



# HALACHA WEEKLY

Parshas Kedoshim

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## OPENING BOTTLES AND CANS ON SHABBOS

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The question of opening bottles and cans on Shabbos is a complex one. There are six potential issues that one encounters when opening a bottle or can on Shabbos. Many different views are found in the *poskim* (halachic authorities) regarding this topic. This article will primarily focus on the opinions of Rabbi Shlomo Zalman Auerbach and Rabbi Moshe Feinstein.

The Chazon Ish (Orach Chaim 51:11) states that a closed can is considered an unfinished utensil because it is not functional in its current state. By opening it, one is completing the formation of a utensil and thereby violating two *diOrayso* (Scriptural) *melachos* (forbidden acts on Shabbos): *Makeh bepatish* (lit., hitting with a hammer; practically, this refers to putting the finishing touch on a vessel to make it fully functional) and *boneh* (building). With regards to a bottle, however, the cap is a separate entity; the bottle it covers is already complete and open, but merely covered by a separate cap. It is debatable if the Chazon Ish's logic would apply to a bottle cap.

However, based on the responsum of Rabbi Moshe Feinstein on this subject (Igros Moshe, Orach Chaim 1:122), it seems that he disagreed with the Chazon Ish. This is implied by the fact that he does not address these *melachos* at all in his discussion. Rabbi Feinstein's omission of these two *melachos* indicates that he held that a can and bottle are regarded as already-complete vessels.

But Rabbi Feinstein (ibid.) raises a different issue. Since a closed can is a complete vessel, opening it should be a violation of the *melacha* of *soser* (destruction). However, with regards to a bottle, removing the cap would not be an issue, as this does not affect the vessel itself. The Tehila Lidovid (314:12), in fact, ruled that it is forbidden to open a can due to the concern of *soser*. But Rabbi Feinstein

concludes that one may be lenient. He bases this upon the ruling of the Shulchan Aruch (Orach Chaim 314:8) that says that one is permitted to tear open a basket woven from palm leaves filled with dates, as it is comparable to cracking open a nut shell. This comparison seems strange, since there is a clear difference between removing a shell to access the food within and tearing open a basket with food inside of it. Rabbi Feinstein explains the logic behind the comparison as follows: Since the package is discarded after eating the dates, it is subordinate and secondary to the dates and is not considered destroying a utensil, similar to a nutshell. The same logic, says Rabbi Feinstein, applies to a can that will be discarded after emptying its contents, as it is subordinate to its contents. Thus, he concludes, opening it would not be a violation of *soser*.

The next issue is creating an opening, which is a violation of the *melacha* of *makeh bepatish*. The Gemara (Shabbos 146a) states that in order to transgress this violation on a *diOrayso* level, the hole must be made to pour out the contents and to fill up via the opening. However, even if the hole is only made to pour out the contents and not to fill up via the opening, there is a Rabbinic prohibition in order to prevent one from creating a full-fledged, *diOrayso*-level hole. Based on this, Rabbi Feinstein (Igros Moshe Orach Chaim 4:78) prohibits opening the sealed cardboard edges of a milk carton. He explains that although there already existed an opening, since it was tightly sealed, it is considered as if one is creating a new opening. This ruling creates a difficulty, since the logic used for a milk carton should apply to cans as well, since the can is currently tightly sealed. However, as noted above, Rabbi Feinstein was lenient regarding opening cans; there does not appear to be a simple solution to this problem. Regardless, the problem Rabbi

Feinstein has with opening a milk carton should not be an issue with a bottle cap, since one is not creating an opening on the bottle itself, but is, rather, removing the cap.

Rabbi Shlomo Zalman Auerbach (responsum to Rabbi Chanan Cohen, author of *Minchas Shabbos*, cited in *Diyunei Halacha* pg. 251), on the other hand, was lenient regarding opening milk cartons. He opined that the problem of making an opening is dependent upon one's intent to create a functional opening in a container, as opposed to one who is simply trying to get past the packaging to access the contents. Rabbi Auerbach felt that in opening the milk carton, one's intent is primarily to access the milk, not to make a functional opening, and opening the flaps of the carton is simply the easiest way to access the milk. The same logic applies to cans; since one's intention in opening the can is primarily to access the contents within, and the reason for opening it on the pre-made indentation of a soda can is for convenience purposes, it is not a violation of the *melacha* of *makeh bepatish*.

Another possible violation is the *melacha* of *koraya* (tearing). The Tosefta (Beitzah 3:9) states that it is permitted to rip the leather cover off the top of a barrel on Shabbos. Rabbi Auerbach (cited in *Shemiras Shabbos Kehilchasa*, *Tikunim u'Miluim* 9:11) explains that this is permitted because the wrapper is subordinate to its contents and insignificant, and is therefore not included in the prohibition of tearing. The same logic applies to bottles and caps, and there would not be a violation of the *melacha* of *koraya*.

There is another issue that is encountered when there are letters or words present on the cap or the top of the can. Opening such a bottle or can would result in a violation of the *melacha* of *mochek* (erasing). Since it is not the normal manner to erase something and it is done in a destructive way, it is a Rabbinic violation, but problematic nonetheless.

Regarding bottles, there is an issue of creating a cap. The cap, which originally served as a seal, now becomes a functional cap which is used as a cover. Thus, the first time the cap is unscrewed, it should be regarded as the formation of a vessel and a violation of the *melacha* of *makeh bepatish*. Rabbi Feinstein does not address this issue, and there are conflicting reports as to what his opinion was. Rabbi Auerbach (*Tikunim u'Miluim* page 14), on the other hand, made a distinction between metal caps and plastic caps. He stated that it is permitted to unscrew a plastic cap, since the cap is completed and functional even before it is screwed onto a bottle. Metal caps, however, are placed as a metal sheet onto the bottle and squeezed into place; they are never functional independent caps. They become operational only after being unscrewed from the bottle for the first time.

With soda cans, there is an issue of cutting the pre-made indentations. This should be a violation of the *melacha* of *mechatech* (cutting something to a specific size). However, Rabbi Auerbach (cited in *Shemiras Shabbos Kihilchasa* 9:fn. 11) permitted this, since the purpose of the indentations is to create a safe-to-use opening, not to cut a specifically-sized opening.

Although we have presented many lenient views on these potential prohibitions, it is important to conclude with the words of Rabbi Feinstein in his responsum on this topic (*Igros Moshe*, *Orach Chaim* 1:122). He writes that even though halachically, it may be technically permitted, since we live in a generation where many people are unaware or uneducated in basic halacha, one has to be extra careful regarding what he does in order to prevent confusion amongst people so that they do not draw conclusions that will lead them to transgress Rabbinic or even Scriptural *melachos* on Shabbos. With regard to cans, Rabbi Feinstein says that that one should avoid relying on the leniencies. As is usually the case, a halachic authority should be consulted for a final ruling.