



Parshas Ki Seitze 5765

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What if, on Shabbos, it was not my intention to return the food container to the heat source but I continued to hold it?

In the previous shiur we learned that in order to return food to the heat source there are five conditions that must be adhered to:

- # 1 – The food must be fully cooked.
- # 2 – The food must not have cooled down.
- # 3 – The flame or stove element must be covered with a blech or a Shabbos hotplate must be utilized.

4 – The container of food must be continuously held.

5 – There must be the intent to return.

The first three conditions cannot be compromised under any circumstance and food may not be returned to the heat source.

Conditions # 4 and # 5 are negotiable, as follows:

if the original intention was not to return the container to the blech or hotplate but it has been held continuously it may be returned, if necessary. ¹

What if the container was not held continuously but the intention was to return it?

Here too, even though condition # 4 was not complied with, it may be returned to the blech or hotplate, provided that it was not placed on the floor or in the refrigerator. ²

Why is it that these two conditions are negotiable?

The first two conditions are mandatory because they involve the prohibition of cooking. Failing to comply will result in a melacha. The third condition is stipulated by the gemora and hence agreed by all. The latter two conditions deal with the rabbinical issue of *chazora* – returning, where the central theme is ‘appearance’. It must appear as if one is **returning** food to the heat source and not placing it there for the first time (the concept known as *mechzi ki-mvashel*).

But that does not explain why they are negotiable?

There is a *machlokes Rishonim* ³ as to whether these latter conditions exist. Several *Rishonim* hold that one need not continuously hold the pot of food and if one intended on returning it to the heat source one may do so. Other *Rishonim* hold that one need not intend to return it to the heat source, suffice if it was continuously held. ⁴

Seeing that the issue involved is of rabbinic origin and not biblical and seeing that there is a major dispute in the matter, the two latter conditions are negotiable.

This does not mean that one may *l'chatchila* remove food from the fire and put it down on the counter, knowing that it may be returned. We must *l'chatchila* adhere to all five conditions and only in a case where *b'diavad* (*post factum*) they were not complied with, may one be lenient, if necessary.

What if one did not intend to return the container and it was put down?

¹ M"b simon 253:56 and Bi'ur Halacha 'ידעתו להחזירה'.

² Ibid.

³ Dispute amongst the great rabbis that lived between the years 950 -1400 AD (*l'minyanam*).

⁴ See the abovementioned Bi'ur Halacha.

The soup was removed from the blech and placed on the countertop without the intention of returning the container to the blech. Halfway through serving the soup a household member decides that he would like soup later on that night and requests the return of the pot of soup to the blech.

According to the *Mishna Berura* it may not be returned because he only permits omitting one of the last two conditions, not both. ⁵

According to the *Mechaber* (Sephardim) it may be returned. It is interesting to note that the *Kaf haChaim* writes ⁶ that many *tzadikkim* would refrain from returning food to the fire, for two reasons. Firstly, it might have cooled to less than *yad soledes bo* and secondly, simple folk might learn that *chazora* is permitted without realizing that there are conditions that must be complied with.

It is important to review these *halachos* with one's household members.

What if one returned the food without complying with the last 2 conditions?

In the above case where there was no intention to return and it was placed on the counter it may not be returned. If however one will not have hot food for Shabbos one may return it to the heat source. ⁷ Also, if it was returned the food may be eaten.

There is room to permit eating the food even when the pot was placed on the floor and subsequently placed on the blech, provided that it had not completely cooled down. ⁸

⁵ *Bi'ur Halacha* ibid. *SS"K* 1:19.

⁶ *Simon* 253:38.

⁷ Based on the *Ran* mentioned in the *Rama*, *SS"K* 1:20.

⁸ This is based on the *Ran* mentioned in the *Rama*, who holds that the latter 2 laws of *chazora* only apply to food removed from the fire before Shabbos and returned on Shabbos.

Vort on the Parsha

We are instructed not to place a muzzle over an ox threshing grain. The *Chinuch* beautifully explains a meaning behind this mitzvah: At the root of the precept lies the purpose to educate us that our spirit should be of fine character, choosing decency and clinging to it and seeking kindness and compassion. By using these concepts even with animals, which were created for no other purpose but to serve us, to have pity on them, to give them a share out of their flesh, the spirit will take its path in this habit to do good for human beings and guard them from being wronged or deprived from anything that is due to them, to pay them their reward for everything good that they do and to grant them their fill out of what they have toiled in. In this fitting path the chosen people of holiness are to go. ⁹

Food For Thought

May I ever return a pot of food to an oven?

If the fire on my stove went out, may I place the food on my neighbor's blech or hotplate?

If someone accidentally removed the wrong pot from the hotplate, may it be returned?

Answers coming be"H next week.

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⁹ From the *Sefer haChinuch* translated by Charles Wengrov.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.