



Parshas Vayera 5770

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Is one permitted to crush ice in order to produce cold water?

The *gemora* in *Shabbos* 51b says that it is prohibited to break ice in order to produce water. We find various reasons in the *Rishonim* as to why *Chazal* instituted this *halacha*. *Rashi* says that it is prohibited because it is similar to performing a *melacha*, as one is 'creating' water. The *Sefer haT'ruma* says that it is prohibited on account of *nolad* – a new entity.

What is the halachic difference between the two reasons?

According to *Rashi* one is permitted to place ice in an empty cup in the sun and benefit from the melted water. Since one is not crushing the ice one is not performing a *melacha*. According to the *Sefer haT'ruma* it would be forbidden to do so because after all one is producing a new being.¹

Another case would be placing meat with congealed gravy near a heat source. (Not hot enough to cause the gravy to reach 45° C and be liable for *Bishul* but warm enough to melt the gravy). According to *Rashi* it is permitted because one is not crushing the gravy and according to the *Sefer haT'ruma* it is forbidden.

Since it is a machlokes (dispute) what is the halacha?

¹ There is a *machlokes* between the *Rashba* and the *Rosh* as to *p'shat* in the *Sefer haTrumah*. The *Rashba* learns that the *issur* is the end result and the *Rosh* learns that one is creating the new being. We discussed this in length in vol. IV shiur 15 of the Shabbos shiurim!

The *Mechaber*² (*Shulchan Aruch*) rules like *Rashi*³ and permits placing ice in an empty cup in the sun and he also permits placing congealed gravy near a heat source.

The *Rama*⁴ is stringent similar to the *Sefer haT'ruma* and prohibits these two cases. Therefore *Sephardim* who follow the *Mechaber* may place ice in empty cup in order to drink the melted water and *Ashkenazim* who follow the *Rama* may not.

According to the Rama, if the gravy or ice melted must it be discarded or remain unconsumed?

The *Rama* only rules like the *Sefer haT'ruma l'chatchila*,⁵ and therefore one must avoid doing it. If it was done (*b'diavad*) or when this gravy is necessary one may benefit from the dissolved gravy.

Rav Shlomo Zalman Auerbach⁶ however says that *l'chatchila*, if one has other water to drink one should not drink the water that remains from dissolved ice because it is something so paltry it is not called *b'diavad*.

According to the Rama – (Ashkenazim), may one place ice in water or cola, and if yes why?

According to all *halachic* opinions one may put ice into a drink. The melted ice combines with the liquid, whether it is wine, water or coke and is not distinguishable. The prohibition of *nolad* only occurs when the new item stands alone. When it dissolves in a mixture

² *Siman* 320:8 and 318:16.

³ Or the *Rambam* who holds that the reason is so one will not come to squeeze fruit.

⁴ *Siman* 318:16 and *M"B* 320:35.

⁵ *Siman* 318:16 and see *M"B* 318:107.

⁶ *SS"K* 10:3.

where the majority is the beverage it is permitted.⁷

May one crush the ice inside one's drink or stir the drink to melt the ice?

It is prohibited to crush ice even according to the *Mechaber*. The question is whether this prohibition changes when crushing ice in a drink because the water hence formed is not distinguishable.

On the one hand we could say that since the water produced is not distinguishable it should be permitted, because the issue of *nolad* is waived in such circumstances, but on the other hand one is 'creating' water by crushing ice. The *Mishna Berura*⁸ says that *l'chatchila* one should be stringent and not crush the ice in one's drink. Stirring the ice gently in one's drink is another matter because one is not crushing and producing water, the water melts on its own accord.⁹

Is one permitted to defrost frozen orange juice?

During hot weather many are accustomed to placing orange juice, raspberry juice etc. into the freezer, which subsequently turns into a frozen drink. When required, it is removed from the freezer and after defrosting it is drunk. Would this be similar to melting ice, which *l'chatchila* must not be done, or for some reason is it different?

Rav Shlomo Zalman Auerbach זצ"ל¹⁰ says that it is permitted to defrost an item that has no use as a frozen solid, because even in its frozen state it is still called a liquid and hence it is not *nolad*. Accordingly he permits defrosting milk on Shabbos. He explains that ice serves a different function to water (and is indeed called another name) and hence its defrosting involves *nolad*, whereas frozen milk is still called milk and it does not serve a function in its frozen state.

We apply the same rule to defrosting many drinks that are merely frozen in order to cool them and consume when required. Therefore, when necessary one may freeze and defrost on Shabbos all drinks such as orange juice, apple juice etc.

Is one permitted to freeze water to make ice on Shabbos?

We find a *machlokes* as to whether making ice is called *nolad* being it a new entity, or it is permitted. The Rav of Tchebin, in his classical work the *דובב משרים* rules that it is *nolad* and forbidden. Others permit it.¹¹

The *halacha* is that A) one should prepare sufficient ice cubes before Shabbos. B) When very necessary, such as when guests are arriving, one may rely on the lenient opinions and prepare ice for them.

Orchos Chaim LaRosh

שלא ישב עם יושבי קרנות ולא בישיבת בתי כנסיות של עמי הארץ – One should not sit with idle chatters nor in a shul of simple people. Even if one were to sit there and not participate in the idle chatter or accept what is being said, one will be influenced by their words and surroundings. After a while, one's thoughts and actions are permeated with ideas and concepts foreign to one's original thinking and without realizing one's behavior is altered beyond recognition.

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⁷ *Siman* 320:9 and *M"B* 35 and *M"B siman* 318:103.

⁸ The *Sha'ar Hatsiun* in *siman* 318:146. See the *SS"K* 10:2 footnote 6.

⁹ *Kaf haChaim siman* 320:60.

¹⁰ *SS"K* 10:5 and footnote 15.

¹¹ See the *SS"K* 10:4 and footnote 14.

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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.