Laws of *Bishul* (Shiur 7)

**The Conditions of *Chazara***

Shiur 19

Is adding food to a hot liquid halakhically considered cooking? The Mishnah prohibits adding spices to food that is considered a *kli rishon*, but allows adding spices to a *kli sheni*. The Rishonim have different opinions regarding the difference between *kli rishon* and *sheni*. We will analyze the dispute and use our conclusions to illuminate unclear situations such as *irui kli rishon*, defrosting using a *kli rishon*, what happens if using a *kli sheni* looks like the act of cooking, and use of a ladle.

**What is the Difference between *Kli Rishon* and *Kli Sheni***?

The Mishnah states that one may not add spices directly to a pot that was removed from the heat, but one may add spices to the food once it has been transferred to serving dishes. The pot that was directly on the heat is called a *kli rishon*, while the food in the serving dish is defined as a *kli sheni*.

The Rambam rules:

> רמב"ם הלכות שבת פרק כב הלכה ו קדרה רותחת, אף על פי שהורידה מעל האש, לא יתן לתוכה תבלין ... ואם צק התבשיל מקדרה לקערה, אף על פי שההוא רותח בקערה, מותר לו ליתן לתוך הקערה תבלין, שכלי שני אינו מבשל.

It seems that according to halacha, whether or not one may add spices depends not on the food’s temperature, but whether the food is in a pot that was directly on the fire. What is the meaning of this distinction? The Yerushalmi presents an interesting dispute:

R. Yossi explains that the difference lies in the food’s temperature. With a *kli rishon*, the “hand is not in control” – that is, the *kli* is too hot to touch (note that this is the opposite of the Bavli’s terminology of *yad soledet*). The Yerushalmi’s term is *yad sholedet* – whether the hand is in control, i.e. that the pot is not too hot to touch, whereas the Bavli’s term is *yad soledet* – that the pot is too hot to touch, as we will discuss further below), whereas a *kli sheni* can be touched. R. Yonah argues that this is not realistic – that food that is *kli sheni* might be just as hot as food that is *kli rishon*! Therefore he...
explains that the difference is based purely on Chazal’s definition – they forbid adding spices to *kli rishon*, but not to *kli sheni*.

This is further reinforced by R. Mena’s definition in the next halacha in the Yerushalmi:

**תלמוד ירושלמי (וילנא) מסכת פרק ג ה**

רב יוחנן בר מהתא עצר קומא ורפור את כ🤷‍♂️ח משועק מעבש... אומר ח… אומר החכם בורה!" לכל

**ሄחא המלכ תחתוי.**

The Ramban explains this:

According to the Ramban’s explanation of the Yerushalmi, there is no realistic difference between *kli rishon* and *kli sheni*. Bishul is only prohibited *d’Oraita* when the pot is on the fire (“as long as the light is burning beneath it”). The distinction between *kli rishon* and *kli sheni* is only *d’Rabbanan* – Chazal forbid adding spices to a *kli rishon*, but not to a *kli sheni*.

It is important to emphasize: it does not mean that food added to a *kli rishon* that is not on the fire, or even to a *kli sheni* will not get cooked. The heat from either source might actually cause a cooking process to take place even after the food has been removed from the heat (or even in a *kli sheni*!)

However, on a *d’Oraita* level, one is only considered *chayav* in bishul if the food is on the heat. This is similar to performing a melacha with a *shinui* - the result will be similar to regular performance of a melacha, but if it is not done in the regular way, there is no *issur d’Oraita* (in the next shiurim we will learn about situations where bishul definitely occurs, yet there is definitely no actual *issur of bishul*).

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**Harchavot – Clarification of why bishul using a *kli* that was removed from the fire is only *d’Rabbanan*, according to the Yerushalmi**

The Tosafot, however, learns differently:

The Tosafot say that there is a realistic difference in a *kli rishon* and a *kli sheni*. Often we find that food in a *kli sheni* is just as hot as food in a *kli rishon*. If so, why one may add spices to the former, but not to the latter? The Tosafot answers that *bishul* is not only dependent on the food’s temperature at a given time, but on retaining that temperature. The actual pot of a *kli rishon* is itself hot, but the *kli sheni* dish is not. Therefore, the *kli rishon* will retain its heat and there is therefore concern that something added to a *kli rishon* will get cooked, whereas the cold dish of a *kli sheni* will cool the food down faster and the added spices will not cook.

The root of the dispute between the Tosafot and the Ramban is similar to that of R. Yona and R. Yossi in the Yerushalmi. They argue whether the difference between *kli rishon* and *kli sheni* is based solely on Chazal’s ruling, or on a practical difference between the two (while Tosafot gives a different reason than R. Yossi’s, both agree that the difference is whether or not there is a practical difference).
Harchavot – the Rambam’s shita

a. A Practical Implication of the dispute: Irui

The Yerushalmi itself proposes a practical difference between the opinions of R. Yossi and R. Yona:

התרמלה והתרמלה (וילנא) מסכת שבת פרק ג

The Mishnayot discuss the laws of a kli rishon and kli sheni. The Yerushalmi explores what is the law when the food is being transferred (irui) from the kli rishon to the kli sheni.

According to the Tosafot, the halachic distinction between the two is based on a practical difference. Therefore, the question is whether during the actual transfer, the food has the status of kli rishon or kli sheni. And indeed, in some places they mention three different opinions about this issue:

The Rashbam rules that irui is considered like kli sheni.

The Ri rules that it is like kli rishon.

The Tosafot conclude that it is not on the same level as kli rishon and it will not fully cook the food, but it may cook the klipa - the outer layer of the food that is in the kli sheni.

The ramifications of cooking “the outer layer” are more relevant in the context of issur and heter (which exceeds the scope of this discussion).

In the context of Shabbat, it is significant in two respects:

1. The actual transfer is prohibited, because it eventually results in bishul,
2. If one does transfer food and thus cooks the outer layer, the status of the outer layer must be discussed in terms of ma’aseh Shabbat (that we learned in shiur 9).

Note how the Chavot Da’at explains the dispute:

הווה דעות ביאורים סימן צא ס”ק ה

That is, it is all based on the Tosafot’s fundamental premise – what makes it a kli rishon is the heat of the pot itself that was on the fire. The dispute is whether at the stage of irui the food is still in enough contact with the kli rishon itself as it is being poured out for it to be considered a kli rishon. (Without going into too much detail, note that in light of this there is room to distinguish between food that is being poured in one continuous stream so the food is still being heated by the sides of the pot as it touches the food in the kli sheni below it, and food that is not being poured out in a continuous stream, so there is no such continuity). The Chazon Ish explains thus:

ויהי דעות סימן ט אות ה

Harchavot – The Tosafot’s proof for the law of Irui

The Tosafot’s proof for the law of Irui

The Tosafot’s proof for the law of Irui
According to the aforementioned Ramban, there is not (necessarily) a practical difference between kli rishon and sheni – Chazal apply certain restrictions to kli rishon but not to kli sheni. Therefore, according to the Ramban, there will be no prohibition about pouring food from a kli rishon to food. Accordingly, his student’s student the Ran rejects the Tosafot’s shita (in the Ramban on Avoda Zara 4b the Ramban writes this, but the Ran is more structured):

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R. Tam, of the greatest Baalei HaTosafot, proves from the Mishnah that, although one may add spices to a kli sheni, but not to pour from a kli rishon onto the spices. This proves that irui is considered the same as kli rishon. The Ran, from the school of the Ramban, rejects his proof and claims that the Yerushalmi’s conclusion is that bishul only takes place when the pot is on the fire, while Chazal forbade kli rishon, but nothing else.

The Shulchan Aruch rules thus:

It is important to note: the Yerushalmi expresses that it is only forbidden in the case of a continuous stream, as the poskim emphasize:

As we explained above, according to the Ramban the prohibition of bishul in kli rishon is only d’Rabbanan, but there is no prohibition regarding kli sheni or irui. According to the Tosafot, the halachic distinction between kli rishon and sheni does stem from a practical difference. Halacha follows the Tosafot’s conclusion that irui does cook the klipa, and therefore irui kli rishon is an issur d’Oraita! And indeed later poskim rule thus:

To summarize our discussion regarding irui:

The Ramban holds that the prohibition with kli rishon is d’Rabbanan and there is therefore no problem with irui.

The Baalei Tosafot hold that the difference between kli rishon and sheni is based on a practical difference, so there is room to debate whether irui is considered like kli rishon or sheni.

There are three different opinions among the Baalei Tosafot:

irui has the same status as kli rishon
irui has the same status as kli sheni
Irui only cooks the *klipa*, but this is still considered a *d’Oraita* violation. Poskim follow this third opinion (Shulchan Aruch 318:10) and even consider it an *issur d’Oraita* (or at the very least, a *safek d’Oraita* – Mishnah Berurah 318:39, Igrot Moshe Orach Haim 1:93).

However, the Ramban seems to be correct – after all, the Yerushalmi rules as he does! Why do the Tosafot deviate from the Yerushami’s conclusion?

The Rishonim and Achronim offer various solutions:

**a. The Gra: The Plain Meaning of the Yerushalmi is the Same as the Tosafot’s!**

Two statements in the Yerushalmi contradict the Tosafot:

1. “They kept a safety margin from *kli rishon*” – this implies that the prohibition of *kli rishon* is only based on Chazal’s decree, but it is not *d’Oraita*.
2. “What is *bishul* is clear - as long as the light is burning beneath it” – only *bishul* directly on a heat source is considered *bishul*.

The Gra explains these two phrases differently. He points out the context of this first statement in the Yerushalmi:

In shiur 13 we discussed the Rishonim’s dispute regarding whether food may be placed somewhere where it might reach *yad soledet* and then actual *bishul* if it is left for too long. The Yerushalmi discusses the same decree. The Gra explains that R. Yona’s statement was made in this context:¹

Chazal prohibit *haflshara* - bringing cold food to room temperature - with *kli rishon*, but not with *kli sheni*. This is very logical according to the Tosafot – the sides of the *kli sheni* itself cool down the food, so even if it is accidentally left for too long, it is less likely that the food will actually cook. If the context is *haflshara*, then the phrase “they made a safety margin” is very appropriate.

We will now discuss the second phrase:

As we saw, the context of R. Yitzchak’s words was *irui*. In this context, it can certainly be explained that the Yerushalmi is explaining that *bishul* only refers to a *kli* that is actually on the fire. The Gra explains that this means that *bishul* will only take place inside a *kli* that was hot from the fire, and if so, then this rule will apply to *irui* to the same extent that it applies to *kli rishon*.

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¹ The Gra’s interpretation seems to better suit Rabbi Yonah’s opinion. If *kli rishon* is a safeguard, why should pouring be prohibited? It can be argued that the Gzera included both. The Gra has a simpler explanation – as far as cooking is concerned, pouring is like Kli Rishon. The Gzera regarding *haflshara* is another issue.
It is worth noting that the Tosafot’s explanation works well with this understanding. Tosafot writes that the sides of the kli rishon retain the food’s heat, but not the sides of a kli sheni, because only the kli rishon was warmed up by the heat. This is the meaning of the Yerushalmi’s phrase “as long as the light is burning beneath it” – the pot’s sides will retain its heat. (This explanation recalls the Chazon Ish’s aforementioned discussion of irui – that the heat of the actual pot, from being on the fire, is what defines the kli rishon as causing bishul).

In conclusion, the Gra explains that the Ramban and Ran’s explanation of the Yerushalmi takes it out of context because this law is relevant to hafshara, which is certainly d’Rabbanan, and irui, but it does not mean to rule out the potential for bishul d’Oraita of a kli rishon, even after it was removed from the fire.

b. Maharash: The Issur d’Rabbanan in the Yerushalmi applies to Kli Rishon that is not Yad Soledet

The Maharash’s premise is that as long as the food is yad soledet bo, it certainly causes bishul. If so, the phrase “they created a safety margin for kli rishon” is a d’Rabbanan decree in cases when the kli rishon is not yad soledet.

If this decree applies to food that is hot but not yad soledet, it is obvious why they were not referring to food that was not on the fire!

The Shach writes that the Maharash ignores the continuation of the sentence that he quoted:

The Yerushalmi explicitly states that the yad only decreed a safety margin in cases where the food was too hot to touch – that is, when the food was yad soledet. How could the Maharash learn from this that the decree is for when the food is not yad soledet?

The poskim relate that the Bet Yaakov convinced the Shach to accept the Maharash’s opinion:

The Bet Yaakov writes that “ein hayad sholetet” should in fact be read ein hayad soledet (rather than the opposite, as we have interpreted until now). But he adds that this is not enough:

One cannot take this phrase from the Yerushalmi out of context – the Bet Yaakov’s explanation is justified in this sugiya, but in many other places it will not make sense. The most important poskim reject this stringency and this understanding of the Yerushalmi:
The Mishnah Berurah follows this ruling as well. He is careful to point out – this regards kli rishon that has been removed from the flame. While it is on the flame, nothing can be added, even if he intends on removing it shortly after.

The Mishnah Berurah concludes with a reference to seif 14, which forbids leaving food in a place where it might reach yad soledeit.

Harchavot – “a burnt hand” – the Chayei Adam’s shita

c. The Ran: The Bavli and the Yerushalmi Disagree

The Ran points out a dispute between the Bavli and the Yerushalmi:

According to the Ramban’s understanding that the difference between kli rishon and sheni is based on Chazal’s decree, kli rishon should be categorically prohibited and kli sheni categorically allowed.

According to the Tosafot’s understanding that the halachic difference is based on a practical difference, it is possible, and even likely, that food might get cooked in a kli sheni. Therefore, adding food to kli sheni should be forbidden in many cases, depending on its temperature. Likewise, if the kli rishon is not sufficiently hot to cook a certain food, there should be no prohibition of adding that food to that vessel either.
The Mishnah states that one may place food that was cooked before Shabbat into hot water (as there is no bishul after bishul). That that was not properly cooked before Shabbat cannot be placed in the hamin, but one may pour food over it on Shabbat, with the exception of certain foods who are usually cooked in this way (ie. whose cooking is completed not over a direct heat source).

The Gemara states that if one pours food over something and cooks it thus, he or she must bring a sin offering. This contradicts the Yerushalmi that something is not considered bishul unless it occurs on the fire itself! We indeed saw a parallel question in the aforementioned Yerushalmi:

הלפנות יר_marshall (יילנ') מסכת שבת דף ג', ת"ה

ט_nf נ查詢ברעהא, דמשער דעורי כלכל, ואול שער דאורי עוצב ככלי רוטש, אבל מזרחי אוף מכלל ראשו.

But Tosafot are still far from the Ramban. According to Tosafot, irui does cook (at least a klipa, an outer layer). If so, why does the Mishnah allow irui over food that is not kalei bishul?

The Or Sameach explains that as the Ran notes, here lies the difference between the Bavli and the Yerushalmi:

The Eglei Tal explains similarly (Ofeh 23b).

But the Ramban claims that there is no difference between the Bavli and the Yerushalmi. If so, how does he explain that one is required to bring a sin offering for cooking food that is easily cooked by irui kli sheni? There are several excuses. One is brought by the Pri Megaddim:

The Eglei Tal explains similarly (Ofeh 23b).
According to the Bavli, the halachic difference between bishul with kli rishon and kli sheni is based on a practical difference. Therefore, if something is actually cooked by irui (rishon or even sheni) then one will be required to bring a sin offering. Therefore Tosafot looked for a practical explanation, and the parameters of irui are significant.

According to the Yerushalmi, bishul is only considered d’Oraita when it takes place over a direct heat source. Thus kli rishon is only d’Rabbanan, and the Ramban rejects any debate about the status of irui. The term kalei bishul challenges the assumptions of the present shiur. The Mishnah draws a clear distinction between kli rishon and sheni. However, with kalei bishul, we must define more clearly what is allowed, and with which kli. B”eH we will discuss this topic next shiur. For now, we will complete the Tosafot.

b. When Using a Kli Sheni Looks Like the Act of Cooking

The Tosafot on the previous page explain the Mishnah on 145b:

Given that R. Tam rules that irui is like kli rishon, the “הדחה” mentioned in the Mishnah necessarily refers to irui kli sheni. However, this implies that the Mishnah only allows irui kli sheni, when the Mishnah on 42 allows soaking in kli sheni!

Tosafot offer two explanations:

1. והאמר ר”י דאפילו בכלי שני אין שורין, דההואל דהמים חמין, מיחזי כמבשל. ואף על גב דתנן לקמן (דף מב:) אבל נותן לתוך הקערה או לתוך התמחוי, didReceiveMemoryWarning לאו כלוקי להזון דוקא תבלין שהן עשויין למתק את הקדירה ולא מיחזי כמבשל.

2. או יא נמי, המה הדין שורין אותו, ponieważ דאירי בכלי שני. והא דנקט ‘מדיחין’ לאשמעינן דאפילו הדחה הויא גמר מלאכה במליח הישן וקולייס האיספנין.

According to the second explanation, there is no contradiction between the two Mishnayot. The Mishnah on p. 145 does not allow irui kli sheni, but even prohibits irui kli sheni onto kalei bishul (the Mishnah’s examples of kalei bishul are מליח הישן וקולייס האיספנין).

However, Ri implies that there are two problems with regard to kli sheni:

1. Kalei bishul – one must check whether the food in question cooks easily.

2. This process may seem like cooking – even if the food does not actually get cooked, it may look like the person is cooking.

Therefore the Mishnah allows use of kli sheni as long as –

1. The food in question is not kalei bishul, and

2. It is not something that is usually cooked on its own (such as spices).

The Shulchan Aruch does not mention this law. The Nosei Kelim do mention it:

The Magen Avraham rules stringently, and the Mishnah Berurah follows this ruling (318:34).

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It appears that the poskim are lenient about heating up food cooked in a *kli sheni*, even if it is liquid, for two reasons:

1. Because the food is already cooked, it does not look like cooking.
2. One may be lenient based on the Tosafot’s second opinion that there is no *bishul* after *bishul* (even with liquids, as we learned in shiur 14).

**Using a Ladle – Further Clarification of the Definitions of Kli Rishon and Sheni**

We learned above that Tosafot write that the reason that *Kli Rishon* causes *bishul* is because the sides of the pots retains the food’s heat. The Gra explains that this is the meaning of the Yerushalmi’s phrase “as long as the light burns beneath it” – that a *kli* that has been warmed by the heat might cause other food to cook, even after the pot was removed from the fire.

This raises a question about using a ladle that is dipped into a *kli rishon* – on one hand, the heat source does not directly affect it. On the other hand, the ladle, unlike a *kli sheni*, is completely immersed in the pot and is thus fully heated up. How will Tosafot define a ladle?

In Tosafot’s discussion of kashering *keilim*, which is parallel to the laws of *bishul* on Shabbat, they debate whether a ladle is considered a *kli rishon* or not. The Ri is stringent in both directions – for prohibitions, he considers a ladle a *kli rishon*, while in matters of kashering, he considers it a *kli sheni*. The Maharil writes that it depends on its actual use:

If it is only dipped into a *kli rishon*, then the ladle is considered a *kli sheni*. However, if it was left in the pot until it became hot, then it is a *kli rishon*. Some poskim follow this ruling for halacha:

Note that R. Shneur Zalman of Liadi opens with the Maharil and concludes with the Ri: that even if the ladle was not left in the *kli rishon*, one should be stringent. In between, he cites the Tosafot: that leaving it submerged heats up the actual sides, which is the definition of a *kli rishon*.

The Taz challenges the Maharil:
The Taz presents three problems with the Maharil’s psak:

1. As long as the ladle is submerged within the *kli rishon*, it is considered a *kli rishon*—and a *kli rishon* is considered a *kli rishon* even after it is removed from the heat source. Why should a ladle be any different?

2. Based on the Tosafot’s logic that the definition of a *kli rishon* is a *kli* that has been warmed up, the ladle should be considered a *kli rishon*.

3. A technical question: the Maharil is also aware that after it remains submerged for a certain amount of time, the ladle is considered a *kli rishon*. Does this amount of time have a definition?

In any case, it is important to define the difference between Shulchan Aruch HaRav and the Taz:

If the ladle was left in the *kli rishon* for long enough, all agree that it is considered a *kli rishon*. The debate is the definition of “long enough.”

In one place, The Mishnah Berurah seems to take the stringent approach:

But elsewhere (in the context of *bishul after afiah*), he rules that passing through the ladle renders the liquid to be *kli shlishi*!

So which one is it? Is the ladle *kli rishon* or *kli shlishi*?

The Mishnah Berura seems to rule stringently out of doubt, but in cases when there is another factor to rule leniently he is then lenient (as in this case, when one can take the רבי”ה’s *shita* that there is no *bushul after afiah*), and the Shemirat Shabbat rules similarly, and further supports this ruling by citing the Chazon Ish:
The Chazon Ish differentiates between a ladle that was left in a pot on the fire, where the ladle itself was then heated by the fire, and one in a kli rishon that is not on the fire, which was therefore heated by the food itself and is thus considered a kli sheni. (This is consistent with the Chazon Ish’s shita until now – that the definition of kli rishon is one whose sides were heated by the fire itself, which has a practical implication for irui and the meaning of the term “as long as the light burned beneath it”).

R. Yitzchak Weiss offers a different explanation for this discrepancy:

It is not clear whether a ladle is considered a kli rishon or sheni. We are therefore stringent and define it as a kli rishon. However, this creates a further doubt – if the bowl one ladles into is then considered a kli sheni or shelishi. We are lenient about this doubt, and define the bowl as a kli shelishi.
e. **The Gra – The Yerushalmi’s Plain Meaning is Like the Tosafot’s**

The Gra explains the two passages in the Yerushalmi differently:
R. Yonah’s explanation that Chazal decreed a “safety margin” for kli rishon refers to hafshara: they forbid הפסחרה with kli rishon, but not with kli sheni. However, bishul is an issur d’Oraita!

The Gra explains that the statement that bishul only occurs “as long as the light burns beneath it” also applies to kli rishon when it is not actually on the fire!

This implies that the Yerushalmi actually concurs with the Tosafot, and that according to the Gra’s explanation of the Tosafot, הפסחרה (which we discussed in shiur 13) also applies to kli rishon, and not only to an actual heat source.

f. **Maharshal: The Yerushalmi’s Discussion Refers to a Kli that is Not Yad Soledet**

The Maharshal’s premise is that as long as the food is yad soledet bo, it certainly causes bishul. If so, the phrase “they created a safety margin for kli rishon” is a d’Rabbanan decree in cases when the kli rishon is not yad soledet.

If the kli is yad soledet, it is prohibited for a substantial reason, as the Tosafot explains. If it is not yad soledet, it is not fundamentally prohibited, but Chazal decreed that kli rishon is always prohibited. The Shach finds this problematic, given that it contradicts the Yerushalmi. The Achronim explain that the Beit Yaakov convinced the Shach to accept this pshat of the Yerushalmi. But this still remains problematic – the Yerushalmi uses this expression in many places, and not all of them are consistent with this interpretation of R. Yona!

The poskim (Magen Avraham, Mishnah Berurah) did not accept this stringency, but of course it is prohibited to add spices, etc., to a kli rishon that is still on the fire because of the decree of hafshara.

g. **Ran – This is a Dispute between the Bavli and the Yerushalmi**

The Ran writes that the Bavli and the Yerushalmi are divided about this issue, but he did not explain the source of this claim.

The Achronim offer several explanations for this claim:

We followed the Or Sameach (whose logic is similar to that of the Eglei Tal, but who learns this from a different Gemara), who claims that this can be learned from the issue of kalei bishul. The Mishnah (Shabbat 145b) explicitly forbids irui over food that cooks easily. The Or Sameach explains that according to the Yerushalmi, this seems to be a decree parallel to that of kli rishon, so it is certainly prohibited d’Rabbanan. However, the Bavli states that if one does irui over kli rishon, one is obliged to bring a sin offering, which implies that it is an issur d’Oraita! From this, the Ran concludes that this dispute between the Tosafot and the Ramban is the dispute of the Bavli and Yerushalmi:

According to the Bavli, the halachic difference between bishul with kli rishon and sheni is based on a substantial difference. Therefore, if irui – even irui kli sheni – actually cooks the food, one will be obliged to bring a sin offering. Therefore the Tosafot hold that there is a substantial difference, and there is room to debate about the status of irui.

According to the Yerushalmi, however, bishul d’Oraita only occurs while using a heat source, kli rishon is an issur d’Rabbanan, and for this reason Ramban does not deem it relevant to discuss the status of irui.

h. **When Using a Kli Sheni Looks Like Cooking**

As mentioned, this Mishnah states that one may perform irui over regular food, but not over kli bishul.

This presumably proves that irui does not have the status of kli rishon, which seems to contradict the Tosafot!
In order to solve this problem, Tosafot explains that the Mishnah means to allow *irui* from a *kli sheni*. However, this solution seems to contradict the first Mishnah we mentioned, which implies that one may add spices, etc., to a *kli sheini*!

The Tosafot proposes two explanations:

1. The Mishnah that allows *irui kli sheni* does not prohibit adding to a *kli sheni*, but only emphasizes that one may not even do *irui kli sheni* over *kalei bishul*.
2. The first Mishnah discusses spices. Adding spices to a food is not considered an act of *bishul*. However, adding actual food to a *kli sheni* is forbidden not because it will cook the food, but because it looks like cooking.

The Shulchan Arukh did not rule that there is a problem that *kli sheni* might look like cooking. The Magen Avraham rules that “one should be stringent.” The Mishnah Berurah accepts this ruling, but does allow adding cooked foods (even liquids) to a *kli sheni* for two reasons: 1) given that the food is cooked, it does not look like an act of cooking, and 2) one may take the Tosafot’s ruling that there is no *bishul* after *bishul* for liquids in any case.

**i. Using a Ladle**

Based on Tosafot’s “substantial” approach to *kli rishon* and *sheni*, one should consider the status of a ladle, which is fully heated by the *kli rishon*. The Tosafot (Avoda Zara 33b) shows that the Ri debates how to define a ladle, and rules stringently.

The Maharil writes that this depends if the server leaves the ladle in the pot or not – if the ladle is left in and gets hot, it is considered a *kli rishon*. The Shulchan Aruch HaRav rules thus. The Taz raises three issues with the Maharils’ ruling:

1) As long as the ladle is submerged within the *kli rishon*, it is considered a *kli rishon* – and a *kli rishon* is considered a *kli rishon* even after it is removed from the heat source. Why should a ladle be any different?
2) Based on the Tosafot’s logic that the definition of a *kli rishon* is a *kli* that has been warmed up, the ladle should be considered a *kli rishon*.
3) A technical question: the Maharil is also aware that after it remains submerged for a certain amount of time, the ladle is considered a *kli rishon*. Does this amount of time have a definition?

There seems to be a contradiction in the Mishnah Berurah: in *בס”ק פז* he writes that it is considered a *kli rishon*, but in *בס”ק מה* he writes that if one wishes to dip bread into soup one should use a ladle so that the bowl will be considered *kli shelishi*!

The Shemirat Shabbat explains that in the context of *bishul* after *afiah*, which is considered a stringency, one can be lenient regarding the status of a ladle. He also cites the Chazon Ish, who differentiates between a ladle dipped into a pot on the fire, which is considered *kli rishon*, and a ladle in a *kli rishon* that is not on the fire.

The Minchat Yitzchak explains that we are stringent about the status of the ladle itself and define it as *kli rishon*, but we are lenient about the status of the bowl the food is poured into and define it as a *kli shelishi*.

In this shiur we began discussing *kli rishon* and *kli sheni*. Next shiur we will discuss *kali bishul*; define what may be added to a *kli rishon* and what may not even be added to a *kli shlishi*, and how to mix water with water of a different status.