The Laws of *Bishul* (Shiur #6)
Transferring from One Source of Heat to Another, and Hotplates

Unit #18

We have discussed the conditions under which one may take food off of a heat source and return it. May one transfer food to a different heat source, possibly one that is hotter? May one place food somewhere that is not hot at the time, but will warm up later? This question has become more relevant nowadays with the use of electric hot plates and Shabbat clocks.

א. Transferring food to alternative heat sources

As we’ve learned, Chazal state several conditions that must apply if one wishes to return food to a heat source on Shabbat. The Shulchan Aruch lists the following conditions:

1. The heat source is covered (גורף וקטום)
2. The food is hot (as defined previously).
3. The vessel was not placed on the ground.

The Rema added two more conditions:

4. The vessel was held throughout the process.
5. There was intention to return it throughout the process.

Under these conditions, may one “return” the vessel to a different heat source? Or is that not considered ‘returning’?

חולם ירושלמים מפסכת שבת פד תלחנה ג
מכירה לכירה מותר... אומר רבי ירמיה ב רבי שמעון – אפיל מיכירת שחבלה מ모וטה ליהביה שחבלה מורחב.

R. Yirmiyah says that one may transfer the pot of food to a hotter source. We see that the food may be “returned” to any heat source, as the Rambam writes:

רמב”ם הלכות שבת פרק ג תלכת יא
מכיר לכירה מלאה פרק ג תלכת יא
ומ生产总י מצורה ליהביה, אפיל מיכירה שחבלה מモוטה ליהביה שחבלה מורחב.

This is echoed by the Rema and later Poskim:

רמ”א על ההלכות ערץ אשר חים הלכות שבות סימן رقم סעיף ב
מקל לקומוה, באפיל ליהביה שחבלה
שמרוות שחבלה (מקודש והשע) פרק א סעיף כ
אם הלכה על גוזי נמצאות הקדרות... קהלה מזר, מותר להעביד את הקדריה והשכינה על גוזי הלכה גומלה יוהר.
Moving food around on the ‘Blech’

The ‘Blech’ is generally a metal sheet that covers the stovetop burners (and possibly the dials as well), thus fulfilling the condition of covering the heat source (גריפה וקטימה). The warmest area is directly above the burner, but the area around it is hot as well. May one move food that is on the Blech to other parts of the blech, including hotter parts?

This case is even less of an issue than removing the food from the heat and returning it, as it never even left the heat – yet it raises a complex problem:

We have differentiated previously between placing food on a heat source, and in indirect heat (כנגד המדורה). How does Halakha define placing food on an area of the blech that is not directly over the burner? Presumably we’d expect the indirect heat to be considered כנגד המדורה. If that is the case, R. Feinstein is allowing to move food from כנגד המדורה to the direct heat!

Would this allow one to take food out of the refrigerator, place it there (since it is indirect heat), and then move it to the direct heat (since we are allowed to move it from that space to the direct heat)?

R. Shlomo Zalman says that we can’t have it both ways. Since we define the parts of the blech that are not directly above the flame as כנגד המדורה, placing food there on Shabbat is permissible, while moving the food from there to a direct heat source is forbidden.

Ultimately, he rules more leniently. He says that that space can bear both definitions. It is both a place that receives indirect heat, which justifies placing cold food there. Food that was left there may be moved to the direct heat. But not both! How not?

The definition will depend on what was done as Shabbat begins. If it was placed in indirect heat, it is not considered removed from the heat, and may be returned to it. If it was placed elsewhere to cool, it may be placed there, but may not be moved from there to the direct heat.

R. Shlomo Zalman’s heter includes moving the food from a place in which the food is not properly hot (אין היד סולדת).
A fire extinguished

Thus far, we have discussed removing food from one heat source and transferring it to another. But what if the first source is inadvertently extinguished or turns off – in such a case, may one move the food to an alternative source?

We’ve learned that when removing food from a heat source, one must intend to return it. In this case, the vessel is no longer on a heat source, but there was no intention to remove it (and therefore no intention to return it). Whether it can then be transferred to another heat source presumably depends on Chazal’s definition of intention in this context, as R. Zilber explains:

Chazal said that this can be considered Transmitting (returning) and not a new act of placing on the heat if the person intended to return the food to the heat. R. Zilber presents two possibilities of how to understand this definition:

1. If the person actively removes the food from the heat without intention of returning it, the food’s halakhic status is “removed from the heat,” and returning the food to the heat is then considered a new act of Transmitting.
2. When one is aware and conscious that the food will be returned, its removal is considered a temporary state, and it may therefore be returned to the heat. This halakhic state is created by active awareness.

If the heat turns off when the pot is still there, on one hand there was no intention to return the food to a source of heat, but on the other hand, there was no active removal on the person’s part. Therefore, the food’s halakhic status depends on which definition we adopt. The first definition dictates that there is only need for intention if the person actively removes the pot, whereas according to the second, we cannot consider the pot’s removal from the heat a temporary one if there is no conscious intention that it is temporary. Therefore, in this case, returning the pot would be considered a new Netina and not a Chazara.

The Poskim generally accept this interpretation, but they found other reasons to permit transferring the pot to a new source of heat.

1. Intent to remove the food at a certain time, and no earlier

R. Moshe Stern says that if one intends to remove the food from the heat for the meal, that is equal to positive intent that it will remain on the heat source until then. If the heat source goes off earlier, that is akin to the food being removed with the requisite intent of returning it. Therefore, in this case, returning the pot would be considered a new Netina.

The owner’s original intent therefore overcomes the food being off of the heat source with no opposing intent. But does his intention overcome someone else’s?
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One cannot impose **issur** on someone else’s belongings, as long as the **issur** in question occurs through intention. For example, one cannot make all of his or her produce **hekdesh** before taking **harchotot** and **mesiyot**, because the produce does not yet belong to them. However, if one adds milk to someone else’s meat, it **does** become **assur** because of the milk (rather than because of the person’s intent).

In this case, is the prohibition based on the situation, or on the mind? In other words –

1. Does **hachzara** become forbidden when the food is removed from the heat, but a person’s intent overrides the prohibition, or

2. Does the act of removal prohibit **hachzara** if the person does not intend to return it?

According to the former, another person removing the food creates the reality of the food being removed without the requisite intent, in which case returning would be prohibited. According to the latter, the person’s intention is what creates a prohibition – and if that is the case, one cannot impose such a prohibition on another.

R. Akiva Eiger shows that this is a **makhloket Rishonim**.

Based on that, R. Stern writes –

If it isn’t clear that another person’s actions and intentions can affect whether one may return the vessel, obviously if it happened on its own and there was no intent involved it would not be a problem.

So far we have two opinions –

R. Zilber says that intent is required only if a person actively removes the food.

R. Stern says that intent is required, but not necessarily active intent – one’s original intentions to leave the food on the heat until a certain time (such as the meal) is enough.

2. The vessel is neither on a heat source nor on the ground

R. Shternbuch defines the extinguished hot plate as a middle ground –

As far as intent is concerned, it is hard to determine whether what affects the food’s status is positive intent or lack of negative intent (as explained above). On one hand, the food was not placed on the ground, but on the other, it is no longer on a heat source. As we discussed in the previous Shiur, many poskim hold that in dire need one may return the food as long as it was not placed on the ground. Given the **safek** of this case, one may rely on those opinions, even without dire need.
3. Using the Ran’s opinion, considering the safek

As we discussed in the previous Shiur, the Ramban and the Ran, based on the Yerushalmi, hold that the prohibition applies only to food that was not on the heat source when Shabbat began. Their opinion is relied upon when there are additional reasons for leniency. Our case is a case in point:

Šoḥet Maḥot ketev K̲h̲l̲k̲ 2 S̲y̲m̲ph̲n̲

If one removes the wrong pot on Shabbat, he may return it. This is based on R. Stern’s definition that intention to remove the pot at a later time (rather than now) is considered sufficient intent to permit returning the pot. Even though one might argue that in this case one’s actions override their intent, there is still enough of a safek to justify following the Ramban and Ran.

This is a step beyond what R. Stern says. R. Stern explains that if no one was involved in the removal, the original intention stands. The SSK takes this a step further, to say that even if someone performs an action, their original intent still determines the pot’s status, as long as it was a mistake.

4. Until the food cools off, it is still associated with a heat source

Šoruti ḳorati ḳayiti ḳelk 2 S̲y̲m̲p̲h̲n̲

R. Feinstein says that as long as the food is still warm, and has not been moved, it is considered to be still on a heat source to the extent that it may be moved to a new heat source.

The SSK concurs –

Š upstream chatzeh Lechaim (mahorah shehur) p̲r̲k̲ A̲ s̲y̲m̲p̲h̲n̲

Summary:
A pot of food is on a heat source, which turns off. May one move the pot to a new heat source?
R. Zilber explains that Chazal require active, conscious intent that the pot will be replaced, and in this case, where there was no such intent, it may not be moved.

Poskim generally accepted this definition, but found other justifications for leniency:
1. Be’er Moshe – The initial intention of not removing the pot until a later time constitutes sufficient active intent that the pot will remain on any source of heat throughout that time span. (This is relevant to a case in which a person removes someone else’s food from the heat source. Based on R. Zilber’s definition, returning it would be prohibited. Based on the Be’er Moshe, the owner’s initial intent would allow returning it).

2. R. Shternbuch – The original prohibition is returning a pot that has been placed on the ground, a place that actively cools the food. Since that doesn’t occur in this case, we can be lenient. (He seems to reject the Be’er Moshe’s definition of intention, but practically, he rules more leniently).

3. Mishne Halakhot – considering the safek, we can rely on the Ramban and Ran (we learned in the previous unit), that one may return the pot if it was on a heat source when Shabbat began. R. Shlomo Zalman applied these leniencies to a case in which the wrong pot was mistakenly removed from the hotplate.

4. R. Feinstein – as long as the food is hot, moving it is considered moving from a smaller heat source to a greater one.

We discussed the question of moving the food to a different heat source when its current heat source turns off. There is no question that if it is expected to turn on again, one may leave the vessel in its place:

Placing food on a hot plate that will go on later

This question concerns food that has already been cooked, in the context of the halakhot of reheating food that was cooked before Shabbat. Before we discuss this topic, it is worth mentioning a parallel discussion. It seems that placing uncooked food on a hotplate considered a grama, an indirect melacha. On the other hand, all cooking can be viewed as grama. Is it really different from placing the food in an oven that was just turned on and will only start cooking in 20 minutes? Effectively, even if the oven is preheated, it will take a while before the food is heated to the point that it begins to cook! We explore this further in the Harchavot.

❖ Harchavot – is placing food on the plata before it is on considered grama?

Primary sources that discuss future heat

Halogim of Rambam

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If the fire was lit first, all subsequent actions – adding wood, water, or spices – are an issur d'Oraita. If the fire was lit afterwards, all earlier actions are patur.

Chazal generally distinguished between different levels of prohibition with different words:

 DECLARED SHABBAT, SHABBAT

"חייב" refers to a d'Oraita level prohibition.

"פטור" refers to a d'Rabbanan level prohibition.

If the action is allowed, they say that it is מותר (and not פטור).

In the beraita above, actions that took place before the fire was lit are said to be פטור. Does that imply that they are considered a d'Rabbanan level prohibition?

The Rambam does not mention these actions at all, which implies that there is no such prohibition.

While Shabbat clocks have only been around for less than a century, very early responsa show that there have always been other ways of creating "automatic" situations –

As we learned in unit #4, Jews may enjoy the heat of a hearth that was lit on Shabbat under certain circumstances. May a Jew place a pot of food on the hearth so that it will become hot on Shabbat when the servant lights the hearth?

The declaration of Shabbat clocks is not a completely new development.
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Terumat Ha'Deshen points out the Rambam's emphasis on the latter two being "חייב". He says this emphasis hints that although the first two cases are not actually "חייב", they are still prohibited. He rules that placing a pot somewhere it will later get cooked is prohibited. The Rema accepts this decree:

One may allow a non-Jewish servant to place the food there, but a Jew may not.

The Beit Ephraim questions the validity of this "issur" –

Beyond Chazal’s differentiation between the various levels of prohibition, there are still other considerations. When Chazal say that a certain action “does not warrant punishment,” this only implies that it falls short of punishment, but that action is still prohibited. This logic, however, does not apply if a person’s action does not have any halakhic significance.

In our case, a person puts food in a cold place on Shabbat. This has no halakhic significance at all, and it therefore makes no sense to say that he “fell short” of "חיוב". He has done nothing wrong!

(This raises an alternative explanation of why the Rambam does not mention the actions that took place before the fire was lit.)

The Beit Ephraim says that the actions that took place before the fire was lit can only be considered transgressions if the participants knowingly participated in the sequence together. If so, then once the fire was lit, anyone involved bears a certain level of responsibility. But this is only considered a prohibition if there is a transgression involved. If other people light the fire and cook, placing the food in that spot is perceived as part of a prohibited sequence. However, if there is no prohibition committed by any person (because the heat goes on automatically) it is not justified to see his action as "חילול שבת" at all.

This of course differs from the Terumat Ha'Deshen, who says that placing food somewhere that will become hot later is prohibited, regardless if the fire is lit by an actual person, or if it goes on automatically.

To summarize the Beit Ephraim’s opinion:
1. If the heat is turned on by a Jew, any preceding action is a transgression.
2. If the heat is turned on by a Shabbat clock, any preceding action is not considered a transgression.
3. If the heat is turned on by a non-Jew, then it depends on the reason why the non-Jew turned on the heat, as discussed in shiur 2. If the heat is turned on for the non-Jew’s own benefit, it is not a transgression to put the food there, but if the non-Jew turns on the heat in order to heat up the Jew’s food, it is a problem.

Although the Beit Ephraim finds his own logic convincing, he is reluctant to give a decree that opposes the Terumat Ha’Deshen and the Rema.

Contemporary Poskim’s decrees regarding Shabbat clocks

Since the Rema says that one may not place food in the hearth that will be lit later, R. Waldenberg says that one may not place food on a hotplate that the Shabbat clock will later turn on.

R. Ovadia, on the other hand:
R. Ovadia says that one may place cold cooked liquids on a hotplate that will turn on later, considering two aspects: 1. The makhloket whether it is prohibited to cook food a second time (בישול בישול), even when it comes to liquids. 2. The Beit Ephraim’s reservations regarding the Terumat Ha’Deshen’s ruling constitute enough of a sfek sfeka to rule leniently.

R. Shlomo Zalman Oierbach proposes a middle ground:

נראה לעניות דעתי חידוש גדול. דאיסור העמידת הקדירה קודם ההיסק הוא דווקא אם אחר כך נעשה ההיסק ע”י אדם ... והיוו זכות על הכירה קודם ההיסק תבשיל לח enquantoו רותח, ואחר שיצטנן יסיק הנכרי הכירה, יש לומר דשרי לכתחילה, דהא דא’ נותן את המים וא’ נותן את האור הראשון אסור מדרבנן, כיון דאלו האור שם, דאז היה חייב משום מבשל. אבל בזה, דבעידנא דנותן שם, אף אם היה שם (אש) היה מותר, דאינוлеч יזחרא בישול, ולאחר שהставить לא зубיד.

R. Shlomo Zalman forbids this if the heat will be turned on by a person. If no human will be involved in turning it on, it is allowed.

Thus R. Shlomo Zalman accepts the Rema’s prohibition, but also allows placing food on a hotplate that will go on later.

Harchavot – R. Shlomo Zalman’s discussion regarding two people putting down a pot

In practice, he is cautious of implementing the leniency, considering the controversy:

לتكوينعلوم אינןワイיס סיום שישו חזרה על מעשה סק’ai

R. Akiva Eiger discusses the following case: a pot of hot food that meets the conditions that would permit placing it by the hearth. The hearth is currently cold. The non-Jewish servant will light it in a few hours. By then the food will be cold. May one place the pot there now?

He is inclined to say that this is allowed, given that it is hard to define any of the actions as prohibited. At the time that the pot is put down, it meets the necessary halakhic requirements, and by the time the hearth is lit, the Jew is no longer involved.

R. Tzvi Pesach Frank accepts R. Akiva Eiger’s leniency and applies it to Shabbat clocks –

Harchavot – May one place food before Shabbat on a plata that will go on on Shabbat?
Moving to alternative heat sources

A flame extinguished

Placing on a hotplate that is expected to turn on later
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We have now completed the Halakhot pertaining to returning food to alternative heat sources. In the following units we will resume discussion of the definitions of the av melacha of cooking on Shabbat.