YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**LAWS OF SHABBAT: COOKING**

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**Shiur #10: Defining Liquids and Solids,
and the Proper Way to Prepare Tea on Shabbat**

**XI) Defining Liquids and Solids**

**Mixture**

As we discussed in our last *shiur*, the prohibition of *bishul* does not apply to a cooked solid, but it does apply to a cooked liquid that has cooled. What is the dividing line? What about an item that has solid and liquid elements?

**The Beit Yosef**

The Beit Yosef (253, s.v. *U-ma she-katav Rabbeinu kol zeman*) quotes Rabbeinu Yerucham:

**If it is mostly sauce** and is cool, and *mitztamek ve-yafeh lo* (further cooking is beneficial), when one puts it back on the stove and cooks it further, this is absolutely an act of cooking.

This indicates that when we have a mixture of solids and liquids, its status follows whichever is the majority. However, elsewhere (318, s.v. *Afillu tavshil*, end; 258, s.v. *Keli*, end) he writes in the name of Rabbeinu Yerucham:

**If it contains sauce** and is cool, and *mitztamek ve-yafeh lo*, when one puts it back on the stove and cooks it further, this is absolutely an act of cooking.

According to this version, it is forbidden for the food to contain any sauce, and anything that does contain sauce is considered a liquid and the prohibition of *bishul* will apply to it.

Furthermore, Rabbeinu Yerucham (column 12, part 3, p. 69a-b), has the version, “If it has a sauce, for everything that has sauce in it…” This indicates that the citation of Rabbeinu Yerucham in ch. 253 is a scribal error.[[1]](#footnote-1)

**Minchat Kohen**

Nevertheless, Minchat Kohen (II, 2b) writes that we do declare the status of a mixture based on its majority:

It appears to me that even if there is a bit of fat or soup in something that is fully cooked, nevertheless it is permitted to put it next to the flame or soak it in hot water, because there is no meat from which some fat or juice does not come out; despite this, it is still considered to be a solid. **It appears that as long as most of it solid, even though it has a bit of sauce, [the prohibition of] cooking does not apply to it**… This makes sense: as long as most of it is solid, it is considered to be a solid, and if most of it is sauce, it is considered to be a liquid.

This is also how the Peri Megadim rules (*Mishbetzot Zahav* 253:13). Concerning this view, we may suggest three approaches:

1. Peri Megadim: any minority of sauce gives the dish the status of ***mitztamek ve-ra lo***[[2]](#footnote-2) (additional heating harms the food) as one does want the sauce to evaporate, and since the Torah forbids only thoughtful labor (*melekhet machshevet*), there is no prohibition.
2. Eglei Tal (*Ofeh*, 26): **one focuses on the majority (the cooked solid food)**, and naturally, any cooking that may happen to the minority (the sauce) is a *daver she-aino mitkavein* (unintentional act; although in this specific case it is a *pesik reisha* (an inevitable result), see there).
3. It may be possible to explain this in a different way: since there is one unified dish, **the minority is annulled by the majority,** and the food is considered solid. As we saw in the previous *shiur*, one of the reasons for distinguishing between solid and liquid is that when a liquid cools, the original *bishul* loses its meaning. If a dish is mostly solid, it makes sense that most people will eat it cold, since in the main part the *bishul* remains, and therefore one may consider it as a fully-cooked dish. Similarly, according to the view that the distinction between solid and liquid is based on whether the *bishul* is noticeable, we may say that **when the cooking is noticeable through the greater part of the food,** the entire dish is considered cooked.

**Ruling – Sefardic *Posekim* Disagree**

In terms of the halakhic conclusion, Rav Ovadya Yosef (*Yechaveh Daat*, Vol. II, ch. 45; *Yabbia Omer*, Vol. VII, *OC*, 42:6-11) writes that *bishul* *achar* *bishul* (cooking a previously cooked food item) is not a concern when the minority is liquid. In light of this, many Sefardim are lenient. However, in *Or Le-Tziyon* (Vol. II, 30:13), Rav Ben-Tziyon Abba Shaul rules stringently.

**Shulchan Arukh Ha-Rav – Only if it is Totally Dry**

Apparently, Ashkenazim have more of a reason to be lenient about this, because many believe that the Rema rules essentially that *ein* (there is no prohibition of) *bishul* *achar* *bishul* for liquids. However, the Shulchan Arukh Ha-Rav (318:11; *Kunteres* *Achar*on, ch. 253, end) expresses an extreme view in the other direction, requiring that **the food be totally dry.** This is how he rules in his Siddur *(Hilkheta Rabbeta Le-Shabbeta*):

Even though we hold of *ein bishul achar bishul* for solids, nevertheless, if part of it liquefies, *yesh* (there is a prohibition of) *bishul achar bishul* for this liquefied part, if it becomes *yad soledet bo* (scalding). Therefore, one must be very careful not to heat cooked or roasted beef or poultry, if the liquefied part will be heated until it becomes *yad soledet bo*, as one may violate a prohibition carrying the penalties of stoning and excision, God forbid…

This is how the Ketzot Ha-shulchan (ch. 124; *Baddei Ha-shulchan*, 37) rules, following the view of the Shulchan Arukh Ha-Rav, that the cooked food must be totally dry, and it is forbidden to heat it if there is any moisture in it. (He has a doubt as to whether one may be lenient about moisture that is not sufficient to moisten another item.)

**Mishna Berura – Spill out any Liquid, but it Need not be Totally Dry**

The Mishna Berura (318:32) offers **a compromise view**: one should not keep sauce in the dish, but there is no need to wipe it out; one may simply pour out the liquid: “‘And it is solid’ — this means that one has poured out the soup from it.”

This is also implied by the Shulchan Arukh(318:15), “Whatever is fully cooked and is solid — i.e., **there is no soup in it**”. This appears to be the practical halakha: one should take the liquid out, but one does not need to wipe it up, and even if there is a small amount of moisture (even if it is enough to moisten something else), it is annulled by the solid food and acquires its status.[[3]](#footnote-3) This is the view of Rav S.Z. Auerbach and Rav Elyashiv (cited in *Maor Ha-Shabbat*, Vol. II, p. 49): one may be lenient about moisture or a bit of oil that is found on top of the food or absorbed in it.

**Defining Solids**

There are some foods that are not a mixture containing both solid and liquid elements; rather they are a food with a consistency somewhere between a solid and a liquid: cholent, mashed potatoes and ketchup. Regarding this issue, Rav Feinstein (OC, part IV, 74, *bishul*,5) writes:

Now, you have a doubt about ketchup: perhaps it is solid, because it is thick, even though it may be poured. It makes sense that the laws of ritual purity cannot be used to define [what is a] liquid and solid [to determine its Shabbat status]; rather, the question is whether it flows or it is a mass that remains and sticks together even without a container. This will determine whether it is a liquid.

**Ketchup**

In light of this argument, Rav Feinstein is inclined to say that ketchup is considered a liquid. However, as we saw in *shiur* 8, his conclusion is that one is allowed to put ketchup **on seething meat in a *keli sheini* (secondary vessel)**, since we may combine the view that a *davar gush* (substantial food) does not cook with the view that the rule of *ein bishul* *achar* *bishul* is applicable to liquids.

However, we may distinguish between thick ketchup, which may be a solid, since it retains its shape on a plate, generally speaking, and it does not spill to the sides. Indeed, Rav Auerbach and Rav Elyashiv (cited in *Maor Ha-Shabbat*, Vol. II, p. 45) write that it makes sense to rule leniently about ketchup and to consider it a solid. Rav Auerbach (loc. cit.) seeks to equate this to a cooked tomato: even though it has liquid inside it, it is still considered to be a solid. Indeed, Rav Elyashiv allows putting ketchup specifically on a *davar gush*, as there is a doubt about *bishul* being applicable to it regardless.

**XII) Tea on Shabbat**

How may one prepare tea on Shabbat?

***Keli* *Shelishi***

In a previous *shiur* we saw that **an uncooked teabag** should not be put in *keli* *rishon* (primary vessel) or even in a *keli* *sheini*, because tea may fall into the category of *kallei* *bishul* (easily cooked food items).[[4]](#footnote-4) When it comes to a *keli* *shelishi* (tertiary vessel), we stated that Rav Feinstein allows preparing tea, while the Arukh Ha-shulchan forbids it, and this is how Rav Neuwirth rules.

**Teabags and Boiling Water**

**If one pours boiling water on teabags on Friday afternoon, i**s one allowed to pour more hot water on them on Shabbat? The Mishna Berura (318:39) writes that apparently it should be permitted, since the rule of *ein bishul* *achar* *bishul* applies; however, practically he concludes that one should be stringent about this, since *irui* (pouring) only cooks *kedei kelipa* (a paring’s width), and one must be concerned that the first *irui* only cooks some of the tea leaves, while the second *irui* will cook another part. In addition, it may be that even the leaves cooked by the first *irui* are not cooked thoroughly, and the second *irui* may cook them further (*Shaar Ha-tziyun* 63). However, he does suggest (loc. cit.) a somewhat forced explanation of those who are lenient.[[5]](#footnote-5)

Therefore, it is appropriate not to pour water from a *keli rishon* onto teabags on which hot water was poured before Shabbat. There is good reason to be lenient about putting such teabags in a ***keli sheini*** (on the condition that before Shabbat, one has mixed the tea and not merely poured hot water onto it); however, it is preferable to only do so in a ***keli shelishi***, because naturally some are always lenient regarding a *keli shelishi*, and even one who is stringent generally about a *keli shelishi* can be lenient about this.

**Chatam Sofer**

If **one cooks tea leaves** in a *keli rishon*, apparently there is no problem to prepare tea on Shabbat, because the rule of *ein bishul* *achar* *bishul* applies. However, the Mishna Berura (39) cites the Chatam Sofer’s responsum (Vol. I, ch. 74). He writes that for tea leaves, *yesh bishul* *achar* *bishul*; since the leaves themselves are not edible, the leaves are designed only to get taste out of them, and therefore, **in every case in which they impart new taste to the water, it is considered *bishul*.**

Picture: Tea essence

Caption: Tea essence — the preferable way to prepare tea on Shabbat.

**The Preferable Way**

According to the Mishna Berura the most preferable way to make tea on Shabbat is the following: to cook the teabags before Shabbat, making tea essence, and then to pour the essence (without the teabags, due to the Chatam Sofer’s concern) into a *keli* *sheini* on Shabbat.[[6]](#footnote-6)

The Acharonim recommend a preferable way… one may fully prepare essence before Shabbat, so that one will not need to pour into it more boiling water the next day, on Shabbat. Instead, on the next day, when one wants to drink, one may put the cold essence into the cup from which he drinks after one has poured the hot water into it, making it a *keli sheini*… When the essence is not cold, this method is certainly good enough to fulfill all of the views.

**Preparing Essence**

There is good reason to say that one need not actually cook the teabags before Shabbat; **it is sufficient that one pours hot water on them** before Shabbat, **and on Shabbat one puts the liquid, without the teabags,** in a *keli* *sheini*. The reason for this is that if water goes through actual cooking, it certainly may be put it in a *keli* *sheini*; even if one is concerned that within the water there is an uncooked tea leaf, nevertheless, according to the view of many Acharonim, one is allowed to put any liquid in a *keli sheini*.[[7]](#footnote-7) This is how Rav Neuwirth rules (*Shemirat Shabbat Ke-hilkhata* 1:55; however, he does not explain his reason for allowing this).[[8]](#footnote-8)

**Summary**

In conclusion, the best way to prepare tea on Shabbat is by **cooking tea bags and using the liquid formed thereby to prepare tea in a *keli sheini*.** It makes sense that one may be lenient even if one does not cook the teabags per se but rather **pours boiling water over them** and uses the liquid formed. In this case, one may be lenient even if the liquid is cold.[[9]](#footnote-9)

**Used Teabag**

**If one wants to use a teabag itself,** even a teabag that has been used before Shabbat, it is best not to use it again in a *keli* *sheini*; however, it is possible to be lenient and to use it in a ***keli* *shelishi***. According to Rav Feinstein, one may prepare tea in a *keli* *shelishi* even from a new teabag (but the Chazon Ish rules stringently about this).

Translated by Rav Yoseif Bloch

One may prepare it in a *keli shelishi* (it makes sense to be lenient even if one has only poured hot water on the teabag before Shabbat and did not mix it).

One may prepare it in a *keli sheini* if the essence is cold (and it makes sense to be lenient even if the essence was prepared by *irui* from a *keli rishon*); if it is warm, one may prepare it even in a *keli rishon*.

**Rav Feinstein** rules leniently that one may prepare it in a *keli shelishi*.

The **Arukh Ha-shulchan** rules stringently that one cannot prepare it, even in a *keli shelishi*.

**Cooked Teabag**

**Tea Essence**

**Uncooked Teabag**

**How does one make tea on Shabbat?**

1. Although we have a different text than the Beit Yosef**,** this does not necessarily indicate that he is mistaken, because it may be that our text is in error. However, since our version is mentioned twice by Rabbeinu Yerucham and two more times in Beit Yosef, it makes sense that our text is indeed correct. [↑](#footnote-ref-1)
2. However, as a matter of practical halakha, we forbid heating a cooled liquid on Shabbat even if it is *mitztamek ve-ra lo* (see Mishna Berura, 318:25). [↑](#footnote-ref-2)
3. In addition, this is a *davar she-aino mitkavein*, particularly according to the Ashkenazic ruling. Even if we rule stringently and consider the moisture not to be annulled, this is apparently a *pesik reisha* of a rabbinical prohibition (according to the Chazon Ish’s understanding of the words of the Rema, in which *ein bishul* *achar* *bishul* essentially applies to liquids). Taking this into account with the other doubts we have mentioned, one could certainly allow it. [↑](#footnote-ref-3)
4. Indeed, from my teacher HaRav Aharon LichtensteinI have heard thatRav Joseph B. Soloveitchiktransmits in the name of his grandfather (Rav Chaim of Brisk), that one may prepare tea even in a *keli* *sheini* (this is also cited in *Nefesh Ha-Rav*, p. 170). It may be that his belief is that since the leaves themselves are not edible, they are in the category of metals and the like, and only melting them is considered cooking (see note 6 of our first *shiur*). This approach is the reverse of the Chatam Sofer that we will see below: since the leaves are not eaten and are there to simply impart taste to the water, there is a prohibition of *bishul* even if they had already been cooked, as long as they continue to impart taste in the water. [↑](#footnote-ref-4)
5. His approach is based on the idea that *irui* cooks to the level of ***ma’akhal ben Derusai***, and there are Rishonim who believe that there is no prohibition of cooking for something that has already been cooked to the level of *ma’akhal ben Derusai*. Aside from that, we should enlist the view of the **Rambam** (22:8), according to which everything that has been soaked in hot water before Shabbat may be steeped on Shabbat. (This would mean that if anything has had boiling water poured over it, one may pour hot water on it again in Shabbat.) [↑](#footnote-ref-5)
6. The words of the Mishna Berura indicate that the allowance is based on it being a cold, cooked liquid; one may put it in a *keli* *sheini*, because this is a double doubt (first, a *keli* *sheini* may not have the power to cook foodstuffs; second, perhaps *ein bishul* *achar* *bishul* applies even to liquids). However, as we have seen in our *shiur* on *keli* *sheini*, there are Acharonim (among them, the Shulchan Arukh Ha-Rav) who allow heating any liquid in a *keli* *sheini*, even if it has not been cooked. [↑](#footnote-ref-6)
7. We have explained this in the previous note. [↑](#footnote-ref-7)
8. According to this approach, there might be a reason to be lenient even if one prepares the essence in a *keli sheini*, and afterwards tea may be prepared from it in a different *keli sheini* (see Orechot Shabbat, ch. 1, n. 165). [↑](#footnote-ref-8)
9. If **the tea made from the essence is hot**, one may put it even in a *keli* *rishon* (on the condition that it be removed from the fire, out of the concern of *mechzi ke-mevashel*,the appearance of *bishul*), and naturally one may pour on it from a *keli* *rishon*. In *Shaar Ha-tziyun* (65), he writes that in a situation such as this **it is better to put the essence in a cup first**, and then to pour on it from a *keli* *rishon*, rather than pouring the water and then putting the essence in, as there is a concern of the *melakha* of dyeing being applicable to liquids. [↑](#footnote-ref-9)