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השיעור השבועי
The Weekly Halacha Shiur of Maran HaRishon LeTzion Rabbi Yitzchak Yosef shlit"a

Based on the weekly Motzaei Shabbat shiur in the Yazdim synagogue that was established by Maran Rabbenu Ovadia Yosef ztk"l.

Refuah Shelemah for Yishak Ben Hanom Hannah

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Dedicated in Honor of Mr Harry Adjmi for his tireless work for our community.

The Laws of Cooking on Shabbat (Part 2)

Weekly Shiur from Maran HaRishon LeTzion HaGaon Rabbi Yitzchak Yosef shlit"a, Motzaei Shabbat Parashat Toldot 5787, Shiur #571

Topics of the Shiur:

Cooking After Cooking in a Liquid: The Dispute of the Rambam and the Rosh | The Halachah Follows the Majority of the *Rishonim* | Examples Where Maran the *Shulchan Aruch* Ruled Like the Majority of the *Rishonim* and Disagreed with the *Rambam* | Thought Is Like Speech | The Time of *Keriat Shema* and Its Blessings | The Measure of a *Kezayit* and a *Kebetzah* | *Melachah She'einah Tzerichah LeGufah* | *Chozer Vene'or* | Koshering (*Libbun*) of Vessels for Pesach | Glass Vessels with Meat and Milk and on Pesach | The Blessing on the Four Cups | Counting the Omer Nowadays | The Blessing of *LiShev BaSukkah* for Staying | The Time for Lighting Chanukah Candles | The Head of the Household Exempts the Entire Household from the Chanukah Candle | A Young Child Who Brought a Chanukiyah from Kindergarten | *Ta'am Ke'ikar* | Blood That Was Cooked

Whatever Came in Hot Water

[1]The Mishnah, *Shabbat* (145b), teaches: Whatever came in hot water before Shabbat may be soaked in hot water on Shabbat, and whatever did not come in hot water before Shabbat may be rinsed in hot water on Shabbat. That is, something that was cooked on Erev Shabbat may be reheated on Shabbat. The Gemara there brings an example, regarding the chicken of Rabbi Abba: Rabbi Abba would heat a cooked chicken on Shabbat by taking a *kli rishon* with boiling water—not on the fire, so that it would not look like cooking—and placing the bird into it, and then he would eat it. Since the bird was already cooked, there is no cooking after cooking, and it is permitted to heat it on Shabbat. But something that was not cooked before Shabbat: a *kli rishon* cooks; pouring from a *kli rishon* cooks to the depth of a peel (*kedei klipah*); and a *kli sheni* does not cook, except for foods that cook quickly (*kalei habishul*).

Cooking After Cooking in a Liquid

The *Rishonim* disagreed whether anything that was cooked before Shabbat may be reheated on Shabbat, or only something like a chicken, which is a dry dish. According to *Rashba*, *Ritva*, *Ramban* (*Shabbat* 40b) and *Ran* (*Shabbat* 40b and 48a), the Gemara's mention of a chicken was not meant exactly; there is no cooking after cooking, whether with a dry dish or a liquid one, and one may reheat soup even if it has cooled completely. This is also the view of *Rambam*, as the *Acharonim* learned from the fact that he made no distinction, and he wrote (*Shabbat* 9:3): "One who cooks over a fire something that was already fully cooked, or something that does not need cooking at all, is exempt." And he further wrote (*Shabbat* 22:8): "Something that was cooked before Shabbat or soaked in hot water before Shabbat, even though it is now cold, it is permitted to soak it in hot water on Shabbat." This implies that there is no difference between dry and liquid, and even soup that cooled may be heated again, even to the point that the hand recoils (*yad soledet bo*), since there is no cooking after cooking. But according to *Rashi* (*Shabbat* 34b), *Tosafot Yeshanim* (*Shabbat* 37b), *Rosh* (*Shabbat* 3:10), *Rabbenu Yonah* (*Igeret HaTeshuvah*, day 5, 1:3) and the Sar MiKotzy in *Smag* (*Lavin* 65), the Gemara's example is exact: a chicken, which is a solid piece. Only with a dry item such as fowl, rice or potato, which is fit to eat even cold, is there no cooking after cooking; but soup that has cooled they did not permit to heat again, since its entire significance is when it is hot, and therefore when he reheats it there is cooking after cooking.

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1 **Introduction by Rabbi Yosef Toledano shlit"a**

Baruch Hashem, we see how our teacher and master, the glory of our generation, follows in his father's footsteps. He travels tirelessly from city to city and from place to place, sharing his halachic rulings and teaching us all. When the occasion calls for him to stand firm, without fear or favoritism, and uphold the Torah, he draws on the *gevurah*, the strength of Yitzchak Avinu. He stands in the breach and speaks out as the moment demands. May he enjoy many years in his position and continue to lead us until the coming of Mashiach, speedily in our days. Amen.

Introduction of Maran shlit"a:

Chazak u'baruch to HaGaon Rabbi Yosef Toledano, rav of Kiryat Bialik. *Baruch Hashem*, over the past two or three years, Shas has appointed dozens of city rabbis throughout the country, and Rabbi Toledano is one of them. They teach halachah to the public, and it is well known that learning halachah strengthens one's *yirat Shamayim*. As *Divrei Yechezkel* (Burstein, p. 426) explains, the words of our Sages, "If only they had forsaken Me and kept My Torah," refer to the study of halachah (*Echah Rabbah*, *Petichta* 2, and *Yerushalmi Chagigah* 1:7). Rabbi Toledano, may he enjoy good health, spreads the study of halachah and gives shiurim. Fortunate is he, and fortunate is his portion. He is a great-grandson of HaGaon Rabbi Raphael Baruch Toledano, one of the foremost rabbis of Morocco. In Av 5729, Maran was preparing to move to Tel Aviv, having been elected chief rabbi of the city the previous year. All the sefarim had already been packed into boxes when Rabbi Refael Baruch Toledano arrived unexpectedly. "I wrote a *Kitzur Shulchan Aruch* in Morocco," he told Maran. "We had the *Ben Ish Chai* and the *Kaf HaChayim* there, and I based my work on them. Later, while I was still in Morocco, I got hold of *Yabia Omer*. I found insights I had never seen before and saw how you raised questions on the rulings of the *Ben Ish Chai* and the *Kaf HaChayim* and discussed them in depth. The *Ben Ish Chai* disagreed with Maran's *Shulchan Aruch* in about 130 places. I had no idea how often he differed with him until I read *Yabia Omer*. You have persuaded me to follow the *Shulchan Aruch*. Please take this bag with the manuscript and go through it. Whatever you tell me to correct, I will correct. I will wear your remarks as a crown upon my head." Maran replied, "I am in the middle of moving now, but leave the manuscript with me." After Maran moved to Tel Aviv, Rabbi Raphael passed away. Maran went to comfort his sons, Rabbi Yosef, who was a public preacher, and Rabbi Yaakov, who headed a yeshivah in Paris. He asked them, "Did your father leave behind a sefer? What does a person leave behind? Money, gold, and cars? What he leaves behind is Torah, mitzvot, and good deeds, especially if he had the merit of writing a sefer." "Yes," they answered. "He left a *Kitzur Shulchan Aruch*, but we do not know where it is." "Do not worry," Maran said. "I have it." Astonished, they asked, "How did it come into your hands?" Maran replied, "He came to me and asked me to review it. I did not have a chance to finish. Come to me after the shivah, and I will give it to you." After the shivah, Rabbi Yosef Toledano came to Maran, who handed him the manuscript and said, "Here are all the notes I wrote." Rabbi Yosef promised that they would make all the corrections, including those concerning *HaMelech HaMishpat*, the recitation of *Me'ein Sheva* in a hotel, and other matters. Some time later, the sefer appeared without a single one of Maran's notes, even though the author himself had asked Maran to undertake the review. Maran kept in touch with Rabbi Yosef Toledano, who gave *derashot* in Tel Aviv and the surrounding area. When they met again, Maran, who was himself active in teaching Torah to the public, asked him, "The sefer has been published. Where are all my notes?" Unfortunately, he replied, "Someone with Ashkenazi leanings told us, 'Under no circumstances should you print Rabbi Ovadia's notes.'" The man pressed the matter, and the notes were removed. Then people come and invoke Moroccan custom, when the author himself had asked for the rulings to be revised in accordance with *Yabia Omer*.

In 5736, Maran published some of his principal comments in *Yabia Omer*, vol. 6, at the end of the *Orach Chaim* section (§48). At the beginning of the responsum, he included the letter Rabbi Raphael Baruch Toledano had sent him with the manuscript. Anyone who has a *Yabia Omer* at home, and who doesn't, can open it and see. In that letter, Rabbi Raphael wrote that the Ashkenazi rabbis in Morocco had taught them from Rabbi Ganzfried's *Kitzur Shulchan Aruch*. [In some places, Chabad Chassidim taught from the *Shulchan Aruch HaRav*. See Rabbi Mashash's *Mayim Chaim*, vol. 1, §179.] We, however, have our own *Shulchan Aruch*. Today, thanks to Maran zt"l, every child knows that Rabbi Ganzfried's *Kitzur Shulchan Aruch* follows Ashkenazi practice and that we follow Maran's *Shulchan Aruch*. A person should take pride in walking in the ways of Hashem. In Morocco at the time, some communities were unaware of this distinction. Other communities took care to follow Maran's rulings, as Rabbi Raphael Berdugo writes in *Torot Emet* (139b), and as several other *Acharonim* attest. Some Moroccan communities followed Ashkenazi practice because distinguished Ashkenazi rabbis had come there and built up Torah learning. In some remote places, there would have been no Torah learning had they never come. Rabbi Yissachar Meir, the rosh yeshivah of Yeshivat HaNegev, established a yeshivah in Morocco. Those rabbis taught halachah according to Ashkenazi practice, since they were unfamiliar with the Sephardic poskim. We owe them a debt of gratitude for spreading Torah and saving Moroccan Jewry. We honor them, and we also honor Maran the *Bet Yosef*, whose rulings we have accepted. Perhaps you could seek permission to republish Rabbi Toledano's *Kitzur Shulchan Aruch*, with notes at the foot of the page giving Maran's ruling wherever relevant, in keeping with your great-grandfather's request. The merit of all those who benefit will be yours.

The Ruling of Maran the Shulchan Aruch

It turns out that there is a dispute between the two pillars of halachic ruling, *Rambam* and *Rosh*, while the third pillar, the *Rif*, did not reveal his opinion on this; he only copied the words of the Mishnah and Gemara, and nothing can be inferred from him. If we had to write the *Shulchan Aruch*, how would we rule? Seemingly like the Sephardic rabbis, and chief among them the *Rambam*, who was the *mara de'atra* in Eretz Yisrael. Maran, in *Teshuvot Bet Yosef* (*siman* 2) and *Avkat Rochel* (*simanim* 10 and 32), praises the *Rambam* greatly, whose rulings spread throughout the Middle East and all of Egypt and its surroundings: "From Moshe to Moshe there arose none like Moshe." So he should have ruled like the Sephardic rabbis—not because we are racists... but because these are our rabbis, just as the Ashkenazim follow their rabbis. Yet in the *Shulchan Aruch* he ruled like *Rashi*, *Tosafot* and their colleagues, that there is cooking after cooking in a liquid, and thus he wrote (318:4): "A dish that was fully cooked is subject to cooking if it cooled, etc., and this applies where there is cooking after cooking in a dish that has gravy, etc." And he further wrote (318:8): "To place a cold item that was fully cooked on top of an urn that is on the fire, some say that its law is like placing it opposite the bonfire, etc., but in any event, if it is a dish that has gravy and reduces and is improved, it is forbidden according to all." And he further wrote (318:15): "A thing that was fully cooked and is dry, without gravy, may be placed opposite the bonfire, even in a place where the hand recoils." The question that arises is: why did Maran rule this way? *Rashi* is the teacher of all Israel, and *Tosafot*, *Rosh* and the other *Rishonim* are like angels and need no praise, but why did he not rule like our own rabbis? (Continued below.)

The Three Pillars of Halachic Ruling

A stronger question: according to the rule that *Ohr LeTzion* wrote, wherever two pillars disagree, the halachah follows the *Rambam*. Why did Maran not rule here like the *Rambam* against the *Rosh*? The rule, as explained in the introduction to *Bet Yosef*, is that wherever the three pillars of halachic ruling—the *Rif*, *Rambam* and *Rosh*—are of one opinion, we act according to them. Rabbi Chaim Abulafia the First—who was Av Bet Din of Tiberias about 300 years ago, cited by the *Chida* in *Shem HaGedolim* (entry *Bet Yosef*)—wrote that about two hundred rabbis in Maran's generation agreed to this rule.[2] And thus Maran wrote in his introduction: "I said in my heart that wherever two of them agree on one opinion, we will rule the halachah like them, except in some places where all the Sages of Israel or most of them disagree with that opinion, and therefore the custom spread to the contrary." That is, where there is an ancient custom that spread before Maran's rulings, such as the custom of *kaparot*, we act according to it, but certainly one may not introduce anything new against Maran. *Bet Yosef* continued: "And where one of the three aforementioned pillars did not reveal his opinion on that law, and the two remaining pillars disagree—generally the *Rambam* does not disagree with the *Rif*, since he held like his teacher from what he learned in his books, and it often happens that the *Rambam* and the *Rosh* disagree—then *Ramban*, *Rashba*, *Ran*, *Mordechai* and *Smag* are before us;… for we will rule the halachah according to the opinion to which most of them incline."

Yalkut Yosef on ***Shevi'it***

Close to forty years ago the sefer *Yalkut Yosef* on *Shevi'it* was published, but there is no *Shulchan Aruch* on *Shevi'it*. Only in 331:19 (at the end) Maran wrote when the *Shemittah* year is, but the laws of *sefichin*, when it is permitted to plow, harvest and sow, etc., are not in the *Shulchan Aruch*. Generally we look for Maran's opinion and follow in his footsteps, but what could I do when there is no *Shulchan Aruch*? *Rambam* elaborated on the details, and I thought I would write everywhere like the *Rambam*, who was the *mara de'atra* in Eretz Yisrael. But in the introduction to *Bet Yosef* he wrote that if two pillars disagree and the third pillar did not reveal his opinion, we follow the majority of the *Rishonim*. Since there is no *Rif* on *Shevi'it*, wherever the *Rambam* and *Rosh* disagree I ruled like the majority of the *Rishonim*. In the yeshiva we set up an entire row of *Rishonim* in the library, and for each matter I would check the view of the majority of the *Rishonim*; sometimes the *Rambam* matched that view and sometimes not, and the halachah follows the majority of the *Rishonim*.

The Opinion of Chacham Ben Tzion

Afterwards the sefer *Ohr LeTzion* on *Shevi'it* was published, and there he wrote that we always follow the *Rambam*, who was the *mara de'atra* in Eretz Yisrael.

There are many halachic differences between *Yalkut Yosef* and *Ohr LeTzion*, which came out afterwards: where one permits, the other forbids, and where one forbids, the other permits. What is the public to do? Chacham Ben Tzion was one of the greats of our generation, but we have *Bet Yosef*, and who is greater than *Bet Yosef*, who writes that we follow the majority of the *Rishonim*. I gave a shiur in Yeshivat Chazon Ovadia, where there were distinguished avrechim, all of whom are today roshei yeshivah, roshei kollelim and city rabbis, *Baruch Hashem*, *ben porat Yosef*; many Torah scholars came out of there. I said to them: Rabbotai, there is reinforcement for our approach of following the majority of the *Rishonim* from the introduction to *Bet Yosef*. Who is willing to go to Chacham Ben Tzion—he was still in his full strength—and ask him why in every matter he rules like the *Rambam*, and what he will answer to the introduction to *Bet Yosef*? There was one avrech, a Torah scholar—who afterwards became a rosh yeshivah—who said, I will ask him.[3] (In the second edition of *Ohr LeTzion* this is told differently...) He went to him and asked him about this. It is a strong question. Chacham Ben Tzion looked at the introduction to *Bet Yosef*, was astonished (*ishtomem keshaah chada*, *Kiddushin* 39a and elsewhere), and then said to him: Listen, I am not accustomed to rule this way, only like the *Rambam*. But with a thousand pardons for his honor, what difference does it make whether he is accustomed or not? This is a rule that Maran *Bet Yosef* wrote himself. Some argued that we accepted Maran's rulings only in the *Shulchan Aruch* and not in his introduction, but our acceptance of Maran's rulings is a law regarding the person (*gavra*) of the author, Maran Rabbenu Yosef Karo, because of his great stature, and not regarding the object (*cheftza*) of the *Shulchan Aruch*. What difference does it make where he wrote, whether in the introduction, in his responsa or in all his books; by this we accepted his words. And *Bet Yosef* instructed us that when two pillars of halachic ruling disagree, we follow the majority of the *Rishonim*.

The truth is that in the *Shulchan Aruch* there are dozens of examples where the *Shulchan Aruch* did not rule like the *Rambam* but like the majority of the *Rishonim*. When there are three pillars of halachic ruling, he ruled like them. Although *Darchei Moshe*, *Maharshal* and *Chazon Ish* wrote that there is no such thing as pillars of ruling, and disagreed with the introduction to *Bet Yosef*, *Radbaz* (2:626) already wrote that he had a tradition from his forefathers that the rulings of the *Rif*, *Rambam* and *Rosh* were written according to the view of the majority of the *Rishonim*, since they had the manuscripts of all the *Rishonim*. It turns out that the three pillars of ruling are themselves the view of the majority of the *Rishonim*.

Thought Is Like Speech

The first example: Maran, in the laws of *Keriat Shema* (47:4 and 62:3), ruled that one who thinks *Keriat Shema*, or *Birchot HaShachar*, or *Pesukei DeZimra*, or the *Amidah* in his heart has not fulfilled his obligation. In *Berachot* (20b) they disagreed about this: Ravina said *hirhur ke'dibur dami* (thought is like speech), and Rav Chisda said *hirhur lav ke'dibur dami*. The *Rishonim* disagree with each other, battle line against battle line; in *Melo HaRo'im* (entry *Hirhur Ke'dibur*) the opinions of the Amoraim and poskim are nicely summarized. Now *Rambam* (*Berachot* 1:7) ruled that *hirhur ke'dibur dami*, that is, one who thinks it is considered as though he spoke, and he fulfills his obligation, while Maran ruled that *hirhur lav ke'dibur dami*. There is discussion about Maran's view, but this is the bottom line. Only in a case of duress, such as someone who is ill and cannot speak, may he rely on the *Rambam*, but an ordinary person does not fulfill his obligation through thought (see *Yalkut Yosef* 62:2–3, and also 101:2).

One Who Transgressed and Thought a Blessing

Someone who came out of the bathroom, looked at a sign reading "*Asher Yatzar*" and thought the blessing in his heart did not act properly, and the question is whether *bedieved* he fulfilled his obligation or not. One who does not know the rules of halachic ruling will say, we accepted Maran's rulings, and Maran ruled that he did not fulfill his obligation. But one must learn the rules of ruling—the early authorities and Maran *Bet Yosef* composed entire books on the rules—and according to the rule we say *safek berachot lehakel* (in a doubt regarding bless-

2 The *Darkei Moshe* and the *Maharshal* rejected the principle of following the three *amudei hora'ah*, and disagreed with the approach laid out in the introduction to the *Bet Yosef*. The Chazon Ish followed their approach. This accounts for differences between the rulings in *Yalkut Yosef* on *Shemittah* and those of the Chazon Ish. One rosh yeshivah wrote to me that by disagreeing with the Chazon Ish, we were affronting him. It goes without saying that there is no basis for such a claim. The *Radbaz* (*Responsa*, 2:626), however, records a tradition handed down to him from his forebears that the *Rif*, *Rambam*, and *Rosh* based their rulings on the view of the majority of the *Rishonim*, since they had access to the manuscripts of all the *Rishonim*. Accordingly, the rulings of the three pillars themselves reflect the majority view of the *Rishonim*.

3 People used to stand in awe of Torah sages. Maran zt"l told me that, as a young man, whenever he was walking along the street and saw Rabbi Uziel coming, he would step into a doorway and hide until Rabbi Uziel had passed, as the verse says, "Young men saw me and hid" (*Iyov* 29:8). Rabbi Uziel was one of Maran's teachers, along with Chacham Ezra Attiya and Chacham Yaakov Ades, and Maran held him in great reverence.

I remember once walking with Maran when little children ran after him, stopped him, and said, "Rabbi, give me a *berachah*! Give me a *berachah*!" Maran said, "Look. In our generation, we were too shy to approach the great Torah sages. We stood in awe of them. Now the generation has changed. Mashiach is supposed to come. Take a look and see if he has arrived yet!" In our generation, we see the fulfillment of our Sages' words, "*Chutzpah* will increase" (*Sotah* 49b). If only this were the worst of it.

I used to accompany Maran zt"l on visits to Chacham Ezra Attiya, and I saw how deeply moved he was in his presence. Maran was a man of exceptional courage, yet before Chacham Ezra he humbled himself, for Chacham Ezra was a towering Torah sage.

ings, we rule leniently) against Maran, and he should not bless again, since according to the *Rambam* he fulfilled his obligation, and *shev ve'al ta'aseh* is preferable. Likewise, a person who ate cake in the amount of at least a *kezayit* must recite the final blessing *Al HaMichyah*, and if he took a siddur and read with his eyes, without pronouncing with his lips, halachically *bedieved* he should not bless again.

Thinking the First Blessing

In *Yalkut Yosef*, more than forty years ago (vol. 1, 5745 edition, p. 13, and again in 4:24, in *siman* 101 and in 185:3), I wrote an interesting halachah: if there was a cup of tea before him and he thought in his heart the blessing "*shehakol nihyah bidvaro*," may he drink or not? According to Maran, who holds that thought is not like speech, it is as though he did not bless, and as though he drinks without a blessing, and he must bless again. But according to the *Rambam*, who holds that *hirhur ke'dibur dami*, it is considered that he blessed. And I wrote that he should say "*Baruch shem kevod malchuto le'olam va'ed*," and bless again "*shehakol nihyah bidvaro*" with his mouth. A rabbi—Rabbi Pinchas Cohen shlit"a of Tiberias—once sent me a letter: what is the difference between a final blessing and a first blessing? If with a final blessing we are concerned about a blessing in vain, why with a first blessing are we not concerned? And I answered him: when he thought a first blessing, he can make a *hesech hada'at* (an interruption of attention) and bless again, and why should he eat actively without a blessing? "Whoever benefits from this world without a blessing is as though he committed *me'ilah*" (*Berachot* 35a). And the thought that he thought is not considered a blessing in vain, for there is no prohibition of a blessing in vain through thought, since the verse says "*lo tisa*," from the language of "*ubal esa et shemotam al sefatai*" (*Tehillim* 16:4), that is, specifically with the mouth. This is unlike a final blessing, where a *hesech hada'at* is not possible. We see that Maran ruled not like the *Rambam*.

A Shaliach Tzibbur Who Erred in Birkat Yotzer

The second example: a *shaliach tzibbur* who erred in *Birkat Yotzer*. We Sephardim are accustomed that the *shaliach tzibbur* says all the blessings of *Keriat Shema* aloud, whereas the Ashkenazim are accustomed that he says only the beginning and end of a blessing. After *Kedushah*, for instance, he said "*Kadosh, Kadosh, Kadosh*" and "*VeHa'ofanim*," etc., and fainted, and they treat him on the side. Another *shaliach tzibbur* goes up after him, and from where does he pray? In the *Yerushalmi* (*Berachot* 5:3) it is explained that he does not return to the beginning of the blessing but to "*VeHa'ofanim*," since once they have said *Kedushah* it is like the beginning of a blessing. And in *Bet Yosef* (*siman* 59) he wrote: "I do not know why the *Rambam* z"l omitted this, etc., and perhaps this was the *Rambam*'s reason: if our Talmud held this way, it would not have been silent about it." Nevertheless, in the *Shulchan Aruch* (59:5) he ruled like the *Yerushalmi*, and wrote: "If he erred in the blessings of *Yotzer* in a manner that requires another to stand in his place, if he erred from *Kedushah* onward, the second does not need to begin except from where he stopped." And *Rama* wrote: "That is, he begins from *Kedushah* onward, and if he erred before *Kedushah*, he must begin from the beginning." We see from here that Maran did not rule like the *Rambam*.

The Time of Keriat Shema According to the Gra

The third example concerns the blessings of *Keriat Shema* of *Shacharit*: "*Yotzer HaMe'orot*," "*HaBocher Be'amo Yisrael Be'ahavah*," "*Ga'al Yisrael*." The time of *Keriat Shema* is until three hours, and whoever wishes may be stringent like the time of *Magen Avraham* (58:1), counting three halachic hours from *alot hashachar*; but the essence of the halachah is like the *Gra* (459:2), three halachic hours from sunrise, as the *Rishonim* and *Acharonim* wrote. If we begin *Shacharit* a bit late, we must announce before "*Baruch SheAmar*" to recite *Keriat Shema*, so that the time of *Keriat Shema* of the *Gra* does not pass. Chacham Shalom Cohen zt"l used to speak a lot about the fact that there are yeshiva bachurim who get up late, and for him late was after seven o'clock. And he would speak forcefully. Once Maran was traveling by car to Binyenei HaUma, and on a chareidi radio station they played Chacham Shalom remarking that one must be careful about the time of *Keriat Shema* of the *Magen Avraham*—and be careful to get up early. Maran heard and said to me in the car: I had planned to speak about something else, but now I will speak about this. When Chacham Shalom finished, Maran spoke and said that the time of *Keriat Shema* according to halachah is like the view of the *Gra*, for there are *Rishonim* who wrote to count from sunrise, first among them the siddur of Rav Saadia Gaon (end of p. 12). And as for *Magen Avraham*—who was the greatest of the *Acharonim*—had he seen the words of the Gaon, who is one of the greatest of the *Rishonim*, he would not have disagreed, for one does not disagree with a *Rishon*. This is also the view of *Riaz* (*Berachot* 4:1) and *Shiltei HaGiborim* (*Berachot* 4:4), and it is somewhat implied also from the responsum of the *Rambam* (*Pe'er HaDor* 44; *Perush HaMishnayot*, *Pesachim* 3). There is no other *Rishon* who wrote to count from *alot hashachar*. And so wrote *Shulchan Aruch HaRav* (443:4); *Levush* (233:1 and 267:1); *Tosfot Yom Tov* (*Pesachim* 3:2); *Ma'adanei Yom Tov* (*Berachot,* ch. 1, 10:9); *Lechem Chamudot* (*Berachot* 4:14); *Chazon Ish* (13:3); *Igrot Moshe* (1:24); and others. Chacham Shalom sat next to Maran, riveted, and understood that Maran was doing so for the sake of Heaven, not, Heaven forbid, to provoke; they loved each other very much. Chacham Shalom gave his life to guard Maran's rulings, and fought so that a rift would not be made against him because of the conversions of Rabbi Shlomo Amar. With all due respect to the Torah greats of the generation, there is no one in this generation who knew the *Rishonim* and *Acharonim* as Maran knew them. There was none like him in knowledge of Torah; he knew all the Geonim, *Rishonim* and *Acharonim*, amazing! In any event, the conclusion is that the time of *Keriat Shema* is until three hours from sunrise, and if one got up late and will not manage to recite *Keriat Shema* with its blessings in time, he should recite *Keriat Shema* before the prayer.

The Time of the Blessings of Keriat Shema

Regarding the time of the blessings of *Keriat Shema*, from the words of the *Rambam* (*Keriat Shema* 1:13) it appears that he holds that their time is all day, as Maran wrote in *Kesef Mishneh* there in the name of *Rabbenu Manoach*. But Maran in the *Shulchan Aruch* (58:6) did not rule this way; he ruled like most of the *Rishonim*, that the blessings of *Keriat Shema* are until four hours from sunrise. In *Rav Pe'alim* (vol. 2, O.C. 12) he brought *Rishonim* and *Rambam* who hold that one may recite the blessings of *Keriat Shema* even afterward, even after midday, but afterwards in his books *Ben Ish Chai* (*Vaera*, 5) and *Od Yosef Chai* (*Vaera*, 17) he retracted and wrote that one should not bless after four hours, like Maran. And so is the halachah. One who got up late, and four hours have passed—whether he saw the time in the *Ohr HaChaim* calendar or knows how to calculate four hours from sunrise—cannot recite the blessings of *Keriat Shema*, and therefore he should say *Birchot HaShachar*, *Baruch SheAmar*, all the Hallelukahs as usual, *Yishtabach*, and afterwards *Shema Yisrael* and the *Amidah*, without the blessings of *Keriat Shema*.

The Measure for a Final Blessing

The fourth example: the measure of a *kezayit*. According to the *Rambam* (*Eruvin* 1:9) and also the *Rif* (see *Yechaveh Daat* 1:16), it is less than a third of an egg—an egg is 18 dirhams, and less than a third is about 17 grams. But halachically, like *Tosafot* (*Chullin* 103b), one who eats this amount does not recite a final blessing—*Birkat HaMazon*, *Me'ein Shalosh* or *Boreh Nefashot*—and only if he eats the measure of half an egg, which is 27 grams and above, does he bless. So ruled the *Shulchan Aruch* (486).

Melachah She'einah Tzerichah LeGufah

The fifth example: in *Shabbat* (73b), one who digs a pit on Shabbat and needs only its earth is exempt. Usually a person digs a pit in order to place a sapling and plant, but this person is not a farmer and needs only the earth, like Avraham Avinu, who threw earth and it became arrows (*Ta'anit* 21a and *Bereshit Rabbah* 43:3)... The law is that he is exempt. Even according to Rabbi Yehudah, who says that one is liable for a *melachah she'einah tzerichah legufah*, he concedes that one who digs a pit and needs only its earth is exempt, since he is not repairing but ruining. But with a *melachah she'einah tzerichah legufah* in general, such as one who removes blood from his body and does not need the blood, but intends to clean out pus and the like, Rabbi Yehudah holds him liable and Rabbi Shimon exempts him. *Rambam* (*Shabbat* 1:7, 17) ruled like Rabbi Yehudah, that one is liable for a *melachah she'einah tzerichah legufah*, but the *Shulchan Aruch* (end of 334) ruled like most of the *Rishonim*, who ruled like Rabbi Shimon, that one is exempt (see also *Yabia Omer*, vol. 5, *O.C.* 24 and 32; *Levyat Chen* 117; *Yalkut Yosef*, *Shabbat* I, vol. 2, p. 399). This is a great practical difference in halachah. And we see that Maran ruled not like the *Rambam*.

Chozer Vene'or

The sixth example concerns chametz: whether it *chozer vene'or* (reawakens) on Pesach. They make machine matzot, and sometimes chametz gets mixed in; it cannot be that there will not be a single crumb of chametz among a million matzot. True, they clean, they stop the line, they clean with air pressure, but it is possible that a crumb of chametz remains inside the wheels. That was before Pesach, and it was nullified by a majority of several thousand. On Pesach the poskim disagreed whether the prohibition of chametz reawakens or not. *Rambam* (*Chametz U'Matzah* 4:12), regarding theriaca, ruled that chametz on Pesach *chozer vene'or*, and even if there is a million times as much against it, everything is forbidden. But Maran the *Shulchan Aruch* (447:4) ruled that chametz on Pesach does not *chozer vene'or*. We see that Maran ruled not like the *Rambam*.

Libbun on Pesach

The seventh example: on Pesach we kasher vessels that were used with hot water through *hag'alah*, but vessels that were used dry, such as pans in which one baked a cake or burekas in the oven, we kasher through *libbun*, as ruled in the *Shulchan Aruch* (451:4). But according to the *Rambam* (*Chametz U'Matzah* 5:23) there is no concept of *libbun* on Pesach, since chametz is in the category of *heter'a bala* (it absorbed something permitted), and *hag'alah* suffices. This is another example where Maran ruled not like the *Rambam*.

Glass Vessels

The eighth example: glass vessels neither absorb nor release, both regarding meat

and milk and regarding Pesach, as ruled in the *Shulchan Aruch* (451:26), that glass vessels need no kashering because they do not absorb, and a mere rinse suffices for them. For example, if one drank hot milk in a glass cup in the morning, at noon he may use the cup at a meat meal, or pour meat soup into it. If an Ashkenazi sees someone do this, he will not understand: in the morning there was milk in the cup, and how can he put chicken soup into it? Their custom is like *Rama* (there), and, on the contrary, they should be taught the halachah that according to Maran a glass vessel neither absorbs nor releases, both regarding meat and milk and regarding Pesach, and we are not concerned with the stringency of chametz. But according to the *Rambam* (*Ma'achalot Asurot* 17:3), glass vessels have the law of earthenware vessels, which absorb and release. We see that Maran ruled not like the *Rambam*.

The Blessing on the Four Cups

The ninth example: with the four cups of the Seder night, we bless on the first cup of Kiddush and on the third cup of *Birkat HaMazon*, and the fourth is exempted by the third, and the second by the first. Although the *Rambam* (*Chametz U'Matzah* 8:5, 10) held that one blesses "*HaGafen*" on all four cups, four times, Maran the *Shulchan Aruch* (474) ruled like *Rosh* (*Pesachim* 10:24), that one blesses only on the first and third cups. We see that he ruled not like the *Rambam*.

Counting the Omer Nowadays

The tenth example: counting the Omer nowadays. According to the *Rambam* (*Temidin U'Musafin* 7:24, and the end of *Sefer HaMitzvot*), *Raavyah* (*Pesachim*, *siman* 526) and other *Rishonim*, it is *de'oraita*, but *Bet Yosef* (489:2, 4, 6) ruled like *Tosafot* (*Menachot* 66a) and *Rosh* (end of *Pesachim*), *Rashba* (1:126; 3:284) and *Ran* (*Pesachim* 28a) and others, that it is *de'rabbanan*. We see that Maran ruled like most of the *Rishonim*, against the *Rambam*.

The Blessing of LiShev BaSukkah

The eleventh example: the blessing "*LiShev BaSukkah*." According to the *Rif* (*Sukkah* 46a) and *Rambam* (*Sukkah* 6:12), one who enters the sukkah and stays in it, even if he does not eat, blesses "*LiShev BaSukkah*." But according to *Rabbenu Tam* (in *Tosafot Rabbi Yehudah HeChasid*, *Berachot* 11b), *Rosh* (cited in *Tur* 639) and *Mordechai* (*Sukkah* 4:765), one does not bless "*LiShev BaSukkah*" except from meal to meal. And so he ruled in the *Shulchan Aruch* (639:8). Although he wrote in his introduction a rule that he rules like the pillars of ruling, one must say that here he decided to bless only from meal to meal by force of custom, as he wrote in the *Shulchan Aruch*: "The custom is that one does not bless on the sukkah except at the time of eating." We see that Maran wrote not like the *Rambam*.

The Time for Lighting Chanukah Candles

The twelfth example: regarding the time for lighting Chanukah candles, *Rambam* (*Chanukah* 4:5) wrote: "One does not light the Chanukah lamp before the sun sets, but with its setting; one neither delays nor advances." There is discussion among the poskim about his words, but the plain meaning is that according to the *Rambam* one lights exactly at sunset. But the *Shulchan Aruch* (672:1) wrote: "One does not light the Chanukah lamp before the sun sets, but with the end of its setting," etc. That is, at *tzet hakochavim*, as the *Rishonim* wrote, among them *Tosafot* (*Menachot* 20b; *Zevachim* 56a; *Avodah Zarah* 34a) and *Rabbenu Tam* in *Sefer HaYashar* (end of 221), regarding a fast. It turns out that Maran ruled not like the *Rambam*.

Lighting by Members of the Household

The thirteenth example: regarding the number of Chanukah candles, the view of the *Rambam* (*Chanukah* 4:1, 2) is that the head of the family lights candles corresponding to every member of the family, and if there are ten members of the household, on the first day he lights ten candles, and on the eighth day eighty candles. *Rama* (671:1) wrote that this is the custom of the Ashkenazim, but not entirely; rather, each of the members of the household lights a chanukiyah himself. Our custom is like Maran the *Shulchan Aruch* (there), that the head of the family exempts all the members of the household, and the children who live at home have no obligation at all, like the view of *Tosafot* (*Shabbat* 21b). However, a young child who arrives from kindergarten with a chanukiyah of colored candles, let him bless, since a minor is not commanded regarding "*bal tisa*," as *Tosafot* (*Rosh Hashanah* 33a) wrote. Therefore he should bless from the siddur, or you can say it to him word by word, in order to accustom him to blessings. But if he is ten years old, and certainly if he is already bar mitzvah, he should not bless, and the head of the family blesses and exempts all the members of the household. Even a bachur who is in yeshiva, who does not come home much because he is afraid the police will catch him... and he learns in yeshiva, "*Ashrei yoshvei veitecha*," fulfills his obligation of lighting through his father's candles. We see that Maran ruled not like the *Rambam*.

Ta'am Ke'ikar

The fourteenth example: in the law of *ta'am ke'ikar* in *Yoreh Deah*, whether the taste of a prohibited food is considered like the prohibition itself. Maran the *Shulchan Aruch* (*Y.D.* 98:2) ruled like *Ra'avad* and *Rashba* (*Torat HaBayit* 11a), that *ta'am ke'ikar* is *de'oraita*. But according to *Rashi* (*Chullin* 98b) and also the *Rambam* (*Ma'achalot Asurot* 15:2), *ta'am ke'ikar* is forbidden *mide'rabbanan*. According to the *Rambam*, if one ate a *kezayit* of the prohibited food within the time it takes to eat a *peras*, it is *de'oraita*, but less than that is *de'rabbanan*. We see that Maran ruled against the *Rambam*.

Blood That Was Cooked

The fifteenth example: blood that was cooked—is it forbidden *de'oraita* or *de'rabbanan*? From the words of Maran *Bet Yosef* in several places (*Y.D.* 69; see also *Yalkut Yosef*, *Issur VeHeter*, vol. 1, p. 236, and vol. 2, p. 328) it implies that it is *de'rabbanan*, and therefore we are lenient in all kinds of doubts, such as a woman who forgot whether she salted the meat and already cooked it; this is a Rabbinic doubt (*Halichot Olam*, vol. 6, p. 89). But from the words of the *Rambam* (*Ma'achalot Asurot* 6:6) it implies that it is *de'oraita*. And we see that Maran ruled not like the *Rambam*.

Salting Followed by Blanching

Likewise in *Yoreh Deah* (69:19), Maran did not require that one blanch (*chalitah*) after salting, even *lechatchilah*, as is implied there in 69:5. Whereas according to the *Rambam* it is forbidden to eat meat that we salted unless one blanches the meat in boiling water. So Maran ruled not like the *Rambam*.

Ta'am Ke'ikar De'oraita

Likewise regarding *ta'am ke'ikar*, Maran ruled (*siman* 98) that it is from the Torah, and not like the *Rambam*, who distinguished whether there is in the mixture a *kezayit* within the time it takes to eat a *peras*, etc.

Cooking After Cooking in a Liquid

The sixteenth example: regarding cooking after cooking in a liquid, according to the *Rambam* there is no cooking after cooking, whether with a dry or a liquid dish, and soup that was fully cooked before Shabbat, even if on Shabbat it is cold, may be heated. But Maran ruled like *Rashi*, *Tosafot*, *Rosh* and *Rabbenu Yonah*, who distinguish between liquid and dry. And from all this one can understand that sometimes Maran disagrees with the *Rambam*.

Chida in *Machazik Berachah* (*siman* 38) wrote that it is known that in Eretz Yisrael, Egypt and Yemen they accepted the *Rambam* as their rabbi, and all the people go by his light, and after his word they do not change; but now we, residents of the holy land, have a tradition that those before us accepted Maran the *Shulchan Aruch* in his rulings, and all our efforts are to rule like Maran. However, the sages of Maran's own generation were still bound to the rulings of the *Rambam*, especially *Maharitatz*, who was in Maran's yeshiva, as *Maharamag HaZaken* wrote in a responsum, and he was the right-hand pillar; apparently from his responsa, his rulings were mostly according to the *Rambam*. See there.

According to the view of Chacham Ben Tzion a"h, one must always rule like the *Rambam* when he disagrees with the *Rosh* or with most of the *Rishonim*, when there is no opinion of the *Rif*. But according to his view, what is the answer here—why must one decide like the *Rambam*? Especially since the *Rambam* is not alone: this is also the view of *Rashba*, about whom *Bet Yosef* (*Y.D.* 105) writes "the light of the world," and also of other *Rishonim*. So why did Maran the *Shulchan Aruch* not rule like them? Rather, *Magen Avraham* (end of 253; 257:1)[4] wrote that the dispute about cooking after cooking in a liquid concerns a matter that is *de'oraita*, because the Gemara (*Shabbat* 34a) says that it is forbidden to insulate hot food on Shabbat even with blankets, if they touch the sides of the pot, lest it boil; that is, no one insulates a cold pot unless he first brings it to a boil. And what is the case? If it is schnitzel and rice and the like, what does it matter if it boils, since there is no cooking after cooking? It must be that it is discussing soup and the like, which is liquid, and they were concerned lest it boil. And if this were *de'rabbanan*, would they have made a decree upon a decree? Rather, it is certainly *de'oraita*. And since with cooking after cooking in a liquid some permit it entirely and some forbid it from the Torah, and we do not have two pillars of ruling who say the same thing to decide like them, therefore Maran ruled stringently, by the principle of *safek de'oraita lechumra*.

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4 Last week I mentioned to a talmid chacham that the *Pri Megadim* writes, in the laws of cooking on Shabbat, that food may be reheated on Shabbat if most of it is dry. On Friday night, he told his sons-in-law, who were avrechim and yeshivah students, that he had heard this from me. They challenged him. In Ashkenazi yeshivot, they do not simply defer to what they are told. "How can that be?" they said. "Show us where it says that."

They all sat down and searched the *Pri Megadim*. They went through the whole of *siman* 318 and came up empty. At least I got them to learn the entire *siman*! He was about to come back and tell me that there was no such ruling in the *Pri Megadim*. At the last moment, however, he said, "You know what? Let's try *siman* 253. It deals with the same subject." They opened it and found the passage. He later told me how pleased he was to have seen it for himself.