YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**LAWS OF SHABBAT: COOKING**

**By Rav Yosef Zvi Rimon**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Dedicated in memory of
Joseph Y. Nadler *z”l*, Yosef ben Yechezkel Tzvi

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**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 may one return a dish to 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 permissible only 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 is categorically forbidden (if the dish can reach *yad soledet bo*,a scalding temperature). All the conditions we will mention for putting a dish back or on the stove are effective only 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 already be **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 (*Shabbat* 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 allowed only **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*. To 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*; rather, it must seem like a 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; rather, it will seem like a continuation of the *shehiya* from before Shabbat.[[1]](#footnote-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]](#footnote-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*:

1. One must still be holding the pot in his hand and not set it on the ground.
2. 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 [the pots] are still in one’s hand, but if one has set them 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 they are still in his hand, it is permitted, this has been said only when one’s intention was to replace [them]; but if it was not one’s intention to replace [them], this is forbidden. Hence, it follows that if they are on the ground, even if it is one’s intention to replace [them], this is forbidden.”

Others state that Chizkiya observed in Abbayei's name: “As for what you have said that if they are still in his hand, it is permitted, this has been said only when one’s intention was not to replace[them]; but if it was one’s intention to replace [them], this is permitted. Hence, it follows that if they are still in one’s hand, even if it was not one’s intention to replace [them], 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:

1. Ab initio, there is a need for two conditions: **clutching the pot** and **the intent to return it** (Rema).
2. In a case of need, clutching is sufficient even without intent (Shulchan Arukh).
3. 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]](#footnote-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, it 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 the pot, 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 pot), or perhaps it is enough **that an unequivocal act of removal 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]](#footnote-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]](#footnote-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 food from the pot, 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 so initially.[[6]](#footnote-6)

**What are the conditions for returning a dish to the fire on Shabbat?**

The stove must be swept or sprinkled — i.e., using a *blech* or *plata*.

The dish must be fully cooked (and if it is liquid, it must be somewhat warm or, according to Sefardim, *yad soledet bo*.

Putting it on the fire must be considered a continuation of the previous *shehiya*, not new *shehiya*; therefore:

If one returns to the *plata*, one may be lenient ab initio to put it on the countertop (preferably with the intent to return it).

When the pot is heavy, one may be lenient to put it on the countertop (preferably with the intent to return it).

If the pot is not heavy, ab initio one should hold the pot with the intent to return it.

Ex post facto, even when one leaves it on the countertop without the intention to return it, one may be lenient and return it.

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* on 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. [↑](#footnote-ref-1)
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*, not a 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 regarding *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,** i.e., one should not return it to the oven if the food 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 may 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 theMagen 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 the latter’s 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. [↑](#footnote-ref-2)
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.) [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
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. 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*. [↑](#footnote-ref-5)
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. [↑](#footnote-ref-6)