

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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Shiur #27: The Prohibition of *Bishul* in Cases of Limited Change

In a previous *shiur*, we explored the nature of the *ein bishul achar bishul* exception. Is re-cooking permitted because it does not improve the item, or is it permitted because the process is rendered redundant by the previous cooking? This distinction crystallizes a question about the nature of the *bishul* prohibition itself. Is *bishul* prohibited because of the improvement it imparts, or is the process itself prohibited, independent of any improvement? In this *shiur*, we will explore potential test cases in which a cooking process has definitely occurred but **typical** improvement has not taken place.

Perhaps the most extreme application of this scenario relates to burning and consuming items. When heat is applied to firewood, a process **similar** to cooking occurs. However, the resultant item is not improved, but rather destroyed. Would such a scenario entail a prohibition of *bishul*?

The *gemara* (*Shabbat* 74b) describes a *bishul* prohibition for someone who places a water-logged item in a fire. It is unclear whether the item in question is made of wood or metal, but presumably *bishul* is violated by stiffening the item in a way similar to the way food is processed through the application of heat. The *Yere'im*, however, claims that the prohibition occurs because of the **evaporation** of the water within the item. Similarly, the Mordechai (434) prohibits drying a wet towel near a fireplace because the evaporation of the water entails an *issur* of *bishul*. The comments of Tosafot Ha-Rosh in *Yevamot* (6a) also indicate that he viewed burning oil or wax as a possible violation of *bishul*.

Interestingly, it appears that this question is the subject of a debate between two *Tanna'im* cited in the Yerushalmi (*Shabbat*, *perek* 2). The Yerushalmi discusses the burning of *korbanot* parts on the *mizbei'ach* at night and which Shabbat violation this would theoretically entail. According to R. Yehuda, the prohibition of *mav'ir*, lighting a fire, has been violated, since the animal parts will increase the spread of the *mizbei'ach* fire. According to R. Yossi, *bishul* has been performed. Burning animal parts appears to be similar to evaporating water or burning oil. In each instance, the material is consumed. Nevertheless, at least according to some opinions, *bishul* has occurred.

Perhaps this debate reflects the nature of *bishul*. If *bishul* is defined as a process that endows **improvement** to a material through application of heat, it is not violated if the item is consumed by insertion in fire or exposure

to heat (in the case of evaporation of water or burning of wax). The item has not undergone a process of improvement; if anything, its consumption is a “regression.” Evidently, the *Rishonim* who **did** view these scenarios as violations of *bishul* viewed this *melakha* in extremely formal terms. *Bishul* is defined as **any** process that resembles cooking and baking in that it applies heat to an item.

A related scenario of *bishul* would emerge regarding cooking of food that can be eaten raw, such as fruits and certain vegetables. Would such cooking be a violation of *bishul*? This question was the subject of an interesting *machloket* about cooking oil (which in ancient times was ingested “raw”). The *gemara* in *Shabbat* (40b) cites the Tanna Kamma, who claims (at least according to the understanding of R. Yosef and Rabba) that cooking oil is not forbidden. The Maggid Mishneh (*Hilkhos Shabbat* 9:3) assumes that *bishul* isn’t violated because oil can be eaten without additional processing. Subsequently, the *gemara* cites R. Yehoshua, who contends that cooking oil **does** constitute a *bishul* violation.

These *Tanna'im* may in fact be debating the aforementioned definition of the prohibition of *bishul*. If the violation is defined as improving food through the processing of cooking, it is reasonable to suggest that cooking items that can be eaten raw does not constitute a *bishul* violation, since no major improvement has been rendered. However, if *bishul* is defined in a more formal manner – as the application of heat to food in a manner that alters its composition – it is more difficult to distinguish between ordinary foods and those that can be eaten raw.

Of course, the more intriguing and common instance of something that is ingested “raw” is water. The *gemara* explicitly states that cooking water is forbidden on Shabbat. Once again, if the prohibition of *bishul* is defined as a formal cooking process, the extension of the prohibition to water is quite logical. If, however, *bishul* entails some form of improvement, cooking water **may not** be similar to other forms of *bishul*, as cooked water has not essentially changed; it is the same water, just hotter!

Alternatively, one might argue that since heated water is vastly improved over cold water, it may nevertheless resemble standard *bishul*; cooking water does, in fact, entail improvement. However, it is also possible to claim that the improvement necessary to define the *melakha* as *bishul* is **reconstitution** of the item, which does not take place when water is cooked.

In fact, based on the incongruity between classic *bishul* of improvements of heating water, many *Rishonim* suggest that heating water is a different category of *bishul* than cooking and baking. One indication of this is the different criterion used to evaluate when *bishul* is violated in the cases of liquids and solids. *Bishul* is violated when water is heated to *yad soledet bo*, approximately 45°C whereas the *issur* of *bishul* for food is gauged by the **degree** of cooking – namely, how much the item has been transformed. The fact that we use a different measurement for heating water – not the degree of

change, but rather the degree of heating – suggests that it is not fully incorporated in the classic violation of *bishul*.

A second indication of a difference is the prohibition of reheating water that had previously been heated and subsequently cooled. As noted in an earlier *shiur*, the principle of *ein bishul achar bishul* typically indicates that re-cooking food is permitted. Some (although not all) *Rishonim* differentiate between reheating solids and reheating liquid foods. However, all of these *Rishonim* agree that it is prohibited to reheat water that has cooled. This confirms the fact that heating water is a different violation, which deviates from the principle of *ein bishul achar bishul* that governs most foods.

In summary, it appears that heating water may not be defined as classic *bishul*. If *bishul* is defined as processing food through heat, it would be easier to integrate heating water within the standard prohibition. However, if *bishul* is defined as improving the food, there would seem to be a different category for the prohibition of heating water.