YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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

**LAWS OF SHABBAT: COOKING**

By Rav Yosef Zvi Rimon

**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 stream of liquid 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]](#footnote-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 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 teaches us only 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 been cooked only *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]](#footnote-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:

1. According to the Arukh, any *pesik reisha* *de-lo neicha leih* is permissible ab initio.
2. The Rashbam believes that *irui* does not cook at all.
3. 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.
4. 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*).
5. 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 from the cold water out pf the cup 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 Remnants 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*), nonetheless, 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 allows only *irui* from a *keli sheini* onto 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-mevashel*? Presumably, the answer would be that the essential problem in *mechzi ke-mevashel* is the suspicion lest someone 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 be concerned about every food’s status, as it may fall into the category of *kallei* *bishul* — this applies only 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*).

In the chart below, reverse the right and left columns, in keeping with the order of presentation above.

**Rav Feinstein, *Har Tzvi*:** This is forbidden, because the *irui* cooks the drops in the cup, and one must be stringent about a *pesik reisha* *de-lo neicha leih* when dealing with a biblical prohibition.

**Rav Ovadya**: This is permitted, since it is possible to be lenient about *pesik reisha* *de-lo neicha leih* when there are other reasons to be lenient (the **Rashbam**’s view of *irui*, minimal amounts, etc.).

**Rashbam:** *Irui* does not cook, and its law is like that of a *keli* *sheini* (it does not have hot walls to maintain the heat).

Therefore, one should not pour from a *keli* *sheini* on things that we see are easily cooked. However, it is permitted to pour from a *keli sheini* on other foods, and the law is not as strict about this as it is about using a *keli* *sheini* directly.

Therefore, on the one hand one should not pour from a *keli rishon* on uncooked foods; on the other hand, if one has poured from a *keli rishon* on a food before Shabbat, it is not considered cooked, since *irui* cooks only *kedei kelipa*.

This is how the **Shulchan Arukh** rules.

**Rabbeinu Tam:** *Irui* cooks, but only *kedei kelipa*.

**Ri:** *Irui* from a *keli* *rishon* cooks (it does not have cold walls to cool it).

The best solution is to dry the cup before pouring in the hot water, but if the droplets come from a previously boiled and cooled liquid, there is no need to wipe them off.

*Irui*

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*. [↑](#footnote-ref-1)
2. This is what the Talelei Sadeh derives ad loc., n. 5. [↑](#footnote-ref-2)