The Laws of Bishul

Kalei Bishul

Shiur 22

The last few shiurim have analyzed the halachic significance of *kli rishon*, *kli sheni*, etc. In this unit we will discuss situations in which *kli rishon* interacts with *kli rishon*:

stirring the pot, and mixing *kli rishon* with *kli rishon*

**Stirring**

In unit #18 we mentioned the following *beraita*:

תלמוד בבלי מסכת ביצה דף לד עמוד א

תניא, אחד מביא את האור, ואחד מביא את העצים, ואחד שופת את הקדרה, ואחד מביא את המים, ואחד מניח:

ottie - מביא - קול חיות.

The first five actions are clearly prohibited, so each person is *chayav*. It is evident from the *beraita* that stirring is also problematic. When the final person stirs the pot, that person is chayav as well.

The prohibition of stirring comes up in another context. In unit #11 we learned that Beit Shammai hold that our possessions should not work on Shabbat either. A secondary discussion arises: in certain cases, Beit Hillel should agree with the stringency, due to concern of other violations:

In other cases we are concerned that one might stir the coals, thus igniting and intensifying their heat. The Gemara asks why are Beit Hillel not concerned about that in this case. Shmuel says that the Mishna is referring to a pot that is no longer on the flame, therefore there is no coal to stir. The Gemara raises a different concern – that one might stir the pot. The Gemara says that we are discussing a sealed pot, in which case we are not concerned that one might stir without realizing that it is prohibited.

We have seen the prohibition of stirring in two contexts:

In the above *beraita*, the pot of food is on the flame.
The second Gemara is discussing dye that is off the flame, and the Gemara implies that had it not been for the seal, stirring the pot would be a violation.

Tosafot say that the prohibition transgressed in the latter Gemara is the *melacha* of צובע – coloring or dyeing:

The Gemara is discussing wool immersed in a pot of dye. Tosafot explain that the act of stirring is what colors the wool. This transgression is ostensibly unrelated to the topic of food and cooking.

In contrast, note that Rashi explains that the second Gemara is referring to cooking as well:

In the *beraita* it seems obvious that the issue is cooking:

The Rashba raises a question based on practice:

If stirring the pot is prohibited even after it is removed from the heat source, how can we ladle soup out on Shabbat? Do we not inadvertently stir the contents?

This issue is not relevant for Tosafot, who prohibits stirring in the context of dyeing (and not cooking off of a heat source).

The Rashba's question, however, is relevant for Rashi and the Rosh.

The answers proposed by the Rishonim illuminate the nature of the prohibition.

1. **Only the initial stirring, which adds a new quality to the food, is considered cooking**

The Rashba says that only the first stirring is prohibited. As long as the pot was stirred once before Shabbat there is no problem with ladling out, or even stirring, on Shabbat. The Spanish Rishonim (Ramban, Ritva, Ran) all concur.

The Rashba explains that the first stirring mixes everything and speeds up the cooking. It seems that what makes the first stirring unique is primarily the first aspect – mixing all of the contents. One goal in cooking is making the various flavors intermingle. It is not a question of heat, but of the mixing of flavors. That is the stirring that is prohibited on Shabbat because it is a part of the cooking process. Subsequent stirring does not affect the intermingling quite as much, and is therefore not prohibited.
According to this opinion, stirring adds a quality to the food that cannot be achieved through heat alone— it is feasible that all components of a stew are fully cooked, and yet stirring will give it a new quality.

2. **Stirring is prohibited only before the food is fully cooked**

The Rashba proposes another answer:

According to this opinion, stirring will give it a new quality.

As we mentioned, once food is considered cooked, there is no halakhic significance to further cooking (as we learned in unit #13, according to the Rashba this ends when the food reaches *Ben Derosai*). Therefore, stirring is not prohibited once the food is fully cooked.

As opposed to the first answer, which considers stirring and heat two distinct factors that each have different influences on the food, the second answer implies that the stirring is not on its own separate scale, but is merely a different means of distributing the heat.

The Chazon Ish proposes a practical difference between these approaches.

Presumably, according to the first option, stirring may be halakhically considered as adding a new quality. Since the stirring is adding a quality that was not there previously, it may be prohibited, despite the fact that all of the components are fully cooked. According to the second, the stirring does not add any new quality to the food (and therefore once it is fully cooked, stirring is not prohibited). The Chazon Ish raises the possibility that according to the first option, stirring would be prohibited even after the food is fully cooked:

He concludes that once the food is fully cooked, stirring is not prohibited, even according to the first approach.

3. **Stirring is prohibited even after the food is fully cooked**

The Mahari Weil instructs to be careful not to stir the pot when serving the food on Shabbat. It is implied that even if the food is fully cooked, stirring is still prohibited. When the Rashba asks, “How should food be ladled out of the pot on Shabbat?” his answer would presumably be: carefully. It seems that as long as one is careful and doesn’t mean to stir the pot, it is okay.

The Taz notes the Mahari Weil’s choice of saying that mixing is LIKE (כמבשל) cooking –

Since the food is fully cooked, stirring cannot be the actual *melacha* of cooking. The Mahari Weil prohibits it in order to prevent anyone stirring a pot that isn’t fully cooked. GRSZ Aurbach explains why such a *סיג* is needed:
Placing a pot on the flame is an obvious act of cooking. Therefore people are more likely to be careful and only return food to the flame if the food is fully cooked (and under the conditions discussed primarily in units #16-17). Stirring does not seem like cooking, therefore people are less likely to think of it as such, resulting in transgressing the prohibition. This is why Mahari Weil and other Ashkenazi poskim prohibit stirring on Shabbat, even if the food is fully cooked.

We have seen four positions in the Rishonim regarding ladling food out on Shabbat. We will recount them in descending order of stringency:

1. Mahari Weil: one must ladle the contents of a kli rishon that is fully cooked out carefully and refrain from stirring it, lest one stirs a pot that is not fully cooked.
2. Rashba #I – only the first stirring is prohibited. Once the food has been stirred once before Shabbat, one may ladle and even stir it freely on Shabbat.
3. Rashba #II – stirring is prohibited only when it serves to speed up the cooking. Once the food is fully cooked, stirring or ladling is allowed.
4. Tosafot – stirring is prohibited only when the food is on the heat. The case in which stirring is prohibited off the flame pertains to dyeing wool, not cooking. According to this opinion, there is no source that prohibits stirring food that is off the heat.

The Rambam’s opinion

The Rambam quotes the beraita from Beitza:

"ונאמרו שלכתחב שבת פרק ט הלכה ד

אחד נתן את האור ואחד נתן את העצים ואחד נתן את הקדרה ואחד נתן את המים ואחד נתן את התבלין ובא אחר והגיס כולם חייבים משום מבשל, שכל העושה דבר מצרכי הבישול הרי זה מבשל.

And explicitly adds a prohibition of ladling food that is on the flame:

"ונאמרו שלכתחב שבת פרק ט הלכה יא

אסור הלכתה מנרפת לקדרה שבת ויהי על האור להוציא ממנה בשבי מימי הבושל וחוי תפארת הובשל והובשל והובשל ומכמה בשבי.

The Raavad says that the Rambam takes the prohibition too far:

"השגת הראב”ד על הרמב”ם הלכות שבת פרק ג הלכה יא

אסור הלכתה מנרפת לקדרה שבת ויהי על האור להוציא ממנה, ואיני הפרי על המחותי שאותו הלכותה מידי הקדרה בברכה בתבשיל.

The Raavad says that prohibiting ladling is taking the prohibition too far.

Why does the Rambam differentiate between food that is on or off of the flame? The Kesef Mishne says that indeed, that is not the distinction the Rambam himself meant!

"וכסף משנת הלכות שבת פרק ג הלכה יא

נראה לי שמה שכתב רביינו הוא על האש sacrific על האש משמא והם משארים אםForeignKey ממידה וברכה.

The Kesef Mishne says that the Rambam prohibits ladling out of any kli rishon hot pot on Shabbat! Does this mean that the Rambam prohibits all ladling from kli rishon on Shabbat? We have not seen any such position previously! The Kesef Mishne agrees with the interpretation of the Ramach:

"הנה ומשנת הלכות שבת פרק ג הלכה יא

נראה לי שמשלמה Truyềnים (ב) סופי ויב, סימן יב, טעם הדברים הוא שאם אחד מסיר ומחזיר בשבת על האש או מעביר מאש קטנה לאש גדולה אז כל אדם נותן אל לבו לבדוק⾒ר שיאש מבושל כל צרכו, ובלבד שיאש כריך מז'httpי, ובלבד שיאש כריך מז'httpי, ובלבד שיאש כריך מז'httpי, ובלבד שיאש כריך מז'httpי, ובלבד שיאש כריך מז'httpי, ובלבד שיאש כריך מז'httpי, והגסה, קל הוא בעיני הבריות ועלולים לטעות שמורר להגיס טרם שבשל כראו.
The Kesef Mishne and Ramach explain that the Rambam is referring to food that is not fully cooked. As long as the food is hot, stirring food that is not fully cooked advances the cooking, whether it is on the flame or off.

The Kolbo says that the Rambam holds like the Tosafot!

The Lechem Mishne explains why both the Kesef Mishne and the Kolbo explain the Rambam in these complex ways:

The Gemara asks: are we not concerned about transgressing the prohibition of stirring the pot, in a case in which the pot is off the flame. So why does the Rambam say that it is prohibited only on the flame?

This leads to two options –

- The Kesef Mishne and Ramach: the Rambam means a hot pot, not necessarily on the flame (and only prohibited if it is not fully cooked).
- The Kolbo and Lechem Mishne: that Gemara is referring to a pot of dye, and the prohibition is mixing the dye to color the wool more deeply. Stirring as a part of cooking is prohibited only on the flame.

According to the Lechem Mishne, it seems that the Rambam is talking about food that is fully cooked. How is stirring cooked food considered cooking?

According to the first explanation in the Rashba, stirring adds a new quality to the food that is not necessarily obtained through heat.

The Mahari Weil also prohibits stirring a fully-cooked pot, but it seems that is a seif.

Rav Moshe Feinstein offers a third reason for stringency:

Rav Feinstein says that even if the food seems fully cooked, there may always be bits that are not. Stirring will expose those bits to the heat properly and cook them, which may not happen as effectively if the pot remains on the heat undisturbed.

GRSZ Aurbach rejects this reasoning: if we are worried about undercooked bits, we should never be lenient about returning food to a heat source on Shabbat!
The Shulchan Aruch rules as he explained the Rambam in the Kesef Mishne: As long as the food is hot and not fully cooked, one may not stir, or even ladle the food out. Once fully cooked, there is no problem (He also mentions the prohibition of stirring a pot of dye).

Most Sfardi Poskim follow his ruling and allow serving food while it is on the heat, but prohibit stirring, as that looks like an act of cooking:

ילקוט יוסף שבת ג סימן [シーク スキマニ] סעיף מג דיני בישול [シーク スキマニ] סעיף מגיס בקערה

The Rema says that, one should be careful "in all cases". What cases are these?

The Taz says that one must be strict in two cases:
1. If the food is not fully cooked – one should not remove food at all.
2. If the food is fully cooked – taking food is allowed, but one should abstain from stirring.

The Magen Avraham goes another step further –

The Magen Avraham says that there is room for leniency in taking legumes with a spoon, since there seems to be no other way, implying that it is best to be stringent in all cases. Even if the food is fully cooked and off the flame, it is best to not ladle the food out because that would stir the pot! So it is best to pour the contents into another pot. Legumes are hard to serve this way, so one may follow the more lenient opinions.

This is how the Mishna Berura explains the Magen Avraham, though he rejects the stringency:

Rav Feinstein explains the possible reasoning for prohibiting stirring a fully cooked pot. In practice he is more lenient:

ןוגן אגרות על שלוחן ערוק אוף האית הלחם ישבט סימן שיר סקיי

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האלפס והקדירה שהעבירן מרותחין מעל גבי האור – אם לא נתבשל כל צרכו, אין מוציאין בכף מהם, שנמצא מגיס, ואיכא משום מבשל.

ואם נתבשל כל צרכו – מותר.

אבל צמר ליורה, אף על פי שקלט העין, אסור להגיס בו:

ולכתחילה יש ליזהר אף בקדירה בכל ענין

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Rav Feinstein explains the possible reasoning for prohibiting stirring a fully cooked pot. In practice he is more lenient:
Rav Feinstein says that if the food is fully cooked there is no problem with stirring the food. Still, one should not take food out while the pot is on the flame, since he might not notice that the food is not fully cooked.

**Stirring water**

Neither reason to be stringent with water seems to apply – the water does not heat up more quickly when stirred, and there is no new "quality" the water achieves when stirred. Poskim agree about this point:

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Other Poskim are more lenient:

- "The rule is lenient if the pot is very heavy." – Rav Moshe Feinstein

Based on this Radvaz, the Rav Pe'alim is lenient, but adds two more conditions:

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He rules leniently if the pot is heavy, but

1. only after making sure that the food is fully cooked, and
2. if there is another reason to justify leniency (for the poor, or a different Mitzvah).

The Tzitz Eliezer implements this leniency in large kitchens (such as a Yeshiva):

In summary:
The Gemara (Shabbat 18b) says that one may not stir a pot, even if it is off of the flame.
The Rashba asks if this implies that one may not ladle food out of a pot even after it is removed from the flame?

We learned four opinions in the Rishonim regarding this question:

1. Tosafot, Mishne Lemeleh and Kolbo’s interpretation of the Rambam: stirring a pot that is not on the flame is only prohibited in the context of dyeing, צובע. It is not considered cooking.

According to this opinion there seems to be no prohibition against stirring food that is off of the flame. The Kolbo explains that if the food is on the flame this would constitute an isur d’Oraita according to the Rambam, even if it is fully cooked! R. Feinstein explains that despite its being fully cooked, there may be minuscule bits that only get cooked when stirring. RSZ rejects this idea.

2. Rashba I (and the Spanish poskim in general): only the first stirring, that mixes the contents, is prohibited. This implies that there is a specific characteristic that the stirring adds to the stew that is not otherwise achieved, justifying the stringency even if the food is fully cooked.

3. Rashba II (Kesef Mishne and Ramach on the Rambam): stirring is only prohibited until the food is fully cooked.

4. Mahari Weil: one should be strict and not stir a pot, even after is fully cooked and has been removed from the flame (Taz – at most this is a d’Rabbanan prohibition). When taking food from the pot, one should be careful and not stir it.
The Shulchan Aruch rules according to his explanation of the Rambam: he prohibits ladling out of a pot that is not fully cooked, whether it is on the flame or off, and is lenient if the food is fully cooked. The Yalkut Yosef rules similarly, but instructs not to stir when the pot in on the heat, since this looks like an act of cooking.

The Rema wrote to be stringent "in all cases". What does that include?

Taz – one should not stir, even if fully cooked and removed from the heat. Ladling is permitted under those two conditions: that the pot has been removed from the fire and the food is fully cooked.

Magen Avraham – best to be stringent in all cases, i.e. – not even ladle a fully cooked pot off of the flame. It is preferable to pour the contents out without ladling. If this is not possible, he too agrees that one may be lenient.

The Mishna Berurah says that this is the correct interpretation of the Rema's words, but it is not the accepted practice. Once the food is fully cooked, there is no prohibition against stirring it off of the flame, though there is room for stringency. Once fully cooked and off of the flame, ladling is not a problem at all.

The Rav Pe'alim and Tzitz Eliezer allow ladling out of a very heavy pot on the flame if need be. Rav Feinstein is stringent even in such a case, and says that one should refrain from ladling on the flame in any case.

Acts that are Similar to Stirring

a. Covering the pot

Shvitat Ha'Shabbat rules that covering the pot is akin to stirring. He elaborates this stance in the Be'er Rehovot:

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b. Adding water

Adding water to the pot helps stir the elements. Therefore, the Kolbo prohibits adding water to the stew as long as it is on the flame.
Note that the Kolbo explains the Gemara like Tosafot, and says that stirring off of the flame is permissible (except when dyeing):

This leads us to another topic – adding water from *kli rishon* to *kli rishon*. This requires further elaboration:

**Mixing Klei Rishon**

In the previous unit we studied the question of mixing water from different *kelim* with cold water. May one mix water from *kli rishon* with another *kli rishon*?

Rabbenu Yonah adds two more reasons to prohibit mixing the waters:

1. People may not be strict enough about making sure that the two *kelim rishon* are sufficiently hot.
2. The pouring itself decreases the temperature so that it is no longer *kli rishon* heat. When reaching the *kli rishon*, it returns to its *kli rishon* status.

As we said, apart from these there is the Kolbo’s concern that adding water stirs the pot. Conversely, it would seem that he disagrees with Rabbenu Yonah’s reasoning, otherwise he would prohibit it for that reason!

Other Rishonim are more lenient:

The Rashba and Ran allow pouring from *kli rishon* even to a *kli rishon* that is on the heat! – the Ran’s proof against Rabbenu Yonah

Presumably they disagree with all three reasons. Let’s review them –

1. **Stirring** – The Rishonim might argue that adding water doesn’t necessarily result in stirring. The Rashba can also disagree based on the two reasons previously cited – 1. Once the pot was stirred once, stirring again makes no difference. The same would apply to adding water after the pot was stirred. 2. Once the food is fully cooked, stirring is no longer prohibited. The same would apply to adding water.
2. **Concern that the water is not sufficiently hot** – This concern is not based on a previous *gezeera*. The Rishonim can decide that it is not a serious enough concern to create a new *gezeera*.
3. **Pouring renders the water less than kli rishon** – the Rashba says there is no *bishul* after *bishul* (see his view in unit #14).
   
   The Rema disagrees, and holds that liquids do have *bishul* after *bishul*. But we learned that the stringency only applies to liquids that have cooled significantly. Therefore, the Rashba’s leniency can be relevant to Ashkenazi *psak* as well. Can the Shulchan Aruch implement this *kula*?
The Shulchan Aruch, like Rabbenu Tam, holds that pouring cooks the first layer of the food like *kli rishon* does. We can therefore assume that he holds that until the food poured out of *kli rishon* mixes with the next *kli*, it retains *kli rishon* status. In our case, it is getting mixed into *kli rishon*, so it would retain its *kli rishon* status even after it mixes with the next *kli*.

The Shulchan Aruch says that people should be told to refrain from mixing *kli rishon* into *kli rishon*:

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Note that he instructs to pour gently, to avoid stirring.
Stirring

The Gemara (Shabbat 18b) says that one may not stir a pot, even if it is off of the flame. The Rashba asks if this implies that one may not ladle food out of a pot even after it is removed from the flame?

We learned four opinions in the Rishonim regarding this question:

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Taz – one should not stir, even if fully cooked and removed from the heat. Ladling is permitted under those two conditions: that the pot has been removed from the fire and the food is fully cooked. Magen Avraham – best to be stringent in all cases, i.e. – not even ladle a fully cooked pot off of the flame. It is preferable to pour the contents out without ladling. If this is not possible, he too agrees that one may be lenient.

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Unit 22 – Stirring

Mixing kli rishon with kli rishon

Three reasons for prohibiting pouring kli rishon water into a different kli rishon:

1. The mixing stirs the food (Kolbo).
2. The water is not always sufficiently hot (Rabbenu Yonah).
3. The poured water is not kli rishon (Rabbenu Yonah).

The Rashba and Ran allow pouring the waters. They seem to hold that:

1. Adding water does not necessarily mix the food. Even if it does, once the food is fully cooked and was previously stirred that's not a problem.
2. We can be careful and make sure the water is hot (according to the Rema, it is sufficient that the water is still warm).
3. The Rashba says there is no bishul once the food has been cooked, even in the case of liquids. The Rema is presumably lenient as well, given that as long as the water is hot he holds that there is no bishul either. Ashkenazi poskim (Taz, Magen Avraham, Mishna Berurah, SSK) rule accordingly.

The Shulchan Aruch writes that one should instruct people to refrain from doing so. Rav Mashash says that the concern is only about the water not being sufficiently hot, and in practice one may be lenient. Rav Ovadia disagrees. He attributes the stringency to the definition of kli rishon as it applies to pouring, and therefore prohibits mixing water from kli rishon into another kli rishon.

This concludes our discussion of kli rishon and kli sheni.
In the following unit we will learn about the use of different heating devices.