The Laws of Bishul (Shiur #1)

Defining the Different Stages of Bishul

Shiur Number 13

This Shiur is the first of a series of Shiurim about the laws of bishul: cooking and heating food on Shabbat. The Laws of bishul include many different topics; we will start with the fundamentals of the prohibition of bishul. Two factors influence the Halacha; what is being cooked, and who is doing the cooking.

First, we need to define the concept of bishul.

The Mishna in Masechet Shabbat has a list of different melachot:

The Gemara explains:

1. אב מלאכת בישול

The Mishna in Masechet Shabbat has a list of different melachot:

The Gemara explains:

Harchavot – Are melachot derived from construction of the Mishkan, or service of the Mishkan?

2. The Definition of Bishul

Cooking and baking are caused by the impact of a heat source on food. We will clarify when exactly something is defined as halachically cooked.

It is worth noting that part of the mitzvah of Oneg Shabbat is to eat, and in the context of a discussion of the laws of bishul, the Baal Hamaor makes the following point:

Interestingly, precisely because one is required to eat a hot meal on Shabbat, there is a risk that one might violate Shabbat through bishul. Chazal therefore created many prohibitions in order to prevent the act of bishul. We will discuss these issurei d’Rabbanan later.
At What Stage is the Food Defined as Cooked?

The Mishna states:

At What Stage is the Food Defined as Cooked?

The Mishna seems to be saying that once food has been cooked, it is permitted to “re-cook” it. (We will see later that even where there is no prohibition against cooking, Chazal placed several restrictions on when something cooked may be placed on a heat source).

In order to know how to apply the Mishnah’s halacha, we need to know when food is halachically considered to be cooked:

The Gemara distinguishes between two types of cooking: complete cooking, and cooking of maachal ben Drusai (which we will define precisely later on). If one fully grills the volume of a grogeret (dried fig) of a piece of meat, even if it is not in one place on the piece of meat, then that is considered bishul d’Oraita. Also, if one cooks both sides of a piece of meat to the degree of maachal ben Drusai, then one similarly violates bishul d’Oraita.

Why is cooking on one side to the degree of maachal ben Drusai not an issur d’Oraita, while fully cooking is? One can derive the answer from the following quote from the Griz, in which he discusses whether maachal ben Drusai is relevant to other areas of Halacha (such as the prohibition against cooking meat and milk together):

The Griz differentiates between cooked בחפצא and cooked בברא. The distinction, in this case, is between the objective standard of cooking, and a subjective one. He explains as follows – in most Halachic contexts in which cooking is a factor, there as an objective standard. This would be כברכה– fully cooked. Specifically as it applies to Shabbat – the person's intention...
Shiur number 13– Stages of cooking

affects the standard. So if a person is interested in cooking it to a different extent, this would be a transgression of bishul.

Cooking כמאכל בן דרוסאי is not objectively proper cooking. But if one wishes to eat their meat rare, it is subjectively considered cooked at this point, so the person would still be liable. This is how he explains the Gemara’s distinction between כל צרכו – fully cooked, that could be a transgression if a small amount is cooked, and בן דרוסאי, the subjective measure, that must affect both sides.

It is important to point out that practically, most Poskim believe that one does violate the prohibition against cooking meat and milk as well, even if it is only cooked to the degree of maachal ben Drusai. Still, the Griz’s distinction is acceptable according to all opinions. “Fully cooked” is an objective definition whereby the food (even only a grogeret’s worth) is considered to have undergone bishul, while the level of maachal ben Drusai is only considered bishul if it is cooked enough for people to be willing to eat it.

However, a careful reading of the Rambam raises an interesting revelation –

The Rambam describe full cooking as “grilling” and maachal ben Drusai as “cooking”.

“Grilling” has the heat source affect one side of the food. “cooking” implies cooking happening on all sides.

In that context, the Rambam’s distinction makes sense. If the heat is affecting one side, the transgression would occur when a certain amount gets properly cooked. If the entire piece is being cooked simultaneously, the transgression may occur at an earlier stage of the cooking, but only if the cooking affected all sides evenly.

Perhaps there is a different way to understand this distinction: Maybe even maachal ben Drusai is considered objectively cooked, but there is a leniency when one cooks to the degree of maachal ben Drusai on one side, since people are not willing to eat it unless it is cooked on both sides.

The key difference between these two possibilities is whether maachal ben Drusai is halachically considered bishul.

The Rambam writes:

The Rambam explains that until the food is fully cooked, there is still halachic significance to cooking it further. This is consistent with our first way of understanding the Gemara based on the Griz: that something is considered objectively halachically cooked only once it is fully cooked, but, still, one is liable when cooking to the level of ben Drusai, since the food is then considered edible for many people.

Let us return to the discussion of the Mishna that we began earlier. Tosafot writes:

It appears that Tosafot understands like the Rambam. In contrast, the Rashba writes:
We will discuss the rules of *kli rishon* later. What is relevant here is that the Rashba believes that once the food has been cooked to the level of *maachal ben Drusai*, it is considered objectively cooked, and cooking it further is not considered *bishul*. If so, however, why does the Gemara in Menachot state that grilling to *maachal ben Drusai* on only one side is not a melacha *d’Oraita*?

The Rashba and Shevet Halevi’s implication is like the second possibility: that cooking until *maachal ben Drusai* is halachically defined as *bishul* unless there is a special reason to be lenient.

The Ran explains Tosafot differently than we did above:

1. **Rambam**: The objective definition of *bishul* is once food has been fully cooked. One is also prohibited from cooking until the level of *maachal ben Drusai*, since many people consider it cooked enough to eat. If for practical reasons people will not eat it if it was only cooked until *maachal ben Drusai*, then it is not considered *bishul*.

2. **Rashba**: The objective definition of *bishul* is once food reaches the level of *maachal ben Drusai*. If, however, for practical reasons people will not eat it if it has only been cooked until *maachal ben Drusai*, then it is not considered *bishul*.

3. **The Ran’s understanding of Tosafot**: *Bishul* is defined as reaching the level of *maachal ben Drusai*, but Chazal forbade cooking the food further if it has not yet been fully cooked, and included in this is the *issur d’Rabbanan* of immersing the food in hot water even if it is not still on the fire. (The Rashba admits that this is an *issur d’Rabbanan*, but their disagreement is regarding the guidelines of the *issur*).

To summarize the opinions:

The Shulchan Aruch rules like the Rambam.
3. Intermediate Degrees of Bishul

So far we have seen different opinions regarding the Halachic significance of the beginning stage of cooking, maachal ben Drusai, and the end stage of cooking, when the food is fully cooked. What about other stages in the cooking process?

Cooking to a Lesser Degree than “Ben Drusai”

Most issurei d’Oraita draw a distinction between when one will be liable to be punished by Beit Din, and when one is in violation of the issur d’Oraita. For example, one is liable to receive lashes from Beit Din for eating pork only if one eats at least a kezayit (an olive’s) worth of meat, but it is still an issur d’Oraita to eat the smallest amount. This concept is known as,chatzi shiur, is forbidden by the Torah.

Is there a parallel distinction in regard to bishul?

The Chazon Ish writes that anytime the food is cooked to a significant degree (we will define yad soledet bo later on) one violates bishul, but he is not sure whether this is considered a melacha d’Rabbanan.

Note the Rambam’s formulation:

When the Rambam uses the word פטור in hilchot Shabbat it generally implies that the violation is not serious enough to incur a punishment, but it is still forbidden. The Rosh Yosef (Rav Yosef Teomim, 1727-1792, better known as the author of the Pri Megadim) therefore writes:

The Even Haezel, however, disagrees:

When we discuss the concept of chatzi shiur in relation to forbidden foods, the intention is that one ate less than the amount that incurs punishment (i.e.- less than a kezayit of pork), but one certainly did eat something that is forbidden. However, when food is heated but it is not yet edible, no bishul has occurred at all.

Still, the Even Haezel explains why the Rambam does not write that such cooking is completely permitted:

Questions and comments may be sent to: info@eretzhemdah.org
The Even Haezel explains the Rambam as follows:

Cooking to the level of *maachal ben Drusai* is a complete act of *bishul* *d'Oraita*. However, in our situation, where cooking to *maachal ben Drusai* on only one side does not make the piece of meat edible, one cannot be in violation of *bishul*. Still, it is a *chatzi shiur* violation of *bishul*, since one did an act of *bishul* on part of the piece of meat, as that is the definition of *chatzi shiur*; a prohibited act that is not quantitatively large enough to be considered a complete prohibition. If the meat was cooked to less than *maachal ben Drusai*, however, then it is not considered *bishul* at all.

In summary, the Rosh Yosef understands that the Rambam believes cooking one side of the meat to *maachal ben Drusai* is prohibited, since it is included in the concept of *chatzi shiur*, and so too would any act of heating food, even to less than *maachal ben Drusai*, be prohibited as *chatzi shiur*. The Even Haezel rejects this understanding, as he argues that *chatzi shiur* applies only if one did an act that was qualitatively deficient. The Rambam’s case is different, since one cooked part of the meat to *maachal ben Drusai*, and it is therefore comparable to the classic *chatzi shiur*.

---

**From “Ben Drusai” to “Fully Cooked”**

According to the Maharam Kazis and the Bigdei Yesha it seems clear that any significant advancement in the cooking process between the level of *maachal ben Drusai* and being fully cooked is an *issur d'Oraita*. Later on, we will see that other opinions disagree. (See also the aforementioned Eglei Tal in the Harchavot who believes that there is no *issur d'Oraita* of *bishul* according to the Rambam after reaching *maachal ben Drusai*).

Until now we have seen several important arguments: The Rosh Yosef and Even Haezel disagree regarding whether there is an *issur d'Oraita* when one heats food, but it does not even reach the stage of *maachal ben Drusai*. The *issur d'Oraita* of *bishul* is violated when one cooks food until *maachal ben Drusai*, but the Rashba and Rambam disagree regarding whether one violates the *issur d'Oraita* of *bishul* if he cooks food from the state of *maachal ben Drusai* until the state of being fully cooked.

We just saw that there are different opinions whether, according to the Rambam, one violates *bishul* on a *d'Oraita* level when cooking food that has already reached the stage of *maachal ben Drusai*, and causing it to be significantly more cooked but not yet to the point of being fully cooked.

Before we proceed to discuss whether one can violate *bishul* after food has reached the level of being fully cooked, we will first examine a few other important points:
4. **What is Considered “Ben Drusai”?**

“Ben Drusai” was apparently a person who was afraid to stay in one place for too long, and he therefore cooked his food as quickly and as minimally as possible. Precisely how cooked is *maachal ben Drusai*? We find different opinions in the *rishonim*:

The Rambam has a different definition:

Rashi writes that *maachal ben Drusai* is 1/3 cooked, while the Rambam writes that it is 1/2, but a 1/3 or 1/2 of what exactly?

The Chazon Ish explains that the percentages the *rishonim* bring are based on the total cooking time required to fully cook the food. He concludes by explaining that the “clock begins” only once the liquid that is cooking the food has reached *yad soledet*.

5. **Placing Food near a Heat Source that may Lead to Cooking**

Rashi explains that the Baraita permits placing water close to the fire, as long as one is careful to remove it before it heats up. That is also the Rambam’s position –

However, the Yerushalmi gives a different impression:

The Yerushalmi implies that it is only permitted to place the water in an area that is *yad sholetet* (literally, that the hand controls - we will define exactly what this means later). Meaning, it is not sufficient that one removes the water in time, but there is also a requirement for the location of the water; it may not be placed somewhere that is defined as not *yad sholetet*, even if one’s intention is only to make it lukewarm. That is how Tosafot explains our Gemara:
This is also the Rashba’s opinion:

The Shulchan Aruch follows their opinion:

The following Gemara brings a similar Halacha:

The idea is clarified by the following story that is brought earlier in the Gemara:

One may place hot water on a pot in order to retain its heat, but one may not place cold water on a pot in order to “create” new heat. This is the Shulchan Aruch’s ruling:

How would the Rambam understand the above Gemara? The Magid Mishna (Hilchot Shabbat Perek 4 Halacha 6) implies that the Rambam understands that the servant in the above story was placing the cold water with the intention of leaving it there to heat up, which is certainly forbidden. Other explanations for the Rambam are brought in the Harchavot.
Let us return to the first half of the above Shulchan Aruch:

The Taz explains:

The Taz brings us back to our earlier discussion. The Shulchan Aruch rules that if the food is already hot, it is permitted to place it on a hot pot in order to maintain the food’s heat. The Taz explains that the intention is that the food is not fully cooked, but placing the food on the pot, while it will help to maintain the food’s heat, will not be able to cause it to become fully cooked.

There are those who infer from the Taz that he believes that the Rambam, who holds that it is forbidden to cook food until the level of bein Drusai and also to cook food to the level of being fully cooked, does not believe that it is prohibited to cause food to become more cooked within those two extremes. Although, as we will later see, there are issurei d’Rabbanan about causing food to become more cooked than bein Drusai, our point is that it is not considered the melacha of bishul. In our situation, where the food cannot become fully cooked, it is permitted to allow it to continue to cook.

6. What is “Yad Soledet”? 
We have been studying with different levels of bishul regarding cooking dry foods. In regards to cooking liquid, however, there are different standards:
The Darkei Teshuva proves that "yad soledet" is hotter than 40 degrees (Celsius) from the fact that animal milk, at the time that it is milked, is not halachically considered to be hot even though it is around 40 degrees. The animal’s throat is not considered halachically hot (This has implications to the Halachot of shechita (slaughtering)). The hottest such animal we are aware of is a sick duck. A Sick duck’s throat may reach 45 degrees celsius. Therefore, Rav Shlomo Zalman Auerbach proves that 45 degrees is not yet "yad soledet." At what point, above 45, would it be? He says that presumably up to 48 does not seem to fit that description.

As implied, this proves that the level of "yad soledet" is at least above those numbers, but it could very well be much higher. This is important, since sometimes one must be stringent for a much higher number. For example, the Shulchan Aruch rules that one may place hot food on top of a hot pot; if the food above is only 50 degrees, one can’t be confident that it is hot enough to be lenient and place it on the hot pot. Rav Moshe Feinstein similarly writes: }

Summary

**Different Levels of Bishul**

The Gemara in Menachot (57a) states that one violates the melacha of bishul once food has reached the level of ben Drusai, as long as both sides have reached ben Drusai. If only part of the meat is cooked then one violates bishul only if a grogeret’s worth of meat is completely cooked.

The Rashba learns from there that the definition of bishul for the purposes of Shabbat is cooking food to the level of ben Drusai, and after that point one can no longer violate bishul. The Rambam, on the
other hand, learns that the objective definition of bishul is to cook food until it is fully cooked, but one can still possibly be in violation of bishul for cooking food until ben Drusai, since that is subjectively considered sufficiently cooked by many people.

If one cooks food but it does not even reach the level of ben Drusai, then the Rosh Yosef writes that one is still in violation of bishul even though one would not incur a punishment from Beit Din, like the idea of eating a chatzi shiur. The Even Haezel, however, writes that since one did not qualitatively change the food before it reaches ben Drusai, it is not considered bishul at all.

The Poskim argue about a case in which one causes food that had already reached ben Drusai to continue cooking, but not to the point of being fully cooked. Most Poskim (Maharam Kazis, Bigdei Yesha, Shulchan Aruch Harav, and Chazon Ish) learn that the Rambam holds that any significant change in the food in the intermediate stage between ben Drusai and being fully cooked is a violation of bishul. The Taz and Eglei Tal, however, learn the Rambam differently and believe that there is no violation in such a situation. The Shulchan Aruch copied the Rambam’s wording.

**Defining the Level of Ben Drusai**

Rashi writes that ben Drusai is 1/3 cooked, while the Rambam writes that it is 1/2. The Chazon Ish explains that the intention is for 1/3 or 1/2 of the time that it takes to fully cook the food.

**Placing Food Somewhere where it may become Cooked**

The Gemara in Shabbat (40b) rules that it is permitted to take the chill out of cold water by placing it next to a fire. Rashi and the Rambam explain that the Gemara permits placing the water close to the fire (where it could theoretically get “cooked”) as long as one removes it in time. The Rashba, however, learns from the Yerushalmi that it is forbidden to place the water close enough to the fire where it could theoretically eventually reach yad soledet. That is also Tosafot’s opinion and the Shulchan Aruch’s ruling.

The Gemara (Shabbat 51b) similarly states that it is permitted to place a pot of food on a hot water urn, and vice versa, as long as one is merely maintaining the original heat and not heating the food further. From the story in the Gemara earlier (48a) it is clear that the intention is to permit putting hot food on top of a hot pot, but not if the top food is cold. The Shulchan Aruch rules that it is forbidden to place cold food on a hot pot if it is possible that the cold food will reach yad soledet, and the Mishna Berura infers from his words that it is forbidden to place the food in such a location even if he is careful to remove it before it will reach yad soledet.

The Shulchan Aruch also rules there that it is permitted to place hot food on top of a hot pot. The Taz explains (based on the Gemara) that one is permitted to place the hot food even if it is not yet fully cooked, since, even if the cooking continues, the Taz’s position is that there is no prohibition of bishul if the food will not become fully cooked (assuming it already reached ben Drusai beforehand). The Shulchan Aruch Harav disagrees and rules that if the food will continue to cook, even if it won’t become fully cooked, one is still in violation of bishul. The Chazon Ish appears to fundamentally agree with the Shulchan Aruch Harav, but he points out that often when food is hot, causing it to maintain its heat will cause the food to continue to cook, and will therefore be forbidden.

**Yad Soledet**

As we explained above, the temperature of yad soledet is relevant to bishul of liquids (in the Yerushalmi, the expression is yad sholetet, that the hand can control it (the heat), which is an opposite definition; there is no bishul as long as it is not too hot to touch). The Gemara states that yad soledet is the same temperature that will scald a baby’s abdomen (when bathing). Rav Shlomo Zalman Auerbach proves that yad soledet is hotter than 45 degrees (Celsius), since that is the approximate temperature of a duck’s throat in the area where Shechita takes place, and the Gemara teaches that the area where Shechita occurs is not hot enough to cause bishul. Rav Moshe Feinstein writes that one must be
stringent in both directions and treat yad soledet as 45 degrees but as 71 degrees when yad soledet would be a leniency.

This Shiur discussed the definition of bishul and the different aspects of bishul. In the next Shiur we will examine if the prohibition of bishul can apply to food that already underwent bishul.