The Laws of Bishul (Unit #12)

Leaving Food on the Flame As Shabbat Begins

Chazal prohibited leaving food on the flame as Shabbat begins, lest someone is tempted to stoke the coals, thus possibly committing two *melachot* – burning (אשורה) and cooking (בישול). This unit will study the parameters of this *gezera*.

א. השהייה – The *Gezera* and its Roots

In unit #11 we learned that Beit Hillel and Beit Shamai argued whether a person is required to allow his items and appliances to rest on Shabbat (as he is required to do with his cattle). The Sugia (roughly Shabbat 17-20) cites many Tannaitic sources that seem to follow Beit Shamai’s ruling and not Beit Hillel’s. In several cases, the Gemara finds other reasons for Beit Hillel to agree with the stringency. For example:

תלמוד בבלי מסכת שבת דף יח עמוד ב

משנה. כירה שהסיקוה בקש ובגבבא – נוטנים עליה תבשיל. בגפת ובעצים – לא ינתן עד שיגרוף, או עד שיתן את האפר.

Beit Shamai prohibit allowing the food to cook on Shabbat because that the utensils used should be at rest. Beit Hillel say the food may not go on cooking on Shabbat, lest someone is tempted to stoke the coals in order to ensure that the food gets cooked.

The Mishna suggests cases that would merit leniency (or – cases in which the *gezera* should not apply):

תלמוד בבלי מסכת שבת דף ו עמוד ב

משנה. כירה שהסיקוה בקש ובגבבא - תבשיל, כיון עלה הבישול. בטישור - כיון עלה הבישול. בטישור - כיון עלה הבישול.

The concern is that one might stoke the coals. Therefore, the Mishna says that the *gezera* does not apply in cases in which there is no such concern. For example:

If the fire is based on straw, or other substances that burn out quickly and cannot really be stoked, there is no reason for the *gezera*.

If the coals are *גרוף* or *קטום* (literally – raked or trimmed. “Trimmed” in this case means that the coals have been covered, and therefore their edge was “trimmed”), the concern that one will then stoke the coals is mitigated. We studied the definitions of *גרוף* and *קטום* in unit #16.

These leniencies raise a broader question about the applicability of this *gezera* in our modern appliances.
Relevance of the *gezera* to our modern appliances

The prominent heating methods used nowadays are electric or gas burners. "Stoking" is not really applicable to them. Does the *gezera* apply to such appliances?

In the 18th century, as the use of primus-style stoves with alcohol-based flames became prominent, the Poskim discussed whether the *gezera* should apply to such stoves:

In the 18th century, as the use of primus-style stoves with alcohol-based flames became prominent, the Poskim discussed whether the *gezera* should apply to such stoves:

Rav Eisenstat says that there is a stoking, of sorts, of the primus stove, therefore it is not exempt of the *gezera*.

Rav Horowitz (Rav Yechiel Michel Horowitz, תרי"ב-ת"ש, one of Jerusalem's great Rabbis of that era), differentiated between coal, and stoves that allow for better control of the flame:

Rav Kapach similarly states:

The *gezera* was instituted for coal, which naturally dies out, and usually requires fanning and stoking. The *gezera* would not be relevant to stoves that maintain a constant flame.

Rav Feinstein presents an additional distinction between our stoves and coal, adding a reason to say that the *gezera* is not relevant with our stoves:

Though most Poskim agree that the *gezera* should not apply to our stoves, they still instructed that it is best to adhere to it.
Leaving Food on the Flame As Shabbat Begins

Chazal suggested two solutions to the gezera: raking the coals aside, or "trimming" them, in other words, tamping the fire down. Raking the coals makes them less accessible, thus mitigating the concern that one will stoke the coals. Tamping the fire down will remind one that his fire must not be tampered with. Both of these actions are done in direct contact with the coal. What would be the right way to implement the gezera nowadays? The original gezera was to tamper with the actual fire. On a gas stove, the fire itself is never tampered with directly. The fire is affected by the dials. But the gezera said nothing about the dials!

Rav Wozner says that the dials should be covered so that one would be unable to affect the fire. But he still says that the fire should be covered (with anything unusual) in adherence to the gezera.

As we learned previously, Rav Feinsstein says that the gezera doesn’t really apply to gas stoves. Still, he says that adherence to the gezera would require one to cover the fire, as the gezera originally prescribed. On the other hand, it is possible that the definition of the gezera was not covering the fire, but covering what will make affecting the fire more difficult. Indeed, in Chazal’s time that was achieved by moving the coals. Nowadays that would be achieved by covering the dials. Therefore he concludes that one should cover both. If one was to cover one of them, better to cover the fire.

SSK says that indeed there is room for debate, but since the gezera doesn’t really apply nowadays, covering the fire is sufficient:

In summary:
Chazal forbade leaving food that is insufficiency cooked on the fire when Shabbat begins, lest one will be tempted to stoke the coals.

We have learned two reasons why this gezera would not necessarily apply to a gas stove:
1. The gezera was instated for fire that dies out as time goes on. On a gas burner there is no concern that the need to "stoke the coals" would arise.

Questions and comments may be sent to: info@eretzhemdah.org
2. The *gezera* was concerned with stoking the coals that are already in the fire. On the gas burner, only new fuel can be introduced, which was not the concern of the *gezera*.

Though the Poskim tend to agree that the *gezera* no longer applies, still they said it is best to comply with the *gezera*.

But how should that be done? The *gezera* says that the fire must be affected, by moving or covering the fire. On gas burners the fire is mitigated by changing the dials. Is the definition that the fire must be covered, or that access to the ability to enhance the temperature should be mitigated (and therefore the dials should be covered or taped)?

Rav Feinstein and Rav Wozner agree that covering the fire is closer to the original definition, though they say that it is right to cover both.

### How cooked must the food be?

The Gemara mentions Chananya’s opinion:

> Chananya says that once the food is cooked to a *ben Derosai* level, the *gezera* no longer applies. The food is not fully cooked, but is it sufficient that one would not stress about it, leading to his stoking the coals.

The Gemara debates whether Chananya’s opinion contradicts the Mishna, or does it actually match Chananya’s opinion and not Chachamim?

The Gemara discusses this question at length, but is inconclusive.

The importance of this question is beyond the interpretation of the Mishna. The question is whether the Tannaim were assuming that Halacha should follow Chananya.

The Gemara’s inconclusive discussion led to one of the biggest Halachic disputes in all of Hilchot Shabbat. We will analyze two of the sections that the Rishonim used as proof for their positions, that will enhance our understanding of the sugia and the *machloket*.

“cooked and uncooked”

The Gemara presents what seems to be the accepted Halacha:
The two extremes are okay. If the food is not cooked at all, there is no concern that one will want to stoke the coals and rush the food’s cooking, since it won’t make enough of a difference (we will analyze the details of this Halacha in the following unit). If it is sufficiently cooked, there is no concern either – the food is cooked! The gezera only applies to cases in which the food is “cooked and uncooked”.

The Ramban says – what food can be said to be "cooked", but also "uncooked"? Presumably, something edible (otherwise it is not cooked), but not fully cooked. In other words – something cooked to a ben Derosai level!

If the gezera applies specifically to food that is cooked to the level of ben Derosai, that would be a stark contradiction to Chananya’s opinion, who says that the gezera is on food that is cooked less than ben Derosai!

Tosfot, who hold like Chananya, explain the Gemara differently:

Back to the Ramban – if the gezera applies only to "cooked and uncooked", that implies that the gezera applies only to food that is cooked ben Derosai. This would mean that there are two machloket between Chananya and Chachamim:

1. After ben Derosai – Chananya allows leaving the food on the stove. Chachamim prohibit.
2. Up to ben Derosai – Chachamim allow, Chananya prohibits.

The Ramban seems to imply that indeed both of these are argued. Though later on he writes that the gezera applies once the food started cooking, implying that there is agreement that the gezera applies to food that is cooked up to ben Derosai.

The Beit Yosef says that the Ramban (following the Rif) says that Chachamim agree that the gezera applies once the food starts cooking, the Gemara meant that it also applies to ben Derosai, but not only:
Leaving Food on the Flame As Shabbat Begins

The Bach deduces that the Tur thinks otherwise. The Tur writes:

The Tur explicates what level of cooking is *ben Derosai*. Why elaborate on that here? The Bach says that the Tur would not elaborate if the exact level of *ben Derosai* was not relevant to this Halacha. This proves that according to Chachamim, the *gezera begins at ben Derosai*.

This returns us to our previous question: Why? Why would *gezera* only after *ben Derosai*? The Bach answers: if it is edible, one might try to also make it good. If it isn’t yet edible at all, no one would bother trying to improve it further. Once again – the concern was that one will tamper with the fire. The question is at what point are we concerned that this might happen. Chananya says – if it isn’t edible, and can be brought to edibility. Chachamim say – one would only tamper if there is a chance of making the food presentable in time. If it is significantly undercooked, no one would bother.

In unit #13 we learned the *machloket* between the Rambam and the Rashba about when does Halacha identify the food as cooked. The Rashba says *ben Derosai*, the Rambam says fully cooked.

Do their opinions reflect the *machloket* between Chananya and Chachamim? It is now clearer that there isn’t necessarily a correlation between these arguments. The Rashba says that once the food reaches *ben Derosai* Halacha recognizes it as cooked. Does this mean that a person would be comfortable serving that food to his guests? Not necessarily. Maybe on the contrary – once it is cooked, then a person would try perfecting it, but earlier he would not bother. Same goes for the Rambam. There is room for improvement beyond *ben Derosai*, and Halacha recognizes that improvement as cooking. This does not necessarily mean that people will still tamper with the fire once the food is edible.

The Bach’s son in law, the Taz, disagrees:

The Tur writes "even" beyond *ben Derosai*, to make it clear that he does not hold like Chananya. But "even" implies that the *gezera applies before ben Derosai* as well.

*Reduced and Improved*
Leaving Food on the Flame As Shabbat Begins


The Gemara adds an additional level to the discussion. Beyond the question of how cooked the food is, do we need to take into account the possibility of the food improving by the cooking. The Ramban says that the very discussion assumes that as long as the food is not fully cooked, we should be concerned that one would want to enhance the cooking. The discussion is whether we should still be concerned if the food can still be improved. This means that the Gemara is assuming Chachamim's position, not Chananya's!

How do the other Rishonim explain the Gemara?

1. We don’t hold like this Gemara:

2. Even those who say the gezerah expires at ben Derosei might say that it applies at that stage as well:

The Ramban himself proposes an alternative reading to this Gemara:
Maybe when the food is *ben Derosai* we assume a person is no longer worried about it and won't fuss with it, but will probably eat it in the morning — fully cooked. But if it is already cooked, we are concerned that one may tamper with it to give it that extra perfection and make it edible right away! The Ramban seems to present this idea almost derisively, not citing anyone who actually holds this opinion. But the Rashba tells us that great scholars have proposed this opinion:

The Rashba presents Rav Hai Gaon’s view. According to his opinion, Chananya is worried about two different scenarios: 1. The food is not minimally cooked. This might be upsetting and would lead to tampering. 2. The food is cooked, but can easily be significantly improved. Here we are concerned about the temptation of causing that small but significant improvement.

Though Rav Hai says that this opinion is not accepted Halachically, his interpretations allows the Sugia to be read also according to Chananya.

The Ramban proves that this interpretation does not fit the Sugia very well. But his main contention is with the idea behind this interpretation:

If the issue is the concern that a small improvement can go a long way, wouldn’t we be more concerned with food that is already cooked, than food that is ready but can stand to be improved?

Alternative explanations of Rav Hai’s position

This explanation adds another aspect of the current discussion. We have analyzed this section based on the stage in the cooking that the food is up to. The Rashba reminds us that only improve certain kinds of food.

This realization opens a third explanation:

3. “Reducing and improving” are a characteristic of the food, not a stage of the cooking

Determine that this is not acceptable because of the above...
Baal Ha'Maor says that the Gemara is not referring to a stage in the cooking, but only to the kind of food. The idea the Sugia is introducing is that a person would be more wary of stoking the coals under a food that gets ruined once it starts overcooking, as the Derisha explains:

Drisha אורח חיים סימן רנג אות ב
כחת הריאה ... היהינו ... אם מנטמותין좌 ו RuntimeMethod מצטמצםalcon ואלא חסכים אלא בדורותי ... כותש ששמתכח
בנתחלת בריזיו מימיה מנהל תבשיליהם אשיטים 입מום פעולותיו ... התשובה, סדריהו עד אד אפיים על פיה דברו אלה
ככמאנל בר רדסיא, אם יכלה ממנה, והיא פיתשלו זיד רמיה, בטח על הכלור – המכסות במעונות על שם, וא
הימים הכותנה הפ על, היהו משמש ודין דברו בכדור הפרשיט נבר אמת ואכולי והלים, ואח על פיה דברישול
דרייפ פה,虽ל ממקום אל חישין שמך יחתה, דאי להחות, שמשי דיבש יחר מדיא

And here again there is an explanation why the Sugia fits Chananya's opinion better than Chachamim. Once the food has reached ben Derosai, and will get ruined if it overcooks, a person would refrain from tampering with it. The discussion is – perhaps Chananya would agree that if the food would improve the more it cooks, a person would stoke the coals past ben Derosai!

In summary:
Chananya and Chachamim disagree about whether the gezera forbidding leaving food by the fire as Shabbat begins applies to food that is minimally edible (ben Derosai).
The Rishonim argue about how to rule. We looked into two sections the Rishonim used to prove their positions, through which we gained a better understanding of the disagreement:
1. "Cooked and uncooked"
The Gemara says that if the food is not cooked at all, there is no concern of tampering with the temperature, since people know it is pointless, they will have to wait until morning. Conversely, if the food is cooked, there is no reason for concern either. The gezera therefore applies only to food that is "cooked and uncooked".
The Ramban explains that this would describe food that is cooked – edible, but not fully cooked. This would be a perfect definition for food that is cooked ben Derosai!
The Beit Yosef says that the Ramban does not mean that the food is necessarily cooked beyond ben Derosai. He means that the Gemara is saying that even once it is minimally cooked, the gezera still applies.
The Bach disagrees. He explains that the Gemara said that according to Chachamim, the gezera begins only at ben Derosai. If the food is not even minimally cooked, a person would not bother tampering with it in an effort to improve it (considering that there is a transgression involved).
The Tosfot say that the Gemara simply means that the food started cooking, but is not yet cooked, at all, not even ben Derosai.
2. Reduced and improved
The Gemara bring a discussion about whether the gezera is more applicable to food that improves as it reduces.
The Ramban says that discussing reduction is only relevant once the food is cooked. The very discussion implies that we assume that we are concerned about stoking the fire until the food is fully cooked, as the discussion discusses whether to extend the gezera beyond that in certain cases.
The Rishonim presented three responses to this:

a. Indeed, this Gemara is based on Chachamim's opinion, and should therefore be ignored when it comes to Halachic ruling (Rashi).
b. There are two different concerns – 1. Up to the minimal edibility, there is concern that a person would tamper to ensure that the food is edible. Once edible, a person would not tamper on Shabbat. 2. Once the food is cooked, and a small extension can be significant to the outcome, a person might be tempted to try to bring that extra cooking (Rav Hai Gaon).
c. The Sugia is not discussing a stage in the cooking. It is discussing the kind of food. A person would rush the cooking of a food that improves after it is fully cooked, and not a food that deteriorates at that point. This is a different interpretation of Chananya – once the food is minimally cooked, a person has a reason to refrain from advancing the cooking too fast (Baal Ha'Maor as explained by the Derisha).

**Halacha**

The Shulchan Aruch allows leaving the food on an open fire only if the food is fully cooked, like the Rif and Ramban. He mentions Chananya as a dissenting opinion. The Rema writes that the Minhag is to follow Chananya's ruling.

The Rosh gives an interesting justification for following Chananya:

Jews like Oneg Shabbat. They will not be willing to be too stringent in a way that might mitigate their Oneg Shabbat.

The Biur Halacha understands that this implies that we really should be more stringent. The Rosh only explains why it is difficult to give such a ruling to the masses, and the Rema follows suit by saying that this is the custom, not that this is the proper Halacha:

The Chazon Ish rejects such a reading. Since the gezera is Deraban, the lenient position is backed by many Rishonim, we do not have the right to be stringent in a way that would mitigate people's Oneg Shabbat:

Sfardi Poskim are lenient as well:

Questions and comments may be sent to: info@eretzhemdah.org
It is important to note that the entire discussion revolves around leaving the food on an open flame. If the food is on a hot plate and similar heat sources, there are no such Halachic limitations.

The gezera and its modern day application

Chazal forbade leaving food that is insufficiently cooked on the fire when Shabbat begins, lest one will be tempted to stoke the coals.

We have learned two reasons why this gezera would not necessarily apply to a gas stove:

1. The gezera was instated for fire that dies out as time goes on. On a gas burner there is no concern that the need to "stoke the coals" would arise.

2. The gezera was concerned with stoking the coals that are already in the fire. On the gas burner, only new fuel can be introduced, which was not the concern of the gezera.

Though the Poskim tend to agree that the gezera no longer applies, still they said it is best to comply with the gezera.

But how should that be done? The gezera says that the fire must be affected, by moving or covering the fire. On gas burners the fire is mitigated by changing the dials. Is the definition that the fire must be covered, or that access to the ability to enhance the temperature should be mitigated (and therefore the dials should be covered or taped)?

Rav Feinstein and Rav Wozner agree that covering the fire is closer to the original definition, though they say that it is right to cover both.

At what point in the cooking does the gezera apply?

Chananya and Chachamim disagree about whether the gezera forbidding leaving food by the fire as Shabbat begins applies to food that is minimally edible (ben Derosai).

The Rishonim argue about how to rule. We looked into two sections the Rishonim used to prove their positions, through which we gained a better understanding of the disagreement:

3. "Cooked and uncooked"

The Gemara says that if the food is not cooked at all, there is no concern of tampering with the temperature, since people know it is pointless, they will have to wait until morning. Conversely, if the food is cooked, there is no reason for concern either. The gezera therefore applies only to food that is "cooked and uncooked".

The Ramban explains that this would describe food that is cooked – edible, but not fully cooked. This would be a perfect definition for food that is cooked ben Derosai!

The Beit Yosef says that the Ramban does not mean that the food is necessarily cooked beyond ben Derosai. He means that the Gemara is saying that even once it is minimally cooked, the gezera still applies.

The Bach disagrees. He explains that the Gemara said that according to Chachamim, the gezera begins only at ben Derosai. If the food is not even minimally cooked, a person would not bother tampering with it in an effort to improve it (considering that there is a transgression involved).
The Tosfot say that the Gemara simply means that the food started cooking, but is not yet cooked, at all, not even ben Derosai.

4. Reduced and improved

The Gemara bring a discussion about whether the gezera is more applicable to food that improves as it reduces.

The Ramban says that discussing reduction is only relevant once the food is cooked. The very discussion implies that we assume that we are concerned about stoking the fire until the food is fully cooked, as the discussion discusses whether to extend the gezera beyond that in certain cases.

The Rishonim presented three responses to this:

a. Indeed, this Gemara is based on Chachamim's opinion, and should therefore be ignored when it comes to Halachic ruling (Rashi).

b. There are two different concerns – 1. Up to the minimal edibility, there is concern that a person would tamper to ensure that the food is edible. Once edible, a person would not tamper on Shabbat. 2. Once the food is cooked, and a small extension can be significant to the outcome, a person might be tempted to try to bring that extra cooking (Rav Hai Gaon).

c. The Sugia is not discussing a stage in the cooking. It is discussing the kind of food. A person would rush the cooking of a food that improves after it is fully cooked, and not a food that deteriorates at that point. This is a different interpretation of Chananya – once the food is minimally cooked, a person has a reason to refrain from advancing the cooking too fast (Baal Ha'Maor as explained by the Derisha).

**Halacha**

The Shulchan Aruch cites the Ramban and Rif's ruling, and mentions Chananya's opinion as the dissenter. The Rema writes that the custom is to follow Chananya. Most Sfardi Poskim agree that the custom is to be lenient as well.

The Rosh explains that that the ruling like Chananya is due to Jew's love of Oneg Shabbat, therefore they would not accept stringency in this context.

The Biur Halacha reads into this that the Rosh agrees that Halacha should follow Chachamim, like the Rif and Ramban, but that ruling is too strict for the masses.

The Chazon Ish (following a general perception he has regarding Am Isreal's role in Psak Halacha) rejects this understanding. Am Israel say that oneg Shabbat should override stringency of this gezera. This is a positive ruling, not a concession to people who are not devout enough.

In this unit we introduced the gezera. We will delve deeper into the exceptions to which the gezera does not apply.