

In Hilchos Shabbos

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The Crockpot Controversy

A summary of the weekly shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / Reviewed by Rabbi Yitzchok Reichman / To receive a copy send an email to InHilchosShabbos@gmail.com

In recent years, a halachic controversy has been raised regarding the use of crockpots for Shabbos. While many *poskim* permit their use for Shabbos, others rule that using a crockpot violates the prohibition of *Hatmana*, insulating. In the following paragraphs we will discuss the *halachos* of *Hatmana* on Shabbos and clarify what this controversy is based on.



The Rabbinic prohibition of *Hatmana*: Insulating Food

One of the rabbinic prohibitions that *Chazal* instituted is *Hatmana* which prohibits insulating food for Shabbos needs. Although insulating food does not technically violate a Shabbos prohibition, *Chazal* were concerned that insulating food might lead to inadvertently kindling a fire on Shabbos.¹

Why insulating food may lead to igniting a fire

Someone who insulates food generally is very concerned about the warmth and temperature of the food; if such an individual would find that his once-hot food has cooled down, he may forget himself and kindle a fire in order to reheat the food on Shabbos.² To avoid this, *Chazal* prohibited any act of insulating or wrapping foods for Shabbos needs. As an example, the Gemara³ rules that one may not insulate food by wrapping it in wool or blankets to keep it warm. The prohibition of *Hatmana* applies even if the food is fully cooked.⁴

The Two Categories of *Hatmana*

There are two different categories of insulating that *Chazal* included in the prohibition of *Hatmana*:

- 1) *Davar hamosif hevel*: insulation that increases heat
- 2) *Davar she'eino mosif hevel*: insulation that only retains heat

These two categories have slightly different *halachos*. As we will explain, *Chazal* applied different levels of restrictions to these two categories, based on the level of insulation that each category provides.

Davar hamosif hevel: insulation that increases heat

The more severe and restrictive category of *Hatmana* is insulation that not only retains the heat of the food, it adds and intensifies heat to that which it is covering. This category of *Hatmana* is known as a *davar hamosif hevel* – insulation that causes an increase in the heat of the food.

In the times of *Chazal*, it was common to insulate a pot of food with ashes that contained hot coals. These materials would not only retain the heat of the pot, they would also generate heat and intensify the heat of the food as well. If someone were to insulate a pot on Shabbos with materials that generate heat, upon finding the food too cold he might stoke the coals on Shabbos in order to heat up the food.⁵ Therefore, to prevent this inadvertent Shabbos transgression, *Chazal* prohibited insulating a pot with materials that increase the heat of the food.

Prohibited to insulate even before Shabbos begins

Materials that generate heat may not be used to insulate food for Shabbos, even if one insulated the food before Shabbos begins. Since materials that are

mosif hevel provide significant insulation, *Chazal* prohibited wrapping food in such materials even before Shabbos begins.⁶

Materials that are transformed into *davar hamosif hevel*

Although it may not be common nowadays to use coals to insulate a pot of food, there is another form of *mosif hevel* that is quite common. The *Shulchan Aruch*⁷ rules that not only are materials that generate heat on their own (e.g., ashes or coals) considered a *davar hamosif hevel*, even materials that do not generate heat on their own can sometimes be transformed into materials that generate heat and consequently be considered a *davar hamosif hevel*. As an example, the *Shulchan Aruch*⁸ writes that if towels are used to (completely) cover food that is on a hotplate, the towels are considered a *davar hamosif hevel*. Even though the towel is not a type of material that itself generates heat, since it absorbs the heat of the hotplate, it is transformed into a material that now generates heat.⁹ Therefore, insulating the pot in such a manner is prohibited even on Friday, before Shabbos begins. Similarly, one may not completely wrap a hot water urn with a towel before Shabbos begins.¹⁰ Since the towel absorbs the heat of the urn, it now has the ability to generate heat and is transformed into a *davar hamosif hevel*.

Davar she'eino mosif hevel: an insulation that only retains heat

The second and more lenient category of *Hatmana* is an insulation that does not add heat to the food, but only retains the existing heat of the food. This category is called *davar she'eino mosif hevel*.¹¹ An example of a *davar she'eino mosif hevel* is a towel or blanket. One may not take a pot of hot soup off the fire on Shabbos and then wrap it in a towel or blanket, even though the towel serves only as a heat-retaining insulator.¹²

Prohibited to insulate the food only on Shabbos itself

It is only prohibited to insulate food with materials that are *davar she'eino mosif hevel* on Shabbos, one may insulate a pot of food with them before Shabbos begins.¹³ Thus, one may wrap a pot of hot soup in towels (after it is taken off the fire) before Shabbos begins in order to keep the soup warm for the Shabbos *seuda*.¹⁴ Since the towel does not add to the heat of the pot but merely retains the heat, one may insulate the pot before Shabbos begins.

Leniencies Regarding *Hatmana*

There are several leniencies that apply to both categories of *Hatmana*. In many cases, these leniencies can permit insulating a food to keep it warm.

I. An initial wrapping is not considered *Hatmana*

The *Shulchan Aruch*¹⁵ writes that it is permitted to place hot food into a pot and then cover the pot. Even though the pot and its cover insulate the food, it is still not considered *Hatmana*. Many *poskim*¹⁶ explain that *Chazal* never considered a pot, or any other initial wrapping, to be considered an act of insulation; rather, we view them as something that merely holds the food and is therefore not considered *Hatmana*. Only when one insulates the pot in another wrapping (e.g., a towel) can it be considered an act of *Hatmana*.

Based on this leniency, one may wrap a challa in aluminum foil before Shabbos begins and place it inside an oven that is still on.¹⁷ Since the foil is the initial

1 Shabbos 34a-b; Shulchan Aruch 257:1 2 See Rashi, Shabbos 34a, d"h mi'shechasheicha; Mishna Berura 257:1 3 Rashi ibid., d"h amar Rava 4 Shulchan Aruch 257:2 5 The Gemara (Shabbos 34b) explains that *Chazal* were concerned that if someone were to insulate a pot on Shabbos with materials that generate heat, upon finding the food too cold he would stoke the coals in order to heat up the food – violating the melacha of *Mav'air* (kindling). Therefore, in order to prevent this inadvertent Shabbos transgression, they prohibited insulating a pot with any material that increases the heat of the food. see Shulchan Aruch 257:1; Mishna Berura 257:5 6 The reason *Chazal* saw fit to prohibit insulating with these materials even before Shabbos begins is as follows. Since the concern with regard to materials that are *mosif hevel* is due to the fact that one may stoke the coals (as explained in the previous note), this concern applies even if the food was insulated before Shabbos began. See *Orchos Shabbos* I, p. 106, for further elaboration. 7 Shulchan Aruch 257:8 8 Ibid. 9 *Orchos Shabbos* 2:75 10 Ibid.; *The Shabbos Kitchen*, p. 76 11 Shabbos 34a; Shulchan Aruch 257:1. The Gemara explains that the concern *Chazal* had with insulating food with materials that are not *mosif hevel* is slightly different from the concern involved with materials that are *mosif hevel*. Since insulation that is not *mosif hevel* does not consist of materials that generate heat, there is no concern that one may stoke coals or raise the temperature of a heating element on Shabbos. However, *Chazal* were still concerned that were it to be permitted to insulate a pot of food even with materials that only retain the heat of the food, one still might come to light a new flame. 12 *The 39 Melochos*, p. 632 13 Shulchan Aruch 257:1. Since the issue with regard to wrapping with a material that is not *mosif hevel* is based on the concern that when one comes to wrap the pot he might make a fire, the entire concern is only on the time he does the wrapping. Therefore, if the wrapping is done before Shabbos begins the prohibition of *Hatmana* b'davar she'eino mosif hevel does not apply. See *Orchos Shabbos* I, p. 106 14 *Orchos Shabbos* 2:95 15 Shulchan Aruch 257:2 16 See *Machazeh Elyahu*, siman 32, where he proves this is the opinion of the *Chazon Ish*, *Orchos Shabbos* 2:77, and *The Shabbos Kitchen*, p. 70. However, see *Igros Moshe*, O.C. 4:74, *hatmana* 3 (Rav Shimon Eider, *Halachos of Shabbos*, p. 376, from Rav Moshe Feinstein); *Shemiras Shabbos* k'Hilchasa 1:75; *The 39 Melochos*, p. 628, where he considers to be *Hatmana* an initial wrapping whose purpose is to insulate the food. If the purpose of the initial wrapping is to protect the food from getting dirty and not to insulate the food (as is generally the case with a pot), it is permitted.

wrapping of the challa it is not considered an act of *Hatmana*, and is permitted.¹⁸ Likewise, it is permitted to take a frozen challa that is wrapped in aluminum foil out of the freezer on Shabbos and place it on top of a crockpot in order to defrost it and/or warm up the challa.¹⁹ Here too, the aluminum foil is the initial wrapping and therefore it is not considered an act of *Hatmana*.²⁰

2. The insulation must touch the vessel containing the food

In order to constitute an act of *Hatmana*, the wrapping must touch the vessel containing the food. If there is a significant amount space between the insulation and the vessel, it is not considered an act of *Hatmana*. For example, the *Shulchan Aruch*²¹ explains that placing a pot in an oven does not violate *Hatmana*; since the walls of the oven do not directly touch the sides of the pot, the oven cannot be considered to be insulating the pot.

Similarly, one may insulate an urn by placing a plate on top of the urn and draping a towel on top of the plate and over the urn. Since the towel does not directly touch the sides of the urn, covering the urn in such a fashion does not violate the prohibition of *Hatmana*.²² Still, there must be a noticeable amount of space between the towel and the urn in order to make use of this leniency and ensure it is not an act of *Hatmana*.²³

3. The food or its container must be fully enwrapped

The normal way to insulate a food is to ensure that it is completely enwrapped. Accordingly, the Rema²⁴ rules that an insulation can be considered an act of *Hatmana* only if the pot of food is completely enwrapped. However, if part of the pot is left unwrapped, we cannot consider it to be the normal way to insulate food, and thus is not considered an act of *Hatmana*. For example, the Rema²⁵ writes that one may wrap a pot of soup if he leaves the top of the pot unwrapped. Similarly, one may cover an urn or crockpot with a towel if a significant amount of the urn or crockpot is left uncovered.²⁶

How much of the food must remain unwrapped?

There is a dispute among the *poskim* as to how much of the food must be left unwrapped in order to avoid the prohibition of *Hatmana*.²⁷

Opinion #1 – At least half of the pot must be left unwrapped:

Some *poskim*²⁸ hold that at least half of the pot must be left unwrapped for it not to be considered insulated and to avoid the prohibition of *Hatmana*.

Opinion #2 – Even leaving a small amount unwrapped is sufficient:

Other *poskim*²⁹ rule that even if only a small (yet significant) amount of the pot is left uncovered it is sufficient to consider the pot not fully wrapped. Rav Moshe Feinstein³⁰ appears to rule this way.

The Crockpot Controversy

Based on the above dispute, a controversy evolved regarding the use of certain crockpots on Shabbos. It is important to note that although we will discuss in this chapter how the prohibition of *Hatmana* applies to crockpots, one must ensure that the prohibitions of *Shehiya* and *Chazara* are also avoided when using a crockpot.

The most basic type of crockpot consists of an oval or circular cooking pot that is made of ceramic or porcelain. One inserts the cooking pot into a metal housing that contains heating elements that surround and insulate the cooking pot. Inserting the cooking pot into the metal housing can potentially constitute an act of *Hatmana* with a *davar hamosif hevel*, since the heating elements inside the housing generate heat while insulating the cooking pot. Therefore, using this crockpot might be prohibited even if the food were placed into the crockpot before the onset of Shabbos.



Although there is a slight amount of space between the cooking pot and the heating elements and the cooking pot does not directly touch the heating elements, this insignificant amount of space does not suffice to avoid the prohibition of *Hatmana*.³¹

Many *poskim*³² write that Rav Moshe Feinstein ruled leniently regarding the use of this type crockpot on Shabbos. As mentioned above, Rav Moshe held that leaving even one side of the pot unwrapped is sufficient to avoid the prohibition of *Hatmana*. Because the top of the crockpot is not surrounded by the heating elements, which means that the cooking pot is not totally enwrapped by the metal housing, we cannot consider using the crockpot to be an act of *Hatmana*.³³ (Although the crockpot is covered on top by the lid of the cooking pot, it is not considered part of the insulation as it is the initial wrapping of the food.)

On the other hand, Rav Shlomo Zalman Auerbach³⁴ ruled that one may not use this type of crockpot for Shabbos. He argued that since some *poskim* hold that merely leaving one side of the pot uncovered is not significant enough to avoid the prohibition of *Hatmana*, then according to this opinion, using these crockpots would violate the prohibition of *Hatmana* even though they are set up before Shabbos.

In order to comply with all the opinions, Rav Yosef Shalom Elyashiv³⁵ suggests that one raise the cooking pot so that it protrudes slightly above the metal housing. By doing so, the bottom of the pot (and a portion of its sides) are no longer surrounded by the heating elements. Since a significant amount of the pot is unwrapped and therefore uninsulated, there would no longer be any concern of *Hatmana*, and one may use the crockpot according to all opinions. This can be accomplished by placing an empty tuna can or a ball of aluminum foil underneath the cooking pot in order to raise it, and consequently will avoid any questions of *Hatmana*.

Permitted crockpots

There is another type of crockpot that does not pose any issues of *Hatmana* at all. It consists of a cooking pot that is not enclosed by the heating elements; rather, the cooking pot is placed on top of a flat heating element. Since the heating element does not surround the cooking pot at all, these crockpots do not pose any *Hatmana* issues whatsoever and may be used on Shabbos according to all opinions. Nevertheless, even when using this type of crockpot one must ensure to avoid the prohibitions of *Shehiya* and *Chazara*.



¹⁷ Machazeh Eliyahu, siman 32; Orchos Shabbos 2:77; The Shabbos Kitchen, p. 70. However, see previous note. Nevertheless, even according to this opinion, wrapping the challa may be permitted since one's intention is to protect the challa from getting dirty and not to insulate it, as the challa generally reaches the same level of heat in the oven regardless of whether it is wrapped or not. ¹⁸ Rav Pesach Eliyahu Falk (Machazeh Eliyahu, siman 32) writes that one may use even a large sheet of aluminum foil to wrap the challa a number of times; as it is all one sheet of foil, it is considered the initial wrapping and is permitted. However, after the challa is wrapped with one sheet of foil, wrapping it with a second sheet is considered *Hatmana*, as it is no longer considered the initial wrapping. ¹⁹ Placing the challa on top of the crockpot is not considered an act of *Bishul* based on the principle of *ain ein bishul achar bishul*, i.e., once a food is cooked it can no longer be halachically "cooked" again (*Shulchan Aruch* 253:3; *Mishna Berura* 253:37). However, one may not place the already cooked food directly on a fire or *blech* since placing the food directly on the fire gives the impression of cooking on Shabbos. Therefore, one may only place the food only on top of another pot, so that it will not give off the wrong impression of cooking on Shabbos. ²⁰ Machazeh Eliyahu, siman 32. See, however, note 15 for other opinions. ²¹ 257:8 ²² The 39 Melochos, p. 630; see *Mishna Berura* 257:43 ²³ Orchos Shabbos 2:84, from Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Elyashiv ²⁴ 253, end of 1. However, the *Shulchan Aruch* (253, end of 1) rules that even a slight amount of insulation constitutes an act of *Hatmana*. Accordingly, Sephardim who follow the rulings of the *Shulchan Aruch* should consult a Rav regarding whether to rely on this leniency. See *Ohr leTzion* 2:17:10 ²⁵ Rema ibid. ²⁶ The 39 Melochos, p. 628 ²⁷ The *Pri Magadim* (*Mishpetzos Zahav* 259:3) is uncertain regarding how much of the food must remain unwrapped in order to consider it only partially wrapped. ²⁸ Chayei Adam, cited in *Mishna Berura* 257, end of 43. The *Orchos Shabbos* 1, p. 541, clarifies this opinion based on seemingly contradictory statements in the *Mishna Berura* (253:69): On the one hand some materials are not considered *Hatmana* only if the majority of the pot is left uncovered, while other materials are not considered *Hatmana* so long as one side is left uncovered. The *Orchos Shabbos* explains that this is dependent on whether the material is *mosif hevel* on its own or only through another source of heat. If it is *mosif hevel* on its own (such as a crockpot) the *halacha* is more stringent, and the majority of the pot must be uncovered for the act not to be considered *Hatmana*. With regard to materials that are *mosif hevel* from another source (such as a challa wrapped in aluminum foil that is placed on top of a crockpot) the *halacha* is more lenient, and only one side must be left open for the act not to be considered *Hatmana*. ²⁹ See *Mishna Berura* 253:69, where he indicates that if only the top of the pot is left unwrapped it is not considered *Hatmana*, meaning that it is not considered *Hatmana* even if most of the pot is covered. Rav Shmuel Vosner (cited in *Orchos Shabbos* 1, p. 543) rules that this is also the opinion of the Rema. ³⁰ Igros Moshe, O.C. 4:75, *hatmana* 4 ³¹ See *Orchos Shabbos* 2, note 149, from Rav Shlomo Zalman Auerbach: Since this is the normal way to insulate the crockpot we cannot consider it a significant amount. ³² See Igros Moshe, O.C. 4:74, *hatmana* 4. See The 39 Melochos, p. 633, note 186a, where he writes that he heard from many *rabbanim* that this was the opinion of Rav Moshe. ³³ As this ruling is based on the leniency of the Rema, who rules that if a pot is not completely insulated it does not constitute an act of *Hatmana*, Sephardim who conduct themselves according to the *Shulchan Aruch* should consult a Rav regarding the use of these crockpots on Shabbos. ³⁴ In a letter written by him, cited in *Orchos Shabbos*, p. 542 ³⁵ Cited in *Shemiras Shabbos k'Hilchasa* 1, note 255 and *Orchos Shabbos* 1:2, end of note 149