

HALOCHOSCOPE ^{TOI}

Additional notes to last issue:

The question involved leaving chulent on a communal camp fire over Shabbos. Gentiles have access to the chulent, and can bring it to Jewish campers, who thus avoid carrying. The pot would be sealed to avoid the issue of meat left unattended.

The additional issues:

- (A) Causing coals to flare up by removing chulent
- (B) *Bishul Akum*, food cooked by a gentile
- (C) *Maase Shabbos*, benefit from forbidden activity on Shabbos
- (A) *Causing coals to ignite*

With regard to a chulent pot left on the camp fire, there is a problem removing a pot from a live fire. Though the fire might not be flaming, it would probably be glowing. By moving a pot nested in the coals one moves the coals, turning some over. This is virtually stoking the coals. The lower coals can start to glow more. As more air reaches them, they tend to flare up. Meanwhile, those that were on top are now extinguished. This means that moving the pot around, or simply removing it, involves the *Melacha* of *Mavir*, burning, and *Mechabe*, extinguishing. Though this is not the intention of the person removing the pot, it is an inevitable result of his actions. This is known as *Psik Raisha*, literally "severing the head." If one severs the head of a chicken he must expect the chicken to die in the process.

In addition, the coals are *Muktzeh*, forbidden to move due to a Rabbinical restriction on moving items that have no permissible use on Shabbos. If the coals were already extinguished, there is a way to remove the pot without violating the rules of *Muktzeh*. One may not actually move them aside, but may lift the pot and let them fall aside by themselves. They may not be covering the pot.

Asking a gentile to do such an activity that is permissible in itself but directly causes a forbidden result, is also forbidden. If the pot is not nested in the coals but placed on top of a pile, removing it would be permissible. The pile should be firm enough that none of the logs or coals need be moved. If some are then moved anyhow, this is not considered an inevitable result. Since the forbidden activity might never result, one is not considered causing it. This is known as a

Davar She'aino Miskaven. Accordingly, this is another precaution that must be borne in mind when placing the pot on the coals. However, if this was not done, many Poskim permit asking the gentile to remove it anyhow, as we shall see later. [See Shulchan Aruch Orach Chaim 253:1, end, commentaries.]

(B) Bishul Akum

The issue becomes further complicated if a gentile moves the pot into a different position. [It might then be in a position that would forbid a Jew from removing it. This would reopen the aforementioned issue.] If the food was not cooked yet when the gentile moved it, a further issue would be *Bishul Akum*, food cooked by a gentile. This is Rabbinically restricted. It was instituted to prevent socializing with gentiles. Socializing, in turn, leads to intermarriage.

The restriction applies to any food that is of a kind fit to be served to exceptionally distinguished guests. (The term used by the Talmud is fit to be served up at a banquet of a king.) The food must not be edible in its raw state. The Poskim debate on a statement by the Talmud requiring the food to be part of the main bread course (*Lelafes Bo Es Hapas*). Some say this refers to foods that are usually eaten in such a fashion, but does not limit the restriction to them. Others maintain that foods that are not eaten with the bread part of the meal are not included in the restriction. In our case, unfortunately, the chulent would fulfil all the requirements for Bishul Akum, and would certainly be forbidden if a gentile cooked it.

To avoid this issue, one must watch his food until it is cooked enough to be eaten. This level is reached when food is a third cooked. It is presumed that people in a pressing situation, such as on the run, would cook their food to this minimal level. If a gentile helped it finish cooking, the restriction does not apply. Actually, many Poskim also permit it if the opposite took place. Say a gentile cooked it up to a third of its cooking. Then a Jew finished the cooking. This would also be permitted. Thus, both ends of the leniency are accepted. [See Avoda Zara 38a Shabbos 19a, Poskim. Tur Sh. Ar. Y.D. 113-4, commentaries.]

(C) Maase Shabbos

Also the issue of *Maase Shabbos Al Yedei Akum*, benefitting from a forbidden activity of a gentile on Shabbos, would arise in this instance. If a forbidden activity was done on Shabbos, one may not benefit from it. If a Jew did it, the benefit is forbidden to the person who did the activity. It is also forbidden to those for whom it was done. If it was done intentionally, in full awareness of the prohibition, this is forbidden forever. In other instances it could be permitted after Shabbos. Some-

times, one is obliged to wait after Shabbos the length of time that the activity would have taken. This is to prevent gaining from the activity by using its results immediately after Shabbos. If a gentile did the activity, there are certain leniencies, but certain stringencies. In terms of penalizing the perpetrator, the Jew who asked the gentile to act did not do something quite as serious as a Jew doing it himself. On the other hand, there is not so much concern that a Jew might violate Shabbos himself if he is not severely penalized. However, in the eyes of the Jew, asking a gentile to do something is not the same as doing it himself. Therefore, if the results of the gentiles acts are not forbidden, a Jew might make a habit of asking a gentile to do it in the future. Accordingly, there is reason to forbid the results even more if a gentile did the activity. It is forbidden to take advantage of the gentile's activity until after Shabbos, and after then waiting the time taken to do the activity. [See Shabbos 38a Chulin 15a, Poskim. Tur Sh. Ar. O.C. 318:1 325, commentaries.]

To avoid these issues one should ensure that the food is indeed minimally edible (cooked one third) before Shabbos. Nonetheless, regarding moving the position of the chulent pot, one should make it clear to all parties involved that he does not want his pot to be moved at all, regardless of whether it looks like it is not in a warm part of the fire, or whether it is in the way of someone else's pot.

What if the chulent was actually moved into a position where it was nesting in the coals without his knowledge, then removed by a gentile for his benefit? If the activities were done to benefit the Jew, though he did not want them, the issue of *Maase Shabbos* arises. The ruling would depend on whether there was any substantial tangible benefit as a result of the forbidden activity. If there was no tangible benefit, for example the food could have been eaten just as well or nearly so before these activities, the Jew may take advantage of the gentile's actions. If the activity provided substantial benefit, this extra benefit is forbidden. For example, say the pot would anyhow have been lukewarm. The gentile placed it in a position that made it hot. There is a benefit to eating it piping hot. However, there is an in-between stage, where one does not feel the difference between eating it lukewarm or a little hotter. If the food is now so much hotter that it is in a new category, the Jew may still eat the food, but should wait until it cools down to the point that the extra heat is no major advantage over eating it lukewarm.

If the action was taken by the gentile entirely for his own gain, it was not done to benefit the Jew. Though the Jew gains from it, he may take advantage of it. Thus, if the gentile moved the pot to make space for his own food, but in the process nested it in the coals, nothing was done with the Jew's gain in mind.

The forbidden activity done in removing the chulent from among the coals does not benefit the Jew. He only benefits from the removal of the pot, but not from the stoking of the coals.

However, in our case the issue is still unresolved. The first time the pot was moved into a different position the Jew had not instructed the gentile to act. The second activity, i.e., removing the pot from the coals, was done under the Jew's instructions. This is no longer simply an issue of benefitting after the fact from a voluntary activity of a gentile. This is now a case of benefitting from *Amira Le'akum*. The activity was undertaken for the direct benefit of the Jew.

We explained last week, asking the gentile to carry the pot in the area in question was permitted due to the consideration of the Mitzvah to eat chulent. However, this only helps when the activity is Rabbinically forbidden. In our case, the activity is forbidden Scripturally. The Poskim permit asking a gentile to do something permissible that will involve a Psik Raisha. However, the source for this dispensation involves a Rabbinical restriction. Say one has food on a stove that went out. If the food had cooled down somewhat, reheating it (without lighting a fresh fire or stoking coals) involves *Chazara*, a Rabbinical prohibition due to its similarity to cooking. One may instruct a gentile to put the food near a fireplace, which will then be lit. The gentile may be asked to light the fire on Shabbos for health reasons. By his lighting the fire, the food will be rewarmed. This is a Psik Raisha of a Rabbinical prohibition. If the food had cooled down completely and contained liquids, reheating it involves the Scriptural Melacha of Bishul. Many Poskim extend the dispensation to cases where the food had cooled down completely. Accordingly, they derive from here that when there is an urgent need for Shabbos, one may ask a gentile to do something involving Psik Raisha of even a Scriptural violation. In addition, in our case, the Psik Raisha is not for a result that the Jew feels positive about. Thus it is either considered a Psik Raisha that he did not want to result, or one which he does not care about. Even those Poskim that do not extend the dispensation to Scriptural Psik Raisha in general, do extend it to such cases. [See Sh. Ar. O.C. 253:1 Rema (end), 5, Mishne Berura 50 Shaar Hatziyun 43. 307:5, commentaries.]

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