maintain the temperature; however, since a davar gush does maintain its heat, it is considered as if it has hot walls of its own.

The Rema and others, on the other hand, apparently believe that bishul cannot occur without external hot walls, and the davar gush does not have any, making it equivalent to a keli sheini. Indeed, according to this view, we would apparently

need to be lenient also for a davar gush inside a keli rishon, since there are no walls to maintain its heat. It may be that in such a case the davar gush would have the rule of a keli rishon because it is directly touching it.

According to this, there is then good reason to explain that a davar gush in a keli sheini shares it status, since the bottom of the vessel touches and cools down the food.

Halakhic Ruling

The Mishna Berura (318:45) rules stringently:

All the more so one must be careful about the custom to put onions onto a food that is a davar gush, certainly one must be careful about this, because there are those who rule that a davar gush in a keli sheini has the status of a keli rishon.

However, since there is some doubt, we have found cases in which the halakhic authorities are lenient for a davar gush. We will discuss six of them now.

Ex Post Facto

A) When it comes to ma'aseh Shabbat (a forbidden action performed on Shabbat), for example if someone puts an uncooked food item on a davar gush in a keli sheini, ex post facto one is allowed to eat it. This is the view of the Mishna Berura (318:118):

If one removes a roast on a spit from the fire, as long as it is seething, i.e. yad soledet bo, it is forbidden to grease it; even if one puts it afterwards in a bowl that is a keli sheini, it is still forbidden, for many authorities believe that as long as a davar gush is yad soledet bo, it will cook other things, even in a keli sheini. In any case, ex post facto, one need not forbid when it is left in a keli sheini, because we rely on those who rule that a keli sheini does not cook in any case.

A Cooled Liquid

B) Rav Moshe Feinstein (OC, part IV, bishul, 5) combines two doubts, that of a davar gush and that of bishul achar bishul for a cooled liquid (we will discuss this in a later shiur) and thus allows putting ketchup (which is cooked while it is being processed) on hot meat:

Q: Is it permissible to put ketchup on Shabbat on hot meat in a keli sheini?

A: It seems that the rule follows the Terumat Ha-deshen that one may put ketchup on hot meat in a keli sheini… [This is because] it is a mere stringency to say that yesh bishul achar bishul for a liquid… and the stringency about a davar gush, to consider it seething even in a keli sheini, many dispute this, including the Rema… Therefore… one need not combine these two stringencies, even for Shabbat prohibitions.[5]

Fluid Dry Food

C) The Maharshal (loc. cit.) writes that even rice[6] is called davar gush, because it is dry. On the other hand, the Shakh (loc. cit.) writes that since one can spill rice, there is room to be lenient:

The view of the Maharshal is… that a davar gush, such as a piece of meat or fish or rice or millet, poured hot from the pot, retains the status of a keli rishon as long as it is yad soledet bo… However, certainly if the rice or millet is as smooth and fluid as a sauce, it appears that one may rely on the master [the Rema]…

Davar Gush with a Liquid

D) The Peri Megadim in his Mishbetzot Zahav (YD 107:2) indicates that even if the davar gush is accompanied by sauce it still has the status of a davar gush. However, the Peri Megadim in Eshel Avraham (OC 253:32) states that since the liquid cools and acquires the status of the keli sheini, it may be that the solid in it has a similar law. This is what the Pitchei Teshuva (YD 94:7) writes:

If one pours the meat with sauce into a keli sheini, then the meat is cooled down by the sauce, which cools down and surrounds the meat on all sides.

As the concept of davar gush is in itself quite strict, it makes sense that one may be lenient about this, and thus cholent would not be considered a davar gush, as it contains liquids along with the potatoes and meat.

Contact

E) Seemingly, one must be careful not to let uncooked items, such as a salad, come in contact with a hot davar gush on one's plate, such as potatoes, kugel or chicken, as these foods are considered to have the status of a keli rishon, so naturally it would be forbidden for an uncooked item to come in contact with it.

However, Rav S.Z. Auerbach believes (as cited in Maor Ha-Shabbat, Vol. I, p. 263) that there is no reason to be stringent about this, since the entire issue of a davar gush is subject to a dispute, and therefore one may factor in a number of reasons to be lenient: the person does not intend to cook and gains no benefit from it, the bishul is caused incidentally and it may be classified as mitasek (an act performed while preoccupied), and the vegetables do not improve — they are actually damaged. His son, Rav Shmuel Auerbach adds (cited in Orechot Shabbat, ch. 1, n. 144), that the essential heat of the davar gush is inside it, while the outer envelope of it is exposed to air and cools during the transfer to a keli sheini, and therefore one should not be stringent about the minor contact of an uncooked food with the outer layer of the davar gush.

Sprinkling Salt

F) The authorities are lenient about sprinkling salt on a davar gush, as we shall see (in a future shiur).

[1] The Chazon Ish (122:3, s.v. Seder) introduces an innovation that is quite strict: according to him, even those who are lenient do not consider the ladle a keli sheini unless it is put in the pot after the pot has been taken off of the fire; however, if one takes out with a ladle while the pot is on the fire, according to everyone, the ladle is considered a keli rishon.
[2] It may be that the terminology "at least" (le-kol ha-pachot) indicates his concern that the ladle may in fact be a keli rishon.
[3] As for soup nuts and croutons (as we will discuss in a future shiur): since they are deep-fried, they are considered cooked, and one is allowed to put them even in a keli rishon removed from the flame.
[4] Beyond this, there are Acharonim (Peri Megadim, Mishbetzot Zahav, YD 94:14; Nishmat Adam 20:3; Beit Meir ch. 318, end; et al.) who believe that the Maharshal's view does not see a davar gush as having the ability to heat other foods, but only to cause the absorption of taste, which is relevant to the separation of meat and dairy and the like, and it might be that he concedes that the prohibition of bishul is not an issue here.

[5] In Shemirat Shabbat Ke-hilkhata (1:58), Rav Neuwirth disputes this and forbids pouring cold soup on a piece of hot meat on a [non-keli rishon] plate. However, he later allows putting ketchup on a hot potato, and he notes that the source of this law is the Iggerot Moshe. This is striking, because Rav Feinstein holds that one should also allow pouring cold soup on hot meat on a [non-keli rishon] plate! In the newer edition of Shemirat Shabbat Ke-hilkhata (5770, ch. 1, n. 200), Rav Neuwirth goes further, writing in the name of Rav S.Z. Auerbach, that indeed he does not believe that one may be generally lenient by pouring a cooled liquid on a davar gush, as Rav Feinstein writes; however, when it comes to ketchup he believes that one may be more lenient, either because the ketchup, unlike the soup, does not taste better when it is warm, so heating does not improve it; or because the ketchup is viscous, so that it may be considered a solid rather than a liquid (see Maor Ha-Shabbat, Vol. I, pp. 450-451).

[6] The surface area of the rice does not change as one transfers it from one vessel to another, unlike a liquid; however there is contact with the air from many directions. Therefore, it cools down more than a regular solid, but less than a liquid.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 09: Bishul Achar Bishul

May one put cold soup on a hot plate?
Is one allowed to put soup that has started to cool on a hot plate?
May one heat up a food with its sauce on Shabbat?
Is it possible to prepare tea in a way that is permissible according to all views?

Until this point, we have dealt with uncooked foods. We have seen that it is forbidden to put these items in a keli rishon (primary vessel) even after it has been removed from the fire. We have seen that generally we are stringent and avoid putting them even in a keli sheini (secondary vessel), and there are those who are stringent even about a keli shelishi (tertiary vessel), particularly when it comes to food items that are easily cookable. Is the law different for cooked foods? Is it forbidden to cook a food that has been previously cooked?

The mishna (145b) rules:

Whatever was put into hot water before Shabbat may be steeped in hot water on Shabbat.

Solid Foods – There is no bishul achar bishul

Thus, any cooked item ("was put into hot water") may be put in hot water on Shabbat; from here we see that the prohibition of bishul does not apply to previously cooked items. Similarly, there is another mishna (36b) that states that a pot that has been taken off the fire may be returned under certain conditions — since the food has already been cooked, bishul no longer applies. This rule is known as "ein bishul achar bishul."

Rabbinical Prohibition

According to this, once an item is fully cooked, one may even put it in a keli rishon. However, as we shall see in a future shiur, there is a rabbinical prohibition to put cooked items in a keli rishon while it is on the fire, so that this lenient rule applies only to a keli rishon that is off the fire, or cases in which the Sages do not forbid (see loc. cit.), such as putting the item on top of the pot and the like.

Rashi, Rabbeinu Yona: Yesh Bishul achar Bishul Be-lach

However, a number of Rishonim limit ein bishul achar bishul, and they argue that one should distinguish between liquids and solids. As we shall see in a future shiur, there is a rabbinical prohibition to insulate foods (hatmana) on Shabbat. The Gemara (34a) states the rationale:

Why was it said that one must not insulate after nightfall even with a substance that does not add heat? For fear lest he make it boil.

Rashi (ad loc.) explains:

It is a decree lest he find that it is cold when he comes to insulate and he will heat it up first, and he will end up cooking on Shabbat.

In other words, before merely insulating it he will come to heat up on the fire (so that it will be fully hot when he insulates it) and he will violate the prohibition of bishul. How is this possible if we are obviously talking about a cooked food, and we should apply the rule of ein bishul achar bishul! The Rosh (3:11) deduces that Rashi's view is yesh bishul achar bishul (there is a prohibition to cook even a previously cooked food item) when it comes to a liquid that has cooled off:

Rashi says that it is a decree lest he heat up a pot that has cooled down… This teaches us that [the prohibition of] cooking is applicable even to an item that has been cooked and cooled, since there is a liquid in it. That which we say, "Whatever was put into hot water before Shabbat may be steeped in hot water on Shabbat," refers to a solid, like a chicken…

There are Rishonim who write explicitly that yesh bishul achar bishul for a liquid. This is what Rabbeinu Yona writes (Bava Batra 19a, s.v. Tenan hatam):

It is a great obstacle for some of the people: they insulate the urn of hot water to put it in the pot on Shabbat while the food is able to be cooked further, and

sometimes one is yad soledet bo (scalding) and the other is not [and one cooks the other], and it turns out that they cook on Shabbat.

The Ran (22a, Rif, s.v. Ve-harav Rabbeinu Yona) cites the words of Rabbeinu Yona and challenges them:

I do not know where he gets this from, because "Whatever was put into hot water before Shabbat may be steeped in hot water on Shabbat" even though it is cold. What is the basis of distinguishing between boiled water and any cooked item? This requires investigation and analysis.

To the Ran, it is clear that ein bishul achar bishul applies to liquids as well: the simple meaning of the mishna is that is does not differentiate between different types of food. However, Rabbeinu Yona apparently believes that the mishna is speaking only of solids, but concerning liquids, yesh bishul achar bishul.

The Nimukei Yosef (Bava Batra 10a, Rif) confirms the view of Rabbeinu Yona, that yesh bishul achar bishul for liquids, and Rabbeinu Yerucham (column 12, part 3, p. 69a) writes this as well.

Other Rishonim – There is Never Bishul achar Bishul

In fact, almost all of the other Rishonim do not address this, implying that ein bishul achar bishul is an absolute, ironclad rule, and one may heat even cold soup. This is the view of the Rambam, Ramban, Rashba, Remakh, Ran, Maggid Mishneh, and more.

Shulchan Arukh

The Shulchan Arukh rules (318:4):

[The prohibition of] cooking applies to a fully-cooked food if it cools… But this is only so [that we apply the prohibition of] bishul achar bishul to a food that has soup in it. However, that which has been cooked and is solid may be steeped in hot water on Shabbat.

The Shulchan Arukh rules following the Rosh's explanation of Rashi (against the Rambam and most Rishonim), that only concerning a solid do we say that ein bishul achar bishul, even if it is cold, but bishul does apply to a cooled liquid.

The Reason

Below we will analyze the boundaries of the law and its practical ramifications. However, before we do this, we must analyze the reasoning: why is a solid considered cooked even if it cools, while a liquid loses its cooked status once it cools?

Liquids of the Type Not Eaten Cold

We may explain that the essence of bishul is to create a food by the application of heat, and there is a distinction between dry and fluid items concerning their status as food after they cool. Dry food, once it has been prepared by bishul, continues to be ready to eat even after it cools; almost every dry food can be eaten cold. On the other hand, if a liquid cools, it loses an essential element. Most people will eat cold chicken, but not cold soup. Naturally, a dry food retains its cooked status, while a fluid that is boiled and cooled is considered to have lost the nature of its bishul; it is now uncooked once again, and its heating is considered cooking.

The problem with this is that sometimes the reality is different: there are fluid things that are eaten cold, such as fruit soup or tomato soup; on the other hand, there might be solid things that are not eaten cold (e.g., congealed gravy; as we shall see in a future shiur, it becomes clear that it is considered solid). Nevertheless, we have not found that Rishonim and halakhic authorities argue that these foods should have a different status (or that the Sages decreed that we do not differentiate).

Liquid that has Cooled is Chemically Similar to its Original State

Still, we may explain the distinction between solids and liquids differently. It may be that the definition of bishul is changing a substance by way of heat. For solids, the essential chemical change that is accomplished through the cooking process remains after the food cools, and therefore there is no prohibition to come back and cook it. In fluids, on the other hand, the central chemical change is that the molecules move further apart, and from this point of view, when the fluids cool down they return to their original status, and therefore it is prohibited to reheat them. When the fluid is mixed with more dense items, such as in soup, the cooking process creates new links between the fluid and the dense items, and these links continue to exist after the food cools down. However, it is still possible to explain that since an element of the chemical change returns to its original state (distancing the molecules) there is a prohibition to cause this change to happen anew.

According to this definition, the prohibition consists of turning raw food into cooked food (and this is the view of the "certain sage" cited by the Shevitat Ha-Shabbat, Mevashel, Be'er Rechovot, 75), and a cooled fluid is considered "raw" because its chemical composition is close to what it had been originally (cf. Chazon Ish 50:9, s.v. Ve-yesh).

When Re-heating a Liquid, the Change from Cooking Is Not Noticeable

With a slightly different formulation, one may explain that we do not investigate whether the central chemical change remains as it is, but whether the change done by bishul is noticeable and evident. Generally, when it comes to a solid, this change is noticeable even when the dish cools, while in a cooled liquid, the change is less noticeable, and therefore once it has cooled it is no longer considered cooked (Tehilla Le-David 318:33).

What is considered to be cold?
Thus, a cooled liquid is no longer considered cooked. At what temperature is this true? The Shulchan Arukh does not give an exact temperature (318:4):

[The prohibition of] cooking applies to a fully-cooked food if it cools.

Shulchan Arukh: Less than Yad Soledet Bo is Considered Cold

It is clear from other places that he is referring to the temperature of yad soledet bo. This is what arises from he writes in the Beit Yosef (318, s.v. Afillu), [1] and this is implied by what he writes elsewhere in the Shulchan Arukh (318:6): "A vessel containing a food item that is yad soledet bo may be put on top of an insulated pot on Shabbat…" In other words, the temperature must still be at least yad soledet bo for the prohibition of bishul not to apply to this act.[2]

This is also what many of the Acharonim write: anything that is no longer yad soledet bo is considered col. For example, the Mishna Berura writes (318:24): [3]

"If it cools" — i.e., it is not yad soledet bo, even though it may still be somewhat warm. But if it is yad soledet bo, even though it has cooled from its seething temperature, cooking is not applicable to it anymore, because this is considered to still be in the category of "seething," and ein bishul achar bishul… This is the view of the Shulchan Arukh.

This approach is clear and logical. In a previous shiur we saw that one who takes an uncooked fluid and heats it up until the level of yad soledet bo violates the biblical prohibition of bishul. It makes sense, if so, that if we say that a cold fluid has lost its cooked status, it is referring to the fact that it has fallen below the level of yad soledet bo.

Rema

However, the Rema (318:15) surprises us with a lenient view:

There are those who are lenient, saying that this is permissible for anything not put on the fire or stove directly, but only close to it, even if it has cooled. People are lenient about this if it has not cooled fully, as I have written above, ch. 253.

In other words, as long as it has not cooled completely there is no prohibition of bishul (as long as one avoids the problems of mechzi ke-mevashel (the appearance of bishul) by not putting the food directly on the fire). This ruling requires explanation: as we have seen, the ruling of the Shulchan Arukh, that a liquid retains its cooked status as long as it is yad soledet bo, is quite acceptable, because yad soledet bo is the measure for defining a liquid as cooked. However, the qualification of "if it has not cooled fully" is a new measure [or way to determine if an action violates the prohibition of bishul], and what leads the Rema to adopt this new approach?[4]

We may explain the Rema's view in a number of ways. We will analyze two[5] of them.

Eglei Tal

1. The Eglei Tal (Ofeh, 14; 55:5) understands that the Rema essentially adopts the stringent view of the Rishonim: a liquid that cools loses its status as cooked and there is thus a biblical prohibition of bishul involved. [6] However, as long as the food has not fully cooled, it does not lose its cooked status:

When it comes to the biblical prohibition, we follow the view of the stringent authorities, but when the food has not cooled fully and some people will still eat it due to its warmness, we need not be concerned about the biblical prohibition, as it is no worse than a minimally-cooked solid (ma'akhal ben Derusai, see the first shiur in this series), that though it has not been fully cooked, there is no biblical prohibition of cooking anymore.

In his view, a cooked liquid that has not fully cooled has the same status as a solid food cooked to the level of ma'akhal ben Derusai; if one cooks it further, one does not violate a biblical prohibition.[7]

Difference between Initial Cooking and Cooling Off

However, we challenged this understanding above: how can it be that a liquid that merely has some warmth is considered cooked, when we have seen that one does not violate the prohibition of bishul for a liquid unless it is raised to the temperature of yad soledet bo! The Eglei Tal answers (Ofeh, 14, in the emended section) that one should distinguish between the criterion for creating the status of bishul and the criterion for its removal: in order to define a cold liquid as cooked it needs to reach the level of yad soledet bo; however after the liquid reaches this level and has been defined as cooked, its status cannot be nullified until it cools fully (being merely a degree below yad soledet bo is not enough).[8]

Chazon Ish

2. The Chazon Ish (37:13 and 31) takes the opposite view. According to him, the Rema is following the view of most Rishonim that the rule of ein bishul achar bishul applies even to a cooled liquid:[9]

The Rema writes that we are lenient, following the view of the Rashba and the Ran: even for a cooled liquid, ein bishul achar bishul.

If so, why does he demand that the food needs to be a bit hot? The Chazon Ish responds:

To prevent one from being lenient about raw ones, our custom is not to be lenient about items that have cooled to an extent that their warmth is not [easily] discernible.

A Modicum of Warmth

In other words, by the letter of the law, it is permissible to heat even a cooled liquid, but there is a concern that a person may warm a totally uncooked item, and therefore we require that the food must remain somewhat warm from the previous cooking; thus, it will be recognizable that this is a cooked item, and people will not learn from it to be lenient about heating uncooked foods. On the other hand, a cooked solid may be warmed even if it has totally cooled, since no one could err and miss the fact that it has been cooked.[10]

Ramifications

In any case, even those who follow the Rema would not put a fully cooled liquid on a plata (hot plate), but rather only a cooked liquid that has not fully cooled. If one were to put a fully cooled liquid dish on a plata, then according to the explanation of the Eglei Tal (and similarly according to the Shulchan Arukh), this involves a biblical prohibition, while according to the explanation of the Chazon Ish in the Rema, this would involve a rabbinical prohibition only. This distinction may be relevant in cases of doubt, and we will discuss this in the future.

May a Non-Jew Heat Soup?

An additional ramification of this argument is whether a non-Jew may reheat soup on Shabbat. If the prohibition is biblical, one may not be lenient about it. However, if it is a rabbinical prohibition, one may be lenient for the sake of the Shabbat meal, if there is no other way to heat the soup. The Mishna Berura rules stringently (259:26; Bei'ur Halakha, 253:5, s.v. Lehachem, end), but the Chazon Ish (37:21) and the Chayei Adam (Nishmat Adam 20:10) are lenient.

Summary

If Sefardim take soup off the hot plate and want to return it, they must be careful that it not go below the temperature of yad soledet bo (there are also other laws of hachzara, returning items to a heat source, as we shall see in a future shiur). Ashkenazim, on the other hand, may return the soup even if it has fallen below this temperature, as long as it has not cooled fully. (If it has cooled fully, it is certainly forbidden, but Acharonim argue the correct way to understand the view of Rema, whether the prohibition is biblical or rabbinical.[11])

Defining "Fully Cooled"

The Rema does not define the term "fully cooled," and instead just refers us to ch. 253. There (5) he writes:

One may not tell a non-Jew to heat up a pot that has cooled, and if one does so, one is forbidden to eat it, even when it is [again] cold. However, if it has not fully cooled, and it is still fit to eat, and a non-Jew heats it, one may eat it.

Shulchan Arukh Ha-Rav

The Rema mentions "and it is still fit to eat." In light of this, the Shulchan Arukh Ha-Rav writes (318:9) that the definition of "not fully cooled" is "still warm

enough to eat." However, there is some reason to doubt this, because the Rema is dealing with benefit from a non-Jew's act, and it may be that a high temperature is required, so that a Jew will not have material benefit from the non-Jew's actions.[12]

Chazon Ish

According to the Chazon Ish's understanding of the view of the Rema, that the need for the food to be "not fully cooled" is to prevent one from erring and cooking something totally uncooked, it makes sense that the definition is that its warmth is still noticeable (even if it is not warm enough to eat at this temperature). This is what the Chazon Ish himself writes (37:13, s.v. Ve-katav).

Apparently, one may challenge the view that believes that one must be able to eat it, because one may eat cold soup as well. Rav Feinstein explains (OC, part IV, 74, bishul, 2) that the definition is that the food must be "fit to eat for those want to eat hot food." Rav S.Z. Auerbach (cited in Maor Ha-Shabbat, Vol. II, p. 36) adds that we define "not fully cooled" here by the way most people eat the food; in other words, we require sufficient heat that most people who are interested in eating the food specifically when it is hot would still be willing to eat it.

Cooled, Then Heated

If a cooked liquid that has fully cooled is heated somewhat afterwards (e.g., pouring on it from a keli sheini), may one continue to heat it? Apparently, one should allow this, since heating a cooked liquid that is somewhat warm is allowed. However, according to both of the above-mentioned explanations, it makes sense that one would not allow this. According to the Eglei Tal, it is clear that one should not allow it, because at the time the liquid cools, the former cooking is annulled, and heating it now will not help at all. According to the Chazon Ish, it makes senses that one should not be lenient about this, because the warmth is supposed to be a sign that the food has already been cooked, while after it cools, there is no significance to the initial heating, and there is no sign of the previous bishul.

The Eglei Tal, in his responsa (Avnei Nezer, OC 129:6), is asked about people who do so, and he concedes that the questioner is correct to condemn this practice (in accordance with his previously-expressed view). This is what Rabbi Akiva Eger writes (addressing Magen Avraham, 253:41). This is also the ruling of the Chazon Ish (37:13, end).[13]

[1] The Tur (ad loc.) also writes: "[The prohibition of] cooking applies if it has already cooled down, but not while it is still seething." If so, the opposite of "cooled" is "seething," and "cooled" does not refer to something that is actually cold. (Indeed, they may be simply using Rashi's language, as cited above.)

[2] This is based on the assumption that the requirement that the pot be hot is because of bishul. We will see in a later shiur that the Magen Avraham (253:36) holds that there is a requirement that the pot be hot because of issues of hachzara, returning foods to the fire, but the Bei'ur Halakha (ad loc. 5, s.v. U-vilvad she-lo nitztanen) disputes this.

[3] This is how the other Acharonim rule, including the Minchat Kohen (II, 2), Magen Avraham (253:19), Eliya Rabba (253:19), Chayei Adam (20:8) and Kaf Ha-chayim (318:53).

[4] However, in the Chiddushim Ha-myuchasim La-Ran (40b, s.v. Shemen) we find an approach similar to that of the Rema: "Now, we have something to say to allow putting hot water into hot food on Shabbat… even though it may not be so hot anymore, as long as it is not yet cold, there is no issue of cooking…" This means that as long as a food has not fully cooled, there is no prohibition of bishul. It may be that this is the Rema's source, but the idea is still not fully understandable.

[5] Other approaches are mentioned by the Tehilla Le-David (318:33) and the Chayei Adam (Nishmat Adam 20:8, 10).

[6] This is what the Magen Avraham (253:37), Shulchan Arukh Ha-Rav (253:25, also Piskei Ha-siddur, Hilkheta Rabbeta Le-Shabbeta) and the Beit Meir (318:12). This is also implied by the Chiddushim Ha-myuchasim La-Ran cited above (n. 4), that as long as the food has not cooled, "there is no issue of cooking;" this implies that if it cools, there is a biblical prohibition of bishul.

[7] This is also what arises from the words of the Terumat Ha-deshen (ch. 66). However, according to the view of many Rishonim, there is a prohibition to take something that is minimally cooked (ma'akhal ben Derusai) and cook it further (see note 8 in our first shiur), and this is what the Shulchan Arukh rules (318:4); however, in the view of the Eglei Tal, this prohibition is only rabbinical, and naturally the doubt here would be of a rabbinical nature, and we may rely on the lenient views that ein bishul achar bishul applies to liquids even if they have totally cooled.

[8] This is indicated by Rabbi Akiva Eger (on Magen Avraham, 253:41).

[9] This is stated by the Minchat Kohen (II, 2, s.v. Ha-tenai ha-rishon), the Arukh Ha-shulchan (318:31), the Ketzot Ha-shulchan (ch. 124; Baddei Ha-shulchan, 103); Rav Moshe Feinstein (2, 5); Rav S.Z. Auerbach (Shemirat Shabbat Ke-hilkhata, ch. 1, n. 114); and the Shevet Ha-Levi (Vol. V. Ch. 31, 1). The view of the Mishna Berura in this case is not clear: see 318:99 and Bei'ur Halakha 318:4, s.v. Im nitztanen.

[10] The Chazon Ish goes on to write that it may be that the stringency about a liquid that totally cooled stems from the laws of hachzara, but since we are totally lenient regarding a solid it appears that he does not accept this understanding.

[11] Is it appropriate for Ashkenazim to be stringent and follow the Sefardic ruling? The Mishna Berura (253:84) implies that it is good for Ashkenazim to be stringent and to follow the Shulchan Arukh's view that once a liquid is no longer yad soledet bo, it is halakhically uncooked. However, in other places, the Mishna Berura indicates that Ashkenazim should be lenient, and this is what appears to be the ruling of other authorities as well.

[12] According to this explanation, the Rema does not speak only of a situation in which a non-Jew performs an act of bishul, but even a situation in which there is no issue of bishul (because the food is not cold). However there is still a rabbinical prohibition, one of returning a cooked food to the fire (the specifics of this prohibition will be discussed in a future shiur); regardless, one may not benefit from the non-Jew's actions.

[13] However, the Chazon Ish does imply another interpretation. He indicates that we follow the Rishonim who believe that yesh bishul achar bishul for liquids is a stringent custom that we have accepted upon ourselves, and this implies that fundamentally there is no problem. He also indicates that one should only be stringent about a cold item on Shabbat itself, but one who takes a cooled liquid and heats it a bit before Shabbat would be allowed to continue to heat it on Shabbat, though this is an innovation not mentioned by other halakhic authorities.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 10: Defining Liquids and Solids,
and the Proper Way to Prepare Tea on Shabbat

XI) Defining Liquids and Solids

Mixture

As we discussed in our last shiur, the prohibition of bishul does not apply to a cooked solid, but it does apply to a cooked liquid that has cooled. What is the dividing line? What about an item that has solid and liquid elements?

The Beit Yosef

The Beit Yosef (253, s.v. U-ma she-katav Rabbeinu kol zeman) quotes Rabbeinu Yerucham:

If it is mostly sauce and is cool, and mitztamek ve-yafeh lo (further cooking is beneficial), when one puts it back on the stove and cooks it further, this is absolutely an act of cooking.

This indicates that when we have a mixture of solids and liquids, its status follows whichever is the majority. However, elsewhere (318, s.v. Afillu tavshil, end; 258, s.v. Keli, end) he writes in the name of Rabbeinu Yerucham:

If it contains sauce and is cool, and mitztamek ve-yafeh lo, when one puts it back on the stove and cooks it further, this is absolutely an act of cooking.

According to this version, it is forbidden for the food to contain any sauce, and anything that does contain sauce is considered a liquid and the prohibition of bishul will apply to it.

Furthermore, Rabbeinu Yerucham (column 12, part 3, p. 69a-b), has the version, "If it has a sauce, for everything that has sauce in it…" This indicates that the citation of Rabbeinu Yerucham in ch. 253 is a scribal error.[1]

Minchat Kohen

Nevertheless, Minchat Kohen (II, 2b) writes that we do declare the status of a mixture based on its majority:

It appears to me that even if there is a bit of fat or soup in something that is fully cooked, nevertheless it is permitted to put it next to the flame or soak it in hot water, because there is no meat from which some fat or juice does not come out; despite this, it is still considered to be a solid. It appears that as long as most of it solid, even though it has a bit of sauce, [the prohibition of] cooking does not apply to it… This makes sense: as long as most of it is solid, it is considered to be a solid, and if most of it is sauce, it is considered to be a liquid.

This is also how the Peri Megadim rules (Mishbetzot Zahav 253:13). Concerning this view, we may suggest three approaches:

1. Peri Megadim: any minority of sauce gives the dish the status of mitztamek ve-ra lo[2] (additional heating harms the food) as one does want the sauce to evaporate, and since the Torah forbids only thoughtful labor (melekhet machshevet), there is no prohibition.
2. Eglei Tal (Ofeh, 26): one focuses on the majority (the cooked solid food), and naturally, any cooking that may happen to the minority (the sauce) is a daver she-aino mitkavein (unintentional act; although in this specific case it is a pesik reisha (an inevitable result), see there).
3. It may be possible to explain this in a different way: since there is one unified dish, the minority is annulled by the majority, and the food is considered solid. As we saw in the previous shiur, one of the reasons for distinguishing between solid and liquid is that when a liquid cools, the original bishul loses its meaning. If a dish is mostly solid, it makes sense that most people will eat it cold, since in the main part the bishul remains, and therefore one may consider it as a fully-cooked dish. Similarly, according to the view that the distinction between solid and liquid is based on whether the bishul is noticeable, we may say that when the cooking is noticeable through the greater part of the food, the entire dish is considered cooked.

Ruling – Sefardic Posekim Disagree

In terms of the halakhic conclusion, Rav Ovadya Yosef (Yechaveh Daat, Vol. II, ch. 45; Yabbia Omer, Vol. VII, OC, 42:6-11) writes that bishul achar bishul (cooking a previously cooked food item) is not a concern when the minority is liquid. In light of this, many Sefardim are lenient. However, in Or Le-Tziyon (Vol. II, 30:13), Rav Ben-Tziyon Abba Shaul rules stringently.

Shulchan Arukh Ha-Rav – Only if it is Totally Dry

Apparently, Ashkenazim have more of a reason to be lenient about this, because many believe that the Rema rules essentially that ein (there is no prohibition of) bishul achar bishul for liquids. However, the Shulchan Arukh Ha-Rav (318:11; Kunteres Acharon, ch. 253, end) expresses an extreme view in the other direction, requiring that the food be totally dry. This is how he rules in his Siddur (Hilkheta Rabbeta Le-Shabbeta):

Even though we hold of ein bishul achar bishul for solids, nevertheless, if part of it liquefies, yesh (there is a prohibition of) bishul achar bishul for this liquefied part, if it becomes yad soledet bo (scalding). Therefore, one must be very careful not to heat cooked or roasted beef or poultry, if the liquefied part will be heated until it becomes yad soledet bo, as one may violate a prohibition carrying the penalties of stoning and excision, God forbid…

This is how the Ketzot Ha-shulchan (ch. 124; Baddei Ha-shulchan, 37) rules, following the view of the Shulchan Arukh Ha-Rav, that the cooked food must be totally dry, and it is forbidden to heat it if there is any moisture in it. (He has a doubt as to whether one may be lenient about moisture that is not sufficient to moisten another item.)

Mishna Berura – Spill out any Liquid, but it Need not be Totally Dry

The Mishna Berura (318:32) offers a compromise view: one should not keep sauce in the dish, but there is no need to wipe it out; one may simply pour out the liquid: "'And it is solid' — this means that one has poured out the soup from it."

This is also implied by the Shulchan Arukh (318:15), "Whatever is fully cooked and is solid — i.e., there is no soup in it". This appears to be the practical halakha: one should take the liquid out, but one does not need to wipe it up, and even if there is a small amount of moisture (even if it is enough to moisten something else), it is annulled by the solid food and acquires its status.[3] This is the view

of Rav S.Z. Auerbach and Rav Elyashiv (cited in Maor Ha-Shabbat, Vol. II, p. 49): one may be lenient about moisture or a bit of oil that is found on top of the food or absorbed in it.

Defining Solids

There are some foods that are not a mixture containing both solid and liquid elements; rather they are a food with a consistency somewhere between a solid and a liquid: cholent, mashed potatoes and ketchup. Regarding this issue, Rav Feinstein (OC, part IV, 74, bishul, 5) writes:

Now, you have a doubt about ketchup: perhaps it is solid, because it is thick, even though it may be poured. It makes sense that the laws of ritual purity cannot be used to define [what is a] liquid and solid [to determine its Shabbat status]; rather, the question is whether it flows or it is a mass that remains and sticks together even without a container. This will determine whether it is a liquid.

Ketchup

In light of this argument, Rav Feinstein is inclined to say that ketchup is considered a liquid. However, as we saw in shiur 8, his conclusion is that one is allowed to put ketchup on seething meat in a keli sheini (secondary vessel), since we may combine the view that a davar gush (substantial food) does not cook with the view that the rule of ein bishul achar bishul is applicable to liquids.

However, we may distinguish between thick ketchup, which may be a solid, since it retains its shape on a plate, generally speaking, and it does not spill to the sides. Indeed, Rav Auerbach and Rav Elyashiv (cited in Maor Ha-Shabbat, Vol. II, p. 45) write that it makes sense to rule leniently about ketchup and to consider it a solid. Rav Auerbach (loc. cit.) seeks to equate this to a cooked tomato: even though it has liquid inside it, it is still considered to be a solid. Indeed, Rav Elyashiv allows putting ketchup specifically on a davar gush, as there is a doubt about bishul being applicable to it regardless.

XII) Tea on Shabbat

How may one prepare tea on Shabbat?

Keli Shelishi

In a previous shiur we saw that an uncooked teabag should not be put in keli rishon (primary vessel) or even in a keli sheini, because tea may fall into the category of kallei bishul (easily cooked food items).[4] When it comes to a keli shelishi (tertiary vessel), we stated that Rav Feinstein allows preparing tea, while the Arukh Ha-shulchan forbids it, and this is how Rav Neuwirth rules.

Teabags and Boiling Water

If one pours boiling water on teabags on Friday afternoon, is one allowed to pour more hot water on them on Shabbat? The Mishna Berura (318:39) writes that apparently it should be permitted, since the rule of ein bishul achar bishul applies; however, practically he concludes that one should be stringent about this, since irui (pouring) only cooks kedei kelipa (a paring's width), and one must be concerned that the first irui only cooks some of the tea leaves, while the second irui will cook another part. In addition, it may be that even the leaves cooked by the first irui are not cooked thoroughly, and the second irui may cook them further (Shaar Ha-tziyun 63). However, he does suggest (loc. cit.) a somewhat forced explanation of those who are lenient.[5]

Therefore, it is appropriate not to pour water from a keli rishon onto teabags on which hot water was poured before Shabbat. There is good reason to be lenient about putting such teabags in a keli sheini (on the condition that before Shabbat, one has mixed the tea and not merely poured hot water onto it); however, it is preferable to only do so in a keli shelishi, because naturally some are always lenient regarding a keli shelishi, and even one who is stringent generally about a keli shelishi can be lenient about this.

Chatam Sofer

If one cooks tea leaves in a keli rishon, apparently there is no problem to prepare tea on Shabbat, because the rule of ein bishul achar bishul applies. However, the Mishna Berura (39) cites the Chatam Sofer's responsum (Vol. I, ch. 74). He writes that for tea leaves, yesh bishul achar bishul; since the leaves themselves are not edible, the leaves are designed only to get taste out of them, and therefore, in every case in which they impart new taste to the water, it is considered bishul.

The Preferable Way

According to the Mishna Berura the most preferable way to make tea on Shabbat is the following: to cook the teabags before Shabbat, making tea essence, and then to pour the essence (without the teabags, due to the Chatam Sofer's concern) into a keli sheini on Shabbat.[6]

The Acharonim recommend a preferable way… one may fully prepare essence before Shabbat, so that one will not need to pour into it more boiling water the next day, on Shabbat. Instead, on the next day, when one wants to drink, one may put the cold essence into the cup from which he drinks after one has poured the hot water into it, making it a keli sheini… When the essence is not cold, this method is certainly good enough to fulfill all of the views.

Preparing Essence

There is good reason to say that one need not actually cook the teabags before Shabbat; it is sufficient that one pours hot water on them before Shabbat, and on Shabbat one puts the liquid, without the teabags, in a keli sheini. The reason for this is that if water goes through actual cooking, it certainly may be put it in a keli sheini; even if one is concerned that within the water there is an uncooked tea leaf, nevertheless, according to the view of many Acharonim, one is allowed to put any liquid in a keli sheini.[7] This is how Rav Neuwirth rules (Shemirat Shabbat Ke-hilkhata 1:55; however, he does not explain his reason for allowing this).[8]

Summary

In conclusion, the best way to prepare tea on Shabbat is by cooking tea bags and using the liquid formed thereby to prepare tea in a keli sheini. It makes sense that one may be lenient even if one does not cook the teabags per se but rather pours boiling water over them and uses the liquid formed. In this case, one may be lenient even if the liquid is cold.[9]

Used Teabag

If one wants to use a teabag itself, even a teabag that has been used before Shabbat, it is best not to use it again in a keli sheini; however, it is possible to be lenient and to use it in a keli shelishi. According to Rav Feinstein, one may prepare tea in a keli shelishi even from a new teabag (but the Chazon Ish rules stringently about this).

[1] Although we have a different text than the Beit Yosef, this does not necessarily indicate that he is mistaken, because it may be that our text is in error. However, since our version is mentioned twice by Rabbeinu Yerucham and two more times in Beit Yosef, it makes sense that our text is indeed correct.
[2] However, as a matter of practical halakha, we forbid heating a cooled liquid on Shabbat even if it is mitztamek ve-ra lo (see Mishna Berura, 318:25).
[3] In addition, this is a davar she-aino mitkavein, particularly according to the Ashkenazic ruling. Even if we rule stringently and consider the moisture not to be annulled, this is apparently a pesik reisha of a rabbinical prohibition (according to the Chazon Ish's understanding of the words of the Rema, in which ein bishul achar bishul essentially applies to liquids). Taking this into account with the other doubts we have mentioned, one could certainly allow it.
[4] Indeed, from my teacher HaRav Aharon Lichtenstein I have heard that Rav Joseph B. Soloveitchik transmits in the name of his grandfather (Rav Chaim of Brisk), that one may prepare tea even in a keli sheini (this is also cited in Nefesh Ha-Rav, p. 170). It may be that his belief is that since the leaves themselves are not edible, they are in the category of metals and the like, and only melting them is considered cooking (see note 6 of our first shiur). This approach is the reverse of the Chatam Sofer that we will see below: since the leaves are not eaten and are there to simply impart taste to the water, there is a prohibition of bishul even if they had already been cooked, as long as they continue to impart taste in the water.
[5] His approach is based on the idea that irui cooks to the level of ma'akhal ben Derusai, and there are Rishonim who believe that there is no prohibition of cooking for something that has already been cooked to the level of ma'akhal ben Derusai. Aside from that, we should enlist the view of the Rambam (22:8), according to which everything that has been soaked in hot water before Shabbat may be steeped on Shabbat. (This would mean that if anything has had boiling water poured over it, one may pour hot water on it again in Shabbat.)
[6] The words of the Mishna Berura indicate that the allowance is based on it being a cold, cooked liquid; one may put it in a keli sheini, because this is a double doubt (first, a keli sheini may not have the power to cook foodstuffs; second, perhaps ein bishul achar bishul applies even to liquids). However, as we have seen in our shiur on keli sheini, there are Acharonim (among them, the Shulchan Arukh Ha-Rav) who allow heating any liquid in a keli sheini, even if it has not been cooked.
[7] We have explained this in the previous note.
[8] According to this approach, there might be a reason to be lenient even if one prepares the essence in a keli sheini, and afterwards tea may be prepared from it in a different keli sheini (see Orechot Shabbat, ch. 1, n. 165).
[9] If the tea made from the essence is hot, one may put it even in a keli rishon (on the condition that it be removed from the fire, out of the concern of mechzi

ke-mevashel, the appearance of bishul), and naturally one may pour on it from a keli rishon. In Shaar Ha-tziyun (65), he writes that in a situation such as this it is better to put the essence in a cup first, and then to pour on it from a keli rishon, rather than pouring the water and then putting the essence in, as there is a concern of the melakha of dyeing being applicable to liquids.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 11: Congealed Sauce and Melting Sugar

XIII) A Solid that becomes a Liquid

May one heat chicken in congealed sauce?
Is one allowed to put sugar or salt in a keli rishon (primary vessel)?

Congealed Sauce

Let us consider the issue of reheating chicken. What status does the congealed sauce have? At the moment it is solid, but as the dish heats, it will become liquid.

A Contradiction

Rav Yosef Karo seems to hold two different positions, one as the Beit Yosef (318, s.v. Ve-asur litten) and the other in Shulchan Arukh (318:16), concerning heating an infanda, a pocket of cooked dough with fat in it. When heated, the fat melts (Mishna Berura ad loc. 100). Rav Karo writes in the Beit Yosef that while the Sefer Ha-teruma forbids this because of nolad — creating a new entity on Shabbat, which is rabbinically forbidden — the Semag, Semak and Rabbeinu Yechiel of Paris allow this because this nolad is not being done directly. He goes on to question the latter view, based on the Talmud's clear determination (40b) that melting hardened oil or fat is part of the prohibition of bishul:

We explicitly conclude in the chapter of Kira that "oil is subject to [the prohibition of] cooking" and that "making it lukewarm is [viewed halakhically as] cooking it."

This would indicate that the prohibition is in fact bishul! However, Rav Karo contradicts his view in the Beit Yosef with what he writes in Shulchan Arukh:

It is permissible to place an infanda near the fire in a place that is yad soledet (scalding), even though the fat congealed in it melts.

This teaches us that there is no prohibition of bishul of an infanda. The Acharonim suggest a number of resolutions of this contradiction, two of which we will mention:

A) The Levush (318:16) argues that there is a scribal error; instead of "in a place that is yad soledet," it should say "in a place that is NOT yad soledet." According to this, the prohibition of bishul does apply to melting fat (as the Taz rules, 20).

B) The Magen Avraham (40) argues that the Beit Yosef is discussing uncooked fat, and therefore the act is forbidden. In Shulchan Arukh, on the other hand, Rav Karo is talking about congealed cooked fat, and therefore he allows it. According to this, the prohibition of bishul does not apply to melting congealed fat.

Halakhic Ruling

The Mishna Berura (100) is lenient:

The reason for allowing this is that since it is dry, even though it has cooled, [the prohibition of] cooking no longer applies to it… Even though the reality is that it the fat will melt again, nevertheless it is called dry, since at the time that one puts it near the heat, it still has not melted yet.

However, the Chayei Adam (20:7) writes that one should forbid this ab initio, and one should be lenient only in a case of need. Nevertheless, the Mishna Berura rules, as we have said, that one may be lenient, and this is the view of the Shulchan Arukh Ha-Rav (318:27), the Chazon Ish (37:13, s.v. Ha-rotzeh lechamem), Rav Feinstein (Bishul 6) and Rav Ovadya Yosef (Livyat Chen, ch. 47; Yechaveh Daat, Vol. II, ch. 44, end).

Why are we lenient? Ultimately, one is causing a liquid that has cooled to become hot again!

Human Action

The simple answer is that the act of cooking is the act of positioning the food; since at this point the fat is solid, this act does not involve any prohibition of cooking, even if the ultimate result will be the cooking of a liquid. (This is dependent on the understanding of the prohibition of cooking, whether the liability is for the act of positioning the food in proximity to the heat source or for the result, but this is not the place to elaborate.) This is how Rabbi Akiva Eger explains (in his glosses on the Magen Avraham, 253:41), that "when one puts it

by the fire it is congealed, and when it melts afterwards, one does not do anything [to cause it to melt].”[1]

Pouring Hot Liquids

However, he adds that this approach is efficacious only when one puts congealed sauce next to a fire and the like; it does not help when someone pours boiling water on congealed sauce. In this case, the sauce becomes liquid immediately, and therefore, when the person continues to pour boiling water on it there is an act of bishul. However, with Rabbi Akiva Eger’s conclusion, there is reason to be lenient even in this case, from another direction: at the point at which the sauce melts and liquefies, it is already a bit warm, and the Rema is lenient about bishul achar bishul (cooking a previously cooked food item) of a liquid when the liquid has not fully cooled. However, Rabbi Akiva Eger rejects this possibility; in his view, the words of the Rema are not applicable to a cold liquid that is heated up, because once it has cooled, the concept of bishul has been uprooted from it (as we stated in a previous shiur). However, later he writes that one may allow this nevertheless, for at first the food was solid and cooked, and at the time that its status changes and it becomes liquid, it becomes hot as well, so that there is no moment in which the original act of bishul executed upon it is nullified.

Rema: Heating Congealed Sauce is Forbidden Due to Nolad

As we have said, according to the Mishna Berura and many halakhic authorities, heating an infanda is not a violation of bishul. However, the Rema writes that there is another problem — the rabbinical prohibition of molid, creating a new entity (nolad). Thus, heating such a food would be forbidden due to the creation of the sauce, which did not exist previously.

Small Amounts

Therefore, in practice, the Rema forbids heating up congealed fat on Shabbat. However, there is a difference between the concern for bishul and the concern for molid. The concern of molid exists when the liquid created is noticeable. From this reason, one is allowed, according to all opinions, to put ice in a cup with liquid, for even when the ice melts, the melted water will be indistinguishable from the rest of the beverage (we will discuss nolad in greater depth in a future shiur). According to this, indeed one should not heat congealed food that will become liquid, but one should be allowed to heat food with a bit of congealed sauce, because when it becomes liquid, it will not be noticeable that a new item is coming into existence; only a bit of sauce will be created

around the meat or other food. The Mishna Berura (318:105) writes (speaking of the analogous pashtida):

Know that even according to the stringent view, it is not forbidden unless there is a great amount of fat ן n the pashtida, so that when it will melt, it will flow out and it will be noticeable on its own, but if the pashtida does not have so much fat… one may heat up pashtida according to all views, and even though it still melts and flows from the meat the fat in it, it is a small amount and allowed according to all. Similarly, one may heat on Shabbat a fatty piece of meat even though part of it liquefies, since it is a small amount that melts, it is not significant and the action is permissible.

Shulchan Arukh

According to the Shulchan Arukh (318:16, 320:9), there is no problem of molid at all, and therefore Sefardim may heat up a food with congealed fat, even if there is a great quantity of sauce.

Rema

The Rema also agrees that one may be lenient in a case of need, and therefore when there is a need for a sick person or another important purpose, even Ashkenazim may be lenient and heat a food with a lot of congealed sauce.[2] Ex post facto, one may be lenient in any case (Mishna Berura, 318:107).

Halakha

What should one do practically?

• Ab initio, one should take the chicken out of the sauce before Shabbat[3] and put it in another vessel, so that it will be possible to heat it without sauce (or so that only a bit of sauce remains on it).
• If one has failed to do so, and now the food is covered with congealed fat, removing the sauce from the chicken may involve the prohibition of borer. In this case, one should take the chicken out and put it in another vessel (thereby selecting food from refuse). Indeed, congealed sauce will remain on the chicken, and it may be that a lot of sauce will liquefy, but at this time, this is a case of need, and one may be lenient. (Similarly, if one does not have another vessel, one may heat it in a keli rishon, because this is considered a case of need.)
• There is an additional solution for heating chicken to which congealed sauce adheres. It may that if one puts the chicken on top of rice, it will be permitted ab initio also in terms of molid. Indeed, the rice will be soaked with the sauce,

but the liquid created will not be noticeable in its own right, and it seems that there is no concern of molid in this action. (Nevertheless, is preferable to mix the rice a bit with the congealed sauce.)

Summary

According to most authorities, there is no prohibition of cooking upon sauce that, at this time, has totally congealed, even if it will, in the future, turn into a liquid due to the application of heat. This is the halakhic view of the Mishna Berura. Therefore, Sefardim may heat a dish with congealed sauce in it. However, Ashkenazim are concerned about the prohibition of molid, and therefore, in their view, one cannot turn congealed sauce into liquid. However, Ashkenazim may be lenient in a number of aspects:

A) If we are talking about a bit of congealed fat (so that it does not seem that the sauce transforms it into a soupy dish, but only a food with a bit of liquid), there is no concern of making a solid into a liquid.
B) When the sauce will be absorbed in another food and it is not noticeable, for example, when chicken with congealed sauce is put on top of rice, there is no concern.
C) In a case of need, even when there is a lot of congealed sauce, one may be lenient.

Ex post facto, even if it was warmed incorrectly, it is permissible to eat it.

GRANULAR SUBSTANCES

Uncooked Salt

The Talmud (42b) reports:

Rav Yosef thought to rule that salt is like spices: namely, it cooks in a keli rishon but not in a keli sheini.

Abbayei told him that Rabbi Chiya taught: “Salt is not like spices, for it cooks even in a keli sheini.”

Now, he differs from Rav Nachman, who said: “Salt requires as much cooking as ox flesh.”

Others state that Rabbi Chiya taught: “Salt is not like spices, for it does not cook even in a keli rishon,” and this is identical with Rav Nachman’s dictum: “Salt requires as much cooking as ox flesh.”

According to the first view, one may not put salt even into a keli sheini, while according to the second view, one may put it even in a keli rishon taken off the fire, since it requires a great deal of cooking, and it cannot be cooked except on the fire itself.

Halakha

Tosafot (s.v. Ve-hainu) rule that the halakha does follow the latter view, however, ab initio, it is worth being stringent, following the first view:

Rabbeinu Shmuel rules, because of this, that it is permissible to put salt in food on Shabbat, even in a keli rishon removed from the fire. Nevertheless, one who is stringent like the first view and avoids putting salt in the plate as long as it is yad soledet bo is praiseworthy.

In other words, one is allowed halakhically to put salt even in a keli rishon; however, ab initio, it is best to be stringent and not to put it even in a keli sheini.

The Shulchan Arukh (318:9) writes:

A keli rishon, even after it has been taken off the fire, cooks as long as it is yad soledet bo. Therefore, it is forbidden to put spices in it, but it is permitted to put salt in it once it has been taken off the fire, for salt requires as much cooking as ox flesh.

On the other hand, the Rema (loc. cit.) adds the words of Tosafot:

There are those who forbid putting salt even in a keli sheini as long as it is yad soledet bo, and one who is stringent is praiseworthy.

Cooked Salt and Sugar

This debate relates to salt extracted from mines, which is not cooked. What is the law of our salt, which is extracted from saltwater and is boiled during its processing?

The Magen Avraham (318:31, end) writes:

And it appears to me that cooking does not apply to the salt that we make from water that is boiled, because we hold ein bishul achar bishul.

The Shaarei Teshuva (ad loc. 28) deals with sugar, and he writes that one may put sugar in a keli rishon, as the Magen Avraham writes concerning our salt. He writes:

For the sugar has already been cooked in the house of the artisan, and ein bishul achar bishul for solids; even though the sugar melts, it still has the law of a solid, and one may put sugar even in a keli rishon.

In other words, one should forbid melting sugar in a keli rishon, since it melts and becomes liquid, and naturally it must be considered a liquid, so that it would be forbidden to cook it even if it has been cooked in the past. However, in fact, one need not be concerned about this, and one may put sugar even in a keli rishon.[4]

Mishna Berura

The Mishna Berura (71) writes:

However, in Yere'im Ha-shalem (134b) the formulation is somewhat different: salt made from boiled water has no issue of cooking according to everyone, because ein bishul achar bishul…

Similarly, sugar may be placed, for this reason, in a keli rishon after it has been removed from the fire. There are those who doubt this, and ab initio, one must be careful about a keli rishon.

This ruling requires some explanation: why should one be careful ab initio? The Mishna Berura rules that there is no prohibition of bishul in congealed sauce, even though it turns from a mass into a liquid; this being the case, why does he write to be stringent ab initio when dissolving sugar from a solid to a liquid?

From his words in Shaar Ha-tziyun (95), we see another reason:

This is what is written by the Eliya Rabba concerning salt, and its prohibition is rabbinical; it is mechzi ke-mevashel (appears like cooking). The same applies to sugar.

In other words, one should forbid putting salt and sugar in a keli rishon because it looks like bishul.[5]

Halakha

Practically, it is best ab initio to put sugar, salt[6] or other cooked granular substances (such as instant coffee) in a keli sheini. However, in a case of need, one may put them even in a keli rishon removed from the fire (but not in a keli rishon on the fire, because this violates mechzi ke-mevashel).

[1] Rav S.Z. Auerbach (Minchat Shlomo, Vol. II, ch. 20, end) writes the same: "In our case, when it is solid, [the prohibition of] cooking does not apply to it; it is merely destined to change and take another form (and only then will the prohibition cooking apply to it]. In a case such as this, the act is not considered to be even in the category of causation (gerama)." We may explain this law in other ways, but this is not the place to elaborate.

[2] As for using a hot plate, the Magen Avraham (42) and Mishna Berura (106) add that one may put congealed fat in an oven that is off and have a non-Jew light it, since the Jew does not do any action with his hands. We should analyze if, in a similar way, one may allow putting sauce on a hot plate that is currently off but will be turned on by a timer later.

This question is dependent, among other things, on this argument of the Rishonim and the Acharonim: does the prohibition only proscribe creating nolad by hand, so that one would be permitted, for example, to put ice in an empty cup so that it may melt on its own? Alternatively, is there a prohibition in any case to arrive at the result of nolad, even if this happens on its own? If so, putting ice in an empty cup would be forbidden.

If the prohibition is only molid by hand, it makes sense that putting it on the inactive hot plate is not molid by hand, and therefore the Shevet Ha-Levi rules leniently (Vol. VII, ch. 40): one may put ice or congealed fat in a place in which "ultimately the heat of the oven will come." On the other hand, if there is a prohibition upon any situation of bringing about nolad, one may say that the Magen Avraham and the Mishna Berura are lenient, in all of this, only concerning an oven being lit by a non-Jew, since before the lighting by the non-Jew, there is no meaning to putting the food inside.

According to this, one may have a doubt concerning a hot plate that will go on via a Shabbat timer: on the one hand, there is no meaning in the meantime to putting something on the hot plate (unlike putting ice in an empty cup, which causes melting to begin immediately); on the other hand, the melting will definitely happen and does not require any further human action (unlike the case of putting food in an oven, as the oven must be lit by a non-Jew's act).

In fact, it appears that if people are interested in heating a food that has on it a lot of congealed fat, one may be lenient and put it on the hot plate (preferably, on an inverted vessel) before the hot plate turns on, because aside from the fact that there are Rishonim and Acharonim who are lenient about this, the Rema is lenient in a case of need, and heating this food is a Shabbat-related necessity. Admittedly, this is not a case of great need, but the Rema is not talking about a case of great need, but a case of need in general. Many times the food is tastier when there is a bit of sauce, and it is not burnt by the continuous heat of the hot plate. (Certainly there is a tremendous need for this when removing the congealed fat is difficult and bordering on the prohibition of borer!) In any case, it is worthwhile to strive to make certain that the food is mostly solid, as this would allow us to enlist the view of the Peri Megadim and Minchat Kohen, considering this dish to be solid in any case.

[3] If we are talking about large pieces of chicken, one may take them out of the liquefied sauce even on Shabbat itself, since the chicken is not considered to be mixed in with the sauce, and there is no issue of borer.

[4] Indeed, the Shaarei Teshuva adds that the Chida in his book Machazik Berakha writes, quoting the Zera Emet, that it is good to be stringent about this and to put the sugar only in a keli sheini. However, if one looks at the Zera Emet (Vol. I, ch. 39) inside, it becomes clear that the reason for the stringency is that one should be concerned that the sugar does not go through a process of bishul but rather roasting; it seems that this reason is not applicable today, because it is clear that the sugar goes through a process of cooking. (One may also see in his words an additional reason, which is very innovative and which authorities do not seem to be concerned with.)

[5] However, Rav Neuwirth (Shemirat Shabbat Ke-hilkhatah, ch. 1, n. 138) explains that the reason for the stringency is that we are concerned about the view that a solid that dissolves and becomes liquid is considered liquid. In fact, this reason requires some analysis, because when it comes to melting fat, the Mishna Berura is simply lenient and is not concerned about this view. Therefore, the Mishna Berura does not write that there is a concern of true bishul; it is only a problem of mechzi ke-mevashel. It is possible to explain that by the letter of the law, we follow the time of placement, and since the sugar and salt are dry at that point, there is no problem of bishul. Nevertheless, the Sages are stringent to follow the results: the sugar and the salt become liquid, and it appears as if bishul has been performed here, as there is a problem of bishul for liquids in such a case.

According to this, it would be possible to ask: why specifically are we stringent about granular substances and concerned about mechzi ke-mevashel, while we are not concerned about the appearance of cooking when fat melts? One may respond that salt and sugar dissolve and become liquid immediately, as opposed to fat, which melts in a slower process; or that sugar and salt dissolve fully and

merge chemically with the liquid, while the fat is more dense (see Orechot Shabbat, ch. 1, n. 55; Chut Shani, Vol. II, p. 187). It is worthwhile to consider at length the distinction between sugar and salt on the one hand and melting fat on the other, but this is not the occasion to elaborate.

[6] Regular table salt goes through a process of bishul, but the thicker salt, called cooking salt, generally goes through a process of evaporation and not cooking. Indeed, sometimes regular salt only goes through evaporation, and if so, it is appropriate to put it in a keli sheini only. However, in point of fact, it appears that in a case of need it is possible to put any salt even in a keli rishon (not on the fire), because by the letter of the law, we rule that it is permissible to put even salt that is not cooked in a keli rishon, and we are stringent only ab initio, particularly if the salt has only gone through evaporation, so that the matter is considered baking, and according to most Rishonim, ein bishul achar afiya (there is no prohibition to cook a previously baked food item). (While it is true that we are stringent about this ab initio, as we will discuss in a future shiur, but in the case of salt, in which one may be lenient generally according to the letter of the law, it is certainly possible to be lenient in this case.)

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 12: Sprinkling salt on Hot Food,
Melting Butter, Cooking a Baked Item

Is it permissible to sprinkle salt on a hot potato?
What about melting butter on it?

SPRINKLING SALT ON HOT FOOD

Sprinkling Salt on a Hot Potato

Can one put soluble granular substances on a davar gush (substantial item), e.g. sprinkling salt on a hot potato? As we have seen in a previous shiur, we are stringent halakhically and we consider a davar gush to be a keli rishon (primary vessel), even if it is sitting in a keli sheini or shelishi (secondary or tertiary vessel). However, when it comes to the soluble granular substances, there is more reason to allow it, because we may add two reasons to be lenient: a) according to most views, one may put soluble granular substances even in a keli rishon; b) even if we are stringent about a keli rishon, according to a number of Rishonim and halakhic authorities a davar gush is considered to have the status of the keli sheini in which it sits.

According to Rav S.Z. Auerbach (cited in Shemirat Shabbat Ke-hilkhata 1:58, n. 173), one is indeed allowed to sprinkle salt on a hot potato; however, he justifies the allowance in another way:

Since the salt does not dissolve, and also what dissolves is not recognized explicitly — we have no reason to be concerned.

In his view, since the salt does not truly dissolve, and instead it is absorbed, and what dissolves is not recognizable, there is no prohibition in sprinkling it on a hot potato. It appears that he means that the reason to be stringent about granular substances, in his view, is because a solid that becomes liquefied is considered

(at least rabbinically) to be a liquid. When sprinkling salt on a potato, the salt does not dissolve, and what does dissolve is not recognizable; thus, one need not compare anything to a cooled liquid here, and there is no prohibition of bishul at all.

Conclusion

In either case, halakhically one may sprinkle table salt on a seething potato (found in a keli sheini). In fact, there is good reason to be lenient about this also concerning uncooked salt, because by the letter of the law one may put salt in a keli rishon, but it is good to be stringent ab initio not to put it even in a keli sheini. Therefore, when it comes to a davar gush, concerning which there are those who are lenient in any case, it is certainly allowed halakhically to put on it uncooked salt. (This is what Rav Feinstein writes, OC, Part 4, ch. 74, Bishul, 5). However, one who is stringent about this is praiseworthy, as we say of one who is stringent about a keli sheini.

MELTING BUTTER

Rav Feinstein

Rav Moshe Feinstein (6) writes:

Is one allowed to put butter on a hot davar gush in a keli sheini?

Answer: In this country, butter is made from milk that has first been boiled via the process of pasteurization. If it was at the level of yad soledet (scalding), the butter is made from boiled milk. When it is churned, it becomes a solid, which has no longer any [further prohibition] of bishul, as explained by the Magen Avraham (subparagraph 40) for the issue of congealed fat: now that it is solid, it no longer has an issue of bishul, and even thought it melts and becomes liquid, we do not care… This is exactly the situation with butter, as it is made in this country.

Though others dispute this, Rav Feinstein believes that pasteurization is bishul, and thus the principle of ein bishul achar bishul (there is no prohibition to cook a previously cooked food item) applies to butter. While it is true that the milk cools after pasteurization, and a cooled liquid is considered uncooked; however, butter is a solid, which retains its cooked status after cooling — just like congealed fat, which comes from a liquid that has cooled, but bishul remains inapplicable to it. We are stringent about fat because of nolad (creating a new

entity on Shabbat, which is rabbinically forbidden), but there does not seem to be a reason for this for butter, as it is absorbed into the warm food.

Rav Auerbach

Rav S.Z. Auerbach (as cited in Shemirat Shabbat Ke-hilkhata 1:58, n. 173) takes the opposite view:

One may say that one should be stringent even concerning butter made from pasteurized milk: this is because the boiling takes place while the butter is still milk, and after it has been boiled as milk, it cools fully. Now, it has melted again through the cooking of the butter and become liquid, and we know that yesh bishul achar bishul for liquids that cool fully. This is not comparable to the ruling of the Magen Avraham… concerning an infanda, for we follow whatever the item is now, and its status is that of a solid… One may say that it is different there because of its very nature: after it cools from its cooking, it becomes congealed, and therefore it is considered a solid. This is not true of boiled milk, which cools fully, nullifying its cooking, and only afterwards does one make butter from it. It has not been cooked since it became butter, and even after the butter is cooked, it once again becomes a liquid. However, it is possible that in our case, one should be lenient, as many believe that a davar gush does not cook. This requires further analysis.

According to this, whatever bishul the butter may have undergone has been nullified, regardless of the fact that the butter is hard. This is not comparable to fat because fat naturally congeals, so that we may say that it is inherently a solid; its cooled liquid state is temporary and inconsequential. Butter is the opposite: it is naturally a liquid; only churning makes it solid, and therefore we cannot ignore the fact that it cooled as a liquid, nullifying its bishul (see Maor Ha-Shabbat, Vol. III, pp., 228-231).[1]

Conclusion

Practically, it appears that one who is lenient to melt butter on a hot potato has upon whom to rely, since even if we consider butter a cooled liquid, there are still two doubts: a) perhaps a davar gush does not cook; b) according to many Rishonim, ein bishul achar bishul for liquids. Thus, even when the milk cools after the pasteurization, it is still cooked, and similarly the butter made from it. As we saw in shiur 10, Rav Feinstein is lenient about putting a cooled liquid on a davar gush (e.g., putting ketchup on hot meat), combining these two doubts. Consequently, one may be lenient even about putting butter on a davar gush.

XIV) Bishul Achar Afiya

May one put a biscuit in a cup of tea?
Is one allowed to put pieces of matza or soup nuts in soup?
How may one make Turkish coffee on Shabbat?
Is it conceivable that one may be forbidden to warm up cooked meat on Shabbat?

As we have seen, the mishna (145b) sets out the principle of ein bishul achar bishul. According to this, apparently there should not be any problem of putting baked goods even in a keli rishon, and indeed this is the simple meaning of the words of many Rishonim.

Yere'im

However, the Yere'im (ch. 274, 134b) innovates that even though we rule that ein bishul achar bishul, there may be bishul after afiya (baking) or tzeliya (roasting, barbecuing) and vice versa. Each has its identity: bishul uses a liquid, afiya uses indirect heat; tzeliya takes place directly on the fire.

Anything that is fully cooked or baked may be put, in order to heat it, in a keli rishon or next to the fire, because once it has been fully cooked, there is no further cooking, because ein bishul achar bishul. However, yesh bishul achar tzeliya and tzeliya achar bishul, as we have seen in Pesachim… and just as there is bishul achar tzeliya and afiya, there is tzeliya achar bishul, for it all follows the same logic.

In Pesachim (41a), Rabbi Yosi rules that that matza at the Seder cannot be cooked. The Yere'im understands that the reason is that matza must be defined as "bread of affliction" and "bread" refers to a baked good; once matza has been cooked it is no longer bread, because the cooking nullifies the baking. The Yere'im concludes that cooking a baked good is significant; thus, doing so on Shabbat would make one liable. One may not put bread in a keli rishon, or even a keli sheini, as we shall see.

Ra'avya

The Ra'avya (ch. 197, p. 256) rejects this:

This is of no concern, because we find it cited in the sixth chapter of Berakhot, and we conclude that Rabbi Yosi says this only of matza, because one must sense the taste of matza, which is deficient [if subsequently cooked].

According to the Ra'avya, one may put a baked item even in a keli rishon. He uses Berakhot 38b to refute the view of the Yere'im; there the Talmud associates this with the requirement of "the taste of matza," indicating that it is still bread, as cooking does not invalidate its baking, but the mitzva of eating matza requires something else, and cooked matza has no "taste of matza."

Basis of the Argument

According to the Ra'avya, the essential prohibition of bishul is making an item edible: once the item is edible, the prohibition of bishul is irrelevant, even if different methods of heating may later introduce different tastes.

The Yere'im argues, for one of two reasons:

A) Altering the taste of a food significantly (via the application of heat) is considered bishul. Therefore, even though the food has already been made edible, there is a prohibition of bishul. (The Taz writes something similar, 318:6.)
B) Bishul invalidates the previous afiya, so naturally there is a totally new entity created here.

As we have seen in a previous shiur, the Yere'im is stringent to say that one should not put anything in a keli sheini, because we do not know what can be cooked in it and what cannot. Would the Yere'im also forbid putting baked goods in a keli sheini, since he believes that yesh bishul achar afiya?

Semag

The answer to this question depends on different versions of the text. According to old printings of the Yere'im (ch. 102), he is stringent about this:

Therefore, once we have explained that some things may end up cooked [when placed] in a keli sheini, and yesh bishul achar afiya and tzeliya, and yesh tzeliya achar bishul, one must be careful not to put baked bread on Shabbat even in a keli sheini that is yad soledet bo… If one does so, he has violated Shabbat, and I suspect he may be liable for a sin-offering or stoning.

According to this version, baked items are considered uncooked and may not be put in a keli sheini.

This is what the Semag (Negative 65, Ofeh) and the Tur (ch. 318) cite as the view of the Yere'im, that one should forbid putting bread in a keli sheini.[2]
Semak

However, in Yere'im Ha-shalem (134b), the text is different:

Therefore… a person should be careful not to put baked bread on Shabbat except in a keli sheini, in a place that is yad soledet bo…

According to this version, the Yere'im indeed is stringent to forbid putting uncooked foods in a keli sheini, and he is also stringent to be concerned about bishul achar afiya, but he does not combine the two stringencies, and he does not forbid putting baked foods in a keli sheini. This is what the Semak indicates (ch. 281, p. 288), citing the words of the Yere'im and concluding: "And because of this, one should forbid putting bread in a seething keli rishon." In other words, the prohibition applies only to a keli rishon, not to a keli sheini.

Shulchan Arukh

The Shulchan Arukh (318:5) writes:

There is one who says that if one cooks that which has been baked or fried, this is considered bishul, and it is forbidden to put bread even in a keli sheini that is yad soledet bo; however, there are those who allow it.

The first view that the Shulchan Arukh cites is the view of the Yere'im as cited by the Semag and the Tur, which forbids putting baked items even in a keli sheini. Now, the Shulchan Arukh writes, "And there are those who allow it." Whose view is the basis for that statement? Is he basing it on the view of the Semak, following his understanding of the Yere'im, which allows one to put bread in a keli sheini and forbids only in a keli rishon? Alternatively, is he basing it on the view of the Ra'avya, that bishul achar afiya is inconsequential, so that one may put bread even in a keli rishon? This is what the authorities argue about:

A) The Rema writes that "those who allow it" do so for a keli sheini, indicating that the Shulchan Arukh refers to the view of the Semak: essentially, bishul achar afiya is a concern; however, we need not be stringent about a keli sheini. This is what the Mishna Berura (43), following the view of "those who allow it," states, and he explains that in this view, there is an essential determination that a keli sheini does not cook at all: "This view holds that a keli sheini cannot cook anything."

B) On the other hand, the Be'er Ha-gola (who notes the Shulchan Arukh's sources) points out that "those who allow it" refers to the Mordekhai in the name of the Ra'avya. In other words, he refers to the view that there is no such thing as bishul achar afiya, and one may put bread even in a keli rishon. This is

how the Peri Megadim (Eshel Avraham, 19) rules, and this is what Rav Ovadya writes as well (Yechaveh Daat, Vol. II, ch. 44).

Which view does the Shulchan Arukh follow?

Rav Ovadya Yosef (loc. cit.) writes that the Shulchan Arukh is based on the Ra'avya, holding that there is no bishul achar afiya at all, even in a keli rishon. The reason: when the Shulchan Arukh cites two views attributed to nameless sages, the halakha follows the latter. Thus, since the Shulchan Arukh mentions the first as "one who says" and the second as "those who say" in the plural, the halakha follows the latter view. On the other hand, the Ben Ish Chai (Year 2, Bo 6) rules that the Sefardim need ab initio to be concerned about the former view and must not put bread even in a keli sheini. The same is found in Or Le-Tziyon (Vol. II, 30:4).

We may be able to offer proofs in order to decide between the views, but this is not the place to elaborate.[3]

Rema

The Rema explains that "those who allow it" only hold this view for a keli sheini:

There are those who are lenient even for a keli rishon. It is our preferable custom to be careful not to put bread even into a keli sheini, as long as it is yad soledet bo.

In other words, the Rema cites the view of the Ra'avya, who is lenient even about a keli rishon, but he concludes and writes that the custom is to be careful ab initio, following the view of the Semag and Tur in Yere'im, not to put bread even in a keli sheini as long as it is yad soledet bo. The Mishna Berura (42) explains that the prohibition to put food in a keli sheini springs from our concern about kallei bishul (food items that are easily cooked), and according to this view, one should not put anything in a keli sheini.[4]

Halakhically, there are those Sefardim who are lenient and allow putting baked foods even in a keli rishon (Rav Ovadya Yosef), but there are those who are stringent even as regards a keli sheini (Ben Ish Chai, Or Le-Tziyon). The Ashkenazim are stringent ab initio not to put baked foods even in a keli sheini; however, the custom is to be lenient about a keli shelishi (Mishna Berura, 47).[5]

After the Fact

Ex post facto, even if one puts something baked in a keli rishon, one should not forbid the food, for one may rely on the lenient views (Mishna Berura, 46).

Tea Biscuits

May one put a biscuit in a cup of tea or pieces of bread in soup? According to what we have seen, if we are talking about a keli sheini, the Ashkenazim and some of the Sefardim are stringent, but there are some Sefardim who are lenient. When we are talking about a keli shelishi, one may be lenient. As we previously saw in our shiur on the ladle, if the soup has been put in the bowl by a ladle, one may be lenient and say that the bowl is a keli shelishi for this issue, and it is permissible to put pieces of bread in it.

Croutons

As for soup nuts and croutons, the Acharonim have a dispute about the status of frying, whether frying is considered cooking or roasting (in the first edition of Shemirat Shabbat Ke-hilkhata 1:45, the ruling is that frying is like cooking, and the rule of ein bishul achar bishul would apply to it; but in the second edition, 1:59, the ruling is that cooking after frying is forbidden). However, deep-frying is certainly considered bishul, and therefore store-bought soup nuts and croutons, which are deep-fried, are certainly considered cooked, and one is allowed to put them even in a keli rishon.

Turkish Coffee

How may one make coffee on Shabbat? For this issue, one must distinguish between instant coffee and Turkish coffee. Turkish coffee is roasted, and therefore Ashkenazim should not prepare Turkish coffee even in a keli sheini because of the concern of bishul achar afiya; one may be lenient in a keli shelishi, and this is how stringent Sefardim must act. However, according to Rav Ovadya Yosef, one may prepare Turkish coffee in the regular way, even by pouring from a keli rishon (Yechaveh Daat, Vol. II, ch. 44; Yabbia Omer, Vol. VIII, OC, ch. 35).

Instant Coffee and Cocoa

Instant coffee, on the other hand, goes through a process of cooking, and therefore one may essentially prepare it even in a keli rishon, but it is fitting to be stringent and prepare it in a keli sheini because of the dissolving of the powder, as we saw in a previous shiur. This is also the rule for hot cocoa.

[1] As for heating frozen soup, according to Rav S.Z. Auerbach, it is clear that one who freezes soup is not allowed to heat it on the hot plate on Shabbat, even if there is no problem of nolad (e.g. for Sefardim or Ashkenazim in a case of need), since the cooking of the soup is annulled when it cools, and the freezing is an artificial tool that does not change the basic status of the soup. In fact, it may be that for this issue Rav Feinstein will also concede to be stringent, since the soup is not edible at all in its frozen state, and putting it on the fire depends only a situation that it will become liquid, and therefore it makes sense that it should be considered a liquid also at the time when it is put on the fire. This is opposed to butter and congealed fat, which are fit to eat also in their current state. (This is what is written in Orechot Shabbat 81:50. Indeed, the Tefilla Le-Moshe, Vol. IV, ch. 22, is lenient about this.)

[2] However, the Tur himself rejects the words of the Yere'im and writes that one should not forbid putting bread into a keli rishon, and not in a keli sheini, and in the view of the Semak below.

[3] Strengthening the understanding that Rav Yosef Karo rules like the Ra'avya is what he writes as the Beit Yosef (318, s.v. Ve-hahi De-otveih), citing the question of the Ra'avya on the Yere'im and writing that this is a strong challenge.

[4] As we have mentioned in the chapter on keli sheini the Chazon Ish (52:19) disputes the Mishna Berura's view and believes that, even according to the Semag, one need not be stringent about a keli sheini by the letter of the law. However, concerning a baked good, since it is has already been baked, one must be concerned that it will cook more easily. Similarly, one must be stringent about things that we observe to be easily cookable (e.g., an egg), but not other things. In fact, the custom is to be stringent about everything in a keli sheini.

[5] As we have mentioned above, the Chazon Ish as well believes essentially that there is no distinction between a keli sheini and a keli shelishi, but he concedes that we are not accustomed to be stringent for a keli shelishi except for those items that are clearly known to be kallei bishul, and therefore one may be lenient about baked goods in a keli shelishi.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 13: Roasting after Cooking and Stirring

XV) Roasting after Cooking

Mishna Berura

As we may recall, according to the Yere'im, one should be stringent not only about bishul after afiya or tzeliya (cooking after baking or roasting), but the reverse as well. In light of this, the Mishna Berura (318:41) writes:

Therefore, it is forbidden to put a cooked item next to the fire without sauce. In fact, this is not limited to placing it by the fire, for the same applies in every case that it may end up roasted by the heat of the oven, and therefore one must be careful not to put cooked meat without sauce in the oven in a place that is yad soledet bo (scalding), even if one places a pot in between.

In other words, when one heats up cooked meat without sauce, one violates the prohibition of tzeliya achar bishul. This is also how Rav Neuwirth rules (Shemirat Shabbat Ke-hilkhata 1:60):

One may not put cooked meat on a pot lid standing on a flame, because the cooked meat becomes roasted in the heat.

As a result, we have a great stringency: we learned in previous weeks that one may heat food on Shabbat itself, as long as one removes the sauce from it, so that one will not cook a cooled liquid. However, according to what we saw now from the Mishna Berura and Rav Neuwirth, one cannot heat food on Shabbat even in this way, because of tzeliya achar bishul. In their view, it turns out that there is no way to heat cooked food on Shabbat; one may only heat baked items that were initially heated without sauce, such as bourekas and the like.

Justifying the Custom

However, it seems that we may justify the common custom (as long as it does not violate mechzi ke-mevashel, having the appearance of bishul, a topic we will discuss more in future weeks). The various allowances for this come from the Acharonim, who struggle with the Shulchan Arukh's ruling (318:15):

Whatever is fully cooked and is solid — i.e., there is no soup [or gravy] in it — may be put next to the flame, even in a place that is yad soledet bo.

The Shulchan Arukh allows putting a dry cooked food by the fire, even though this causes it to be roasted, and this would indicate that there is no problem of tzeliya achar bishul. The Bei'ur Halakha (ad loc., s.v. Ve-hu yavesh) challenges this in the name of the Beit Meir:

This requires analysis, for above in paragraph 5 he cites the view of the Yere'im (that there is a prohibition of bishul achar tzeliya). See also the Magen Avraham there, who holds the converse (tzeliya achar bishul) applies, so how can he allow this unreservedly?

In other words, the Shulchan Arukh originally cites both views about bishul achar afiya or tzeliya, which makes it sound like he is careful to follow the view of the Yere'im as well. However, here he explicitly writes against his view that there is no problem of tzeliya achar bishul!

The simple answer to this question is that the Shulchan Arukh cites both views in paragraph 5; however, he rules like the lenient view (as his language indicates): there is no problem of bishul achar afiya, and therefore in paragraph 15 he continues with this line of thinking and rules that there is no problem of tzeliya achar bishul. This is how Rav Ovadya Yosef rules (Yechaveh Daat, Vol. II, ch. 44; Livyat Chen, no. 49).

However, there are Acharonim who set out other answers to this question, and their words provide other reasons to be lenient about heating cooked food, even according to those who are concerned about bishul achar afiya. We will analyze for of those explanations now.

Minchat Kohen: No Prohibition of Afiya or Tzeliya achar Bishul

1) The Minchat Kohen (II, ch. 4) explains that the Shulchan Arukh forbids bishul achar afiya or tzeliya, but he does not forbid afiya or tzeliya achar bishul. While,

the Yere'im explicitly forbids both of these, the Tur and the Shulchan Arukh only cite his words in part.

Know, in the view of the Yere'im, tzeliya and afiya apply (are forbidden) after bishul, and it is forbidden by the Torah to put cooked meat near the fire in a place that is yad soledet bo, even though there is no soup in it, because it will become roasted there… However, I see that there is no one who is concerned about this matter at all, and also the Tur does not cite the law in the name of the Yere'im — namely, that there is [a prohibition of] tzeliya achar bishul. The Beit Yosef allows it clearly, and writes at the end of ch. 318 that according to everyone, something that is fully cooked and dry, which has no soup in it, may be put by the fire even in a spot that is yad soledet bo; this is what he wrote as well in Shulchan Arukh, paragraph 15…

Behold, the master [Yere'im] equates the law of tzeliya achar bishul to the law of bishul achar tzeliya… Now, in the first part, the Tur and Rav Karo follow the master's view, but in the second part they do not pay attention to his words at all; on the contrary, they clearly allow it…

It may be that the logic behind this ruling is that there is nothing stronger than cooking, and therefore after baking or roasting, cooking still has significance; however after cooking, there is no meaning to baking or roasting.

Eglei Tal: He Merely Intends to Heat and Not to Cook

2) Eglei Tal (Ofeh, 18) explains otherwise:

Since originally it was cooked and now one roasts it, which is also considered bishul, one is not considered to be performing labor unless one makes it better than it was before. For issues of Shabbat, the Torah forbids melekhet machshevet (thoughtful labor), and when it is roasted and one wants to make it cooked, since according to his thought, cooking is better than roasting, one is liable… However, one who puts cooked food near the flame in order to heat it does not seek to dry it out, but only to warm it; thus, one is not considered to have performed the labor of bishul.

According to this, once a food has been baked or cooked, there is no liability for a further act of cooking or baking, unless this improves the food somehow (comparable to writing on top of existing letters, for which one is not liable unless the second writing is somehow better). The relevant question is one of intent: does the person aim to prepare the food with a different technique or merely to warm it up? The former is forbidden, while the latter is allowed.

Chazon Ish: It Won't End Up Roasted

3) The Chazon Ish (37:14) explains differently:

You must say that for anything that will not acquire the true taste of roasting but merely dry up a bit, this is not bishul achar bishul.

In his view, since the food will not acquire the taste of roasting but instead will only dry out a bit, this is not considered roasting. According to the Chazon Ish, it appears that this is not dependent on the person's intent, as the Eglei Tal posits; rather, objectively, an act such as this is not considered roasting but heating. It appears that in his view, the prohibition is violated only when one puts new flavor in the food, but if one only heats the food, and the food does not have the status of a roasted dish, there is no prohibition in this.

Heating Food in a Pot is Cooking, Not Roasting

4) The Chazon Ish offers another answer:

It is possible that pot roast has the status of "cooked" for this issue, and specifically roasting over coals or a spit constitutes tzeliya achar bishul.

His intent is that since we do not heat the meat on the fire itself, but in a pot, this is not roasting. In Pesachim 41a, "pot roast" is defined as cooking in a vessel with no other liquids than its own gravy, and for the paschal offering, it is considered bishul rather than tzeliya. The Chazon Ish suggests to apply those rules for issues of Shabbat as well, and thus only roasting over coals or a spit and the like is forbidden after bishul, while making a pot roast is the same as bishul and is not forbidden after bishul.

Halakha

Whether according to Minchat Kohen, Eglei Tal or Chazon Ish, there is no prohibition to heat dry cooked food on Shabbat, even according to the stringent view forbidding bishul achar afiya, when there is no intent to roast the food and it will not acquire the taste of a roast, particularly when it situated in a pot. To these Acharonim, we may add the view of Rishonim who believe that there is no prohibition of bishul after afiya or tzeliya and vice versa.

It appears, if so, that one may be lenient and heat a cooked, dry food as a matter of practical halakha, particularly if it is situated in a pot.[1]

XVI) Stirring

Is one allowed to stir food in a pot on the fire?
May one stir a pot after it has been removed from the fire?
May one remove food from a pot on the fire with a spoon?

Biblical Prohibition

The Gemara in Beitza (34a) quotes a beraita:

It was taught: "If one brings the fire, and another brings the wood, and another puts the pot on the fire, and another brings the water, and another puts in the spices, and another stirs, they are all liable."

This beraita explains that hagasa (stirring) of a pot on Shabbat is a Biblical prohibition. However, some questions remain:

A) The beraita discusses a pot on the fire — what about a pot that has been removed from the fire?
B) Does this prohibition apply to food that has already been cooked?

Pot Removed from the Fire

The mishna (17b) deals with the dyer's cauldron. The Gemara (18b) says that the mishna is discussing a case of a pot removed from the fire. Nonetheless the Gemara asks: "Should we not be concerned that he will stir it (meigis)?" From the words of the Gemara it turns out that even after removing the pot from the fire hagasa is forbidden.

The Rishonim disagree as to which prohibition is being violated. Rashi (s.v. Meigis) explains:

"Meigis" — turning it over; because it cooks as a result, this is [a violation of] bishul.

In other words, in the action of hagasa, one violates the prohibition of cooking.[2] This is how the Ramban explains as well. In a similar vein, the Rashba (ad loc.) explains:

From this that we say, "This refers to a kettle removed and sealed," this implies that even if it is removed, meigis still applies, for hagasa in a keli rishon (primary vessel) is like bishul.

On the other hand, Tosafot (s.v. Dilma) explain that the prohibition is "because of dyeing (tzove'a)," another one of the forbidden labors of Shabbat. It may be that they write this because, in their view, there is no way to speak of the prohibition of cooking when stirring a pot does not sit on the fire. This is how the Maharsha explains: "Since this [pot] is removed [from the fire], it appears that cooking is not applicable, but only dyeing."

The view of the Rambam is also that the prohibition of bishul can only apply when the pot is on the fire. The Rambam (3:11) writes:

It is forbidden to insert a ladle into a pot to remove food while it is on a fire on Shabbat, because while doing so, one stirs it, which is one of the activities necessary for cooking. Thus, it is considered like cooking on Shabbat.

This indicates that meigis is a problem only if the pot is sitting on the flame.[3]

Basis of the Dispute

The simple approach would suggest that hagasa is forbidden because it accelerates the cooking. Those who allow hagasa of a vessel removed from the fire believe, apparently, that hagasa accelerates the bishul by bringing part of the food closer to the fire. Therefore, if the pot is not on the fire, there is no prohibition of meigis. On the other hand, those who forbid meigis even in a pot off the fire apparently believe that the acceleration of bishul occurs by the very mixing (perhaps the upper parts are heated by the lower parts), and therefore the prohibition is applicable even when the pot is not on the fire.

Fully-Cooked Dish

The Ramban and Rashba (18b) ask how one may take the food out of the pot after it has been removed from the fire — why would this not violate the prohibition of meigis? One of the answers that they suggest is that the dish has already been adequately cooked. (See note 8 of our first shiur, where we explain that for these Rishonim the level need only be that of ma'akhal ben Derusai (minimally cooked). Halakhically this only applies to foods fully cooked).

The Rashba writes:

Moreover, I would say that anything cooked to the level of ma'akhal ben Derusai has no issue of meigis, because meigis renders one liable because of bishul, and once it has reached the level of ma'akhal ben Derusai, there is no longer an issue of bishul.

The Rashba explains simply that meigis is prohibited because it accelerates the cooking, and naturally if bishul no longer applies, there is no prohibition of meigis. Therefore, since once a food is fully cooked, we apply the rule of ein bishul achar bishul, the prohibition of meigis is no longer applicable to it.

Kol Bo

On the other hand, the Kol Bo (ch. 31, 32a, cited by Beit Yosef, ch. 253, s.v. Katuv Be-Nimukei Yosef) believes that even if the food is fully cooked, hagasa is forbidden as long as the pot is on the fire:

It is the common custom for women to put boiling water in hot food… but they must be careful not to put the water in while the pot is still on the fire, because they mix and they stir the pot in order to blend it well, and we have established that meigis is liable because of bishul even for a cooked dish, as long as it is on the fire.

Mahari Weil

The Mahari Weil (Dinin Ve-halakhot, no. 30, cited in Darkei Moshe, end ch. 318) expresses a more extreme view that forbids meigis even in a fully cooked pot that has been removed from the fire:

When the pot is removed from the fire, and one wants to take the food out, one must not stir it with a spoon, because this is bishul… This is what I have found to be the custom in the house of the Mahari of blessed memory.

These approaches are quite perplexing, as the food has been fully cooked and no longer has a prohibition of bishul. Why then is there a prohibition of meigis? This is the question we find in Shaar Ha-tziyun (318:148):

I do not know the reason for this. How could meigis be more efficacious than actual bishul? All of the authorities concede that once a food is fully cooked, [the prohibition of] bishul no longer applies…

Rav Moshe Feinstein (OC, Part 4, ch. 74, bishul, 9) offers an explanation of the Kol Bo:

I find some logic in this, in my humble opinion, because even though the pot is fully cooked, he believes that it often happens that there are bits not adequately cooked, albeit edible; this is only because the overwhelming majority of the pot

is fully cooked, and hagasa while on the fire causes these bits to become cooked as well.

Root of the Prohibition

We may take a different tack, explaining that we have a consistent argument about the basis of the prohibition of meigis. One may understand the fundamental prohibition in one of two ways:

A) Accelerating cooking — hagasa accelerates the completion of cooking. This is what the Me'iri writes (73a, s.v. Ha-zoreia), that "whatever hastens baking or cooking, such as mixing and stirring in a pot… makes one liable for bishul."
B) New facet of cooking — hagasa adds to food an unprecedented new facet and quality.[4]

According to the former view, it is clear that the prohibition is only applicable if the cooking process has not been completed. According to the latter, one should forbid hagasa of fully-cooked dishes as well, since the hagasa adds another facet to the bishul.[5]

To summarize: most authorities (Ramban, Rashba, et al.) believe that there is no prohibition of hagasa of an item that has been fully cooked. On the other hand, some (Kol Bo, Mahari Weil) believe that there is a problem of hagasa even for fully-cooked dishes, and in their view, it appears that this action adds a new facet beyond the result of regular bishul.[6]

REMOVING WITH A SPOON

Before we see the halakhic ruling concerning meigis, we must address an additional question: is it only actual mixing of the dish that is forbidden, or is it even forbidden to remove food with a spoon, as this causes a certain agitation of the food as a byproduct?

Rambam

This is what the Rambam (3:11) states:

It is forbidden to insert a ladle into a pot to remove food while it is on a fire on Shabbat, because while doing so, one stirs it, which is one of the activities necessary for cooking. Thus, it is considered like cooking on Shabbat…

Thus, the Rambam seems to indicate that removing with a spoon is forbidden, but only rabbinically ("like cooking"[7]), as the Maggid Mishneh writes:

It appears to me that our master is not speaking of a fully-cooked dish, because there certainly even if it is returned to the fire and cooked, one is not liable… Since this is true, one should not decree against putting in the spoon, but if it is not cooked, one must be concerned about his view… As long as one is not liable for the stirring, putting in the spoon is allowed, but if one is liable, it is forbidden to insert it.

In other words, in a case in which stirring is biblically prohibited, the Sages ban removing with a spoon; when stirring is not biblically prohibited, removing with a spoon is totally permissible. Therefore, if the food is not fully cooked, there is a rabbinical ban of removing with the spoon (while if it is fully cooked, there is no biblical prohibition of meigis, so one may take out food with a spoon).

Beit Yosef

A more stringent view is expressed by the Beit Yosef (end ch. 318, s.v. Katav Ha-Ran) in the words of the Ran (6b, Rif, s.v. U-mide'amar):

The Ran writes in the first chapter of Shabbat… from here we see that if a boiling pot was removed from the fire, if the food inside is not yet ma'akhal ben Derusai it is forbidden to remove food from it with a spoon, one will end up being meigis and there is an issue of bishul, but a vessel that has been cooked to the point of ma'akhal ben Derusai there is no need to be concerned [about meigis].

In his view, if one removes food from a dish that has not been fully cooked, "one will end up being meigis and there is an issue of bishul," which implies that removing food with the spoon is meigis and Biblically prohibited.

This is also what the Rosh implies (1:34):

Even though it was removed from the fire, as long as it is seething, stirring it is cooking it, and all the more so it is forbidden to put a spoon in a pot when it still on the stove.

This is also indicated by the Radbaz (Responsa, Vol. III, ch. 411).

Raavad

The third view comes from the Raavad, who comments on the Rambam's ruling (ad loc.):

He has gone too far, forbidding even removing from the pot with a ladle.

The Raavad believes, apparently, that there is no prohibition to remove food with a spoon.

The Dispute

We may explain this as follows: if stirring adds a new facet to the food, this applies only when the food is mixed, since this adds another quality to the food;[8] however if hagasa accelerates the cooking, there is reason to make one liable for removal of the spoon, because one thereby brings part of the food close to the fire, and causes it to cook more quickly.

Next week we will see the halakhic ruling and its ramifications.

[1] As we have said, this is only allowed if one manages to overcome the rabbinical prohibition of mechzi ke-mevashel, as we shall discuss in the future.
[2] This is how the Rosh (3:11) explains Rashi's words, but some understand Rashi's words differently (see Maharshal, Chokhmat Shelomo ad loc.).
[3] This is how the Lechem Mishneh understands the view of the Rambam, while the Kesef Mishneh understands that being "on a fire" is not integral.
[4] This is implied by what the Rambam (9:11) writes, ruling that one who wrings out a garment from the water in it is liable for laundering and he explains that "Wringing out a garment is one of the activities necessary for laundering, as stirring is one of the activities necessary for cooking." In wringing, it is clear that there is a new act: soaking and scrubbing remove the dirt from the garment, and the wringing removes the water from it, thus adding a new facet to it. We may thus understand that the stirring gives the food something that it did not have previously.
Moreover, we may understand that the basis of the prohibition is that stirring is an integral technique — this is the way of the cooks, as it were. See Ran 6b, Rif, s.v. U-mide'amar, concerning the statement "it is the way of the dyers to constantly stir it." However, this is not the place to elaborate.
[5] The Rambam's language (3:11) indicates that there is a prohibition of meigis also for a fully-cooked food, and this dovetails with what we have derived from his words (see previous note) that the stirring adds another facet to the

bishul. However, the Maggid Mishneh and Kesef Mishneh understand that the Rambam considers one liable only when the food has not yet been fully cooked.

[6] The Ritva (18b) writes that to be meigis something sitting on the fire that is fully cooked is rabbinically prohibited, as the Maggid Mishneh explains in the view of the Rambam (9:4; 3:11). According to this view, it may be that we are talking about a decree lest someone stir that which is not yet fully cooked. The Tiferet Shemuel (Rosh 3:16) writes the following: the Sages forbid being meigis even a cooked dish, lest one come to regard a dish as fully cooked mistakenly, incurring a capital liability. On other hand, it may be that to be meigis a cooked dish on the fire is a problem of mechzi ke-mevashel, as the Eglei Tal (Ofeh 17) indicates.

[7] Aside from this, the Rambam uses the language of "forbidden," which usually indicates a rabbinical prohibition, unlike his words in the context of actual meigis (9:4), where he uses the term "liable" ("and another stirs, they are all liable for cooking"), which relates to a biblical prohibition.

[8] This is the case unless we say that there is a pesik reisha (an inevitable result): one will certainly stir a bit when one removes food with a spoon.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 14: Continuation of Last Week's Discussion of Stirring,
and the Rules of Covering a Pot on the Fire

HALAKHIC RULING

Uncooked Food

The Shulchan Arukh (OC 318:18) writes:

If a stewpot or a cauldron is removed seething from the fire, one may not remove from it with a spoon if it is not fully cooked, because one will stir (meigis), and there is an issue of bishul. However, if it is fully cooked, it is permissible.

From his words, it arises that the stirring (hagasa) of a dish that is not fully cooked is forbidden by Torah law even if it is has been removed from the fire, and even removing the food from the pot with a spoon is forbidden. From his language, it is implied that even the prohibition to remove the spoon in this case is from the Torah ("and there is an issue of bishul"); however, the Mishna Berura (Shaar Ha-tziyun, 137) explains that only stirring is biblically forbidden, while removing the spoon is forbidden only rabbinically, following the view of the Maggid Mishneh.[1]

Fully-Cooked Dish on the Fire

Concerning fully-cooked food, the Shulchan Arukh allows removing food with a spoon from a pot not on the fire, but he does not explain whether this is allowed while it is on the fire, and whether there is a distinction between removing food with the spoon and actual hagasa. As we recall, the view of the Kol Bo is that hagasa of a pot is biblically forbidden, even if the food is fully cooked. From the words of the Shulchan Arukh, as we have said, it is difficult to know whether he is concerned about the view of the Kol Bo; however, from his words as the Beit Yosef (end ch. 321, s.v. Ve-katav Ha-Rambam), it appears that he is concerned

about this, and this is what other authorities write, that one should be stringent and avoid hagasa of a pot that is sitting on the fire, even if the food in it is fully cooked.[2]

However, the authorities argue whether one is allowed to remove a spoon from a cooked food sitting on the fire. The Mishna Berura (318:113) writes at the beginning that it is allowed, following the Maggid Mishneh, but he adds that the Eliya Rabba concludes that one should be stringent about this, following the Kol Bo (see Shaar Ha-tziyun, 136). The Chayei Adam (20:9) and Rav Moshe Feinstein (OC, Vol. IV, 74, bishul, 8-9) both wrote that one should not remove with a spoon from the dish on the fire, even if it is fully cooked, since we are concerned about the view of the Kol Bo, that hagasa of this food is biblically forbidden. Thus, one should be stringent also about taking food out with the spoon, which involves hagasa.

However, there are many Acharonim who are lenient about this. Thus, for example, the Eglei Tal (Ofeh 17) writes that we are not concerned about the view of the Kol Bo that hagasa of a cooked food is biblically forbidden, and we forbid hagasa of a dish such as this only rabbinically, due to the concern of mechzi ke-mevashel (the appearance of bishul), and therefore one need not be stringent about removal with a spoon.

In terms of practical halakha, the Chazon Ish writes (37:15):

Since the view of the Ramban… the Rashba, the Rosh, and the Ran is that after it is fully cooked, there is no issue of bishul and there is no issue of meigis, and the Maggid Mishneh explains the view of the Rambam in this way as well, one may be lenient about the matter. However, in actual hagasa at the time that it is on the fire, it is appropriate to distinguish, since in the view of the Rambam it is a biblical labor, just as the Kol Bo explains. In any case, to take it with a spoon is only rabbinical… so one may rely on the rest of the authorities to be lenient even when it is on the fire, just as the Raavad has written.

The Mishna Berura writes to be stringent about a spoon as long as it is on the fire even when it is fully cooked. It appears that if one wants to leave the pot on a stove that is not swept, so that if he will take it off, he will not be allowed to put it back, and there is no solution but to take it with a spoon, one may be lenient.

Halakha

In other words, by the letter of the law, we should be lenient and allow removal with a spoon from a cooked dish on the fire, since most Rishonim allow even actual hagasa;[3] since removal with a spoon is only rabbinical, one should be lenient. However, practically, since the Mishna Berura rules to forbid, one should not be lenient except in a case of need. What defines "a case of need?"

a) When the stove is not swept, so that if one removes the pot from the fire, he may not put it back (we will discuss this more in a future shiur), the Chazon Ish allows removing food with a spoon without taking the pot off the fire.
b) The Responsa Az Nidaberu (Vol. V, ch. 13) writes that the same applies when the pot is heavy: one may remove food with a spoon without taking the pot off the fire.

Similarly, the Responsa Rav Pe'alim (Vol. III, OC, ch. 44) rules that preferably one should avoid removing food with a spoon from a pot on the fire, and only for the sake of a mitzva, one should be lenient. However, some of the Sefardic authorities are lenient about this ab initio, since the Beit Yosef cites the lenient view of the Maggid Mishneh, and he does not cite a dissenting view. This is how Rav Ovadya Yosef (Kol Sinai, 5731, p. 265) and Tefilla Le-Moshe (Vol. I, ch. 37) rule.

Fully-Cooked Dish off the Fire

The dispute of the Acharonim relates to a dish on the fire. Once it has been removed, the Shulchan Arukh explicitly allows removing food from it with a spoon, and the Acharonim write, according to his view, that even actual hagasa is allowed (Mishna Berura 318:115). However the Rema (318:18) follows in the footsteps of the Mahari Weil, that ab initio one should be stringent even as regards removing food with a spoon:

Preferably, one should be careful about a pot in any case.

According to this, hagasa — even by removing food with a spoon — is forbidden even if a dish if fully cooked and off the fire. The implication is that one may not stick a spoon in a pot; rather, one must pour the food into another bowl, and only from there would one be allowed to remove the food with a spoon (or stir it). This is an astoundingly stringent requirement. The Mishna Berura (117) writes:

See the Acharonim: our custom is not to be stringent about this, for in truth the essence is as we have written initially, that once it is fully cooked, even hagasa is allowed. One who wishes to be stringent should do so only concerning actual hagasa, but one should not be stringent about removing food with a spoon if it is fully cooked and off the fire.

According to him, even the punctilious should refrain from actual hagasa and should not extend the stringency to removing food with a spoon.

If so, ab initio one may remove food with a spoon from a fully-cooked dish off of the fire. By the letter of the law, stirring is also permissible; however, one who wants to be stringent may opt not to stir (but only as regards stirring and not when it comes to removing food with a spoon).

Conclusion

To summarize, one should not stir or serve from a dish that is not fully cooked. Similarly, one should not stir a dish on the fire, even if it is fully cooked. As for removing food from a cooked dish, Sefardim may be lenient and remove food from the pot, even if it is on the fire. (This is the view of Rav Ovadya, though some are stringent.) On the other hand, Ashkenazim cannot remove food with a spoon when the pot is on the fire; they must take it off and then take the food out (by the letter of the law, they may even stir the dish then). Indeed, when there is a need, e.g., when the pot is heavy, the Ashkenazim can also remove food with a spoon from a pot on the fire, on the condition that it is fully cooked (according to the Chazon Ish).

Dry Pieces

We should note that the prohibition of stirring exists only when the dish is a mixture (like a soup), but there is no prohibition to remove pieces of schnitzel or kugel from a pan on the fire, because this does not “stir” the remaining food (Rav S.Z. Auerbach, Rav Y.S. Elyashiv, cited in Maor Ha-Shabbat, Vol. II, p. 340).

Stirring Boiling Water

Is there a prohibition of hagasa of boiling water? The Avnei Nezer (OC, ch. 59) cites the Gaon of Kutno (Rav Yisrael Yehoshua Trunk, author of Yeshuot Malko), who rules that there is no prohibition of hagasa of boiling water, and this is the ruling of Rav Feinstein (Iggerot Moshe, OC, Vol. IV, Bishul 14). The reason for this is that the water is agitated by the very boiling, so that hagasa is neither beneficial nor efficacious, and therefore there is no prohibition of hagasa.

Indeed, the Ketzot Ha-shulchan (ch. 124; Baddei Ha-shulchan, 10) disputes this and believes that there is a prohibition of stirring boiling water. In fact, it appears that one may be lenient and remove water with a ladle even when the pot is on the fire (because many allow this even for any another food), but it is worth being stringent and one should avoid actually stirring it.[4]

COVERING A POT — ACCELERATING BISHUL

May one cover a pot containing food that is not fully cooked?

Biblical Prohibition

As we have seen, it may be that the reason stirring is forbidden is not because it accelerates the cooking, but because it adds a new facet. However, we should stress that according to all views, there is a prohibition to perform actions that accelerate the cooking process. For example, the Shulchan Arukh (254:4) rules that one should be careful not to put a cover back on a pot that has raw produce, "for this hastens the completion of their cooking on Shabbat." Furthermore, he rules (257:4) that it is forbidden to add a cover to a dish that is not fully cooked, "for this addition causes it to be cooked."

This indicates that one must avoid actions of accelerating cooking. This is what the Me'iri writes (73a, s.v. Ha-zoreia), noting that these acts are biblically prohibited:

Whatever hastens baking or cooking, such as mixing and stirring in a pot or putting the lid on the pot, makes one liable for cooking.

This is what the Mishna Berura writes concerning hagasa (318:114).

Adding Heat

As we have said, for the same reason, there is a prohibition to cover an uncooked dish. In a similar way, it is also forbidden to remove water from an urn containing water that has not yet reached its boiling point, as this act accelerates the boiling of the rest of the water. Similarly, it is forbidden to move a pot to a warmer place on the hot plate if the food in it is not fully cooked.

Rav Auerbach

In light of this, Rav S.Z. Auerbach forbids (Minchat Shelomo, Vol. I, ch. 6) covering a pot containing uncooked bones:

What about the neck, wings and legs of young poultry and the soft bones of chickens? Normally, during the week, only the meat is eaten and the bones are thrown away. However, when it is on the fire a long while, as for the cholent on Shabbat, even the bones themselves become soft; indeed, for the daytime meal, many eat it together with the meat on them, and they have a good, superior taste…

Thus, it appears, in my humble opinion, obvious that it is certainly forbidden to replace the pot on Friday night or early the next morning, if it contains bones such as these…

Now, it is presented in the book Shemirat Shabbat with the language "One should be strict," but this is because this appears like an innovation, and most people are not careful about this…

In any case, I conceded to him that this was a mistake only to write "One should be strict;" on the contrary, specifically because many stumble in this, it is worthwhile to stress the prohibition here.

Rav Feinstein

On the other hand, Rav Moshe Feinstein (OC, Vol. IV, ch. 76-77) is lenient about this:

When the pot has something that is not food [like bones] and the cooking is for eating, it does not make sense that it will be considered cooking for the minority who eat bones…

This is not comparable to skin that has been thoroughly cooked, because even if it is not ready to be eaten, in any case one is certainly liable for the cooking, since at the end of the cooking process, everyone eats it…

However, concerning soft bones such as a neck and the like, which the majority do not eat even after they have been thoroughly cooked, certainly one may say that the [minority] view is nullified, and we will not consider it food because of this, for then it makes sense that there is no liability for the mere enhancement of cooking.

Therefore, I have written that if these bones are softened and actually ready for eating, this is certainly forbidden. However, it does not exist in reality; what does exist in reality, namely the cartilage and small bones at the edge of the wings, needs no further cooking. Those for which excessive cooking is required, such

as the vertebrae of the neck, are only eaten by a small minority of people, so those items are not considered food.

In his view, the uncooked part of the bones is not considered food by most people, and therefore if there is a small minority that does eat it, this view is nullified by the other, majority view, and there is no prohibition of bishul for this.

Halakha

Since the Acharonim argue, if one wants to cover the pot, one should be concerned that the bones may become cooked. However, when one believes that the bones are cooked but is not sure about it, it appears that one may be lenient and place the lid on the pot, since it is possible to enlist for this purpose the view of Rav Feinstein, who allows covering in any case.[5]

[1] Ex post facto, if one stirs a dish that is not fully cooked, according to the Peri Megadim (Eshel Avraham 253:32) the food is forbidden, just like any food that is cooked in violation of Shabbat. While the Bei'ur Halakha (318:18, s.v. She-nimtza meigis) writes that if the food was cooked to the level of ma'akhal ben Derusai, one should allow it, since ex post facto one may rely on Rishonim who believe in the rule of ein bishul achar bishul as long as something has been cooked to the level of ma'akhal ben Derusai, and even if we will say that according to them there is a rabbinical prohibition inherent in this, according to the Gra (318:1, s.v. O she-asa) one should be lenient about the product of a violation of a rabbinical ban on Shabbat, done inadvertently.

[2] This is what the Mishna Berura (318:113) indicates, discussing removing food with a spoon, not actual hagasa (see Mishna Berura 321:79), and this is what the Chazon Ish (37:15) writes: one should be concerned about the view of the Kol Bo. Other Acharonim (Chayei Adam, Iggerot Moshe, Rav Pe'alim, et al.) are stringent about removing food with a spoon, and certainly about actual hagasa. Even the Acharonim who are inclined to be lenient about removing food with a spoon (Eglei Tal, Rav Ovadya) do not allow actual hagasa. However, the Tefilla Le-Moshe writes (Vol. I, ch. 37) that even according to the Kol Bo, hagasa of a cooked dish on the fire is not forbidden biblically, but only rabbinically, because it "has the appearance of cooking" (following the view of Eglei Tal cited below), and therefore when the pot is not on the fire but on the hot plate, a place where we are not accustomed to cook, it may be that his intent is to be lenient about hagasa.

[3] In addition, the Rishonim (Ramban, Rashba, et al. 18b) are lenient that after one has mixed the food even one time, it is permissible to add and to mix even a dish that is not fully cooked, because there is no hagasa achar hagasa, and generally people mix food at least once before Shabbat.

[4] We should analyze whether one can allow removing with a spoon from a soup composed of broth and vegetables, in which the mixing has more effect. Regardless, in a case of need, one may be lenient about this, as we are lenient about every food fully cooked.

[5] As for covering a cooked dish on the fire, the Shevitat Ha-Shabbat (Mevashel 26; Be'er Rechovot, 81) writes that one should forbid covering the pot sitting on the fire even when the food in it is cooked, because the Gemara in Chullin (108b) indicates that the covering of the pot causes the food to be blended and the taste to be spread throughout it, just as hagasa does (see Rashi ad loc., s.v. Nier). Since we are stringent about hagasa, following the view of the Kol Bo, one should not stir the food on the fire even if it is fully cooked, and one should be stringent about covering it as well. Rav Neuwirth (Shemirat Shabbat Ke-hilkhata, ch. 1, n. 94) writes that it is good to be stringent about this.

However, it appears that one may be lenient by the letter of the law, because even hagasa of a food that is fully cooked on the fire is permissible according to the view of most Rishonim; even though we are stringent about this, following the view of Kol Bo, it is difficult to extend this stringency to the cover as well. This is the view of thee Ketzot Ha-shulchan (ch. 124; Baddei Ha-shulchan, n. 10), Rav S.Z. Auerbach, and Rav Y.S. Elyashiv (cited in Maor Ha-Shabbat, Vol. II, p. 312). Similarly, generally the person who covers the pot is interested in maintaining the temperature, not stirring it, so that any consequent blending would be considered an unintentional act, and even if we say that this is a pesik reisha that it will inevitably cause some blending, it appears that this blending is so meaningless that one should not forbid it if the person does not intend it, even if we are talking about a pesik reisha. (This idea, that one should not be liable for pesik reisha when the matter is not significant for most people, is cited in another context by Kehillot Yaakov, ch. 2; see Maor Ha-Shabbat, Vol. II, p. 261.)

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 15: Retention, and Shehiya

XVII) Retention

May one leave uncooked dishes on the fire on Friday?

Is it permissible to put dishes on a gas burner if it is covered by a blech (a plate of tin)?

Which dishes can one put on an electric hot plate before Shabbat? May one put cold soup on it if it will not heat up before Shabbat commences?

Introduction

Aside from the actions that the Torah forbids because of bishul, the Sages have banned a number of actions related to heating the food. Some of the decrees emerge from the concern that in the context of the desire to maintain the heat of the food, one may come to rake the coals, i.e., stirring the coals in order to intensify the flames; by this, one will violate the Torah prohibition of mavir, kindling. In other cases, the Sages forbid (according to certain Rishonim) actions that appear like bishul (mechzi ke-mevashel).

We may speak of three essential rabbinical decrees:

1) Shehiya (retention): Putting a dish on the fire before Shabbat, so that it will continue cooking or being heated on Shabbat.
2) Hachazara (replacement): Putting a cooked dish back on the fire. This includes putting it there initially (netina).
3) Hatmana (insulation): Insulating or covering food. There are a number of types of wrapping, and there is a distinction between doing so before Shabbat or during Shabbat.

In the coming shiurim, we will examine each of these decrees, their reasons and their parameters.

Shehiya

The mishna (17b-18a) cites a dispute between Beit Shammai and Beit Hillel concerning the application of the labors of Shabbat to inanimate possessions. The former believes that just as Jews must observe Shabbat, so too must their property; the latter believes that Shabbat is not applicable to vessels, but only to people and their livestock. According to this, Beit Shammai should forbid putting food on a stove before Shabbat so that it will cook on Shabbat, because the appliance is performing labor on Shabbat, while Beit Hillel should not view it as a biblical prohibition (even if we are talking about something uncooked), and this is how we rule halakhically.

However, the Gemara (18b) does indicate that Beit Hillel agrees that there is a rabbinical prohibition involved:

Our rabbis taught: "A woman must not fill a pot with pounded wheat and lupines and put it in the oven on Friday, shortly before nightfall…"

Shall we say that this agrees with Beit Shammai, but not Beit Hillel? In fact, you may even say that it is accepted by Beit Hillel: it is a preventive measure, lest one rake the coals.

Rabbinic Decree

Thus, Beit Hillel concedes that there is a rabbinic prohibition to put a pot on the flame before Shabbat so that the dish will cook on Shabbat itself. The reason for this prohibition is that we are considered lest a person will be eager to accelerate the cooking and will come to rake the coals, a violation of the melakha of kindling.

This prohibition, called shehiya, is what appears in the Mishna (36b), and from the context there we may derive when the Sages forbid this and when they allow it:

If a stove is heated with stubble or twigs, a dish (tavshil) may be put thereon; with peat or wood, one may not put it thereon, unless one sweeps or sprinkles ashes upon it.

Raking the Coals

Stubble and twigs are fuels that cannot be "turned up"; instead of becoming coals, they are burnt up. On the other hand peat (from olives) and wood are fuels that become coals, and they can be stoked and raked in order to intensify the fire. The Sages forbid putting a pot on a coal-fueled stove, since stoking is an issue, but a stubble- or twig-fueled stove is not problematic, since there are no coals to stoke.[1]

Sweeping and Sprinkling

The Mishna does offer a solution for a coal-fueled stove: if the coals are swept to the side, or if ashes are poured on them (making the stove, respectively, gerufa or ketuma), a pot may be put on the stove, since stoking the coals is no longer an issue. Below, we will analyze what makes a stove gerufa or ketuma, particularly for our modern ranges and hot plates.

Shehiya of Minimally Cooked Food

The Gemara (20a) cites the view of Chananya:

Chananya says: "Whatever is like the food of ben Derusai may be kept on the stove, though it is not swept or sprinkled with ashes."

As we saw in our first shiur, the level of minimal cooking observed by the highwayman ben Derusai is a matter of dispute: the Rambam (9:5) quantifies it as one-half cooked, while Rashi (ad loc. s.v. Ben) quantifies it as one-third cooked. Chananya believes, in any case, that when food reaches the level of Ben Derusai, the prohibition of shehiya does not apply. The reason for this that when the food is already edible (even if only minimally so), the person is not so eager to accelerate the cooking, so there is no concern that one will stoke the coals.

However, the Gemara (36b) raises the possibility that the Sages argue with Chananya, and according to them, one should not leave on an unswept, unsprinkled stove any food that would benefit from further cooking, because for every food such as this, we must be concerned that someone will stoke the coals.[2] According to them, one is allowed to leave on such a stove only a dish that is fully cooked to the extent that any further cooking will be detrimental (mitztamek ve-ra lo).

Following the Gemara, the Rishonim argue as to the halakhic ruling: Rashi (37b, s.v. Ve-Rav Sheshet) and Tosafot (37b, s.v. Amar Rav Sheshet) rule in accordance

with Chananya's view: shehiya is not forbidden for a food that is ma'akhal ben Derusai, while the Rif (16a, Rif) and Rambam (3:4) rule that the halakha does not follow Chananya, and only a fully cooked dish may be left on an unswept, unsprinkled stove.

Shulchan Arukh

Halakhically, the Shulchan Arukh (253:1) cites both views but does not express a preference; the Rema explicitly endorses the lenient view of Chananya.

One may not put a dish on it during daytime to leave it there, unless it is fully cooked and further cooking is detrimental…

However, if it is only partially cooked, or if it is fully cooked and further cooking is beneficial, we are concerned lest one rake. One cannot leave it there unless one sweeps, removing all of the coals from it, or sprinkles, covering the coals with ashes to reduce their heat…

There are those who say that if it is cooked like ma'akhal ben Derusai, or if it is fully cooked and further cooking is beneficial, one may leave it on the stove… even if it is neither swept nor sprinkled…

Gloss [of the Rema]: The custom is to be lenient, following the latter view.

Shulchan Arukh

The halakhic authorities differ as to the view of the Shulchan Arukh; many believe that he supports the lenient view as well (Minchat Kohen, II, 4; Kaf Ha-chayim 253:23).

According to this, it is permissible (for Ashkenazim, and most Sefardim agree) to put any food that has reached the level of ma'akhal ben Derusai[3] even on an open fire.

Accelerating Bishul

We should note that when keeping a food that is not fully cooked on the fire, one must avoid accelerating the bishul in any way on Shabbat. The Rishonim argue whether the prohibition of bishul is applicable to a food that has reached ma'akhal ben Derusai (see note 8); however, the Shulchan Arukh (318:4) is stringent about this and writes that a prohibition of cooking is applicable to any dish that is not fully cooked. Therefore, when one puts on the fire a food that is

not fully cooked, one should be careful that no one in the house will remove the lid and replace it, since covering the pot is forbidden because of bishul, as we saw in a previous shiur. Therefore one should be strict and not move the pot to a hotter place on the hot plate and the like.

Cooled Liquid

May one put cooked soup that is cold on the fire before Shabbat? As we have already seen, concerning this soup, there is a prohibition of bishul because it has cooled. Apparently, for the same reason, one should leave the soup on the fire before Shabbat, because it is considered uncooked. However, the Chazon Ish (37:27) believes that one may be lenient about this.[4] In his view, it is true that halakhically the soup is considered uncooked, and therefore there is a biblical prohibition of bishul, but when it comes to shehiya, the question is pragmatic: how much motivation is there to stoke the coals? Since realistically, the soup has already been cooked, the motivation to stoke is low (even though the soup is cold) and therefore one may ab initio leave the soup on the fire before Shabbat.

To summarize, one may leave food on an open flame before Shabbat, if it can be eaten in extreme situations (ma'akhal ben Derusai). In this case, even if the food is now cold, one may leave it, even if it is a liquid. However, generally we are accustomed to use an electric hot plate or a blech (tin cover) for the range, and this allows us to reheat foods over the course of Shabbat, as we shall see below and in future shiurim. Nevertheless, sometimes a person may be staying in a place where there is some difficulty in the matter, and sometimes there are electric heating vessels that do not have the status of gerufa or ketuma (a hot-water urn and the like). Therefore, one must know the letter of the law: one may be lenient about the shehiya of those items we have mentioned even when there is an open, uncovered flame.

SHEHIYA OF TOTALLY UNCOOKED FOOD

Raw Food

The Gemara (18b) explains that totally uncooked food may be left before Shabbat on the fire, even if it is not covered.

A raw dish may be put in an oven before Shabbat shortly before nightfall. What is the reason? Since it will not be fit for the evening, he puts it out of his mind and will not come to rake the coals. Again, if it is cooked, all is well. If it is partly

cooked, one is forbidden to do so. Yet if a raw bone is thrown into it, one is permitted to do so.

According to this passage, raking the coals is not an issue because the dish will not be ready for the evening meal even with it, while it will be ready for the morning meal even without it. Therefore, the person puts it out of his mind.

Thus, we learn that a dish that has begun to cook but has not yet reached the level of ma'akhal ben Derusai is more problematic than a completely raw dish, because with the former there is a reason to be concerned that one may rake the coals in order to make it ready for supper. This concern does not apply to raw food, which in any case will not be ready for supper. The Shulchan Arukh (253:1) rules that shehiya is not forbidden for a raw dish.

Addition of a Raw Food

The passage concludes by noting that a "raw bone" saves the whole dish; since this one element is totally uncooked, one does not think of it, so shehiya is not forbidden in this case.

According to the view of the Rambam (Commentary to the Mishna 3:1), this applies to any raw food:

If the dish is partly cooked, but one puts in at the time of insulation something raw, e.g. meat or vegetables, it is permitted to leave it on the coals, because one puts it out of his mind.

Rav Yosef Karo (Beit Yosef, 253, s.v. U-ma she-katav ve-im natan) understands that although the vegetables cook quickly and will be ready for the evening meal, the very fact that one puts raw items in the dish shows that one is diverting his attention from it, and therefore leaving it on the stove is allowed.

Limitations

However, the Rambam (3:8) writes that one must put in "a raw limb." This is what other Rishonim indicate, that only raw meat serves this purpose, since it will not be ready by the time of the evening meal, and no other raw foods, which will be ready for the next meal. This is what the Mishna Berura (253:9) writes:

This only applies to raw meat, which will not cook by the evening meal, but for vegetables and other things that are easily cooked, it does not help even if they are raw.

Must it be raw meat, or may one use any food that will not cook by that evening? For example, we now have a crockpot (electric slow-cooker), in which many dishes of legumes or vegetables will not be ready for supper. Is one allowed to leave in it raw food, even without a blech and with the knobs uncovered (see below)?[5]

Chazon Ish

The Chazon Ish (36:3) deals with this question:

As for a cauldron on the oven filled with water before Shabbat and lighting a low flame under it, which burns all through the night, and when one wakes in the morning, it appears that one may be lenient… even though water is forbidden even when it is raw… because it cooks quickly, so that rawness is not a reason to allow it… nevertheless, if one adds so much water that making it boil is harder than cooking meat, it appears that a great deal of water is like tossing a raw bone into it.

The important issue is whether this will be ready for the night. If the vessel contains so much water that this will not happen, it may be left on an unswept, unsprinkled stove.

Crockpot

According to this, even if the food is something that would normally cook quickly, if it has been put on the fire in such a way that it is clear that even raising the flame will not make it ready for the night of Shabbat (a small flame, crockpot, etc.), one may be allowed to leave it on an unswept, unsprinkled stove. Conversely, one may not leave a pot on a fire with raw meat if turning the flame up could lead to the meat being ready for the evening meal (see Bei'ur Halakha 253:1, s.v. Mesiach).

However, we must note that this is applicable only to a food that is not cooked at all. A food that has started cooking cannot be left on an unswept, unsprinkled stove, even if it is clear to us that it will not be ready by the time one sits down for supper.

Before Sunset

What is the beginning of cooking for this issue? The Mishna Berura (253:11) explains that bishul starts at the moment that the dish is warm, while the time in which it becomes hot is not considered part of the bishul process. The Chazon

Ish (37:22) explains that the reference is to the heat of yad soledet bo. According to him, for this issue we do not consider the time at which one accepts Shabbat, but rather the time at which Shabbat commences of its own accord, i.e., sunset (this is implied by the Mishna Berura, op. cit. 10). According to this view, one may leave uncooked food only if we are certain that by sunset it will not reach the heat of yad soledet bo (e.g., putting it on the fire when it is cold or frozen, right before Shabbat begins).[6]

Replacing the Lid

One should note that if one puts a raw food on the fire (abiding by the above-mentioned conditions), one must be careful not to remove and replace the lid, because this is an acceleration of the cooking, which is biblically forbidden. If there is a concern that one of the family members will pick up the lid and replace it, one should always eschew this allowance, using it only this in cases of unique pressure, and even then, one must mark the pot and verify that no one will lift up the lid before it is cooked.

To summarize, one may put food before Shabbat even on an open fire, even a dish that is totally uncooked, if it will not be ready for the evening meal even were one to turn up the fire. One should put the dish up just before candle lighting, and one should be sure that it will not reach a scalding temperature by sunset. On a covered fire or a hot plate, one is certainly allowed to place an uncooked dish (we will deal with a partially-cooked dish in a future shiur).

In any case, one must be careful and warn the people of the household not to lift the lid until the morning (or until a point when it will certainly be ready), so that they will not cover the pot and come to a question of the prohibition of bishul.

[1] The mishna and Gemara do not explicitly mention that the reason for the prohibition is lest one come to stoke the coals; however, almost all Rishonim explain the reason of the prohibition in this way, according to the Gemara (18b), as we saw above (Tosafot 36b, s.v. Lo yitten; Rambam 3:3, 17; Rashba 36b, s.v. Ad she-yigrof; Rosh 3:1). This is how the Shulchan Arukh explains (253:1) the motivation. However, Rashi on the mishna (s.v. Aval) raises another reason, mechzi ke-mevashel, which requires in-depth analysis beyond the scope of this forum.

[2] The Sages do not say this explicitly, but we may conclude this from the words of the above-mentioned source. The mishna simply states that one should not put a tavshil on a stove fueled with peat and wood that is not gerufa or ketuma. Presumably, the term “tavshil” is a food that has already reached a

certain level of bishul, but the mishna nevertheless says that the prohibition of shehiya is applicable to it. The implication is that the Mishna disagrees with Chananya, and it does not allow shehiya on the stove which is not gerufa or ketuma, even for a tavshil which is cooked to the level of ma'akhal ben Derusai. The Gemara (36b), as we have said, suggests reading the mishna as relating to this prohibition (shehiya), but it also suggests an alternative possibility (hachazara), according to which the mishna does not argue with Chananya. According to the second possibility, the mishna does not deal with the prohibition of retaining a tavshil on the stove from before Shabbat; only the prohibition of replacing a tavshil on the stove on Shabbat itself is addressed, and only for this issue does the mishna say that even if the food is fully cooked, one may return it to an unswept, unsprinkled stove, as will be explained below.

[3] As for the dispute between Rashi and the Rambam about measuring ma'akhal ben Derusai, the Mishna Berura (253:38) writes that initially one should be stringent to follow the Rambam's view and to retain on the fire only on a food that is half-cooked, but in a case of pressing need, one may be lenient and one may follow Rashi's view and suffice with one-third cooked.

[4] The Peri Megadim (Eshel Avraham 253:41) still requires further analysis, but since the Chazon Ish has decided to be lenient and we are talking about rabbinical doubt, we have ruled in accordance with the lenient view.

[5] In this pot, there is an issue of hatmana, and we will deal with this in a future shiur.

[6] In fact, there are those who dispute the view of the Chazon Ish and believe that it is enough for the food to be raw at the time that we accept Shabbat, and there is no need that it be raw at sunset (see Penei Shabbat, ch. 253). Similarly, in the Or Le-Tziyon (Vol. I, ch. 21), we find that as long as the meat has not begun to soften, the dish is considered raw, and according to this, one may put a pot with raw meat on the fire even a great time before sunset, if the meat will not begin to soften until sunset.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 16: Leaving Food on the Fire and Covering Knobs

May one leave uncooked dishes on the fire on Friday?

Is it permissible to put dishes on a gas burner if it is covered by a blech (a plate of tin)?

Which dishes can one put on an electric hot plate before Shabbat? May one put cold soup on it if it will not heat up before Shabbat commences?

SHEHIYA ON A COVERED FIRE OR HOT PLATE

As we discussed in the previous shiur, one may not leave on an open fire a dish that has begun cooking but has not yet reached the level of ma'akhal ben Derusai. As we have explained, the prohibition stems from the concern that one may come to stoke the coals. In our modern reality, this translates to a concern that one may turn up the heat. In light of this, the Sages allow one to leave a pot on the stove when the coals are swept away or sprinkled with ashes, making the stove respectively gerufa or ketuma.

One practical solution has been the blech ("tin" in Yiddish), a flat piece of metal (nowadays, usually aluminum) that covers the burners on a range; more recently, an electric hot plate has become popular, designed with room for several pots and no knobs (known in Modern Hebrew as a "plata").

What is Ketuma?

In order to explain this, we must first understand the reason that one is allowed to leave dishes on a stove that is ketuma (if ashes are poured on the coals, rendering the fire less effective). The concept of a stove that is gerufa is easily understood; once the coals have been swept away, it is impossible to stoke

them! But why is one allowed to leave a pot on a stove if its coals have been sprinkled with ashes? One can still stoke the coals to raise the temperature!

Rashi

Rashi (36b s.v. O) explains:

"Or sprinkles ashes upon it" — on top of the coals in order to cover and cool them.

This indicates that sprinkling reduces the stove's heat.[1] This is also what the Tur (ch. 253) writes: "One covers the coals with ashes to reduce its heat." This is also what the Shulchan Arukh (253:1) writes. Why is the reduction of heat efficacious to allow shehiya? It appears that one who reduces the heat of the stove demonstrates by this that he is not eager for bishul, so that there is no concern that one will come to stoke the coals. This is what the Rambam (3:4) writes:

Accordingly, retention is permissible if one has removed the coals or covered the coals with ash… because one puts it out of his mind. Hence, no decreed is made lest one rake the coals.

Ramban, Rashba

According to this view, some Rishonim (Ramban, Rashba, Ran, et al. 36b), that there is no need for actual sprinkling, but rather spreading some ashes over the coals; by this, one demonstrates that he is not eager for bishul, and he does not care about the coals' heat. As the Rashba puts it, "Since one sprinkles a bit, it is clear that one gives up hope, and one does not want to stoke it." This is also the implication of the Gemara (37a): even putting thin chips from the combing of flax on top of coals is considered sprinkling.

Remakh

The Remakh (3:4, cited by Kesef Mishneh ad loc.) explains the aim differently:

The correct reason is that one makes a noticeable sign, such as sweeping or sprinkling, and then one will not come to stoke.

In his view, the sprinkling does not demonstrate that one puts it out of his mind, but to be a sign and a reminder; should a person come to stoke the coals on Shabbat, he will see the ashes and recall that there is a prohibition.[2]

Covered Fire

In light of the different reasons for permitting retention on an oven that is ketuma, we may go back to the question with which we opened: is one allowed to leave a dish on a flame covered with a blech? Apparently, we should answer this question according to the first two reasons. According to the Remakh, the sprinkling serves as a sign and reminder not to stoke the coals; it makes sense that covering the fire is a good reminder so that one will not stoke the coals and turn up the fire (even though one may dispute this and say, that the reminder must be attached to the knobs by which one turns up the fire and not the fire itself). Also, even according to the view of most Rishonim that sprinkling ashes on the coals indicates that one is diverting his attention from the cooking, we have seen that according to many Rishonim it is enough to have a symbolic act such as this that expresses the diversion of one's attention, and according to this, it makes sense that covering the flame is enough.

However, one may say that reducing the heat alone expresses the diversion of one's attention from bishul, as is implied by the words of Rashi and Tur, and according to this, it makes sense that covering the fire does not express the diversion of one's attention. Indeed, one does not reduce the heat meaningfully, and naturally it does not help to make the stove gerufa or ketuma.

The Chazon Ish (37:9, 11) writes to be stringent about this, and he offers a proof to this from Rashi's words. The Gemara (37a) states:

They queried: "What of leaning against it? On the inside and on top of it is forbidden, but leaning against it may be permitted; or perhaps, there is no difference?"

From this passage, it arises that the doubt relates only to retention near a stove, but inside (their stoves were quite deep) or on top of it, there is no doubt that shehiya is forbidden. What is the meaning of "on top of it?" Rashi explains:

"On top of it" — the thickness of its rim or a cover over its hollowness.

In other words, this refers to placing the pot on a cover over the stove as well. According to this, the Gemara says this explicitly, there is no allowance to leave the dishes on a covered stove, and the cover does not help to define the stove as gerufa or ketuma. The Tur (ch. 253) explains the words of the Gemara with language similar to that of Rashi.[3]

However, the Mordekhai (80a) indicates that if a stove is covered with an empty, inverted pot, it is considered gerufa, "because the pot seals the stove," and his words form the halakhic ruling of the Shulchan Arukh (253:3). The Chazon Ish (37:9) relates to this in the following way, and he claims that a tin cover is worse than an inverted pot:

Behold, that separation of an empty pot is efficacious because it appears that it is an alteration, for this is not the way of cooking (derekh bishul). Moreover, it also reduces the heat considerably. However, using the cover, which is customary and does not reduce the heat too much, is included in the category of "on top of it."

Chazon Ish

According to this, covering a stove with a blech is not enough in order to express the diversion of one's attention from bishul, since this act is not so exceptional and it does not reduce the heat too much, as opposed to covering the stove with an inverted pot, which is considered an unusual act that reduces the heat radically. In addition, the Chazon Ish (37:11) writes:

In our holy land, the custom is to put the pot on a burner, and the flame is underneath, below the bottom of the pot, but this is like an unswept stove, and even if there is a metal plate and the pot is on the plate, in any case, it is not considered like putting an empty, intervening pot on a stove. This is only placing a cover on the stove and putting a pot on the cover, which is considered "on top of it," as I have written above.

Most Authorities

On the other hand, Rav Moshe Feinstein writes (OC, Vol. I, ch. 93) that covering the fire with a blech makes it ketuma. According to him, what Rashi and the Tur write, that the cover does not help to make the stove ketuma, is only relevant when applied to the Talmudic ovens, as one would cook on their covers; our blech, on the other hand, is unusual, so it makes the stove ketuma.

This is also what Shevet Ha-Levi writes (Vol. I, ch. 91), and he adds that the authorities indicate there is no need specifically to reduce the heat, but every act that differs from the regular way of cooking becomes a sign and reminder in order to make the stove ketuma:

Certainly, the simple meaning of the glosses of the Mordekhai shows that the very fact that the fire is covered makes it allowed, even though the heat remains

as it was at first, because for the issues of sweeping and sprinkling, the heat is immaterial, since the principle exists because of the concern of stoking…

Thus, there is certainly no question to be asked about the cover of the stove based on what Rashi and the Tur write, that it is not efficacious, for there it is the regular cover that is put on the stove every day…

In any case, when one puts an empty pot on the stove, it is not the usual way for it to be there and it is permissible. This item that does not belong there and covers the flame makes it like it was swept and sprinkled; if so, it is the law for the large plates that they put on the burner; they are not at all like the regular cover of the stove.

In addition, in Tashbetz Katan (ch. 27) we find that the Maharam allows putting a dish on a board upon the oven even on Shabbat itself, as written by the Magen Avraham (253:31) and Mishna Berura (253:81), and this should be similar to a blech-covered stove. This is how Rav Neuwirth rules (1:18), that a blech-covered stove is considered ketuma.

In Yabbia Omer (Vol. VI, OC, 32:5), Rav Ovadya Yosef adds a reason to be lenient, and he writes that it may be that the Sages make no decree except concerning a coal-fueled stove, which usually fades over time, for we are concerned that a person will stoke the coals in order to maintain the temperature, but in our stoves, in which the temperature is constant, the Sages' concern that a person will raise the temperature is not applicable.
Thus, for example, the custom is to relate to a blech-covered flame as a ketuma, whether for issues of shehiya or hachazara, which we will deal with below.

Hot Plate

When it comes to an electric hot plate, there is even more of a reason to be lenient, because it is not designed at all for bishul, and one cannot turn its heat up or down. Thus, it makes sense that the Chazon Ish concedes that it is a ketuma (Brit Olam, Dinei Shehiya Ve-chazara, no. 26; Az Nidaberu, Vol. VIII, ch. 16. However, see the opposing view of Orechot Rabbeinu, Vol. I, p. 10).[4]

One should stress that this relates to retaining a dish on a plata before Shabbat. When it comes to putting the dish on the plata on Shabbat itself, there is another dispute of halakhic authorities related to hachazara, which we will deal with in a future shiur.

COVERING KNOBS

Instead of covering the fire itself, is it enough to cover the knobs that we use to regulate the flames?

Apparently, this is related to a dispute that we have seen about the reason to allow leaving food on a sprinkled stove: if the sprinkling is supposed to be a mark and a reminder not to stoke the coals, covering the knobs is an excellent sign, because every concern about modern stoves is that a person may turn up the flames using knobs, and if they are covered, this is an excellent reminder not to touch them. On the other hand, if the sprinkling reduces the temperature and expresses the diversion of one's mind from cooking, then the covering of the knobs, which does not change anything in the process of cooking, does not make the stove ketuma.

Covering Knobs Is Not Sprinkling

Rav Feinstein understands (Iggerot Moshe, OC, Vol. I, ch. 93) that this is a secondary possibility, that a person must demonstrate that he is not preoccupied with bishul, and there is no need for a great fire. Therefore, Rav Feinstein rules that covering the knobs does not help:

If one only covers the knobs and not the fire, this will not help, because the essence is that one must show that his intent is solely to lower the temperature, which is more readily apparent when one covers the fire.

In his view, one must do an action specifically to the fire itself, an act that expresses one's desire to reduce the fire.[5]

However, even if covering the knobs is not considered sprinkling, it may be that one should be lenient for a different reason. The Gemara (18b) determines that one may leave food in an unswept oven, if the door of the oven is daubed with clay. What does daubing with clay accomplish?

Daubing — Dispute of Rishonim

Rashi (ad loc., s.v. Sharik) explains that in order to open the oven door and to stoke the coals, there is a need to break the clay, and before one can manage to break it, he will remember that it is forbidden to stoke the coals. On the other hand, the Rambam (3:13) writes that the allowance is applicable only to those certain types of meat that may be damaged by the wind: we are not concerned that the person will exert effort to remove the clay, to open the oven and to

stoke the coals, since this act damages the meat. According to Rashi, this allowance applies to every food that is found in an oven that is sealed with clay; according to the Rambam, the allowance is limited to a certain type of meat alone.

From this argument, there may be halakhic ramifications for our issue: may one leave food on a gas range, covering the knobs and taping the cover, so that in order to turn the knobs, one must take the cover off? According to Rashi, it makes sense that the matter will be allowed, since the case is similar to that of an oven daubed with clay, while according to the Rambam, it makes sense that this would be forbidden: the lenient view about a clay-daubed oven is limited to meat that will be damaged by wind.

Halakha

The Shulchan Arukh (254:1) rules in accordance with the view of the Rambam, while the Rema rules to be lenient, following the view of Rashi:

There are those who… believe that in an oven daubed witch clay, everything is permitted.

Ramifications

According to the Rema, the Chazon Ish writes (36:3, 38:2) that if we install a lock on the door of the oven and lock the door, there is no prohibition of shehiya (even if it has not yet reached ma'akhal ben Derusai). Apparently, one may say that if one does not merely cover the knobs, but one also seals the cover in a way that makes it impossible to change the height of the flame without removing the cover,[6] Ashkenazim may be lenient and consider the stove ketuma, even if the stove is not covered.[7] It is best to write "Shabbat" on the note that one tapes to the knobs.
However, generally it is accepted that one should be stringent about two things: to cover the gas (so that there will be a mark upon the body of the fire, as it were) and even to cover the knobs (this is the significant element by which one may violate the prohibition). However, by the letter of the law, one may be lenient after covering the flame alone, and in a case of need, one may be lenient after covering the knobs alone, if one seals the covering. For this matter, there is a significant ramification concerning shehiya in an oven, as we shall see in a coming shiur.

Summary

To conclude, one may make a gas range ketuma (allowing one to retain upon it a dish that has started to cook but has not yet reached ma'akhal ben Derusai) by covering the flames. One should cover particularly the fire, not the knobs, since we need a reminder upon the body of the fire; however, it makes sense that if one seals the knobs, one may suffice with this (at least for Ashkenazim), because then we need to do an action in order to turn the knobs, and this matter will remind the person that today is Shabbat. Generally, people are stringent and cover both the flames and the knobs, but in terms of the law, there is a reason to be lenient after either covering the flame or sealing the knobs.

[1] It may be that we should offer a proof from Rashi himself, because according to the simple meaning, the mishna is not dealing with shehiya, but rather with hatmana (Ramban, Rashba, et al. also explain in this way); if so, one should cool the coals, so it is not considered something that adds heat.

[2] The Remakh challenges the explanation of Rambam and most Rishonim: how can one say that sprinkling shows that one has diverted his attention from the dish? One wants to eat it for supper, so diverting his attention is untenable! It makes sense that the Rambam and other Rishonim will respond that a person diverts his attention from the dish; however, one diverts his attention from heating the dish and shows that he is not that concerned with the question of when the bishul will conclude, so that one does not try to accelerate the process. The views of the Rishonim do require further analysis, but this is not the place for it.

[3] The Bei'ur Halakha (253:1, s.v. Litten) cites their words and writes that the words of the Rambam indicate that he argues with them, and in his view, only on top of the fire itself is there a problem, but a covered stove is considered gerufa or ketuma, since one diverts his attention from bishul. Indeed, the Bei'ur Halakha is troubled by the view of the Rambam about this issue, concluding that it requires further analysis.

[4] In leaving dishes on a plata, there may be an issue of hatmana, according to the view that partial insulation is considered hatmana. We will deal with this issue in a future shiur.

[5] According to his view, when one covers the fire, there is no need to cover the knobs, though he writes that there is a preference for this ab initio.

[6] According to Rashi (ad loc., s.v. Ve-tocheh) it arises indeed that there must be some effort necessary to remove the clay, and this arises from the words of the Bei'ur Halakha (254:1, s.v. Af al pi). However, from the above-mentioned words of the Chazon Ish, it appears that there is no need for this level of effort; the necessity of opening a lock and the like is enough to remind one of the situation and to ensure that one will not come to stoke the coals.

[7] However, Rav Feinstein writes that it is not enough to cover knobs, as we have seen above; however, we are dealing here with a better solution: not only covering the knobs, but sealing them. This is not a reminder but instead it is a roadblock preventing one from stoking the coals: one who will come to stoke the coals (to turn up the fire) should need to do something and remove the seal; in the meantime, he will recall the prohibition. There is an oral tradition to be lenient, as has been told to me in the name of Rav Joseph B. Soloveitchik. (Rav Avishai David told me this, but it is not clear to me whether Rav Soloveitchik allowed this with any covering or only with a sealed covering.)

As for removing the knobs, Rav S.Z. Auerbach (Minchat Shelomo, Vol. II [5759], 34:21) poses a question: if one removes the knobs, so that it is impossible to change the height of the flames without putting them back on, is this considered a clay-daubed oven? Logically, if we are lenient about knobs that are sealed, all the more so we should be lenient about knobs that have been totally removed, and this is how Rav Wosner rules (cited by Orechot Shabbat, p. 516).

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 17: Leaving food on the fire,
Returning food to the fire, and Replacement and Initial Placement

TYPES OF FOOD TO BE RETAINED ON THE FIRE

As we have seen in previous shiurim, on an uncovered fire, one may only leave a food that has reached ma'akhal ben Derusai or that has not been cooked at all, but one may not leave food that has started to cook but not reached the level of ma'akhal ben Derusai, as we are concerned about stoking the coals. Once the stove has been swept or sprinkled (garuf ve-katum), there is no concern of stoking, and retention is not a problem. Apparently, according to this, one may leave any food on a swept or sprinkled stove, even if it has not reached ma'akhal ben Derusai. The same applies to a covered flame or a plata, which have the status of a stove that is ketuma.

However, even though shehiya may not apply, there is another potential problem. The Gemara (18b) mentions that one may not leave a pot of dye on a stove because someone may stir the pot. Apparently, in light of the words of the Talmud, one should forbid shehiya of any food that is not cooked, lest a person stir it and violate the prohibition of cooking. For this issue, there is no benefit in its being gerufa, because we are not talking about the issue of turning up the fire, but rather the issue of mixing the dish.

Most Rishonim

However, Tosafot (ad loc., s.v. Dilma) write that the issue of stirring relates to the melakha of dyeing. According to this, it may be that only concerning dyeing there is a decree lest one stir, since the dyers constantly stir the wool, but for a tavshil, the Sages do not decree lest one may stir.[1] Thus, in fact, most Rishonim — including the Ramban (36b, s.v. Gemara), Rashba (loc. cit., s.v. Ve-hai tavshil) and Ritva (37a, s.v. Ta shma) — rule that it is permissible to leave any dish on a swept stove, since there is no question of stoking the coals, and we do not worry

that a person will stir the dish. This is how the Ran (17b, Rif, s.v. Ve-nimtzeu) rules:

Whenever a stove has been swept or sprinkled, we can leave upon it any food in the world, for there is no concern of stoking: even though it cooks of its own accord on Shabbat, it is permissible.

This is also indicated by the Shulchan Arukh (253:1): on a swept and sprinkled stove, one may put even a dish that has started cooking but has not yet reached the level of ma'akhal ben Derusai.

Rabbi Akiva Eger

On the other hand, Rabbi Akiva Eger (ad loc.) claims that a number of Rishonim (Remakh on Rambam, 9:3, cited by Kesef Mishneh ad loc.; Ramban and Rashba, 18b, in opposition to their words on 36b) apparently dispute this, and in their view, only if something has reached the level of ma'akhal ben Derusai is there no issue of stirring, because stirring is forbidden due to the acceleration of cooking (see what we wrote in the previous two shiurim). In their view, there is no prohibition of cooking something that has been cooked to the level of ma'akhal ben Derusai, but regarding food that has not reached the level of ma'akhal ben Derusai, there is a concern of stirring. According to this, one should not leave food that has not reached the level of ma'akhal ben Derusai, even on a swept stove, because even if there is no issue of stoking, there is still an issue of stirring. In light of this, one may leave on a blech or plata only a food that has reached the level of ma'akhal ben Derusai.

Halakha

Are Rabbi Akiva Eger's suspicions accepted halakhically? Is one allowed to put on a plata before Shabbat a food that has not yet reached the level of ma'akhal ben Derusai?

Apparently, there were varying customs about this. In one somewhat peculiar incident, a couple almost divorced over this issue. A young couple came to Rav Joseph B. Soloveitchik in Boston and wanted to divorce because the woman left cold water on a covered flame before the onset of Shabbat, following her mother's custom, while the husband claimed that his own mother would always make sure that the water reached the boiling point before Shabbat. Rav Soloveitchik responded that there were varying customs (in Lithuania, they were lenient, following the Shulchan Arukh; in Galicia, they were stringent, following

Rabbi Akiva Eger) but "This isn't worth getting divorced over" (Mi-peninei Ha-Rav, p. 79).

The Mishna Berura does not mention Rabbi Eger's view, but he is cited in Bei'ur Halakha (253:1, s.v. Ela); he writes that according to this view, "this law is unclear." The Chazon Ish (37:22) mentions Rav Eger's words. On the other hand, Shevitat Ha-Shabbat (Shehiya Ve-hatmana, Be'er Rechovot, 14) rules in accordance with the view of most Rishonim: if the stove has been swept, one may leave anything on it. Rav S.Z. Auerbach (Minchat Shelomo, Vol. II, ch. 12) writes:

In Shulchan Arukh, it is clear that if it is swept or sprinkled, we are not concerned about stirring, and this is the custom.

This is Rav Ovadya Yosef's ruling in Yabbia Omer (Vol. VI, OC 32:1).

Blech or Plata, Practical Ruling

As a matter of practical halakha, since we are talking about a case of rabbinical doubt, and even Rabbi Akiva Eger does not explicitly forbid this explicitly; he merely indicates that it is a matter of dispute. Since Rav Auerbach notes that the custom is to be lenient, we may follow this, unless the local custom prohibits it.

Consensus

We should note that all views allow leaving a totally uncooked food on a swept stove, as the Gemara allows leaving it even on an open flame, as we have seen. It appears that there is no concern of stirring such a dish, just as there is no concern of stoking coals, because one puts this out of his mind, as it will not be ready for supper regardless.

Similarly, a dish that has reached the level of ma'akhal ben Derusai may be left on a swept stove, for halakhically we allow leaving this even on an open flame. It appears that just as there is no concern of stoking, since in any case it is minimally edible and one is not eager to accelerate its cooking, we are similarly unconcerned that one will stir it. Moreover, according to many Rishonim, bishul does not apply to that which is minimally cooked, so stirring is not a problem (as we discussed in previous shiurim).

As we have already mentioned in the previous shiurim, there is no issue of shehiya for cooled liquids, and they may be left on an open flame, all the more so on a swept stove; even though halakhically bishul still applies, people relate

to these items as cooked foods, and one is not eager to accelerate its heating, so that stirring and stoking are not issues with which to be concerned.

However, as we noted above, even though one may leave on the plata foods that are not fully cooked, it is best to leave only cooked foods regularly, since it is quite common for one of the household members to remove the lid, peek inside, and replace the lid, which involves accelerating the cooking and a question of biblical bishul.

Summary

To conclude, on a blech or plata one may, by the letter of the law, retain any and all foods. However, it is best to become accustomed to leave only cooked foods on the plata, for two reasons:

A) According to Rabbi Akiva Eger, when a food has not reached the level of ma'akhal ben Derusai, some are concerned about stirring.
B) In many households, people may remove and replace the lid, violating bishul if the food has not yet been cooked.

However, since the letter of the law permits this, if one warns the members of the household not to remove and replace the lid (or sets some reminder), one may be lenient and leave on the plata before Shabbat even a food that has started cooking but not reached ma'akhal ben Derusai (unless the familial or local custom is stringent). It is also permissible to leave on the plata before Shabbat some cold soup or another cooled liquid (that has been previously cooked), even if it will not become hot by the onset of Shabbat.

XVIII) Replacement and Initial Placement

How may one heat food on Shabbat itself?

Is one allowed to place food directly on the plata or on an urn?

When can one return a dish taken off the plata?

As we have already mentioned, the mishna (36b) forbids putting a dish on a coal-fueled stove:

If a stove is heated with stubble or twigs, a dish may be put thereon; with peat or wood, one may not put it thereon, unless one sweeps or sprinkles ashes upon it.

Placing or Replacing

The Gemara (loc. cit.) discusses whether this is talking about putting a dish back on Shabbat itself, or perhaps the intent is to refer even to leaving it on the stove before Shabbat, and all the more so to putting it back on Shabbat itself. The distinction between the commentaries is significant for the laws of shehiya, but there is no argument between them about the prohibition to return a dish to the stove on Shabbat itself, if it has not been swept or sprinkled.

Reasoning

The Rashba (40b, s.v. Mevi adam) writes that the reason for the prohibition is that it is mechzi ke-mevashel ("it appears like cooking"), and this is also what the Ritva (36b, s.v. Gemara ibbaya lehu) and the Ran (15b, Rif, s.v. Gemara) write.[3] On the other hand, Rabbeinu Tam (Sefer Ha-yashar, ch. 235, 237) writes, and we find in Chiddushim Ha-myuchasim La-Ran (36b, s.v. Ibbaya), that the prohibition emanates from the concern that a person may stoke coals in order to increase the heat of the dish, which has time to cool after it is taken off the fire.

The Peri Megadim (Eshel Avraham, 318:24) decides that the prohibition of hachazara is based on mechzi ke-mevashel, and this is what the Mishna Berura writes (253:37). However, in Shaar Ha-tziyun (37), he notes that according to Rabbeinu Tam the reason for the prohibition is that one may stoke the coals.

Sealing the Knobs

We have seen in the laws of shehiya (in the previous shiur) that if one seals the knobs on a gas range, the stove is considered swept, at least according to Ashkenazim. Would a sealing such as this be enough to allow one to put the dish back on the stove on Shabbat? According to Rabbeinu Tam, it makes sense that the matter is permissible; in a case such as this, there is no possibility for stoking. However, according to the Rashba and the Ritva, it makes sense that one is forbidden to put it back even when the gas knobs are sealed, for there is still a concern of the appearance of bishul. According to this, since in fact the Peri Megadim and the Mishna Berura essentially hold of the reason of mechzi ke-mevashel, one must be stringent about this: the sealing of the knobs will not help for putting the dish on the stove on Shabbat. Instead, one must cover the flames or use a plata.

[1] In a somewhat different fashion, the Ramban and Rashba (ad loc.) write that the prohibition of stirring a dish exists only for the first act of stirring during the cooking process, because "there is no stirring after stirring." Thus, assuming that one has already stirred once at the commencement of the cooking, there is no issue of further cooking.

[2] See above p. @@, n. 98.

[3] Rashi on the Mishna (s.v. Lo machazirin) writes that the reason for the prohibition is that it is mechzi ke-mevashel. However, Rashi says these words while explaining the view of Beit Shammai, who believe that the prohibition of hachazara exists even for a stove that is gerufa or ketuma, and it may be that only for a stove such as this, regarding which the concern of stoking is not applicable, that Rashi believes that the prohibition is based on mechzi ke-mevashel. However according to Beit Hillel, the prohibition is for an unswept stove, so Rashi would concede that the concern is that one may come to stoke the coals. However, in Shaar Ha-tziyun (253:37), Rashi is counted among those who believe that every prohibition of hachazara is based on the appearance of bishul.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 18: Returning food to the fire

How may one heat food on Shabbat itself?

Is one allowed to place food directly on the plata or on an urn?

When can one return a dish taken off the plata?

CONDITIONS FOR HACHAZARA

As we have said, when the stove is swept or sprinkled (garuf ve-katum), one is allowed to return a dish to it. We need not be concerned that one will stoke the coals, nor does this violate mechzi ke-mevashel (the appearance of bishul), since one does not cook upon such a stove. Nevertheless, returning the dish has some conditions attached to it.

Hachazara and Bishul

First of all, we must note that hachazara is only permissible when there is no issue of bishul. If the food is not fully cooked, or it is a cooled, cooked liquid, putting it on the fire involves a biblical prohibition of bishul, and this if categorically forbidden (if the dish can reach yad soledet bo, a scalding temperature). All of the conditions that we will mention for putting a dish back or on the stove are only effective regarding the rabbinical ban on acts with the appearance of bishul; these conditions have no effect on the biblical melakha. Therefore, the most basic condition to allow hachazara is that the dish has already been fully cooked, and if we are talking about liquid, it must still be hot (according to Sefardim, it must still be yad soledet bo, but according to Ashkenazim, it is enough that it has not cooled fully, as we have seen in previous shiurim).

Aside from these requirements (cooked food and a swept stove), the Gemara (38b) mentions additional conditions in order to allow replacement: one must take off the pot with the intention of putting it back on or one must continually hold it in one's hand, as we shall see below.

Continuation of Shehiya

Why do we need additional conditions? Rashi (s.v. Aval heniach) explains that even if a person leaves the pot on the ground, "yesterday's insulation has been nullified, so that now one is starting anew." In other words, the Sages do not allow one to put a dish on a stove (even if it is gerufa) initially; one is only allowed to continue shehiya from before Shabbat, and therefore there are a number of conditions, so that returning the dish will be considered a continuation of the first retention, not putting it on the flames anew.

The Rashba (38b, s.v. Mikhlal) and the Ran (17b, Rif, s.v. Lo shanu) indicate that this law is based on mechzi ke-mevashel. So that one may avoid the appearance of bishul, it is not enough that the stove be altered; the act itself must not appear like a new act of bishul, but the continuation of the previous bishul.

Therefore, one must be punctilious about a number of conditions, so that returning the dish to the fire will not appear to be an initial placement, but as the continuation of the shehiya from before Shabbat.[1]

Summary

Practically, there are three conditions to allow hachazara:

1. There is no prohibition of cooking; this must be a fully cooked dish that is either hot (if it is liquid) or dry (even if it is cold).[2]
2. The stove is considered swept or sprinkled (e.g., using a blech or plata).
3. The previous shehiya has not been nullified (as we will explain below).

Conditions to Continue Shehiya

The Gemara mentions two requirements to resume an act of shehiya:

A) One must still be holding the pot in his hand and not set it on the ground.
B) One must take the pot off the fire with the intention to put it back.

The Gemara cites different views of the question: do we require both of these conditions, or is either one sufficient? In addition, the Gemara discusses in-between situations, in which one has not set the pot on the ground but is not holding it — for example, it has been put on top of a bed.

Rabbi Zerika said, citing Rabbi Abba, in Rabbi Taddai's name: "This is only if it is still in one's hand, but if one has set it down on the ground, it is forbidden." Rabbi Ammi observed… "Even if one sets them down on the ground, it is permitted…"

Chizkiya observed in Abbayei's name: "As for what you have said that if it is still in his hand, it is permitted, this has been said only when one's intention was to replace it; but if it was not one's intention to replace it, this is forbidden. Hence, it follows that if it is on the ground, even if it is one's intention to replace it, this is forbidden."

Others state that Chizkiya observed in Abbayei's name: "As for what you have said that if it is still in his hand, it is permitted, this has been said only when one's intention was not to replace it; but if it was one's intention to replace it, this is permitted. Hence, it follows that if it is in one's hand, even if was not one's intention to replace it, this is permitted."

Rabbi Yirmeya queried: "What if he hung them on a staff or put them on a couch?"

…The questions stands.

In the Gemara, it is not clear which version is authoritative, and the Rishonim and halakhic authorities argue about it. The Rambam (3:10) and the Shulchan Arukh (253:2) write one condition alone — that one not leave it on the ground. The Rema (loc. cit.) is stringent, based on the Geonim, the Rif (17b) and the Tur (ch. 253), and requires two conditions: holding and intending to return it. Look at his comments on the Shulchan Arukh (plain text is the Shulchan Arukh and italics is the Rema):

If a stove has been swept or sprinkled, and one takes a pot off of it on Shabbat, one may return it as long as it is seething, and still in his hand, and one has not put it on the ground, and his intent is to return it.

In terms of the intermediate situation, in which the pot is put on the bed or hung on a stick, the Shulchan Arukh indicates that one may be lenient, because he is

stringent only if one puts it on the ground. On the other hand, the Rema indicates that one must be stringent; a person must hold the pot in his hand.

The Mishna Berura talks about the different views (Bei'ur Halakha ad loc., s.v. Ve-dato le-hachazirah; Shaar Ha-tziyun, 50) and from his words the following conclusions arise:

A) Ab initio, there is a need for two conditions: clutching the pot and the intent to return it (Rema).
B) In a case of need, clutching is sufficient even without intent (Shulchan Arukh).
C) Similarly, one may be lenient in a case of need if one has put it on a bed or a bench, if one's intent is to return it (the Shulchan Arukh is lenient even without this intent).[3] In the view of the Chazon Ish (37:12), one may be lenient if one puts it on the bench even without any intent to return it (Shulchan Arukh).

The Bei'ur Halakha writes that "it is possible to be lenient about a rabbinical matter" even if one puts it on the ground, as long as one has the intent to return it (ruling more leniently than the Shulchan Arukh does in a case of great need). However, in Shaar Ha-tziyun, he points out that it is difficult to rule against the Shulchan Arukh's implication. If so, one should be stringent about putting it on the ground, but it may be that in extreme cases, one may rely on this.

On the Countertop

What status does the countertop have? Conceivably, this may be considered like the ground (replacing the pot is forbidden) or like a bench (one may be lenient if one has the intent to return it, especially if it is heavy and it is difficult to replace it).

It makes sense that the basis of the distinction between the ground and the bench is the following: the ground serves as a place for putting pots after the cooking is totally done, and therefore putting the pot on it expresses the diversion of one's mind from cooking. The bench, on the other hand, looks like a place for the temporary positioning of pots, in order to deal with them and perhaps even return them to the fire. Therefore the Gemara has a doubt: perhaps putting the pot on the bench does not express the diversion of one's attention from cooking. A modern countertop is used for two purposes: taking the pot off the fire finally at the end of cooking, and at the intermediate stage, we arrange the pot there in order to return it at a later time. Naturally, there is a doubt as to whether it is akin to a bench or the ground.

This may depend on how we define continuous shehiya: is it necessary that there be a positive connection between the flame and the vessel (the countertop is not linked, since it does not always serve as a temporary way station for the fire), or perhaps it is enough that an unequivocal act of removing from the fire has not been performed (no such act has been done here, because pots are sometimes returned from the countertop to the fire).

Halakha

The Acharonim argue about this, but the consensus is lenient: the countertop may be seen as akin to a bench (Az Nidberu, Vol. VIII, ch. 17; Rav Auerbach and Rav Elyashiv, as cited in Shevut Yitzchak, Dinei Shehiya, ch., 14; Chut Shani, Vol. II, p. 123). Since this is a rabbinical doubt and most authorities have a lenient view, it appears that one should follow this.[4] In light of this, one may be lenient in a case of need (if the pot is heavy) about putting it on the countertop (certainly with the intent to return it — and as we have said, according to the Chazon Ish, even without it). Similarly, ex post facto, if one has already taken the pot off the fire and left it on the countertop, one may be lenient and return it to the fire, even if one does not have initial intent to return it.[5]

On a plata, this is easier, since there are those who allow putting on a plata even a dish that was not left on it previously, as we shall see in a future shiur.

Summary

When we take a pot (which has no issues of bishul) off a covered fire and later return it, if the pot is not heavy, it is good to hold it in one's hand, to remove the food from it and then to return it to the fire. If the pot is heavy, one may put it on the countertop (some are stringent to hold the handle), remove from it the food and put it back on the fire. If we are talking about a plata, one may ab initio put it on the countertop without holding it, and afterwards return it. In any case, one should remove the pot from the fire with the intent to return it, but in a case of need, one may be lenient and return it even if one did not intend to do this initially.[6]

[1] According to those who believe that hachazara is forbidden because of stoking, it is not clear why hachazara has conditions; the stove has been swept or sprinkled, so stoking is impossible. Perhaps their view is stated only in terms of an unswept stove, but they too would concede that the conditions of hachazara for a swept stove are because of mechzi ke-mevashel. However, from the words of Tosafot (38b, s.v. Pinna) in the name of Rabbeinu Tam, it appears that even the terms of hachazara in a swept stove emanate from the concern

that one may stoke the coals, and this arises from the words of the Magen Avraham (253:26). It may be that when returning the dish to the stove after it has started to cool there is a great concern particularly about stoking the coals, and therefore additional limitations are necessary so that a person will not come to stoke the coals.

[2] As for dry, cold foods, according to the Magen Avraham (253:36), there is an additional condition for the allowance of hachazara: one may return the dish only if it is still hot, but if it cools, its hachazara is considered a new shehiya, and not the continuation of the previous shehiya. This condition is not mentioned in the words of the Rambam and most Rishonim; however, the Tur (ch. 253) writes that one may return a pot only "as long as it is seething," and so the Mechabber writes (253:2-3). However, one may understand that this is only in relationship to hachazara, not bishul, since according to them, bishul achar bishul is an issue for a cooled liquid, but one is not allowed to return it to the fire. Concerning a cooled dry food, there is no prohibition of bishul, and there is no problem of putting it back on the fire (therefore most Rishonim who believe that there is no issue of bishul achar bishul, even for a cooled liquid, do not mention the condition that the pot be seething). The Beit Yosef (s.v. U-ma she-katav Rabbeinu kol ha-zeman) explains the words of the Tur that the requirement of the hot dish is not part of the rules of hachazara but part of the laws of bishul.

However, the Magen Avraham, as we have said, understands that this requirement is part of the laws of hachazara: if the dish cools, the first shehiya is nullified, and in his view, this law applies even to a dry food, that one should not return it to the oven if it has cooled. This is the view of the Shulchan Arukh Ha-Rav (253:18), the Peri Megadim (Mishbetzot Zahav, 253:13) and Rav Moshe Feinstein (31). This arises from the words of the Ritva (38b, s.v. Ve-asikna). On the other hand, the Bei'ur Halakha (253:5, s.v. U-vilvad) writes that the need of a boiling pot is based on the laws of bishul, and a dry food can be returned to the stove even if it cold. This is also clear from the Gra's glosses (ad loc.) on the Rema's words.

However, even though the Bei'ur Halakha rejects the Magen Avraham, the Mishna Berura (253:68) cites his view anonymously, and it is also cited in Shaar Ha-tziyun (318:46). It may be that the Mishna Berura rejects the proofs of the Magen Avraham, but halakhically he is concerned about his words. However, the Chazon Ish (37:10) explains that the Mishna Berura rejects the Magen Avraham's view and rules leniently, and it appears that the Chazon Ish himself agrees. Therefore we have concluded that one may be lenient: one may put back even a dry, cold food.

[3] Rav Neuwirth (Shemirat Shabbat Ke-hilkhata 1:18) writes that if one puts the vessel on the bed or bench but continues to hold the handle, it is possible to be lenient ab initio; as long as one holds the vessel, one does not divert his attention

from the first shehiya, and this is in the category of "still in his hand." (However, if one puts a pot on the ground, it does not help that one is grasping the handle.)

[4] One may enlist the view found in Chiddushim Ha-myuchasim La-Ran (38a, s.v. Amar Rav Sheshet): only putting the pot on the ground itself is forbidden, but one is allowed to put the pot on the tablecloth or on a pillow that is on the ground; apparently, all the more, so one may leave it on the countertop.

[5] We may also enlist the view of the Ran (17b, Rif, s.v. U-mihu) based on the Yerushalmi (3:1): all of the conditions of hachazara (which relate to continuing the previous shehiya) are stated only concerning one who takes the pot off the fire before Shabbat and wants to replace it on Shabbat; however, if the pot was on the fire when Shabbat began, the laws of hachazara are voided, and one may put it back on the fire even if one had no intention to return it, and even if one puts it on the ground (on the condition that the fire is covered). The Rema (253:2, "Ve-od") cites the Ran and writes that we follow his words, but it is worthwhile to be stringent about it. We may add this view to be lenient when one puts the pot on the countertop. In a time of pressure, when otherwise there will not be any hot food on Shabbat, one may be lenient based on the Ran, even if one puts the pot on the ground itself. However a situation such as this is not very common, since in any case one may put the dishes on the plata on top of an inverted vessel and the like, as we shall see in a future shiur.

[6] As for hachazara on Friday, Tosafot (36b, s.v. U-veit Hillel) and the Rosh (3:2) cite the passage on 38a-b: "According to the one who says one may replace it, one may do so even on Shabbat." This, they maintain, indicates that the prohibition of hachazara exists even before Shabbat. According to them, a food that was cooked before Shabbat and removed from the fire may not be returned to it close to the commencement of Shabbat, if the dish cannot become warm by sunset. In their view, in this case as well, the Sages forbid hachazara, lest one come to put the dish on the fire on Shabbat itself. If so, according to Tosafot and the Rosh, one must be concerned about the issues of hachazara even when putting dishes on the fire before Shabbat! This law is not mentioned by most Rishonim, and even the Shulchan Arukh does not mention it; however, the Rema (253:2) cites it and writes that one may be lenient, but it is good to be stringent. Indeed, the Gra (253:2, s.v. Dino kemo) explains that Tosafot and the Rosh are not so stringent except for an unswept stove; when it comes to a swept stove, according to all views, there is no prohibition of hachazara on Friday, and this is what the Mishna Berura (253:72) writes. Naturally, under normal conditions, one leaves the dishes on a plata or blech, so there is no need to be concerned about hachazara, even according to the stringent view.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 19: Initial Placement

Prohibition

As we have seen in previous shiurim, even when the food is defined as cooked and the stove is swept or sprinkled, nevertheless, one is not allowed to put a dish back on the fire, unless the matter is considered to be the continuation of the previous shehiya. From here, one may conclude that the initial placement of the dish on the fire on Shabbat is totally forbidden, because even a dish that was on the fire on Shabbat and then taken off it and placed on the ground may not be returned to the fire. All the more so, a dish that was not on the fire at the beginning of Shabbat may not be placed on the fire on Shabbat, even if we are talking about a swept and sprinkled stove.[1] This is what the Rema (253:5) writes.

Heating Food

How may one heat food on Shabbat?

As we have seen, the prohibition of placing a dish on the fire ab initio on Shabbat springs from the issue of mechzi ke-mevashel (the appearance of bishul). Therefore, the Sages allow heating food on Shabbat in different cases in which the matter does not look like bishul, as we shall see below.

Uncooked Food

We should stress again that the different allowances for heating food on Shabbat relates only to food considered cooked. If the food is not cooked, it is impossible to heat it at all (if it could reach a scalding temperature, known as yad soledet bo). Therefore, one should first ascertain that there is no problem of a prohibition of cooking — in other words, that the dish is either dry and fully cooked, or that it is liquid that has not fully cooled (according to the Rema) or that has not gone below yad soledet bo (according to the Shulchan Arukh). Only

after we confirm that the prohibition of cooking is not applicable may we examine how to solve the rabbinical problem of mechzi ke-mevashel.

Proximity to the Fire

One possibility of heating cooked food on Shabbat is by putting it next to the fire. This is the simple meaning of the Gemara (40b), which allows heating by the fire. The Rosh (3:10) explains that since the food is placed at a distance from the flame, this is significant, and one will not come to stoke. On the other hand, the Rashba (40b, s.v. Mevi adam) justifies the allowance on the basis that this is not derekh bishul. This is what the Shulchan Arukh rules (318:15): one may heat cooked items by the torch even if it is scalding. Similarly, one may allow putting cooked food near the wall of the stove.[2]

The Second-Story Solution

An additional allowance for heating food on Shabbat is the "second-story solution," putting one pot atop another. This rule does not appear in the Talmud, but many Rishonim mention it. The Beit Yosef (253, s.v. Katav Ha-Ran) cites the words of the Rashba (40b, s.v. Mevi), who allows putting infanda (empanadas) to heat on top of a pot of cholent on Shabbat, since this is not derekh bishul. From here it arises that one is allowed to cook on Shabbat using a pot on top of a pot, and there is no problem of mechzi ke-mevashel.

On the other hand, the Beit Yosef (253, s.v. Katuv Be-hagahot) cites the view of the Hagahot Mordekhai (80a), who says that one who is concerned that a dish on the stove is getting too hot can remove the dish and put it on top of an inverted pot, but one must be careful to avoid setting it on the ground; if one fails to hold it the whole time, one may not put the dish on top of the inverted pot. The Hagahot Mordekhai requires one to maintain the conditions of hachazara regardless, even though the person does not leave the dish on the stove itself, but on top of an empty pot that is on the stove. This indicates that according to him, it is forbidden to put ab initio a pot on top of an empty pot, and therefore, in his view, putting a pot on top of a pot is not a solution for heating food ab initio on Shabbat.

The Contradiction

If so, apparently there is a dispute before us as to whether one may heat food on Shabbat in a pot on top of a pot: the Rashba allows it, while the Hagahot Mordekhai forbids it. However, the Shulchan Arukh (253:3) cites the words of

the Hagahot Mordekhai, who prohibits; then, two paragraphs later, he cites the permissive view of the Rashba!
Can we resolve the words of the Shulchan Arukh? The Acharonim argue about this, and we will briefly cite two answers:

1. The Magen Avraham (318:26) resolves this in the following way: we must distinguish between a liquid and a solid. Essentially, there is no prohibition to put foods on top of a pot on Shabbat, and therefore one may put a solid in a pot on top of a pot. However, when it comes to a liquid, the Shulchan Arukh believes that even if it is hot, and there is no problem of bishul, one may not put it in a pot on top of a pot, because there is a decree lest one put it there while it is cold. However, the Magen Avraham himself disputes this stringency of the Shulchan Arukh, and he writes that one may even heat a fluid item in a pot on top of a pot if it is somewhat warm.
2. The Peri Megadim (Eshel Avraham 253:33) posits that one should differentiate between an empty and a full pot: one is allowed to put a dish ab initio on top of a full pot, but it is forbidden to put it on top of an empty pot.[3]

What is the reason for this distinction? One may explain that a full pot absorbs most of the heat of the fire, so that the first pot does not grow warm from the fire but rather from the lower pot, while the empty pot does not absorb so much heat, so that the pot on it is heated directly from the heat of the fire.

However, Bei'ur Halakha (253:3, s.v. Ve-yizaher) cites the words of the Peri Megadim, and from his words it appears that the distinction is more significant. An empty pot has no significance on its own, but it comes to serve the stove, as it were, and it makes it a swept and sprinkled stove. Naturally, the pot is subordinate to the stove and considered a part of it, and the dish that is put on it is considered to be put on the stove itself. On the other hand, a full pot does not serve the stove and it is not subordinate to it, and therefore the dish placed on it is not considered to be placed on a stove.

In a somewhat different way, one may explain that the question is whether the heat source is designed for the dish that is placed upon it. When the lower pot is empty, the heat is effective only for the upper pot, and we may say that the fire is dedicated for this pot (but there happens to be a pot between them). On the other hand, when the lower pot is full, the fire is dedicated to the lower pot, and the upper pot becomes warm only in an ancillary manner. Since the fire is not designed for the upper pot, there is no problem of the appearance of bishul. For this reason, there is no prohibition to heat by the torch, because the torch is not designed for cooking, but for other purposes, and the heating is ancillary.

Halakha

Thus, according to the Magen Avraham, one who wants to heat cooked food on Shabbat may put an empty pot on the fire and put the dish upon it, while according to the Peri Megadim there is no allowance to act in this way, and one may put a dish only on a full pot that is already on the fire, and this appears to be the ruling of the Bei'ur Halakha.

Direct Heating

An additional ramification of this dispute relates to whether one may put a cooked food directly on a plata: according to the Magen Avraham, it is logical to allow this, for there is a separation between the heating element and the pot. According to the Peri Megadim, one should forbid this, since the intervening metal is similar to an empty pot, because it is nullified by the heating element and considered part of the heating element, and the heat is dedicated to the dish, and the dish does not become warm in an ancillary manner.

Halakhically, Rav Ovadya Yosef (Yechaveh Daat, Vol. II, ch. 45) allows putting a dish directly on a plata on Shabbat, since he believes one may rely on the view of the Magen Avraham. However, as we have seen, the Bei'ur Halakha rules like the view of the Peri Megadim, and according to this, apparently, one cannot allow putting a dish directly on the plata.

Halakha

However, there are those who allow this for a different reason: since the plata is uniquely designed for Shabbat and not used on weekdays, there is no problem of mechzi ke-mevashel (Tefilla Le-Moshe, Vol. I, ch. 32; Yalkut Yosef 253:9).[4] However, according to many authorities, one may not be lenient about this; after all, it is not customary to cook on a swept or sprinkled stove, but one is still not permitted to put a dish upon it ab initio.[5] This is also what Rav Auerbach writes: ab initio, one should not put food directly on the plata (see Maor Ha-Shabbat, Vol. II, p. 543; Shemirat Shabbat Ke-hilkhata, ch. 1, n. 72), and this is the view of Rav Elyashiv (Shevut Yitzchak, ch. 8), and this is what is appropriate to do ab initio. However, those who are lenient and put it directly on the plata have upon whom to rely.

How, if so, may one heat food on Shabbat?

There are those who observe a stringent standard, putting on the plata a pot with water and then putting the pot with the food on top of this pot on Shabbat,

or on top of another pot that is put on the plata on Friday. In their view, putting an empty vessel on a plata is not effective, in light of the above-mentioned view of the Peri Megadim and Bei'ur Halakha.

Heating on an Empty Vessel on a Plata

However, Rav Auerbach (Shemirat Shabbat Ke-hilkhata, ch. 1, n. 112, Tikkunim U-milluim ad loc.) claims that one may not heat food on an inverted pot on the fire, and similarly one should not heat it directly on the plata. However, when the two things come together, in other words, when one puts an inverted pot on a plata, one may heat food upon it. In his view, we are stringent about an empty pot only when it covers an open fire; in this case the pot makes the stove swept, so that it serves the stove and is considered a part of it, and naturally one who puts a food upon it is considered to be placing it upon the stove itself and the act violates mechzi ke-mevashel. However, when the fire is already covered or one is using a plata, the pot does not serve the stove and is not considered part of it; the pot's presence serves only to alter the regular derekh bishul, and therefore there is no prohibition to put food on top of the pot. Simply put, this act does not have the appearance of cooking.[6]

This is also what the Shevet Ha-Levi writes (Vol. I, ch. 91):

Behold, the Peri Megadim has written the reason of the matter: why for an empty pot does the Shulchan Arukh only allow one to return it, but not to place it there initially?

…but this is because an empty pot serves the stove and using it is like putting food on the stove, while putting it on top of a pot that has food in it is like putting it on top of the pot, not on top of the stove…
Indeed, this is really quite simple: this only applies when the empty pot sits on top of the fire…

Regarding this one may claim that it is nullified by the stove, but when a great plate is on top of the stove and he puts on top of this plate an empty pot (which does not match at all the size of the stove and the like), it is very obvious that it is a separate item, disconnected from the stove. It is certainly logical that it should be like a pot: one may put a pot on it if it contains something that is already cooked and is hot…

Conclusion

To summarize, some of the authorities are lenient to put on Shabbat a fully cooked dry food directly on the plata on Shabbat, and this is the view of Rav Ovadya Yosef; however, in the view of Rav Auerbach and Rav Elyashiv, one should not leave it directly on the plata, and this is how one should act ab initio (even though those who are lenient about this for a fully-cooked dry food have upon whom to rely).[7]
If so, in order to heat dry (fully-cooked) food on Shabbat, it is best to put an inverted pan on the plata (and one may acquire a pan as big as the oven, or even of the size to cover the range) and put the food on it. (Practically, if one arranges the food in this way a couple of hours before the meal, the food does become very hot.)

Electric Urn

In parallel, one may also put a pot with fully-cooked food on top of an electric urn, because the urn is like a full pot on the fire; thus, it is permissible, as we have said, to put dishes on top of it. However, one must be careful not to put a dish of meat directly on the urn, so that the urn does not acquire the status of a meat dish (particularly if dairy dishes are also put on it, or if one uses the water in it simultaneously for making coffee with milk and the like). Rather, one should put the food in a vessel on the urn and put aluminum foil between the lid of the urn and the bottom of the vessel (due to the concern of moisture between the lid and the bottom of the vessel), particularly by vapors coming from the urn). Similarly, if one wants to make the urn kosher for Passover, one should not put the challa directly on top of it, but rather on top of aluminum foil. This will allow one to make the cover kosher by putting it in boiling water (rather than being required to blowtorch it, which is generally not possible with a cover).

Radiator

In Iggerot Moshe (34), Rav Feinstein writes that it is permissible to put cooked food on top of a radiator, since it is not designed to heat food but rather to heat the home, and therefore the problem of mechzi ke-mevashel is not relevant.

However, apparently, beyond the question of mechzi ke-mevashel, there is an additional problem of heating on a radiator: it is the concern lest a person come to turn up the heat for the sake of the food; in other words, there is a concern of stoking. Nevertheless, it appears that since one is not eager to alter the heating of the entire house for the sake of the food, there is no place for a true concern of stoking in this context.

[1] However, from the words of the Ran (19a, Rif, s.v. Tanu rabbanan) it arises that there is no prohibition of initial placement upon a swept stove; see Eglei Tal, Ofeh 48:2, but this is not the place to elaborate.

[2] The Gemara (37a) has some doubt whether one may put a dish next to the wall of the oven. Its conclusion is lenient; however, the Rishonim and Acharonim argue whether this relates to shehiya or hachazara, and whether one is allowed to put it next to a stove even on Shabbat itself (see Mishna Berura 253:15; Shaar Ha-tziyun, 21). According to the stringent view, it appears that placing the dish in such a way that it touches the walls of the stove, which is the place of cooking, is more stringent than putting it at some distance from the torch. In any case, the words of the Mishna Berura (loc. cit.; Bei'ur Halakha, s.v. Muttar lismokh lah) imply that he is inclined to be lenient about the proximity to the stove (despite the fact that he writes that the words of the Rema seem to endorse the stringent view; see Bei'ur Halakha, op. cit. 5, s.v. Lismokh).

[3] The Peri Megadim (Eshel Avraham, 318:26) understands that even the Magen Avraham would concede here; all of these things are stated only concerning a full pot, and only regarding it should we distinguish between solids and liquids, but in an empty pot, it may be that he will concede to be stringent. While the Dagul Me-rvava (on Magen Avraham, ad loc.) understands that the Magen Avraham is lenient about heating food on top of an empty pot, as we have written.

[4] In Iggerot Moshe (35), Rav Feinstein allows heating food directly on a plata in a case that one cannot cook on it; however, it is not clear whether he is talking about our plata, for, apparently, it can bring a food to the level of being cooked.

[5] The Tefilla Le-Moshe (loc. cit.) explains that upon a swept or sprinkled stove, one infrequently cooks, while on a plata one never cooks; one only warms food.

[6] However, according to the second view that we have mentioned in explanation of the Peri Megadim, one should be stringent about this as well, for in the end, the heating is for the dish one puts down now; the heating is not incidental. However, it appears that one may be lenient according to this view as well, since there are those who are lenient regardless about a plata because one does not usually cook upon it, as we have explained above; even though it is worthwhile to be stringent, when one introduces another alteration and puts an inverted pot on it, this does not look like cooking at all.

[7] For this issue, there is no distinction between Ashkenazim and Sefardim, since the different views do not spring from a difference of opinion between the Ashkenazic and Sefardic Rishonim or between the Shulchan Arukh and Rema and the like, but the views of the authorities of our generation.

However, even though we have written that it is fit to be stringent, it is worth recalling that according to the view of Rav Ovadya and other authorities, one may be lenient, and we are talking, at the end of the day, about a rabbinical

doubt. Therefore, when one's parents or grandparents are lenient about this, one should not question this, and we may add to their custom the words of the Rosh (3:1) concerning the law of shehiya (namely, that people are lenient following the view of Chananya, even though there is a reason to be stringent about it):

Because there are many views about this issue, and the Jews are fond of the mitzva of delighting in Shabbat, they will not acquiesce to be stringent. Leave them their custom, in accordance with the authorities who follow Chananya.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 20 - Ovens

How is one allowed to leave food in an oven on Friday in order to eat for the Shabbat meals?

Is it permissible to return the food to the hot oven after the meal?

Shehiya in an Oven

Until this point, we have dealt with heating on the fire. We have seen that one may leave foods before Shabbat on a covered fire. If these foods are cooked to the level of ma'akhal ben Derusai, in the view of the Ashkenazim and some Sefardim, one may leave foods even on an open fire. Similarly, by the letter of the law, one may leave, on an open fire, a totally uncooked food as well.

What about shehiya in an oven? Can one put foods in an oven before Shabbat and take them out afterwards for the Shabbat meal?

Oven vs. Stove

The mishna (38b) explains that the law of the oven is more severe than of a stove:

If an oven stove is heated with stubble or twigs, one may not put a dish therein or thereon.

In other words, even though there is no problem with a stove fueled in that way (as there are no coals to stoke, as explained in a previous shiur), one is not allowed to leave food in an oven fueled with stubble or twigs. The Rambam (3:5) explains:

The above applies to a stove, which produces minimal heat. With regards to an oven, in contrast, even if one removes the coals, covers them with ash or uses straw or stubble as fuel, we are not allowed to leave food in it or on it…

This applies to food that has not been cooked to completion or to food that has been completely cooked, but will benefit from continued cooking. Since an oven is very hot, a person will not divert his attention from it. Hence, we are concerned that one will stir the small fire that remains, even if it is fueled by straw or stubble, even if it is covered.

This indicates that the Sages treat the oven more stringently in another aspect: shehiya is allowed upon a stove that has been swept or sprinkled, but not an oven (see Rashi 37b, s.v. Ha).

Rashi (s.v. Tannur) explains that the Sages' ovens were hotter than their stoves, since the ovens were narrow at the apex and wide at the base, allowing the oven to maintain its heat. A number of Rishonim (Rabbeinu Chananel, 38b; Me'iri, ad loc.; Ran, 17b, Rif, s.v. Matnitin) write that their ovens have the status of a stove, since they are not that warm, and this is how the Rema (253:1) rules. On the other hand, the Maharshal (cited by Tiferet Shemuel on the Rosh 3:5) argues that their ovens are also like the Sages' ovens. The Mishna Berura (28; Shaar Ha-tziyun, 30) writes that in a baker's oven, which gets very hot, one must be stringent.

Modern Ovens

What about our electric ovens?

In Iggerot Moshe (6), Rav Feinstein writes that modern ovens have the status of a stove, because they do not become very hot (since they have a thermostat). According to this, (according to the Ashkenazim and some Sefardim) one may leave food that has reached the level of ma'akhal ben Derusai in an oven, and if the oven is defined as swept or sprinkled, one may leave on it a food that has not reached the level of ma'akhal ben Derusai.

How may we render our ovens swept or sprinkled? Rav Feinstein (op. cit. 27) writes that one may put an aluminum pan in an oven and put food in it. The Az Nidberu (Vol. VIII, ch. 16) writes that one may be lenient about an empty pan that is put on the bottom of the oven.[1]

However, there is a simpler solution. In a previous shiur we saw that if the oven is daubed with clay in such a way that there is no possibility of stoking, it is

considered swept and sprinkled, at least according to the Ashkenazim. Therefore, in an oven as well, if we seal the knobs in a way that there is a need to remove the glue in order to turn them, this makes it an oven daubed with clay, and it would be permissible to leave in an oven such as this even a food that has not reached ma'akhal ben Derusai. All the more so, removing the knobs should be sufficient, because in such a case, one cannot alter the temperature.

As we have said, if the food reaches the level of ma'akhal ben Derusai, so that for Ashkenazim and some Sefardim, it is permissible to leave anything in an oven, even if the knobs are not sealed. In any case, it is always preferable to seal the knobs.[2]

Opening the Oven

However, there is an additional problem. In ovens, there is usually a thermostat; opening the oven accelerates its activation.[3] Some ovens have a Shabbat setting, which uses a timer instead of a thermostat, and this setting circumvents this problem (one should ascertain that the Shabbat button actually disconnects the thermostat). In ovens with a Shabbat setting, one may set the oven so that the timer will turn the oven off before the time of taking out the food, and the food may be then be removed when the oven is off.

If one finds himself in a situation in which the oven does not have a Shabbat setting and has not been set to shut off at mealtime, one may be lenient and remove the food at the time that the oven is hot and the thermostat light is on; in this situation the person only prolongs an existing situation, but one does not cause the oven to go on.

If this is also not feasible, one may open the door with an alteration even at the time that the oven is not heating (in other words, the thermostat light is off), because it is not necessarily the case that opening the door will cause the oven to go on, and even if it would bring this about (and this is considered a pesik reisha), we are talking about causation (and there are those who allow a pesik reisha by causation[4]). If one does this with an alteration (e.g., with one's elbow), then there a number of rabbinical doubts coinciding, and one may be lenient, particularly for a need such as that of the Shabbat meal.[5]

Conclusion

To summarize, it is permissible to leave a food in an oven on Friday if it has been cooked to the level of ma'akhal ben Derusai (at least for the Ashkenazim and some Sefardim), and it is permissible to leave it even it has not reached the level

of ma'akhal ben Derusai, if the knobs have been sealed or detached. One should strive to use an oven with a Shabbat setting that disconnects the thermostat, or alternatively to ensure that the oven will be off at the time that the food is removed. (In a case of need, when one has not done so, one may remove the food at the time that the oven is heating up. In a case of pressing need, one may take it out even at a time that the oven is not heating up, but in this case it is better to open the oven with an alteration.)

REPLACING IN AN OVEN

After one has taken food out of an oven, may one replace it? Apparently, if the oven is swept or sprinkled and one is stringent about the conditions of hachazara (intention to replace and holding the pot — or at least not putting it on the ground, but only on the countertop), one may put it back in the oven.

Empty Pan

However, one must examine whether one can turn the oven into a swept and sprinkled stove. As regards the prohibition of shehiya, we have seen that it is enough that one seal or detach the knobs. However, as we explained in previous shiurim, it may be that these solutions are effective only when dealing with the issue of shehiya, not hachazara. Shehiya is based on the suspicion of stoking the coals, and therefore when one performs operations that prevent a person from turning up the fire, there is no reason to forbid the act. On the other hand, according to many Rishonim, hachazara is based on mechzi ke-mevashel (the appearance of bishul), and for this purpose, it may not help that a person cannot turn up the fire; one must take actions to turn down the heat and express his diversion from cooking. Therefore, one must put an empty pan on the bottom of the oven (in the view of Rav Feinstein, there is a need for a metal box with four walls, as we have mentioned above).

Stringent View

Moreover, it may be that even if the oven is defined as swept and sprinkled, it is still forbidden to put food back in it. This is based on a statement in the Gemara (37a):

Rabbi Chelbo says, quoting Rav Chamma bar Gurya, in the name of Rav: "This is only true thereon, but therein is forbidden."

In other words, one may replace food on top of a stove on Shabbat, but not inside a stove (as their stoves were deep). This limitation does not spring from

the prohibition of hatmana, which does not apply when the cover is not touching the pot (we will discuss this more next week in our shiur on hatmana); rather, it is forbidden because it looks like bishul. This is also the Shulchan Arukh's ruling (253:2): one cannot put food back into a stove on Shabbat. According to this, it is apparently forbidden to put the food back into the oven, and this is the ruling of the Minchat Yitzchak (Vol. III, ch. 28), as well as the one found in Shemirat Shabbat Ke-hilkhata (1:17) and other authoritative works.

Lenient View

However, one who is lenient has upon whom to rely. The Arukh Ha-shulchan (253:17) writes that the prohibition of putting food inside the stove relates only to the situation Talmudic times, in which there were two possibilities to heat with a range: inside it or on top of it. Therefore, if one would have chosen to put a dish inside the stove instead of on top of it, it would have appeared more like bishul. However, in our times, there are not two different ways to place the dish in the oven, so it is permissible to put foods inside it, because this does not testify to one's desire to cook them:

Our ovens are like a stove, as will be explained, and concerning them there is no "thereon," and one must always put it "therein." Therefore, there is no distinction about this, and "therein" is like "thereon."

This is what the Shevet Ha-Levi (Vol. III, ch. 48) writes as well.

Summary

In conclusion, if one wants to put food back on the fire on Shabbat itself, ab initio it is best to put it on a Shabbat hot plate; however, if this is not possible, one may be lenient and put it back into an oven with the following conditions: the dish is fully cooked, one holds it and intends to replace it, an empty pan is put on the bottom of the oven (or a separation between a heating element and the food), and the oven is on the Shabbat setting. (If one has forgotten to put the oven on the Shabbat setting, see above about the laws of shehiya in an oven).

Initial Placement

In any case, one may not take food out of the refrigerator to put it in the oven on Shabbat, even if the oven is on the Shabbat setting and the food is fully cooked, even if one puts it in the oven on top of a full pot. This solution only works in a stove, which is heated from below, so that putting food on top of a full pot distances it from the heat, and the act does not look like bishul. In an

oven, on the other hand, the heat spreads throughout the entire space, so that there is no significance to the question of whether the pot is on the bottom of the oven or another pot inside it — in any case, this looks like bishul, and one may not do so on Shabbat. This is also what the Chazon Ish (37:9) writes:

Inside the oven, it is certainly forbidden to do so, because this is all about placing food on top; however, within the airspace of the oven, all of the air is warm, so the separation between the floor and the pot does not allow anything.[6]

Therefore, it is better that one have a plata at home, because on it one can both replace the food and place food ab initio on Shabbat itself, according to the conditions mentioned in previous chapters.

[1] However, see Minchat Yitzchak, Vol. III, ch. 28; this is not the place to elaborate.

[2] This serves two potential aims: to prevent mistakes and to respond to the view that there is a prohibition of shehiya even for foods cooked above the level of ma'akhal ben Derusai.

[3] A similar problem exists also with a refrigerator, but there the aim is accomplished by sealing a circuit, which is forbidden according to the view of most authorities rabbinically, while the oven involves heating filaments, which is forbidden biblically according to everyone.

[4] See below, note 152.

[5] In Yalkut Yosef (253, n. 5), we find a lenient view: one may open an oven that has a thermostat because this constitutes a pesik reisha of causation (amid other reasons). Rav Feinstein (28) is lenient about this, but his justification is that opening the door will not definitely cause the oven to be activated. This would mean that in a reality in which we know that opening the door will cause the oven to be activated, one may not be lenient according to his view. In any case, even though ab initio it is good to be stringent about this, as we have written, it appears that the authorities do provide a basis on which to rely to be lenient if one has not arranged for the oven to be off when one removes the food, particularly if one opens the door of the oven with an alteration.

[6] This is also written by the Minchat Yitzchak (Vol. III, ch. 28). However, see the Mishna Berura (253:81). This view requires some explanation, but this is not the place to elaborate.

In a case of pressing need, one may be lenient to put food in an oven on Shabbat itself under a number of conditions:

A. One should put an empty pan on the bottom of the oven (making it swept).

B. One should put the (cooked) foods before Shabbat in an oven for a number of minutes, so that at the beginning of Shabbat they will be inside the

oven (one may then put them in the refrigerator). Thus, one may enlist the view of the Ran based on the Yerushalmi (see above, note 117): once the food has been on Shabbat itself in the oven, the laws of hachazara are nullified, and one may put them now directly on a swept and sprinkled fire. Indeed, the Rema (253:2) cites the view of the Ran, and he writes that it is fit to be stringent about this. Therefore one may not be lenient following this view alone, but only in conjunction with the following condition.

C. One must put the food in the oven on Shabbat before it is ignited. In this way, there are those who believe that it is ab initio permitted to put cooked food in the oven, for in their view, this does not look like bishul (see Rav L. I. Halpern's Kashrut Ve-Shabbat Ba-mitbach Ha-moderni, p. 231).

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 21: Hatmana (Insulation)

May one cover pots on the plata with blankets? Is it permissible to do this on Shabbat itself?

May one use a "plata cover?"

The Double Prohibition of Hatmana

This prohibition has many details, and we will suffice here with the principles and practical matters. There are two types of hatmana, based on the substance used, which may be mosif hevel (calefactive, adding heat) or eino mosif hevel (non-calefactive, not adding — but merely maintaining — heat). The former includes peat, compost and salt (mishna, 47b).

The Gemara (34a) indicates that in the context of the prohibition of hatmana the Sages forbid two things:

A) Even a davar she-eino mosif hevel may not be used on Shabbat itself.
B) Even on Friday, a davar she-mosif hevel may not be employed to insulate food for Shabbat.

In the Gemara, it is explained that the two prohibitions have different reasons. The Rishonim argue, following different texts, which reason applies to which prohibition. We will explain the view of Rashi. This is what the Gemara says according to his version:

Rava said: "Why was it said that one must not do hatmana after nightfall even with a davar she-eino mosif hevel? For fear lest he make it boil."
Rava also said: "Why was it said that one must not do hatmana with a davar she-mosif hevel, even by day? For fear lest he put it away in hot ashes containing a burning coal."

Abbayei said to him, “Then let him put it away! We fear lest he rake the coals.”

If so, using a davar she-eino mosif hevel is forbidden because one may boil. When one covers the pot with a davar she-eino mosif hevel, he first ascertains that the pot is sufficiently hot, so that it will remain warm until the meal uses the cover. Therefore, when one is setting up the hatmana for a pot, there is a great concern that one may boil it, so that it will actually be hot at the time of hatmana. This concern exists specifically at this time, and therefore the problem exists only on Shabbat. Before Shabbat, there is no problem of using a davar she-eino mosif hevel, because there is no problem if one actually wants to boil it beforehand.[1]

However, when it comes to a davar she-mosif hevel, the concern is that one may use ashes; if we allow one to use these substances, he might even use hot ashes that still have smoldering coals in them. If one comes to do this, there is a concern that one may rake these coals in order to “turn up” the heat, violating the biblical prohibition of kindling. This concern exists even when one does this before Shabbat, because in this case there is a concern that over the course of Shabbat one may rake the coals in order to increase the heat of the pot. Therefore, the Sages forbid using a davar she-mosif hevel, even if one does so before Shabbat begins.

Covering with Cloths

Even in modern times, we often use a davar she-eino mosif hevel, such as towels or blankets. On the other hand, we do not use a davar she-mosif hevel. Is the law still relevant?

Argument of the Rishonim

This is dependent on an argument among the Rishonim, who discuss mixed hatmana before the commencement of Shabbat: may one leave a pot on the fire and cover it with a davar she-eino mosif hevel, such as blankets? The Ran (47b) cites an argument about this:

There is a dispute about this, for some say… that since the pot does not touch peat, this is shehiya (retention), not hatmana… Even though one has put a davar she-eino mosif hevel on top, it is still allowed, because hatmana is allowed when using a davar she-eino mosif hevel; thus the shihuy below is independent, and the hatmana above is independent, and each is allowed…

Our current custom follows this view: one may do hatmana with clothing or another davar she-eino mosif hevel, and the stewpot may sit on the sprinkled

stove, which is mosif hevel, but this is permitted, because the shehiya is independent, as is the hatmana… This is the view of the Ramban, z"l.

On the other hand, Rabbeinu Yona, z"l, writes… that when we allow shehiya on top of the sprinkled stove, even though it adds heat, this is only if there is no hatmana above… However, if there is hatmana, one demonstrates that he is preoccupied with its heat, and he needs it for the next day, and because of this, one may not leave it atop a sprinkled stove or anything that is mosif hevel, lest one come to stoke…

This is the view of the Rashba, z"l, as well.

Thus, the Ramban sees this as the juxtaposition of permitted shehiya and permitted hatmana, while the Rashba and Rabbeinu Yona argue that there is no such thing: while the Sages do allow shehiya under certain conditions and do allow hatmana under certain conditions, they would not permit doing both simultaneously, as in this case, the latter undermines the former: one demonstrates that the heat of the food is of paramount importance by doing hatmana above, so that the concern about stoking the coals is still problematic.

Shulchan Arukh

The Shulchan Arukh (257:8) adopts the view of Rabbeinu Yona and the Rashba:

Even though one may leave a pot on a coal-fueled stove according to the conditions we mentioned in Chapter 253, if it is covered with clothing — despite the fact that the clothing does not in itself add heat — the fire beneath it adds heat (and the pot may not be left there).

The Shulchan Arukh explains the reasoning in a slightly different way than Rabbeinu Yona and the Rashba do. In his view, it is true that initially the clothing does not add heat, but since it is on something hot, it becomes hot and becomes mosif hevel.

On a Plata

In light of this, one may not put a towel over a pot on the plata, even before Shabbat, because this is considered hatmana in a davar she-mosif hevel. In fact, it is forbidden to cover the pot even if it is atop another, because ultimately the cover heats up (via the plata or the lower pot), and it is considered to be mosif hevel.

PARTIAL INSULATION

Touching the Coals

Is there any permissible way to cover the pots on the plata? In order to clarify this, we should examine what is defined as hatmana. What about partial covering? This seems to be a matter of dispute. Rabbeinu Chananel (37a) indicates that not only is partial hatmana considered hatmana, but even if only the bottom of the vessel touches the heat source, it is still considered hatmana:

This shehiya is not hatmana unless it is like a metal seat for the pot while it sits on stones and the like, but hatmana over coals is forbidden according to everyone, for we have established that hatmana that adds heat is forbidden even while it is still day.

In his view, even if the pot sits on coals, this is hatmana, and only if it is suspended in the air can we look at it as shehiya.

Rabbeinu Tam (Sefer Ha-yashar, ch. 235) believes otherwise:

The way that we do hatmana for our hot food — even though there are some cinders that are as tall as a finger — is not prohibited, because hatmana means that most or all of it is covered.

In his view, it is not hatmana unless most or all of the pot is covered.

Ruling

The Shulchan Arukh (253:1) rules in accordance with Rabbeinu Chananel, quoting him virtually verbatim, but the Rema is lenient:

There are those who say, that even if the pot is actually standing on the fire, as long as it is uncovered above, this is not called insulation, and it is allowed. This is the custom.

From this we may conclude that Sefardim are not allowed to cover the pot on the plata even partially, and apparently according to them it is forbidden to put a pot on top of a plata before Shabbat even if it is not covered at all, because it is “covered” on its bottom by the hot plata.

On the other hand, according to the Ashkenazim, one is allowed to put a pot on the plata and even cover it with a blanket, if it does not cover all of it.

We will try to clarify part of this law, for Sefardim and for Ashkenazim.

Hatmana for Ashkenazim

As we have seen, Ashkenazim allow partial hatmana. What exactly is the definition of this?

The Chayei Adam (2:5) writes that only when one insulates above and below and from all sides is it considered hatmana. However, in another place (20:22), he contradicts himself and writes that partial hatmana is only when less than half of the surface of the pot is covered.

Similarly, the Mishna Berura (253:69) writes that if one insulates with pillows and leaves an opening above — this is not hatmana, while in another place (257:43) he writes that only if it is half-uncovered is this true.[2]

Halakha

For Ashkenazim, Rav Feinstein (4) rules that only if the pot is covered above and on the sides it is considered hatmana, and this is the ruling of Rav Neuwirth (Shemirat Shabbat Ke-hilkhata 1:66).[3] According to this, hatmana requires that everything be covered. Indeed, one should leave a significant portion, rather than a symbolic portion, uncovered.

For Sefardim, based on what we see in the Shulchan Arukh, every time one puts a dish on a heat source, this violates partial hatmana, even if the dish is not covered at all. Rav Mordekhai Eliyahu rules in accordance with this ruling, and he designed a special plata, in which the standard metal encasing the element is covered by another plate of metal (with air in between).

Rav Ovadya Yosef (Yabbia Omer, Vol. VI, OC, 32:5) is lenient for a number of reasons. The central reason is that the pot does not stand directly on the heating element; there is air dividing the heating element from the metal of the plata, and even the metal itself divides between the heating element and the pot, so this is not considered partial hatmana.[4]

Another Consideration

There is another reason to be lenient about this, in light of the words of Tosafot (48a, s.v. De-zeitim):

This is puzzling: how can we insulate upon our stoves… even though we may sweep it, it adds heat just like olive peat! The Ri says that we may give a reason to justify this custom, for concerning peat there is a concern that he will totally bury the dish in it, but in stoves, this is not applicable.

According to Tosafot, partial hatmana is only a concern if it is physically possible to totally surround the pot with the heat source, such as peat or coals, but there is no such concern with a hot stove, since one cannot bury a pot in it. According to this, even those who are stringent about partial hatmana are allowed to set up a pot on Friday on a plata or blech, since one cannot use them for hatmana.[5] This is what is written by the Tefilla Le-Moshe (Vol. I, 1:15-17).

Nevertheless, once the pot is set on the plata, Sefardim have no allowance to cover it with blankets, because it is physically possible to entirely insulate the pot with blankets, creating a davar she-mosif hevel, as we saw above.

Not Touching the Walls

Is there any way for Sefardim to cover the pots on the plata?

Tosafot (ad loc.) offer a suggestion:

Some dig a large hole, making a building of bricks around from every side and below; they heat it well and sweep it, and then they insulate the pot in it.

Why is this not hatmana, considering that the pot is totally surrounded by the fire-pit's walls?

This is not comparable to hatmana with a davar she-mosif hevel, because it is only forbidden when one packs around it something akin to hot ashes, but concerning an oven or hole that has air between walls and the pot, one need not forbid more than shehiya, even though the entire pot is in the oven.

Thus, according to Tosafot, the air space between the pot and the walls removes it from the category of hatmana. Based on this, one may conclude that leaving the pot in the oven is not considered hatmana (indeed, there are other problems in this act of shehiya, as we have seen previously). This is true even if the pot touches one of the walls of the oven, because for the other walls there is an air space (Bei'ur Halakha 257:8, s.v. Sharei).

A Wide Cover

According to the same principle, one may cover with clothes a pot that sits on the fire or on the plata, if we are concerned that there will be air between the clothing and the walls of the pot. This is how the Shulchan Arukh (257:8) rules:

However, as long as the clothing does not touch the pot, even though there is a fire below it, since one does not do it in the way of hatmana, it is permissible…

If one puts on the pot a wide utensil that does not touch the walls of the pot, and one puts clothing on the wide utensil, this is permissible; since the clothing is only put on the wide vessel and does not touch the walls of the pot, there is no [violation of] hatmana.

Creating the airspace is thus effective according to Sefardim as well. It may be that according to this, one may use a blanket to directly cover a number of pots, so that the cover is not tightly packed around each individual pot (and there is always some space between the pots, at least in relation to most of the pot), but it is worth it in any case to leave one side open, since one possibly may relate to all of the pots as one form of hatmana.

Rav Ovadya

According to Rav Ovadya Yosef (Yabbia Omer, Vol. VI, OC, ch. 33), when we are talking about pots sitting on a plata, one may be lenient and cover them before Shabbat in a full way, even without the airspace. In his view, since the prohibition of hatmana before Shabbat is based on the concern of stoking when we are talking about a plata: it is impossible to stoke or turn up the heat — the prohibition is not appropriate at all.[6] This ruling is not based on Sefardic custom, but upon the principles of the Rishonim and the halakhic authorities, and therefore even the Ashkenazim who want to be lenient in this way may do so.

On Shabbat

However, on Shabbat itself, there is no allowance to cover the pot in a way that is tight and complete even if it is standing on a plata, since the prohibition of hatmana on Shabbat is based on the concern that one may cause a pot to boil before hatmana, and the concern exists when the hatmana is on the plata as well, even if the hatmana is with a davar she-eino mosif hevel — for example, one covers a pot sitting on the countertop with a blanket. Therefore, one may

cover a pot on Shabbat itself only in a partial way (Ashkenazim) or in a way that allows for airspace between the pot and the cover.

Summary

Practically, when it comes to putting it on the plata before Shabbat, among Sefardim, there are those who are stringent not to put foods directly on the plata but only on top of an empty vessel; however, many are lenient about putting it on the plata without any suspicion of hatmana. According to the Ashkenazim, placing on the plata is not considered hatmana, and therefore it is certainly allowed before Shabbat.

As for covering the pot with blankets and the like, before Shabbat one may cover the pot, but according to the Sefardim it is worth being stringent to ensure that there will be air between it and the cover, and according to the Ashkenazim, one may cover it tightly, as long as one leaves part of the pot uncovered.

However, when the pot is put on the plata, one who is lenient and covers it tightly and fully has upon whom to rely. On Shabbat itself, one may not cover the pot tightly and fully, but one must maintain the airspace between the cover and the pot or (according to Ashkenazim) leave a small and significant part of it that is not covered.

[1] The Yerushalmi (4:1) notes additional answers for the prohibition of hatmana on Shabbat even for a davar she-eino mosif hevel: a) instead of coming to the study hall on Friday night, they will be busy with hatmana; b) others may suspect that one has not sufficiently prepared for Shabbat (Penei Moshe) or that one cooks on it (Korban Ha-eda). These reasons are not mentioned by halakhic authorities.

[2] It may be that when it comes to davar she-eino mosif hevel, only fully covering it is forbidden, while for a davar she-mosif hevel, even covering most of it is forbidden.

[3] However, it is not clear how we have reached this decision, because Rabbeinu Tam is stringent about this, and there are also a number of contradictions in Mishna Berura and Chayei Adam, but in any case, since the great authorities have decided leniently, and since this has echoes among the Rishonim and this is the question of a rabbinical law, it appears that one may rule accordingly.

[4] According to this view, one may be lenient, not only with a plata, but even with a blech. Below we will see that according to the view of Rav Ovadya, one may be even more lenient: hatmana does not apply at all (even if one uses blankets), since its heat cannot be increased.

[5] According to this approach, Sefardim would be allowed to leave pots even on an open flame, because it is not possible to insulate it, while according to the view of Rav Ovadya Yosef, this is forbidden because of hatmana.

[6] Hatmana in an oven sealed with clay depends on a dispute among Acharonim. The Mishna Berura (257:47) cites a dispute about whether one can cover a pot with coals when it is found in an oven sealed with clay. The Eliya Rabba and others allow it, because there is no concern that the person will stoke the coals, while the Maharshal and others forbid this. According to the Maharshal, the prohibition of hatmana is not based on the concern that one may rake the coals on this Shabbat. The prohibition relates also to a davar she-eino mosif hevel that cannot be stoked, as it were, such as peat and fertilizer, and it emanates from the concern that the person will come on another Shabbat to insulate with hot ashes, and then one will stoke the coals, and therefore one may forbid hatmana also in an oven daubed with clay, even though right now one cannot stoke the coals. It makes sense that according to Eliya Rabba and his colleagues, specifically with peat and the like, there is a concern of hatmana lest a person insulate with hot ashes and not pay attention to the distinction, while an oven daubed with clay has a clear roadblock that prevents stoking the coals, and no one will think that hatmana is permissible without this roadblock.

In fact, the Mishna Berura concludes that it is good to be stringent ab initio, but in Shaar Ha-tziyun (46), he writes that in the words of the Or Zarua (Vol. II, ch. 8), it appears that he is lenient about this. If the Maharshal would have seen this, it makes sense that he would not be as stringent. Rav Ovadya (loc. cit.) follows the Or Zarua, that even on a plata there is no issue of hatmana, since a person has no access to the heating element, and it is similar to an oven daubed with clay. (However, the Chazon Ish, 37:20, explains the Or Zarua's view in another way, and he concludes that one should be stringent about an oven daubed with clay; this is the view of most Acharonim concerning the plata.)

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 22: Crock Pots, Hatmana inside Other Food,
and Insulation in a Thermos

May one put a bag of rice in cholent?
Is one allowed to put hot water in a thermos on Shabbat?
May one use a crock pot on Shabbat?

CROCK POTS

Netina and Shehiya

A crock pot (slow cooker) has an outer shell with a heating element and a ceramic insert. Food is placed in the insert in order to cook or heat it. On Shabbat itself, obviously, it is forbidden to put a vessel with food inside this device, since this is a vessel normally used for cooking and it is not swept or sprinkled. However, what about cooking food in it before Shabbat?

In relation to the prohibition of shehiya (retention), if the dish is cooked to the level of ma'akhal ben Derusai (minimally edible) or totally uncooked, there is no prohibition of shehiya. Similarly, if we take out the knobs that raise the temperature or at least cover them with adhesive tape, one may allow shehiya even of food that has not reached the level of ma'akhal ben Derusai.

Shevet Ha-Levi

Concerning the prohibition of hatmana (insulation), apparently Ashkenazim should have no problem. The inner vessel with the food is surrounded on all sides by the heating shell, but it is not covered above (the vessel above has a lid, but there is no covering above the lid), and apparently it should be partial hatmana, allowed according to Ashkenazim. This is the common ruling outside of Israel, and this is Rav Wosner's inclination (Shevet Ha-Levi, Vol. IX, ch. 52-53):

As for the question of the slow cooker, concerning hatmana… my humble opinion is that one need not raise a fuss over those who allow this, since the simple meaning of the Rema's words (253:1) indicates this: even if we are talking about coals, as long as there is an opening above without coals, this is not hatmana in a davar she-mosif hevel (calefactive insulation), but rather shehiya. It is clear that this is true even if it is mostly covered except for above, as is explained in the Darkhei Moshe there, and this is what written by Shulchan Arukh Ha-Rav, ch. 253…

This is what the Magen Avraham writes, for one who reads it cleverly…

I have not forgotten Rabbeinu Tam's Sefer Ha-yashar, where he indicates that he only allows this with very few coals, and this is what is written by the Chazon Ish…

But he also understands the leniency of the Rema as I wrote, and it is obvious that one who is lenient following the Rema, the Shulchan Arukh Ha-Rav and his group, and the Magen Avraham acts appropriately. One who is stringent does not act without justification, but we have no power to annul it. As for shehiya, there is the solution of covering the knobs and the like.

Rav Auerbach

On the other hand, Rav S.Z. Auerbach (Minchat Shelomo, Vol. II, 12:9) writes:

I have not permitted this, and on the contrary my view is the following: since the pot with the food is covered and insulated, all of it or most of it, by an electric heating vessel, the small airspace between them does not nullify the hatmana, since this is the way to cook also during the week. In my view, it is considered actual hatmana with a davar she-mosif hevel, and one may not be lenient even about that which is fully cooked.

According to him, since the pot is covered on all sides and the lack of a top cover does not hurt it — on the contrary, this is what we do on weekdays — this is considered hatmana, and it is forbidden. This is how Rav Elyashiv rules (Orechot Shabbat, p. 540).[1]

A Solution

However, even according to the stringent view, there is a solution. One may put some pebbles or pieces of ceramic tile and the like on the heating element and put the insert on top of them. This will lead to the insert being raised a half-

centimeter over the rim. In light of this, the bottom and the lid are considered uncovered, as well as the small portion of the insert that protrudes. These parts are already most of the pot, and, naturally, most of the pot is considered uncovered. This is how Rav Elyashiv (loc. cit.) rules, taking the lenient view.[2]

We may add that according to the view of Rav S.Z. Auerbach as well, if the heating elements do not surround most of the pot, but are only below or only on the sides, the pot is not considered insulated. It may be that using tape on the knobs is preferable, as one who wants to alter the temperature must remove the tape to do so.[3]

Rav Ovadya

However, these allowances help only Ashkenazim, who are lenient about partial hatmana, while Sefardim, who are stringent about this apparently, there is no reason to allow putting food in a crock pot, even before Shabbat, since this is hatmana.[4] However, Rav Ovadya writes (Chazon Ovadya, Shabbat, Vol. I, pp. 64-65) that one may be lenient about this when one makes food in this pot for eating in the morning, because one may enlist the view of the Rema, who is lenient about partial hatmana, with the views of those Rishonim who hold that there is no prohibition of hatmana before Shabbat for the need of the morning meal: the dish will be naturally ready, and there is no concern that one may stoke the coals for this purpose (Piskei Ha-Rid 47b, s.v. Tomenin; Shibbolei Ha-leket, ch. 57 in the name of Rabbeinu Simcha, cited by the Rema 257:1, as "Those who say"). These explanations are not self-evident; however, since we are talking about a rabbinical doubt, whoever wants to be lenient has the right to do so.

Summary

In conclusion, there are those who allow putting food before Shabbat in a crock pot. This is a widespread custom, and this is what Rav Wosner leans toward. On the other hand, Rav Auerbach and Rav Elyashiv believe that one should not use this vessel because of the concern of the prohibition of hatmana. For those who wish to take into account the stringent view as well, one may put pebbles below the insert (the punctilious attach adhesive tape to the knobs). As for the Sefardim, the simple law is to be stringent and not to use this pot; however, Rav Ovadya is lenient about this, and one who follows this has upon whom to rely.

The dial may be set to a "slow" or "high" setting. However, one should avoid the "automatic" setting if possible as there is a problem of removing the insert to serve the food, as there is a great chance that the electrical mechanism will

immediately activate. One who wants to use the "automatic" setting (this is generally more useful) may choose one of these two options:

1. Not to remove the pot, but only its contents with a spoon.[5]
2. To set up a Shabbat timer to turn off the device before mealtime (this will also save electricity).

HATMANA INSIDE FOOD

Many people "hide" bags of food inside cholent or other dishes. Apparently, there is a problem of hatmana in this, because the bag is insulated by the surrounding food.

Chazon Ish

However, the Chazon Ish argues that one may be lenient.

The Gemara (40b) writes:

Rav Yitzchak bar Avdimi said: "I once followed Rabbi into the baths, and I wished to place a cruse of oil for him in the bath. He then said to me, 'Take water in a keli sheini (secondary vessel), and put the cruse in it.'"

Three things may be inferred from this: oil is subject to [the prohibition of] cooking; a keli sheini cannot cook; and making it lukewarm is [considered to be] cooking it.

In other words, one may take a cruse of oil and put it in a large vessel with hot water. How can this be? Even if there is no bishul (since we are talking about a keli sheini), there is still an issue of hatmana, because the small container is surrounded by the water in the larger vessel!

One may explain that Rav Yitzchak bar Avdimi did not put the cruse all the way into the water, but only partially. For those who believe that partial hatmana is allowed, there is no prohibition in this; however, the Chazon Ish explains otherwise:

Here one is insulating the cold with hot water, but since there is no cover aside from the water, there is no problem of hatmana…

Therefore, one is allowed to put a well-sealed container in hot water, as long as there is no issue of bishul, for example in a keli sheini…

And there is no hatmana in this, and even if it reaches yad soledet bo (a scalding temperature), this is permitted, since the definition of hatmana is not met at all.

We have learnt from all that has been said that when one heats food or soup, which has been fully cooked since Friday, for the children or for the delicate, one is allowed to put a container in hot water in a keli sheini even though it is yad soledet bo, and there is neither a problem of bishul nor a problem of hatmana.

According to the view of the Chazon Ish, there is no prohibition of hatmana inside food. The prohibition of hatmana involves coals or clothing and the like, but when one puts a container in food, this is not hatmana, and the Sages do not prohibit this (when they were concerned about stoking coals or boiling).[6] In light of these words, the Chazon Ish allows heating a baby bottle in a vessel with hot water; similarly, one is also allowed to put a bag of rice inside cholent and the like, because hatmana is not forbidden inside food.

Most Authorities

However, the words of the Mishna Berura (258:2) indicate that Acharonim do not accept the view of the Chazon Ish:

The Acharonim write that one is forbidden to take a vessel containing a cold drink and to stick it on Shabbat into a vessel with hot water so that it will warm up, even if it will not reach yad soledet bo, because this is truly the way of hatmana, since it is all submerged in it.

Thus, hatmana would apply inside food, and this is view of most modern authorities: Rav Auerbach (Shemirat Shabbat Ke-hilkhata, Vol. II, ch. 42, note 242), Minchat Yitzchak (Vol. VIII, ch. 17) and Shevet Ha-Levi (Vol. III, ch. 47).[7]

Baby Bottle

In light of this, Rav Neuwirth (Shemirat Shabbat Ke-hilkhata 1:50) writes that one who wants to heat on Shabbat a bottle for a baby in hot water (in a keli sheini) must be careful to leave part of it exposed, in order to avoid hatmana. This indeed is the proper custom, in order to accommodate the view of most authorities who disagree with the Chazon Ish.[8] However, one who is lenient and covers the bottle with water has upon whom to rely, as according to the Chazon Ish there is no problem of hatmana in food, and we are speaking of a rabbinical doubt.[9]

Cooking Bag

However, even if there is a prohibition of hatmana in food, it may be that one may still put a bag of rice and the like in the cholent on Friday. Rav Auerbach (loc. cit., Tikkunim U-milluim) claims that the prohibition of hatmana is based on the fact that the person is interested in heating the food via the substance enveloping it.

When, for example, one heats a bottle of milk in hot water, he is interested in the water heating the milk in the bottle. On the other hand, when one puts a bag of rice in cholent, the cholent and rice heat up together on the fire, and in terms of the heating, there is no benefit to the rice of being enveloped by the cholent. One puts the bag of rice in the cholent for totally different reasons: in order to avoid using another pot or so that the cholent will impart some taste to the rice. Alternatively, he puts the rice in a bag so that it will not break apart and become mixed with other food in the pot.

Therefore, there is no problem of hatmana in using this method. According to the Responsa Minchat Yitzchak (ad loc.) and Shevet Ha-Levi (ad loc.), one should make small holes in the bag, so that the cholent will impart taste to the rice, making them into one dish. However, in the view of Rav S.Z. Auerbach, there is no need for this. This is also what we find in Or Le-Tziyon (Vol. II, 17:13).

INSULATION IN A THERMOS

Is one allowed to put hot water into a thermos on Shabbat? It is understood that we are discussing only a non-electric thermos, and the question is whether there is a problem of hatmana. At first glance, apparently one should forbid this, because the water is actually insulated in the container, and this is hatmana without adding heat (davar she-eino mosif hevel, which cannot be done on Shabbat itself).

Insulation with a Secondary Vessel

However, the Gemara (51a) cites the words of Rabban Shimon ben Gamliel:

Only the self-same kettle is forbidden; but if one empties from one kettle into another, it is permitted: seeing that he is cooling it, will he indeed heat it up?!

Rashi

In other words, if one transfers the water in the kettle from a keli rishon (primary vessel) to a keli sheini, there is no problem with insulating them afterwards, since in this transfer, the water cools, and therefore there is no concern that one may boil it. Transferring the food to a keli sheini is an action of cooling, and since the person is moving in the direction of cooling, there is no concern that one will take then opposite action and come to boil the dish. This, at least, is how Rashi (s.v. Lo aseru) explains:

There is no reason to decree lest one stoke, because now that he is cooling it intentionally, will he [come to] actively boil it?

The Rambam (4:5) explains the words of the Talmud thusly:

If one transfers hot food or water from its vessel into another vessel, it is permitted to insulate the second vessel with a davar she-eino mosif hevel on Shabbat, as one is permitted to cover cold food. The prohibition against hatmana on Shabbat applies only to hot food in the vessel in which it was cooked. If it has been transferred, this is permitted.

The Rambam indicates that the allowance is based on the very fact that the food is located in a keli sheini and is considered, in some ways, cold. As opposed to Rashi, who believes that the person's aim is determinative, the Rambam follows the state of the dish, and he determines that the prohibition of hatmana exists only for food located in a keli rishon, not food transferred to a keli sheini.

Thermos

Hatmana in a thermos seems to be dependent on the dispute of Rashi and the Rambam. According to Rashi, this will be forbidden, as the aim of the person is to maintain heat, not for the contents to cool down. According to the Rambam, one should allow this, since the liquid has passed to the keli sheini.[10]

Chazon Ish

The Chazon Ish (37:32) allows putting hot water in a thermos, not only based on the Rambam's view, but also on an additional innovation:

The Ran follows the view of the Rambam, and this is what the Mishna Berura 257:29 writes as the practical halakha. It appears, according to this, that it is permitted to pour water from an urn to a thermos on Shabbat, because even if

we consider the thermos to be hatmana with cloths, there is still the allowance of a keli sheini.
It is possible that using a vessel woven with a cloth around it is not considered hatmana, for they only decreed against insulating the vessel with a cloth, but putting inside a vessel is not included in hatmana, because every vessel protects what is in it, so that it does not cool quickly, and they did not forbid putting it in the vessel on Shabbat. According to this, even following the explanation of Rashi, it would be allowed.

According to him, it may be that there is no issue of hatmana unless one puts a vessel inside clothing, but putting food into a vessel is not hatmana. The proof is that every vessel maintains the heat of the food in it, and in any case they did not forbid putting hot food into a sealed vessel on Shabbat.

Another Justification

Rav Moshe Feinstein also allows this (Iggerot Moshe, Vol. I, ch. 95), while noting another reason to be lenient about it even according to Rashi's view:

However, when putting into a thermos, in my humble view, it appears that there is another reason to allow, because putting food into a thermos is no better than putting it into any another vessel until one seals its mouth with a cover designed for this. Now, in this there is no prohibition, because one is allowed to cover the pot even on Shabbat, since this is the way to protect it from an number of things, that it will not spill and that debris and flies will not get into it, et cetera, so that even if it maintains its heat, one may use it.

According to this reason, one may also leave a hot-water bottle under one's blanket, because the essential aim of the person is not to maintain the bottle's heat but to heat the bed.

Halakha

Practically, the Shevet Ha-Levi (Vol. I, ch. 93) is stringent not to put water in a thermos, but the halakhic consensus is to allow this: this is what we find to be the ruling of the Chelkat Yaakov (OC, ch. 84), the Tzitz Eliezer (Vol. XI, ch. 29) and Shemirat Shabbat Ke-hilkhata (1:70-71). This appears to be the essential halakha.

To summarize, one may put hot water in a thermos on Shabbat, and there is no problem of hatmana, for a number of reasons:

1. There is no hatmana in a keli sheini (Rambam).
2. There is no hatmana of food in a vessel (Chazon Ish).
3. Closing the cap, which completes the insulation, is designed to protect the contents from dirt, not to maintain their heat (Rav Feinstein).

[1] See Moriya 5755, 233-235 and Orechot Shabbat, p. 529 ff.
[2] However, in the view of Rav S.Z. Auerbach, this is insufficient: the bottom of the pot does not count as an uncovered part, since it is not exposed to air (Orechot Shabbat, ch. 2, note 149). However, Rav Auerbach concedes that one may be lenient when the heating elements are only below or only at the sides, as is true of many of these devices. Similarly, we may add the element of covering the knobs; see below.
[3] We can also enlist the view that there is no hatmana in a clay-daubed oven; see our first shiur on hatmana.
[4] Also, covering or sealing the knobs should be effective only according to the Rema, and not according to the Shulchan Arukh (254:1); see our original shiur on hatmana.
[5] This is based on the Chazon Ish, who is lenient about removing with a spoon even when the pot is on the fire when there is no other way (as understood, on the condition that the food is fully cooked); see our previous shiur on this topic.
[6] We have found in the Gemara (145b) that one is allowed to put "Rabbi Abba's chicken" even in a keli rishon (off the fire), and this indicates that hatmana in food is not a problem. The Chazon Ish is unwilling to assume that the leniency here is due to the hatmana being incomplete in each of these cases, since the halakhic ruling follows the Shulchan Arukh and partial hatmana is forbidden (37:19).
[7] The words of the Ran (18a, Rif, s.v. Garsinan) also seem to undermine the view of the Chazon Ish. The Ran writes that in pouring water into a dish, there is no problem of hatmana, since the water mixes with the dish. This would seem to indicate that essentially there is a problem of hatmana in food, and only when the insulated substance mixes with the food may one allow it. In any case, the words of the Ran indicate that even according to the view that disputes the Chazon Ish, prohibiting the keli sheini of a container of food with other food, there is no prohibition of insulating a food with no container inside other food, for example putting chicken in cholent or meat in soup (when it is not on the fire); in these cases, the foods mix and become one dish. This is the ruling of Rav Neuwirth (Shemirat Shabbat Ke-hilkhatah 1:72).
[8] This solution should only work for Ashkenazim, who are lenient about partial hatmana; it should not help for Sefardim, who are stringent about this. However, Rav Ovadya Yosef writes (Chazon Ovadya, Shabbat, Vol. I, p. 66) that even Sefardim are allowed to submerge a bottle of cold milk in a keli sheini, because one is allowed to do hatmana by putting something cold in a davar she-

eino mosif hevel (257:6, following the mishna, 51a), and a keli sheini is considered a davar she-eino mosif hevel. The Mishna Berura and his group are stringent about this, maintaining that a keli sheini is a davar she-mosif hevel, since at least at this time, it is heating the cold bottle. However a number of Acharonim are lenient about this and believe that since the vessel is cooling off, one should not consider it mosif hevel (Eliya Rabba 258:3; Shulchan Arukh Ha-Rav 318:23). Following the view of Rav Ovadya it is possible to be lenient about this view, and particularly one may enlist the view of the Chazon Ish. This is the lenient ruling of the Tefilla Le-Moshe as well (Vol. I, ch. 34).

[9] Similarly, since we are talking about a keli sheini (because one cannot heat a cold liquid in a keli rishon due to the prohibition of cooking), one may enlist the Acharonim cited in the previous note who believe that one may do hatmana of a cold item in a keli sheini.

[10] However, according to the Rambam, we need to ask the following question: does the transition to a keli sheini make hatmana permissible? If so, one should allow this even in a thermos. Alternatively, it may be that hatmana in a keli sheini is allowed because this is not frequently done, and if so, one should forbid doing this with a thermos, because this is a vessel designed for hatmana.

The Laws of Cooking Part 2
By Rabbi Yosef Ben David
Shiur 23: Using an Urn

What should one be concerned about in using an electric urn on Shabbat? Does such a device require kashrut certification?

Forbidden Urns

At the beginning of our analysis of the laws of bishul we dealt with a solar heater, which heats water for washing. Now we will deal with an electric urn, which is generally used to heat water for drinking. Some of these devices are very advanced, so that opening a tap turns on a light or activates a pump. Obviously, these urns cannot be used on Shabbat. Similarly, one cannot remove hot water from a water dispenser (commonly called a "cooler," but in fact containing both hot and cold water), since this causes new water to come in and boil. (In some devices, before dispensing the water itself, a mechanism quickly heats the water, right before it comes out.)[1]

However, when it comes to most basic urns, these problems do not exist. Therefore, apparently, there should not be a problem with using a standard device. However, we must analyze a number of points before coming to any conclusions about removing water from an electric urn.

Before Boiling

First of all, we must note that one may not take water out of the urn before it boils, because if the tap will remain open, the water inside will never reach the boiling point (because it will come out), so by closing the tap, the person causes the remaining water to boil.[2] Aside from this, removing water causes the quantity of water to be reduced inside the urn, so that the water remaining will boil more quickly.[3]

Thermostat

When the water in the urn is already boiling,[4] there is no problem to remove it, but we must discuss the use of an urn that has a thermostat that activates the heating element when the water is not hot enough. In this case, removing the water may likely cause the water in the urn to cool faster (the less water there is, the more easily it cools, and cold air comes in place of the water that had been in the urn), so that the thermostat causes the heating element to be activated earlier. It may even be that that removing the water will lead to the immediate activation of the heating element. (Moreover, if the heating element is now in operation, removing the water will cause it to shut off earlier, since the quantity of water has been reduced and the urn will finish heating the water sooner).

The Minchat Yitzchak (Vol. V, ch. 91) is stringent about this; however, Rav S.Z. Auerbach rules leniently (cited in Maor Ha-Shabbat, Vol. I, pp. 509-510):

What he wrote about an electric urn with a thermostat, wondering if it is permitted to remove water from them on Shabbat, in my view this is also allowed, because he does not [try to time his opening of] the water at the time that it will be activated by the thermostat. It is not clear whether this activity will lead it to activate; furthermore, this is only gerama (causation), and it is not a pesik reisha (an inevitable result), and therefore it appears that it should be permitted.

According to Rav S.Z. Auerbach, the person who removes the water has no intention of activating the heating element, nor is it inevitable; moreover, this is only gerama. Therefore, this should be allowed.

Some, however have questioned Rav Auerbach's position: while it is true that removing the water will not immediately result in the activation of the heating element, it will cause the heating element to activate earlier (if only by a half-second), and this is in the category of pesik reisha. However, from the continuation of Rav Auerbach's words, it appears that even when we are talking about a pesik reisha, one may be lenient, since the melakha here is executed through gerama, and this is not the regular way to operate the urn.[5]

Minchat Yitzchak

Another problem relates to an urn that has a gauge — a connected pipe on the outside that shows the quantity of water in the urn. Since the water in the gauge is relatively far away from the heating element, it does not reach the boiling point at the same time as the water in the urn, and we should be concerned that

when one removes the water from the urn, the water in the gauge will be mixed with the water in the urn and boil. The Minchat Yitzchak (Vol. X, ch. 28) writes:

As for an electric urn that has a glass pipe showing the quantity of water, our master allows using it… but our master does not discuss at all the water in the glass pipe, which does not boil when the water inside boils and only gets a bit hot, and in any case certainly it is not fully cooked to the point of bubbling. Behold when we remove water from the urn, from this [action] the water in the pipe enters the urn and boils there, and this is cooking on Shabbat…

According to what we discussed above from the Eglei Tal's omissions, even though it is already yad soledet bo (scalding), in any case, as long as it is not bubbling, it is still not bishul by Torah law, and according to this, in our case in which the water enters the urn, if it boils afterwards until the point at which it bubbles, one violates the prohibition of bishul.

Thus, in his view, assuming that the water in the gauge does not reach the level of full boiling, when water is removed from the urn, this water mixes with the water in the urn and heats up, so that one may violate the melakha biblically!

Halakha

However, it appears that one may be lenient about this. First of all, we are talking about a small quantity of the water, one that the person is not interested in and does not care about, so this is an inevitable but unwanted result, a pesik reisha de-lo neicha leih. Similarly, in the standard urn, this is mere gerama, because removing water brings this about only indirectly when the water in the gauge enters the urn, and we have already seen that one may be lenient about the gerama of a pesik reisha. (However, we should note that in an electric thermos, this is not gerama, because water is removed from this thermos by way of the gauge, so that taking out water automatically causes boiling water to enter the gauge.)

Moreover, many Rishonim and Acharonim (Me'iri, 40b, s.v. Meicham; Chiddushim Ha-myuchasim La-Ran ad loc., s.v. Shemen; Chazon Ish 37:27; Shevitat Ha-Shabbat, Introduction to the Melakha of Mevashel, 18; et al.) believe that once water has become yad soledet bo, there is no prohibition of bishul violated by heating it further. Generally, when the water in the urn reaches the boiling point, the water in the gauge is above 50ÂºC, so one may consider it to be at the level of yad soledet bo;[6] from here on, there would be no problem of bishul.

However, in an electric thermos, the gauge is in fact the pipe by which one takes out the water, and sometimes the water in it is colder. On the other hand, in a thermos such as this, one may easily dismiss the concern — one may remove half a cup of water from the thermos after it has boiled the water (before Shabbat), and thus one may replace the water in the gauge with boiling water from the thermos. Practically, this action can help also with a regular urn, because the gauge is connected to the pipe by which the water comes out, and removing the water causes the water in the urn to mix with the water in the gauge.

However, even if the water in the gauge does reach boiling, we should consider another problem: it may be that over Shabbat, the water in the gauge will cool and fall below the temperature of yad soledet bo. According to the Rema, there is no problem in this, because the water in the gauge is still somewhat warm, and we apply the rule of ein bishul achar bishul (there is no prohibition to cook a previously cooked item) even to a liquid, as long as it is somewhat warm (see our earlier shiur on this topic). However, according to the Shulchan Arukh, there is a prohibition of bishul for a liquid at the moment that it is no longer yad soledet bo (see there). Apparently, according to this, Sefardim would have to be stringent, since the water in the gauge will come down over the course of Shabbat, falling below yad soledet bo, and removing water from the urn will cause it to boil.

Rav Ovadya's Leniency

Practically, according to some Sefardic authorities, one may add a number of justifications for leniency. This is what Rav Ovadya Yosef writes in Yechaveh Da'at (Vol. VI, ch. 21):

This belongs in the category of davar she-eino mitkavein (unintentional results), because in opening the tap of the urn there is no intent to bring water from the pipe into the urn; it is a pesik reisha. In any case, presumably one does not care about the water that comes in through the pipe, because it is a very minimal amount, and it ends up boiling in the boiling water [already] in the urn. It is known that the view of the Arukh is that a pesik reisha de-lo neicha leih is totally permitted, even rabbinically…

Now, this matter is clear, because at the time of boiling the water in the urn before Shabbat, the water in the pipe reaches at least yad soledet bo temperatures, but over the course of the day of Shabbat, its heat is reduced, and it is possible that at times it falls below yad soledet bo temperatures, but this is

not clear at all. In any case, since many halakhic authorities believe that ein bishul achar bishul even for liquids…

This remains true even though our master rules in Shulchan Arukh in accordance with Rashi and the Rosh and the Tur and Rabbeinu Yona to be stringent about Torah prohibitions, assuming that bishul achar bishul applies to liquids. Nevertheless, in our case, it is a rabbinical prohibition, because of the pesik reisha de-lo neicha leih. Even according to the words of those who forbid, this is only on a rabbinical level; because of this, it would be a rabbinical doubt, and one may be lenient…

Another consideration is that the opening of the tap, which causes water to enter from the pipe into the urn, is not defined as an action, but rather mere gerama…

In conclusion, one may use an urn that has a glass pipe attached to it to indicate the height of the water in the urn. Even though, at the time of opening the tap, water from the pipe, which is not very hot, comes into the boiling hot water in the urn, one need not be stringent about this at all.

In his view, it is not clear that the water in the gauge ever goes below yad soledet bo. Nevertheless, even if this does happen, one need not worry about cooking this water, since this is both a case of both pesik reisha de-lo neicha leih and gerama. Aside from this, one may enlist the views of most Rishonim who believe that there is no bishul achar bishul for any liquid, even if it cools all the way. Many other authorities are also lenient: Az Nidberu (Vol. IX, ch. 14), Or Le-Tziyon (Vol. II, ch. 30, note 10), et al.
Therefore, it appears that halakhically one may be lenient and use even an urn that has a gauge (one who is stringent may remove half a cup of water after it boils, before Shabbat begins).

Adding Water

However, using an urn may involve another problem. The Yerushalmi (3:3) forbids using an urn which is not gerufa, since if the water runs out, the urn will be ruined, and there is a concern that one may add water in order to avert this. This principal is mentioned by the Mishna Berura (318:118):

If our cooking vessel, which is known as a samovar (urn), is heated before Shabbat, one may not take water from it on Shabbat, even though the coals have not been swept from it. [This is what is written by the Tosefet Yerushalayim… in the name of the Yerushalmi, which says that one cannot drink on Shabbat from

an urn which has not been swept; the reason is that it is made of components, and one may become worried that the component will be consumed and therefore add water.]

According to this, apparently our urns should present a problem, as one may add water to prevent their being ruined (see Shemirat Shabbat Ke-hilkhata 1:40). However, in our time, one may be lenient practically for two reasons: first of all, the tap is not installed at the precise bottom of the urn, and naturally even after the water is no longer coming out of the tap, water remains in the urn. Secondly, in most urns today there is a safety mechanism which disconnects the electricity if the water runs out, and naturally a person is not worried about the urn being ruined. (It is understood, that if there is very little water, so that water does not come out unless one tilts the urn, one should be careful not to remove all of the water, so as not to cause the immediate shutting off of the urn.)

Different Kashrut Certifications for Urns

In fact, today one can buy urns with the certification of the Zomet Institute or of the Technological Institute, who certify that the urn is permissible for use on Shabbat. The standard certification of the Zomet Institute is given to an urn on which one has no direct influence upon the heating element by removing water (but at most an indirect effect), and the water in the gauge reaches at the time of boiling or immediately afterwards 50ÂºC (though it does not necessarily stay that way later).[7] There is also a mehadrin certification, which is given to an urn that has no thermostat at all (but only a heating element that operates constantly or according to a predetermined time) or has a thermostat that one may deactivate; the water in the gauge of such an urn does not go below 50ÂºC. However, one who is lenient to use a standard urn without any certification has upon whom to rely. (Nevertheless, the punctilious will remove half a cup of water after it boils, before Shabbat; this is appropriate to do particularly for an electric thermos).

As for institutional urns, which are hooked up to a water supply so that water enters the urn over the course of Shabbat, the matter is more complex, and there is a need to receive halakhic authorization in order to use it on Shabbat.

Summary

In conclusion, most domestic urns may be used without concern (as long as the water reaches boiling before Shabbat), and there are those who are punctilious to buy an urn with certification. As for institutional urns, these require the certification of the Zomet Institute, the Technological Institute and the like.

[1] Another question, which we will not deal with at this time, is whether one may remove cold water from this device.

[2] Indeed, we should analyze whether this action is biblically forbidden, because a person does not bring the water to a place where it will be boiled; rather, the water is already there, and he only stops it from leaving. This is similar to the case of the confiner, one who prevents another from leaving water or fire and causes his death. For criminal purposes, the Gemara (Sanhedrin 76b) considers him a murderer, but it is not clear what the law would be for the melakhot of Shabbat. In any case, it makes senses that there is a prohibition on the rabbinical level at least.

[3] See the Minchat Yitzchak (Vol. III, ch. 137); he discusses whether one is considered to be causing bishul by doing this.

[4] As we have seen in previous shiurim, the water needs to be at least at the level of yad soledet bo, so that there will not be any problem of bishul relating to it, and for this issue, Rav Feinstein believes that one should be stringent until it reaches above 71ÂºC.

[5] This is what appears from his words below: he allows opening the door of a house that has a heating system activated by thermostat, even though this will cause the hastening of activating the furnace, even if the activation of the oven involves an act of kindling on a biblical level.

This is also what arises from the long responsa of Rav S.Z. Auerbach about a refrigerator (Minchat Shelomo, Vol. I, 10:6): it is possible to be lenient in a case of pesik reisha performed by gerama, even if a biblical prohibition is involved. Granted, we do not allow one to do melakha on Shabbat ab initio by way of gerama except in a case of loss (see Rema 434:22); nevertheless, we are not stringent about this unless one intends to execute an act by way of gerama, but when we are talking about an davar she-eino mitkavein, one need not be stringent about gerama, even when we are talking about a pesik reisha. This is what arises from the ruling of Rav S.Z. Auerbach, concerning the melakha of zoreia, in the context of a sink which empties out on top of a pile of seeds; see there.

In a case in which one removes water while the heating element is active, there is more reason to be lenient, since in this case, the concern is that the heating element will shut off earlier, and this concern is only rabbinical, because a melakha she-einah tzerikha le-gufah is biblically permissible (though rabbinically banned). A melakha she-einah tzerikha le-gufah is a melakha that one performs without any interest in its essence, but for the sake of an incidental result. When dealing with the gerama of a pesik reisha of a rabbinical ban, there is good reason to be lenient. However, according to the view of the Chazon Ish, breaking an electrical circuit involves the biblical melakha of destroying, but since the thermostat is of course turning the heating element on and off constantly, and the person only has a small influence on the frequency of this occurrence, this

would not be building or destroying, even according to the view of the Chazon Ish (Minchat Shelomo loc. cit.)

[6] However, as we previously stated, the view of Rav Feinstein is that when the measure of yad soledet bo is for lenient purposes, one must be stringent for 71ÂºC. Nevertheless, common sense tells us that the hand shrinks from water as warm as 50ÂºC, and there are those who rule like this halakhically, as we mentioned there. In any case, for the issue of water in the gauge, this temperature may be sufficient, since there are a number of additional reasons to be lenient about this.

[7] For some urns, the kashrut certification is dependent on the condition that one must remove a bit of water after it boils, before Shabbat. One may find specific details about the different models of urns at the Zomet Institute website. On this website, one may find the details of the urns, and which are certified as standard kosher or mehadrin. (Thus, for example, if a certain urn has the problem that the water in the gauge falls below yad soledet bo after it boils, so that Ashkenazim would consider it mehadrin, even though officially it would receive only the standard kosher certification.)

About the Author



Rabbi Yosef Netanyahu Ben David

The Rosh Yeshiva grew up in San Diego, California and learned in Yeshivat Torah Emet as a talmid of Maran Hagaon Harav Chaim Pinchos Scheinberg zt"l. He received Semichah from Rabbi Aaron Gartner, Rav Yaakev Agavir. For twelve years, he taught and inspired talmidim in various yeshivas who still have a very close connection with him today. Patient and determined, the Rosh Yeshiva always believed in every bochur. He is a sought out speaker worldwide. He is also the Rov at the Kav Halacha Beis Hora'ah, and the author of Ethics of Interpersonal Conduct (Halacha) and The Jewish Halacha Series.

The Rosh Yeshiva devotes his entire life to the success of every bochur, always concerned about their spiritual and physical well-being. Here every bochur is unique and is encouraged to reach his full potential. With constant encouragement, overflowing love, and infinite patience, every bochur is nurtured and developed to be an accomplished ben-Torah. Yeshiva Beit David is a yeshiva designed for post-high school students looking for a focused yet relaxed atmosphere in which to grow. Our warm, down to earth Rebbeim are ready to help you have a productive, enjoyable and inspiring year. The yeshiva aims to give boys an authentic and honest Torah Hashkofa with, exceptionally dedicated rebbeim in an atmosphere that exudes warmth and tremendous simchos hachaim This is handed over not just through exciting and interactive Shmoozen and vaadim but with a living example of the Rosh Yeshiva and Rebbeim. A major part of this enterprise is to encourage a genuine understanding of spirituality which begins with making G-d a real and important part of our lives.

Personal Growth

Each boy is able to grow with his own personality and characteristics without suppression of his traits, interests and most importantly sense of humour. The Yeshiva views each boy's individuality as a blessing to be nurtured. An inquiring, questioning mind is highly regarded in the Yeshiva. Outlets, tiyulim and activities are built into the semester to ensure that each boy remains well-rounded, healthy and productive. Here every bochur is unique and is encouraged to reach his full potential. With an emphasis on retaining a thorough knowledge of every sugya and completing the masechtah, the bochurim are trained to set goals and to reach them at all costs. Character development and interpersonal relationships are a key area in the bochurim's growth as they are carefully molded to be the future leaders and role models of Klal Yisroel.

Hanholo

The qualification for being on the Beit David hanhola is primarily a commitment to care for and nurture a boy as if he were one's own child. As a result the Rebbeim take a very broad and devoted approach to their role providing support and guidance on every possible front. This includes ensuring a boy is settled, happy with accommodation, socially integrated, engaging in his preferred outlets, balanced in his learning. Whether it be on major issues or the finest details in learning or extra-curricular matters. The Rosh Yeshiva Rabbi Yosef Netanyahu Ben David makes every effort to give every bochur a loving and caring environment, and gives every bochur a chance to learn with him individually. Through his love and sensitivity for every bochur who enters the yeshiva, he builds every bochurs self-esteem, enables them to make and accomplish goals, and to succeed in Torah and in building exceptional middos.