

Rabbi Mordechai Willig

THE LAWS  
OF  
COOKING  
AND  
WARMING  
FOOD  
ON  
SHABBAT

•  
ספר בישול  
בשבת

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# Section I: Cooking

# 1

## The Definition of Cooking

### A. ACTIONS THAT CONSTITUTE THE *MELAKHAH* OF COOKING

*Bishul*, cooking, is one of the thirty-nine prohibited *melakhot* of *Shabbat*. The Rambam<sup>1</sup> codifies this *melakhah* as being manifested in one of three forms: one violates this *melakhah* if he bakes bread, cooks food or dye, or heats water.

The differentiation between cooking and baking has a textual basis. The Talmud<sup>2</sup> notes that the *mishnah*<sup>3</sup> which lists the thirty-nine *melakhot* omits cooking. The construction of the *Mishkan*, which is the source of the thirty-nine *melakhot*, involved the cooking of dyes. Instead of listing cooking as a *melakhah*, the *mishnah* lists baking in its place, as baking is the culmination of the “order of [making] bread.” The sequence of steps for making bread comprises the first eleven *melakhot*. Apparently, cooking and baking are distinct actions, and yet both are equally valid examples of this *melakhah*. Thus, the Rambam’s separate mention

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1. *Mishneh Torah, Hilkhot Shabbat* 9:1.  
2. *Shabbat* 74b.  
3. *Shabbat* 73a.

of both baking and cooking is unsurprising, as it reflects the distinction found in the Talmud.

## **B. THE DISTINCTION BETWEEN HEATING WATER AND COOKING FOOD**

However, the Rambam's reference to heating water as a separate category requires explanation; is heating water not merely an instance of cooking food? It may be that heating water is singled out because the volume required to be culpable in that case is different than that of cooking and baking. The amount, or *shi'ur*, for which one is culpable for baking is the equivalent of a *grogeret*, a dried fig. This *shi'ur* is found<sup>4</sup> regarding the *melakhot* of reaping (*kotzer*) and grinding (*tochen*), and apparently applies to other food-related prohibitions, including, presumably, cooking food.<sup>5</sup> Cooking dye and heating water, however, each have different *shi'urim*.<sup>6</sup>

A different, more fundamental reason for the separate mention of heating water is based on a continuation of the Talmud's discussion of *bishul*.<sup>7</sup> One who throws a wet peg into the fire violates *bishul*, as the peg softens first before it later hardens. Similarly, one who melts tar violates *bishul*, even though tar re-hardens after it has softened.

Apparently, as can be seen from this Talmudic statement, the definition of cooking includes softening through exposure to heat. The Rambam<sup>8</sup> adds hardening to the definition of cooking as well. In any event, since heating water neither softens nor hardens it, heating water must constitute a separate category of *bishul*.

The distinction between heating water and cooking food may be relevant in interpreting one of the Rambam's rulings:<sup>9</sup> "One who cooks something that does not require cooking is exempt (*patur*)."<sup>9</sup> *Patur* means that no Torah violation exists, but the action is a rabbinic violation

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4. *Shabbat* 70b.

5. See Rambam and *Maggid Mishnah*, *Hilkhot Shabbat* 8:3, 7, 11, 15, 16 and 9:11.

6. *Ibid.*, 9:1.

7. *Shabbat* 74b.

8. *Hilkhot Shabbat* 9:6; see *Lechem Mishneh*.

9. *Hilkhot Shabbat* 9:3

of the *melakhah* of cooking,<sup>10</sup> as is indicated by the Talmud<sup>11</sup> and as R. Akiva Eiger<sup>12</sup> notes.

There is some debate as to the scope of this ruling. According to the *Mirkevet HaMishneh*,<sup>13</sup> any food which can be eaten raw does not require cooking, and one who cooks it is exempt. He equates, for this purpose, *Shabbat* to the prohibition of *bishul akum* (the prohibition of eating food cooked by a non-Jew), which likewise does not apply to food which can be eaten raw.<sup>14</sup>

The *Sha'ar HaTziyun*<sup>15</sup> quotes others who disagree with the *Mirkevet HaMishneh*. The dissenters limit the Rambam's exemption to something that is not improved at all by the cooking. By this standard, fruits, which do improve when cooked, are subject to a Torah violation of *bishul* even though they can be eaten raw. As proof for his position, the *Sha'ar HaTziyun* cites the ruling of the Talmud<sup>16</sup> that one who cooks water is culpable, even though water can be drunk without cooking. This proof that one is biblically culpable even for cooking foods which can be eaten raw, which the author of the *Sha'ar HaTziyun* repeats in his *Mishnah Berurah*,<sup>17</sup> assumes that water is fundamentally similar to other foods.

The *Peri Megadim*,<sup>18</sup> by contrast, distinguishes between water and other foods. Water can be consumed raw, but for water, cooking is defined by heating. He thus implicitly rejects the *Sha'ar HaTziyun's* proof from water to other foods that can be consumed raw by redefining cooking in relation to various types of food. In regards to fruit and other solids, cooking means softening the food and readying it for consumption. Hence, if the item can be eaten raw, one who cooks it is exempt. For water and other liquids, however, cooking means heating, and the prohibition applies even though they can be consumed raw.

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10. See *ibid.*, 1:3.

11. *Shabbat* 3a.

12. Commenting on *Magen Avraham, Orach Chaim* 254:14.

13. *Hilkhot Shabbat* 9:3.

14. *Avodah Zarah* 38a.

15. *Orach Chaim* 318:114.

16. *Shabbat* 40b.

17. *Orach Chaim* 318:1.

18. *Eishel Avraham* 254:1.



**C. SUMMARY**

The *melakhah* of cooking is defined by the Rambam as baking bread, cooking food or dye, or heating water. The *Peri Megadim* defines cooking differently for water (heating the water) and for food (improving the food). Therefore, if a food is edible when it is raw, there may be no Torah prohibition of cooking it, as the *Mirkevet HaMishneh* rules, since the food was previously fit for consumption. According to the *Sha'ar HaTziyun*, however, heating water is analogous to cooking food, and one commits a Torah violation even by cooking foods that, like water, can be consumed raw.

# Cooking after Cooking

## A. BACKGROUND

The *mishnah*<sup>1</sup> states that any food which was placed in water on Friday may be soaked in water on *Shabbat*. The Mordechai,<sup>2</sup> quoting R. Eliezar of Metz, comments: “From here [we learn] that *ein bishul achar bishul* (there is no [prohibited act of] cooking after cooking). Therefore, any fully cooked food may be placed near the fire or in a pot which was on the fire in order to be reheated.” This rule is implicit in the *Shulchan Arukh*,<sup>3</sup> explicit in the *Mishnah Berurah*<sup>4</sup> and is universally accepted in practice today. In fact, the *Tosafot HaRosh*<sup>5</sup> considers the principle of *ein bishul achar bishul* to be self-evident, and asks why a *mishnah* is needed to state it. Accordingly, he explains the novelty of the *mishnah* to be a different point: the permissibility of soaking the cooked food to the point that it becomes dissolved (as Rashi in fact interprets the *mishnah*).

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1. *Shabbat* 145b.

2. *Shabbat* #302.

3. *Orach Chaim* 318:4.

4. 318:32.

5. *Shabbat* 145b.

**B. THE RAMBAM'S POSITION ON  
EIN BISHUL ACHAR BISHUL**

However, the Rambam's formulation seems to contradict the otherwise unanimous view that *bishul achar bishul* is permitted. He writes: "One who cooks on the fire something that is fully cooked or something that does not need cooking at all is exempt (*patur*)."<sup>6</sup> The language of "exempt" (from punishment, rather than "permitted") indicates that a rabbinic prohibition exists.

The *Eglei Tal*<sup>7</sup> suggests that the rabbinic prohibition involved is not that of cooking, but rather a separate prohibition of returning a pot onto an uncovered fire. (He thereby rejects R. Akiva Eiger's inference that cooking food which can be eaten raw is a rabbinic prohibition of cooking; see above at note 11.) The *Eglei Tal*'s interpretation that the rabbinic prohibition that the Rambam means is not one of "cooking," but rather one of "returning" is unlikely for two reasons: The rules of "returning" are found elsewhere in the Rambam's code,<sup>8</sup> and do not belong in the ninth chapter, where the *halakhah* that one is *patur* for *bishul achar bishul* is found. Moreover, there is no indication that the fire in this case is uncovered.

The assumption that the Rambam prohibits *bishul achar bishul* requires reinterpretation of the *mishnah* which states that any food which was placed in hot water on Friday may be soaked in hot water on *Shabbat* (above, section A). Indeed, the *Beit Yosef*<sup>9</sup> infers from the Rambam<sup>10</sup> an entirely new understanding of the *mishnah*: it permits only soaking, and not *bishul achar bishul*. The Rambam, in codifying the rule of the *mishnah*, states: "Something that is cooked before *Shabbat*, or soaked in hot water before *Shabbat*, even though it is now cold, may be soaked in hot water on *Shabbat*."<sup>11</sup> The requirement cited above in the Rambam's formulation of cooking after cooking ("One who cooks on the fire something that is fully cooked or something that does not need cooking at

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6. *Hilkhot Shabbat* 9:3.

7. *Ofeh* 19:8-9.

8. *Hilkhot Shabbat* 3:10.

9. *Orach Chaim* 318:4.

10. *Ibid.*, 22:8.

11. *Hilkhot Shabbat* 22:8.

all is exempt [*patur*]”), that the food be fully cooked before *Shabbat* in order for one not to be biblically culpable for reheating, is omitted in the context of the permissibility of soaking. As long as the food was soaked in hot water before *Shabbat*, even if it wasn’t even half cooked (*ma’achal ben derusa’i*, the minimal standard for halakhic cooking, as defined by the Rambam in *Hilkhhot Shabbat* 9:5), it is considered cooked so that a subsequent soaking in hot water is not considered cooking.<sup>12</sup>

The *Even HaAzel*<sup>13</sup> notes that the Rambam places this *halakhah* amongst rabbinic prohibitions, and does not permit a second cooking on *Shabbat*. Only soaking, which is a rabbinic prohibition of improving food in a manner which resembles cooking,<sup>14</sup> is permitted after a previous cooking or soaking, because the food was already improved.

R. Uriel Eishenthal, in *Megillat Sefer*,<sup>15</sup> points out that according to the *Beit Yosef*’s understanding of the Rambam, the *mishnah* does not state that *bishul achar bishul*, which only applies after the food has been actually cooked, is permissible even on the rabbinic level. Only soaking is permitted on the rabbinic level. Nonetheless, *bishul achar bishul* must be permissible, as the Vilna Gaon<sup>16</sup> attempts to prove from the *halakhah* that one may return a pot onto a covered fire. However, the Vilna Gaon’s proof is unconvincing. The permissibility of returning a pot onto a covered fire could be limited to a pot whose contents are still hot. If the food is cold, it may be prohibited to reheat, against the Vilna Gaon’s assumption that returning a pot to a covered fire is permissible even then.

Indeed, the Rambam<sup>17</sup> rules that one may not place cold food on a hot vessel, because he is heating the food on *Shabbat*. The *Megillat Sefer*<sup>18</sup> assumes that placing cold food on a hot vessel is a separate prohibition not due to *bishul*, and asks how it can be reconciled<sup>19</sup> with the

12. See *Machatzit HaShekel* 318:14.

13. *Hilkhhot Shabbat* 22:8.

14. *Hilkhhot Shabbat* 22:10

15. 3:23:4.

16. *Be’ur HaGra* 253:39.

17. *Hilkhhot Shabbat* 4:6.

18. *Ibid.*, #3.

19. *Shabbat* 145b, cited above (chapter 2, section A).

*mishnah* that allows reheating, and the statement of the Talmud<sup>20</sup> which allows placing cold water into a cup of hot water.

If our analysis of the Rambam's position is correct, placing cold food on a hot vessel is not a separate prohibition but a rabbinic violation of *bishul achar bishul*. As such, the rabbinic prohibition does not apply in the case of the *mishnah*, which does not allow reheating after all; it allows only soaking. Nor does the rabbinic prohibition apply in the case of the Talmud (42a), since the cup of hot water is a *keli sheni*, a vessel which was never on the fire, which does not cook its contents.<sup>21</sup>

### C. SUMMARY

Almost all *Rishonim* and *Acharonim* derive from the *mishnah* (*Shabbat* 145b) which permits re-soaking previously soaked food, that re-cooking previously cooked food is also permissible (= *ein bishul achar bishul*). The Rambam, however, believes that re-cooking previously cooked food is rabbinically prohibited, and that the *mishnah* on *Shabbat* 145b permits only re-soaking.

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20. *Shabbat* 42a.

21. *Shabbat* 40b, and see below, chapter 11.