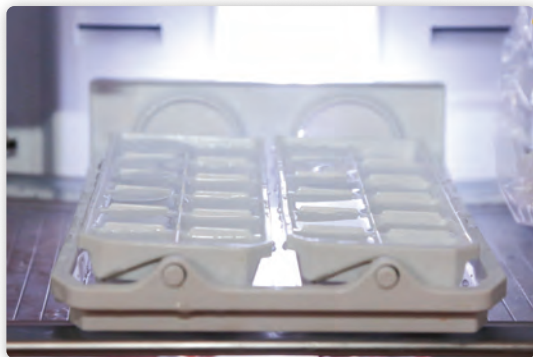


Freezing water

Is it permitted to **make ice on Shabbat**?

This issue ostensibly depends on the dispute between the *Rishonim* discussed above: According to the **Ramban** and the **Rashba**, it is clear that this is permitted, as it is not comparable at all to squeezing produce, and there is no prohibition of *nolad*. According to the *Sefer HaTeruma*, there are grounds to prohibit this due to *nolad*, as the action causes the **creation** of ice. Consequently, this would be permitted for **Sephardim**, whereas for **Ashkenazim** it may be permitted only in a time of need.



It is permitted to make ice (at least when there is a need for it on Shabbat).

Dovev Meisharim: It is even prohibited for Sephardim to make ice

Yet, the *Dovev Meisharim* (1:55) writes that making ice is prohibited even according to the **Ramban** and the **Rashba**. According to his opinion, these *Rishonim* rule leniently only in the case of ice melting, because even when it is still ice, if someone thinks of using it for drinking, it is considered a liquid (in accordance with the **Gemara** in *Nida* 17a). Consequently, no new liquid is created by its melting. By contrast, when one turns water into ice, which will not be used as a drink immediately, this effectively takes a liquid and **removes the status of liquid from it**. An action of this kind

is prohibited due to *nolad* even according to the **Ramban** and the **Rashba**. Therefore, **Sephardim** are also prohibited to make ice, even in a time of need.

Nevertheless, practically speaking, it seems that **it is permitted even for Ashkenazim to make ice**, at least when there is a need. First, it is reasonable to say that the **Ramban** and the **Rashba** disagree with the premise of the *Sefer HaTeruma*, and hold that the prohibition of *nolad* applies only when bringing something new into existence, not when one merely changes the form of an item. Even according to the way that the **Rosh** explains the *Sefer HaTeruma*, that crushing ice is prohibited because this is considered *molid* with regard to the resulting water, one can claim that making ice, which takes a relatively long time, is considered indirect causation.¹⁵ Even according to the more stringent understanding of the opinion of the *Sefer HaTeruma*, that there is a prohibition of *nolad* with regard to the water, there are grounds to rule that making ice is different from crushing ice into water. This is because the state of being ice is regarded as a temporary one, as it is not the natural state of water. It requires extreme cooling to become, and remain, ice, and it is possible that the prohibition of *nolad* does not apply to an item in a temporary state.

One may be lenient about this, at least when there is a need for

In practice, even Ashkenazim are permitted to make ice, at least in a time of need

15. The *Aharonim* cited later on disagree with regard to this issue: According to the *Minhat Yitzhak* and the *Helkat Yaakov*, just as according to the **Rosh**, placing congealed fat near a heat source is prohibited, since this is considered an act of melting and not indirect causation, so would he prohibit making ice. By contrast, according to the *Shevet HaLevi* and the *Tzitz Eliezer*, making ice is not to be compared to putting congealed fat next to a heat source, but to merely putting it down in a room. This is considered indirect causation with regard to the melting, which the **Rosh** would permit. The *Tzitz Eliezer* explains that when one places congealed fat near a heat source it begins to melt immediately, and one can see almost right away that it has begun to liquefy. Therefore, placing the congealed fat there is considered a direct act of melting it. By contrast, water placed in the freezer begins to freeze only after some time has passed, and therefore the freezing is considered an indirect causation.

Shabbat. Many halakhic authorities of this generation rule accordingly, including the *Shevet HaLevi* (3:55), Rav Shlomo Zalman Auerbach (*Shemirat Shabbat KeHilkhata* 10, note 14), the *Tzitz Eliezer* (6:34; 8:12), the *Helkat Yaakov* (*Orah Hayim*, 128–129) and the *Minhat Yitzchak* (8:24).¹⁶

Using a special cup to prepare a popsicle

There is a type of container in whose sides there is a substance that can reach extremely low temperatures (the substance is covered by the walls of the cup and cannot be seen). The cup is placed in a freezer for several hours until the substance becomes very cold, after which a drink is poured into the cup and stirred. In certain models, the cup must be pressed for a short period. The cold sides of the cup

cause the drink to freeze, and it becomes a popsicle. Is it permitted to prepare a popsicle in this manner on Shabbat?



Using a cup for preparing popsicles is permitted in a time of need, provided that one does not press on the cup.

If it is necessary to press on the cup, this action causes the ice to be crushed and is prohibited according to all authorities, as the Gemara prohibits crushing ice with one's hands. If there is no need to press on the cup, then the process is similar to making ice: Sephardim may follow the lenient ruling, whereas Ashkenazim should conduct themselves stringently but may be lenient in a time of need. When young children prepare popsicles for themselves, there is even more room to be lenient, provided that they do not crush by hand.

Summary

TO CONCLUDE, it is prohibited to crush ice on Shabbat, but one may walk on snow. Sephardim are permitted to place ice or fat into a bowl so that it will melt, or heat it up in a permitted manner, and they

16. By contrast, Rabbi Joseph Soloveitchik maintains that with regard to making ice, where one turns a liquid into a solid, there is a concern for the prohibition by Torah law of Building (*MiPeninei HaRav*, p. 79). Rav Kook explains at length why in his opinion this act does not entail Building (see *Orah Mishpat*, *Orah Hayim* 69).

are also permitted to make ice if it is for Shabbat use. The practice of Ashkenazim is not to place ice cubes into an empty cup, but only into a vessel containing liquid. Ashkenazim should prepare ice before Shabbat, not on Shabbat itself. When there is a need for it on Shabbat itself, Ashkenazim may also place ice into an empty vessel or thaw a container of milk, and they may also make ice.

