The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רנ"ג סעיף א'

Overview

Siman 253 Seif 1 (c):

If two kiros are coupled, one next to the other, with a partition of earthenware separating them and in one the coals were shoveled out or covered but in the other it was not, it is permitted to place food on the one that was shoveled or covered even though the one that was not shoveled or covered adds heat. **One may not leave food next to a tanur even if it was fueled with straw or stubble; even if it was shoveled or covered** if it is still yad soledes bo **and certainly one may not leave food inside or on top of it. A kupach that has room for one pot of food, which was fueled with straw and stubble, is categorized as a kirah and if it was fueled with olive refuse or wood it is categorized as a tanur.** (Our ovens are categorized as a kirah.) **If one forgot and left food on the fire but the food was fully cooked it is permitted even if shriveling would be beneficial to the food. If the food began to cook but was not fully cooked it is prohibited until after Shabbos. If one intentionally left the food on the fire it is prohibited in both cases** until the time elapses after Shabbos during which the cooking could have been done. If a gentile returned the food it is the same as if a Jew forgot and left the food on the fire. If a Jew returned the food it is as if a Jew intentionally left it on the fire but if shriveling will be detrimental it is permitted since he does not benefit from the prohibition.

- The novelty is that the food may be returned even on Shabbos. (M.B. 20)
- Since they are narrow on top but wide on the bottom they retain a significant amount of heat and are thus treated more stringently than a kirah. (M.B. 21)
- One who shovels out the coals only removes a majority of them and it is impossible that a spark will not remain behind; therefore, when it comes to a tanur we are concerned that he will try to ignite one of those sparks. Shulchan Aruch seems to follow the opinion that in a tanur even straw and stubble are prohibited when shoveled and covered but Rambam implies that in a tanur fueled with straw and stubble it is prohibited only when it was not shoveled and one may follow the lenient opinion in this regard. (M.B. 22)
- If it is not yad soledes bo one may even place the pot on Shabbos on the tanur and it is possible that even if the tanur was not shoveled or covered it would be permitted since the place where the food is placed is not yad soledes bo. (M.B. 23)
- This applies only when the food is not fully cooked or if shriveling would be beneficial but if shriveling would be detrimental or if one adds raw meat it is permitted even if the oven was not shoveled or covered. (M.B. 24)
- Since there is only room for one pot so it retains more heat than a kirah but not as much as a tanur. (M.B. 25)
- This is true even if one did not shovel out or cover the straw. (M.B. 26)
- Even if one shoveled or covered the coals it is prohibited. (M.B. 27)
- The mouths of our ovens are on the side. Regarding a baker's oven that is running all the time one should be stringent and treat it like a tanur. (M.B. 28)
- This is certainly true if one erred regarding the halacha. (M.B. 29)
- It is prohibited for anyone and certainly the members of the household since it was cooked for them. (M.B. 31)
- Haghos Ashri maintains that one must wait b'k'dei she'ya'aseh but Rambam's wording implies that he does not agree with that ruling. (M.B. 32)
- What a gentile does intentionally is not treated more severely than what a Jew does inadvertently. (M.B. 34)
- When a Jew returns a pot on Shabbos even inadvertently it is treated the same as if one intentionally left it on the fire and the food is prohibited if shriveling will be beneficial. The reason we are more stringent with regards to chazarah than shehiyah is that it involves an action. Magen Avrohom contends that according to Achairim it is permitted since the food was fully cooked and it was done inadvertently. This halacha is followed even by Rema who follows the אומרים יש that permits food to be left on the fire if it reached מאכל בן דרוסאי, with regards to chazara he agrees that it is prohibited even if the food is fully cooked. (M.B. 35)

Halacha Highlight

The penalty for leaving uncooked food on the fire

Shulchan Aruch Siman 253 Seif 1 (c)

ואם שכח ושהה

If one forgot and left food on the fire

Shulchan Aruch discusses one who inadvertently left a food that was not fully cooked on an open flame as Shabbos began and issues the following guidelines. If the food was fully cooked it is permitted even though further cooking would cause the food to shrivel and would be beneficial. However, if the food began to cook but is not fully cooked, it is prohibited until after Shabbos. Mishnah Berurah (ס"ק ל"ב) records a dispute whether one must wait after Shabbos the amount of time it takes to cook the food before eating it. Therefore, if one placed a food over an open fire before Shabbos with the intent to eventually cover the fire and place the food on the cover but forgot and left the food on the open fire, it is permitted as long as the food was cooked to at least the degree of cooking of ma'achal ben d'rosai. If the food was not cooked to this degree it is prohibited for all the members of the household (פסקי תשובות אות ט'). Mishnah Berurah (ס"ק כ"ט) adds that the same guidelines apply when one mistakenly thought that it was permitted for one to leave uncooked food on an open fire. If one intentionally left the food on an open fire it is prohibited even if the food was fully cooked and further cooking would cause the food to shrivel and would be beneficial.

The reason Chazal penalized one who mistakenly left uncooked food on an open flame similar to the penalty that was enacted for one who intentionally left food on an open flame is explained in the Gemara (Shabbos 38a). The Gemara explains that many people used to intentionally leave food on an open fire and claim that they left it there inadvertently. In other words, since people treated the restriction against she'hiyah leniently Chazal were compelled to penalize even an inadvertent violator the same as an intentional violator (פסקי תשובות אות ט').