

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

In memory of Rebbetzin Miriam Wise, Miriam bat Yitzhak veRivkah z”l,
whose yahrtzeit is on 9 Tevet.

By Rav Yitzchak and Stefanie Etshalom

Shiur #06: Defining Prohibited *Bishul* (Cooking on Shabbat) - Part 1

The *mishna* lists “*ha-ofeh*,” baking, as one of the 39 forbidden *melakhot* on Shabbat, and the *gemara* (*Shabbat* 74b) describes the inclusion of baking as opposed to cooking as purely stylistic. Indeed, cooking, and not baking, was performed in the construction of the *Mishkan*, which serves as the template for forbidden activities on Shabbat. However, in as much as the *mishna* describes the process of bread baking, the act of **baking**, and not the act of **cooking**, was employed to represent this act. This series of *shiurim* will explore the nature of the prohibition to cook on Shabbat. Ultimately, the question regarding the **nature** of *bishul* may help determine whether baking and cooking are identical.

The first issue surrounds the source of heat. The *mishna* (38b) cites a debate about baking with products heated by sunlight (for example, a kerchief that has absorbed solar energy). R. Yossi allows this method of cooking, whereas the *Chakhamim* prohibit it. Ultimately, the *gemara* claims that everyone allows cooking in the **actual** sunlight, while everyone prohibits cooking with items that have absorbed energy generated by fire (*toldot ha-or*).

The *gemara* does not clarify the reason for the universal permissibility of actual sunlight cooking. Theoretically, if solar energy could generate requisite cooking heat levels, we would logically conclude that the process should be forbidden. Rashi explains that this is not the classic “*derekh*” of *bishul*, the method through which cooking **is usually** accomplished, and it is therefore not forbidden. Rashi does not provide any source limiting the prohibition to standard cooking procedures.

Perhaps the permissibility of sunlight cooking stems from the absence of any “action” with the source of heat. Sunlight pervades our entire living space, at least to some degree, and its heat is not subject to human control (at least, not without the use of solar panels). Placement of an item in sunlight is not an act of

manipulating energy toward cooking, since **every** human activity occurs within space pervaded by sunlight. The absence of any action related to the “heat source” renders this non-activity permissible.

Interestingly, the *Shevitat Ha-Shabbat* cites those who question the permissibility of the use of a magnifying glass to intensify the heat source and thereby cook food on Shabbat. Presumably, Rashi would permit this activity, since the use of a magnifying glass is not a standard cooking procedure. However, if the permissibility stems from the absence of any distinct manipulative activity with sunlight, perhaps this distinct application of sunlight would be forbidden.

This question raises a broader question about the nature of the cooking prohibition on Shabbat. Is the *melakha* defined as an **act** of applying heat to items, or is it defined as advancing food toward digestibility through heat processing? Must there be an act performed upon fire or heat in applying it to food in order for it to be considered a violation of this *issur*? Or does a person violate *bishul* even if he does not directly perform an act with fire, as long as food has been processed through heat?

This question dramatically impacts the types of *bishul* that are Biblically forbidden. For example, is it Biblically forbidden to cook in a utensil that is no longer on the fire, a *kli rishon she-husar me-al gavei ha-esh*? The *mishna* in *Shabbat* (42a) states that it is forbidden, but the *gemara* does not clarify if the *issur* is *de-oraita* or *de-rabbanan*. The Yeurshalmi (3:4) cites one opinion that ranks the *issur* as Rabbinic, and the Ramban in *Avoda Zara* appears to adopt this principle. Although the heat potency of this removed pot may be the same as that of pots still on the fire, there is clearly a difference between the human manipulation of the actual fire and its application to food. When cooking **directly** upon a fire, a person is directly applying fire-generated heat to cook the food. When cooking on a removed pot, he may not be performing an act upon the fire. If *bishul* entails an **action with fire**, cooking on recently removed pots may not constitute this forbidden activity and may only be forbidden *mi-derabbanan*.

Even if we do not accept the Yerushalmi and the Ramban (and it appears that the Ran in *Avoda Zara* indeed disagrees), we might still argue that *bishul* entails direct application of fire. Perhaps cooking with a recently removed pot **does** constitute manipulation of fire, as the fire directly heated the pot which in turn transferred its heat-generated and human-applied energy to the food. But what would happen if the process occurs in less direct fashion? For example, if a person pours hot liquid from a *kli rishon* in which they were heated (*iruy kli rishon*) upon food, thereby partially cooking them - does this entail a Shabbat violation of *bishul*?

This issue is not directly discussed by the *gemara* (although it does appear to be a debate between R. Yosi and R. Yona in the *Yerushalmi*), and the

question is debated by various *Rishonim*. The R"i (cited by Tosafot in *Shabbat* and *Avoda Zara*) cites a *gemara* in *Zevachim* (95b) that implies that pouring hot liquid from a *kli rishon* leads to transfer of taste and possible *issurim* in the case of non-kosher foods. If *iruy kli rishon* causes taste transfer, it should presumably also constitute *bishul*. The Ramban, however, rejects this comparison. Even if *iruy* enables taste transfer, it is not considered an act of cooking. Perhaps the Ri and the Ramban are debating the parameters of *bishul* on Shabbat. The Ri defined any **food processing** through heat as forbidden. If taste can be transferred when being cooked through *iruy kli rishon*, "cooking" in the context of Shabbat ***bishul*** occurs as well. After all, food has clearly been processed, as evidenced by the transference of forbidden taste. By contrast, the Ramban distinguishes between taste transfer and Shabbat *bishul* activity. Although the former can be accomplished through any heat energy, Shabbat *bishul* requires **human application** of fire upon food. Although cooking in a recently removed pot entails human application of fire (since the pot was originally placed upon the fire), cooking through the pouring of liquid does not entail "application of fire to food." The fire created energy in a liquid, but transferring that to a secondary substance may not be direct enough to qualify as an act of cooking according to the Ramban.

It is possible that this gauge of whether humans have manipulated fire to food can explain the astonishing permissibility (at least Biblically) of cooking in a *kli sheni* (a pot into which food cooked in a pot on the fire was transferred). The aforementioned *mishna* that prohibits cooking in a *kli rishon* allows it (Biblically) in a *kli sheni*. Presumably, the heat level of a *kli sheni* can reach the requisite level for cooking, and yet the Torah does not prohibit this process. Tosafot (40b) address this issue and their answer supports two very different explanations. Their concluding comments assert that the walls of the second pot provide a cooling effect, and this is counterproductive to cooking and food processing. By placing food in a walled container designed to cool and whose walls **prevent** cooking, no violation of cooking occurs, even if other materials in this container enable cooking. However, Tosafot's initial comments suggest that cooking in a *kli sheni* is permissible because its walls were never in physical contact with fire. Employing a pot that never contacted fire is not considered a manipulation of fire and cannot be considered an act of *bishul*.

If *bishul* entails an act of applying fire upon food, activities that are less direct applications of fire may not be Biblically forbidden.