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לעילוי נשמת ר' יצחק מאיר בן אליהו וברינתא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Laws of Slow Cookers on Shabbos Part II

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May one take cholent from the slow cooker on Shabbos without removing the pot from the heat?

May a pot removed from the heat be returned to the heat on Shabbos?

It is not an uncommon occurrence for a person to take cholent from the slow cooker on Friday night. This article will explore how this can be done according to halacha.

Preferably, one should not remove the cholent from the pot while the pot is still in the outer casing (which contains the heating element). Rather, one should remove the pot, take the cholent, and then return the pot to the outer casing. This is due to a concern of *hagasa* (stirring the pot), which is a potential violation of the *melacha* (forbidden labor on Shabbos) of *bishul* (cooking) (Shulchan Aruch, Orach Chaim 318:18). The Shivas Hashabbos (Bishul 81) offers two explanations for this potential violation. The first reason is that stirring is considered part of the cooking process, as it prevents the food from burning or sticking to the walls. The second reason is due to the possibility that particles of food are stuck together and did not cook fully, and stirring the pot it will cause those particles to cook.

When removing and then returning a pot from the slow cooker outer casing, it is important to be aware of the halachic guidelines for returning a pot to a heat source to avoid the *diOrayso* (Scriptural) violation of *bishul* and the *diRabanan* (Rabbinic) violation of *chazara* (returning a pot to a heating source). As will be explained, there are six requirements for an Ashkenazic Jew and five requirements for a Sephardic Jew that must be followed.

The first requirement is meant to prevent the *diOrayso* violation of *bishul*. One must ensure that the food is fully cooked before returning it to the heat source (Rema, Orach Chaim 253:2). The Bi'ur Halacha (ibid. s.v. *vedavka*) points out that although there are opinions that once the food has reached the level of *ma'achal ben Derusa'i* (the minimum level of doneness at which point the food is edible, which is either one-third or half-cooked; named after the Mishnaic-era bandit ben Derusa'i, who ate on the run and therefore

didn't have time to fully cook his food), the food is no longer subject to the *diOrayso* violation of *bishul*, the halacha follows the more stringent opinion that the food must be completely cooked to avoid a *diOrayso* violation.

The remaining requirements are meant to prevent the *diRabanan* violation of *chazara* (lit., returning). Chazal prohibited returning food to a heat source on Shabbos, even when fully cooked (Shabbos 36b). The Rishonim (medieval commentators) offer two reasons for this prohibition. Rashi (ibid. s.v. *lo*) (cited by Mishna Berura 253:37) explains that it is prohibited because it appears as if one is cooking on Shabbos. Rabbeinu Tam in Sefer Hayashar (cited in Sha'ar Hatziyun 253:37) explains that it is due to a concern that one will stoke the coals to heat up the food which cooled since its removal from the heat source. The different requirements that will be discussed below are meant to alleviate these concerns.

The next requirement is that the heat source be covered (Shabbos 36b). This avoids both of the aforementioned concerns. Since, typically, one does not cover the heat source when cooking, it does not appear as if one is cooking. A covered heat source also serves as a reminder not to increase the heat.

As discussed in a previous article, there is a dispute among the *poskim* (halachic authorities) regarding the proper way to cover the heat source. Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 1:93) writes that one must actually diminish the heat by covering it. Therefore, one must line the entire heating element with aluminum foil or parchment paper. Rabbi Feinstein adds that one should be stringent to cover both the knobs that control the flame and the heat source. However, Rabbi Aharon Kotler (cited in Rabbi Shimon Eider's *Hilchos Shabbos*, vol. 2 pg. 354 ft. 963) ruled that covering the knobs suffices.

The third requirement is that one may only place the food on a stovetop, but not inside an oven (Shabbos 37a). This is because in Mishnaic times, the inside of an oven was considered the more common method of cooking and would give the perception that one was cooking on Shabbos. However, Rabbi Aharon Kotler (cited in Rabbi Shimon Eider's *Hilchos Shabbos*, *ibid.*) ruled that nowadays, using an oven is not more common than stovetop cooking, and the aforementioned stringency is therefore not applicable. It is thus permitted to place the food inside an oven, as well.

The fourth requirement for Sephardim and the fourth and fifth requirements for Ashkenazim are based upon a passage of Gemara (Shabbos 38b). The Shulchan Aruch rules that if the pot is placed on the floor, it may not be returned to the heat. Returning the food to the heat is regarded as a new placement of the food on the heat and is forbidden. The Rema, however, lists two requirements, that the pot be held in one's hand and that one have intent to return the pot back to the heat (Orach Chaim 253:2). Rabbi Moshe Feinstein (Igros Moshe, Orach Chaim 4:74[33]) rules that an Ashkenazic Jew (who generally follows the rulings of the Rema) may even place the pot on the floor, so long as he does not remove his hand from the pot. The Mishna Berura (*ibid.*: 55) explains that these requirements prevent the perception that one is initiating the cooking on Shabbos. Placing the food on the floor indicates that one has finished the original act of cooking, and replacing the food back on the heat is seen as a new act of cooking. Keeping a hand on the pot while it is off the heat and having intent to return the food to the heat also precludes the act of returning the food being considered a new act of cooking. There is some question regarding whether countertops are considered like the floor, and a halachic authority should be consulted.

Based on the above dispute, it emerges that Sephardim, who generally follow the opinion of the Shulchan Aruch, must thus avoid placing the pot on the floor. Ashkenazim, who generally follow the rulings of the Rema, must ensure that there is intent to return the pot and that a hand is kept on the pot while it is off the heat. The Bi'ur Halacha (*ibid.* s.v. *veda'ato*) says that in cases of need, depending on exact circumstances, one may rely on the fulfillment of just one of these two requirements. A halachic authority should be consulted on a case-by-case basis to determine what circumstances are included in this category.

There is an interesting opinion from the Ran (Shabbos 17b dapei HaRif s.v. *umihu*) (cited by the Rema *ibid.*), based on a passage in the Talmud Yerushalmi, that *chazara* only applies when the food was taken off before Shabbos and returned on Shabbos, but if the food was taken off and returned on Shabbos, it is not a violation of *chazara*. The reasoning for this is that when the food is removed from the heat on Shabbos, it is evident that one is merely returning the food, and it does not appear as if one is cooking on Shabbos. This opinion seems to be in line with the aforementioned reason given by Rashi that the problem of *chazara* is due to the perception that one is cooking on Shabbos. The Rema (*ibid.*) concludes that although the custom is to be lenient, it is proper to be stringent and not rely upon the opinion of the Ran. This leniency should only be used in case of a genuine need, and a halachic authority should be consulted before relying upon it.

There is a dispute between the Mishna Berura and the Aruch Hashulchan if the Ran would permit returning the food even if the heat source is not covered. The Mishna Berura (*ibid.*:63) rules stringently that the heat source must be covered, while the Aruch Hashulchan (*ibid.*:19) is lenient and says that it need not be covered.

The final requirement is that the food in the pot must still be warm. "Warm" is defined as being warm enough to be enjoyed as a warm food or drink (Shulchan Aruch 253:2). The simple understanding of this requirement is that it is meant to prevent the *diOrayso* violation of *bishul*, as reheating liquid that cooled down is a violation of *bishul*, even if it was fully cooked. (Solid foods, however, are not subject to this particular issue.) Based on this understanding, this requirement would only apply to liquids and foods that have liquid in them. However, the Mishna Berura (*ibid.*:68) cites the Magen Avraham that this requirement applies even to fully-cooked solid foods, where there is no issue of *bishul*. This is because if the food is warm, it prevents the perception that one is cooking on Shabbos. Rabbi Moshe Feinstein (Igros Moshe, Orach Chaim 4:74[2]) rules stringently in accordance with the Magen Avraham.

In conclusion, the popular practice of enjoying some cholent on Friday night can certainly be maintained, so long as one is cognizant of the halachic requirements involved in taking food from the slow cooker and returning the pot to the heat source.

Points to Ponder:

If one removed cholent from the pot, may it be returned if it's still warm?

If one failed to have active intent to return the pot to the heat but did not have intent not to return it either, would one be permitted to return the pot to the heat?

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Please consult with a qualified halachic authority for all practical questions of halacha

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