

Primary vessel (*keli rishon*), secondary vessel (*keli sheni*), tertiary vessel (*keli shelishi*): Definition of terms

Primary vessel – A vessel that was on the fire, even if it was later removed from the fire, e.g., a hot-water urn.

Secondary vessel – A vessel into which food or liquid was transferred from a primary vessel, e.g., if one transferred water from an urn (a primary vessel) into a cup, the cup is a secondary vessel. Consequently, placing an item, e.g., a tea bag, into that water would be considered placing the item into a secondary vessel.

But if one first placed the tea bag into an empty cup, and only then poured the water on it directly from the urn, this is considered **pouring from a primary vessel**, and its status is more stringent, as will be explained below. Only if the water is placed in the cup first, before the tea bag, is the tea bag considered to have been placed in a secondary vessel.

Tertiary vessel – A vessel into which food or liquid was transferred from a secondary vessel, e.g., if one poured water from an urn (a primary vessel) into a cup (a secondary vessel), and then poured the water into an additional cup, the second cup is a tertiary vessel. An item, such as a tea bag, placed into this vessel has the status of food placed in a tertiary vessel.

If one first placed the tea bag into an empty cup, and only then poured the water upon it directly from the secondary vessel, this is **pouring from a secondary vessel** (pp. 305–306). (See flowchart on p. 246).

A primary vessel that was removed from the fire: Is it permitted to place spices in a pot of soup?

According to the straightforward understanding of the discussion in the **Gemara** (38b), cooking in a primary vessel is prohibited by Torah law even if the vessel is no longer on the fire (although some hold that this is prohibited only by rabbinic law). This is the ruling in the *Shulḥan Arukh* (318:4).

Therefore, one must be certain not to place uncooked spices or the

like into a pot of soup even if it was removed from the fire, as doing so entails a prohibition by Torah law (pp. 307–310).

What is the halakhic status of a primary vessel that was removed from the fire and whose temperature is no longer *yad soledet*?

The authorities disagree concerning this question, but the practical ruling is that it is permitted to place an uncooked item into a vessel that was removed from the fire if its temperature is no longer *yad soledet*. Therefore, it is permitted to place an uncooked food item (e.g., a teabag) into a cup in which there is water whose temperature is lower than 112° F (45° C) (pp. 310–313).

“A secondary vessel does not cook”: What is the essential difference between a primary vessel and a secondary vessel?

The **Gemara** (40b) established that “a secondary vessel does not cook.” Logically, it is difficult to understand the difference between a primary vessel and a secondary vessel. Ostensibly, it should all depend on the temperature of the water; if it is *yad soledet*, cooking in it should be prohibited even in a secondary vessel.

Tosafot (40b, s.v. *shema mina*) explain that since the walls of a primary vessel are hot, it preserves its heat for an extended period and is capable of cooking; by contrast, the walls of a secondary vessel are cold, and therefore it is not capable of cooking. Though a primary vessel also cools due to contact with the room-temperature air, a secondary vessel cools both due to the air and due to its walls; therefore, it cools faster than a primary vessel.

Some understood that this is an **empirical** determination; cooking does not take place in a secondary vessel. Others understood that in actuality a secondary vessel is capable of cooking, but the determination here is **halakhic**: Since a secondary vessel cools quickly, it cannot be considered a heat source with regard to the prohibition

of Cooking. Similarly, since the secondary vessel was never on the fire, it is not considered a fire-based heat source; therefore, there is no prohibition to cook with it.

A practical difference between these two understandings could be with regard to items that cook in a secondary (or a tertiary) vessel. According to the empirical explanation, one should rule stringently in their regard, while according to the explanation that views this as a halakhic determination that a secondary vessel is not included in the prohibition of Cooking, there is room to rule leniently with regard to those items as well (pp. 315–319).

Which items is it prohibited to cook in a secondary vessel?

From several places in the Gemara it is clear that there are some items that are easily cooked that cook even in a secondary vessel. For this reason, the *Sefer Yere'im* (274:134) ruled that people should refrain from placing any uncooked item into a secondary vessel, since it may be an item that is easily cooked. *Tosafot* (39a, s.v. *kol*) note an additional reason, **by rabbinic law**, to be stringent with regard to a secondary vessel, that it “looks like Cooking.” By contrast, according to the **Rambam** (22:6) and the **Ran** (20a Rif, s.v. *umeha shaminan*) there is never a prohibition to place food items in a secondary vessel.

Practically speaking, the *Shulhan Arukh* (318:5) rules leniently and permits placing virtually anything in a secondary vessel, and this is the custom among some Sephardim (*Responsa Tevuot Shamesh*, 30, 66; *Responsa Tefilla LeMoshe* 1:33). Many Sephardim refrain from placing tea leaves, or anything that appears to cook easily, into a secondary vessel (*Responsa Yabia Omer*, vol. 7, *Orah Hayim* 40:3).

The Ashkenazi custom is to be stringent in accordance with the ruling of the **Rema** (318:5) and the *Mishna Berura* (318:42) and not to place uncooked items into a secondary vessel, due to concern that they might be items that are easily cooked. Some Sephardim also rule stringently in this case (*Ben Ish Hai*, Year 2, *Bo* 6) (pp. 319–326).

What items may one place into a secondary vessel according to all opinions?

In the **Gemara** it is explicitly stated that it is permitted to place **oil** (40b), **water** (42a), and **spices** (42b) into a secondary vessel. In other words, it is clear that these are not items that are easily cooked; therefore, everyone agrees that it is permitted to place them into a secondary vessel.

Rav Shlomo Zalman Auerbach (*Shemirat Shabbat KeHilkhata* 1, note 152) asserts that since spices today are finely ground, it stands to reason that they do become cooked in a secondary vessel. **Rav Moshe Feinstein** (*Iggerot Moshe, Oraḥ Hayim* 4:74, *Bishul* 18) and **Rav Elyashiv** (cited in *Shevut Yitzhak, Bishul* 24:3) rule leniently, and one may rely on their ruling and place spices into a secondary vessel.

Similarly, the prohibition with regard to a secondary vessel applies only to uncooked items. It is permitted to place a liquid that was cooked and then cooled into a secondary vessel (*Mishna Berura* 318:23), even though we prohibit placing it into a primary vessel (pp. 326–327).

Is it permitted to prepare tea by placing a teabag into a tertiary vessel?

According to the straightforward understanding of the *Peri Megadim* (*Eshel Avraham* 318:35) and the *Mishna Berura* (318:47), there is no concern with regard to cooking in a tertiary vessel, and one may prepare tea or anything else in it, as the **Gemara** does not raise the possibility of cooking in a tertiary vessel. Both **Rav Moshe Feinstein** (*Iggerot Moshe, Oraḥ Hayim* 4:74, *Bishul* 15) and **Rav Ovadia Yosef** (*Responsa Yabia Omer* 7, *Oraḥ Hayim* 40:3) issue a similar ruling.

By contrast, the *Hazon Ish* (52:19) writes that it is prohibited to place items that are easily cooked into a tertiary vessel whose temperature is *yad soledet*, since **there is no logical reason to distinguish between a secondary vessel and a tertiary vessel**. In both, the walls are at room temperature and the water is hot. Perhaps, according to those who rule leniently, a tertiary vessel is excluded from the

prohibition of Cooking because one is not accustomed to cook in it. In any case, even according to this opinion, one does not need to be stringent with regard to all foods, but only with regard to items that are easily cooked.

Practically speaking, there are some who are stringent and do not prepare tea in a **tertiary vessel**, and they are likewise stringent with regard to other items that appear to cook easily. That is the ruling in *Shemirat Shabbat KeHilkhata* (1:57). According to that opinion, in order to drink tea on Shabbat, one must prepare **tea essence** prior to Shabbat, as will be explained below. Yet, there are certainly grounds to be lenient in accordance with the opinion of **Rav Moshe Feinstein** that there is no prohibition of Cooking in a tertiary vessel, and in accordance with the straightforward understanding of the *Mishna Berura* (pp. 329–334).

Is it permitted to prepare instant noodles on Shabbat?

As stated above, according to the lenient opinion, it is permitted to place all items into a tertiary vessel. On that basis, it is permitted to place **instant noodles** into a tertiary vessel on Shabbat. One can add the fact that, in general, these instant noodles are almost cooked (and perhaps fully cooked), and rely on the many *Rishonim* who hold that there is no prohibition to cook food that was already cooked to the level of *maakhal ben Derosai*. Although it is advisable not to allow preparation of instant noodles on Shabbat to become a standard practice, since it creates the sense of cooking on Shabbat, when there is a need to do so, one may act leniently. It is noteworthy that in preparation of instant noodles there is occasionally a problem of the **prohibition of Kneading** (see above with regard to the *halakhot* of Kneading) (p. 334).

Pouring from a primary vessel: Is it permitted to pour hot water on an uncooked item?

As mentioned above, pouring from a primary vessel refers to pouring a hot liquid from a primary vessel directly onto food. By contrast, if

one first pours the liquid into the cup and then places the food into it, it is a secondary vessel. Is the status of pouring from a primary vessel that of a primary vessel, in which it is prohibited to cook, or is its status that of a secondary vessel, in which it is typically not prohibited to cook?

The *Rishonim* disagree about this matter, and, in practice, our ruling is in accordance with the opinion of **Rabbeinu Tam** that pouring cooks partially (i.e., it cooks the outer layer of the food). In light of that ruling, one must abide by two opposing stringencies: On the one hand, **it is prohibited to pour on Shabbat** onto uncooked food, even on spices or other items with regard to which the ruling is that it is permitted to place them into a secondary vessel, since pouring cooks them. On the other hand, **if one poured from a primary vessel before Shabbat** onto an item that is uncooked, this does not render it cooked, as it was cooked only partially; therefore, **it is prohibited to pour upon it from a primary vessel again on Shabbat** (pp. 337–341).

Pouring from a secondary vessel: Is it permitted to pour from a secondary vessel onto an uncooked item?

It is permitted to pour from a secondary vessel onto uncooked items. But concerning items that cook easily, like tea leaves, it is prohibited to pour onto them from a secondary vessel even according to those who rule leniently and permit preparing them in a tertiary vessel (pp. 343–345).

Must one dry out the cup before pouring hot water into it?

Iggerot Moshe (*Orah Hayim* 1:93) writes that one may not pour hot water into an empty cup in which there were cold drops of water, unless the drops in the cup had already been cooked in the past (e.g., if drops remained from the previous hot drink). By contrast, **Rav Ovadia Yosef** (*Respona Yabia Omer* 4, *Orah Hayim* 33) writes that it is customary to be lenient in that case for different reasons, e.g., the person does not intend to cook those drops. In his opinion, one should **shake the drops from the cup**, and thereafter it is permitted to pour boiling water into it.

Therefore, **one should wipe the cup dry** (to the extent that one who touches it would be unable to wet another item from its dampness) and only then pour boiling water into it. One who is lenient and merely shakes the cup can rely on the lenient ruling. If the drops in the cup had been cooked in the past, one may pour boiling water on them *lekhatzila (ab initio)* (pp. 341–343).

The halakhic status of a ladle: Is it permitted to place spices or a piece of matza into a bowl of soup?

Rishonim and *Aḥaronim* disagree with regard to the halakhic status of a ladle with which one takes soup or other cooked food from a hot primary vessel. One can consider its status from two perspectives: On the one hand, **it was not heated with fire**; therefore, ostensibly it should be considered a **secondary vessel**. On the other hand, it was **heated by the cooked food** (especially if it remained in the pot for a while); therefore, it should be considered a **primary vessel**.

This question is generally significant with regard to a **bowl of soup**. If the ladle is a **secondary vessel**, the soup bowl would be a **tertiary vessel**. But if the ladle is a **primary vessel**, the bowl of soup would be a **secondary vessel**, and it would be prohibited to place uncooked items into it.

The halakha: If the ladle **remained in the pot for some time**, it is considered a primary vessel and the bowl is considered a secondary vessel. If the ladle **was only dipped into the pot**, one may be lenient and place into the bowl **baked items**, e.g., pieces of matza or bread (as there are those who permit placing a baked item even into a primary or secondary vessel, as explained below). Likewise, it would be permitted to place uncooked **spices** (as according to most opinions, it is permitted to place spices even into a secondary vessel, as explained above). With regard to placing **other uncooked items** into a bowl of soup, there is a dispute among the authorities, and there are grounds to be lenient (pp. 347–352).