

”את כל הדבר אשר אנכי מצוה אתכם היום

# תשמרו לעשות

לא תסוף עליו ולא תגרע ממנו”

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סיון תשע”ז

HILCHOT YOM TOV

## SWIMMING ON YOM TOV

By Elie Sadik

### Introduction

Swimming on Shabbat and Yom Tov is a delicate subject that major Poskim have comprehensively addressed throughout the generations. There are several prohibitions one may potentially violate. The following discussion provides context and analysis of the possible prohibitions, and the conclusion follows the ruling of HaRav Yitzchak Yosef Shlita, current Sephardic Chief Rabbi of Israel and son of HaRav Ovadia Yosef Z”TL.

### 1. Building a Raft:

The Gemara (Shabbat 40b-41a) states that one is not allowed to swim in a body of water on Shabbat, even if the body of water is in private property. The Chachamim felt one may come to build a raft to use in the water, perhaps due to fear of drowning<sup>1</sup>

or to help one learn how to swim (Rashi Beitzah 36b). This prohibition only applies if walls (“gidoo’dey”) do not surround the body of water, since this phenomenon resembles a river. However, if the body of water is contained within a fixed structure with walls, the water is no longer considered to be similar to a river, for one of two reasons: the phenomenon is like water in a large vessel (Rashi shabbat 41a), or the walls prevent the water from extending beyond the boundaries, unlike an open river.<sup>2</sup> In such a situation, the concern of “building a raft” does not apply, and it would be permissible to swim in this circumstance. Maran in Shulchan Aruch (O”C Siman 339, 2) rules accordingly, and seems to combine both reasons mentioned. However, if the pool is in a public area, it is forbidden to

swim, since one might splash or carry water in a public area (Mishna Beruah here seif katan 4). Since our pools are contained within fixed walls, the problem of building a raft can be dismissed.

### 2. Rechitza

Regarding the issue of Rechitza, or washing oneself, there is a significant distinction between Shabbat and Yom Tov.

On Shabbat, it is forbidden on a Rabbinic level to bathe one’s entire body in hot water, even if the water was heated before Shabbat (Gemara Shabbat 40a). The Chachamim feared this may lead to heating water on Shabbat (Mishna Berura siman 326, seif katan 1 quoting Magen Avraham), which is a violation of bishul (and hav’ara if one ignites a fire). It is only permissible to use hot water heated before Shabbat to wash one’s arms, legs, and face

(Shulchan Aruch siman 226, 1). Therefore, it is forbidden to go swimming in a hot pool or jacuzzi on Shabbat, even if the water was heated beforehand. However, if the pool is lukewarm or cold, the issur rechitza does not apply, and one may swim in this circumstance. [Nevertheless, Ashkenazim have a minhag not to fully immerse themselves in a cold body of water on Shabbat,<sup>3</sup> while showering with cold water could be permissible me'ikar hadin<sup>4</sup>].

Regarding Yom Tov, there is a major debate among the Rishonim if one may bathe in hot water heated before Yom Tov in the privacy of one's home (bathing in a public bathhouse is unanimously agreed upon to be forbidden). The Sephardic Rishonim (Rif, Rambam, Ran)<sup>5</sup> hold that water that was heated before Yom Tov may be used for one's entire body on Yom Tov. On the other hand, Rashi, Rosh, and Tosafot hold that water heated before Yom Tov may not be used for one's entire body; rather, it may only be used to wash one's hands, face, and feet. Therefore, according to Sepharadim, the prohibition of rechitza does not apply here, and it is permissible to swim in a hot pool that was heated before Yom Tov.

### 3. Exercising:

The Mishna in Shabbat (147a) states that it is prohibited to rub oneself with great exertion if one is doing so to sweat (Shulchan Aruch O"C siman 228,42).

Therefore, it is forbidden to swim as a form of exercise that leads to sweat. There are 2 possible reasons behind this Rabbinic enactment. Tosafot Yom Tov (Shabbat chapter 22,6), one of the classic commentators of the Mishna, claims that according to Rashi, this resembles a weekday activity, which is forbidden based on the verse in Yeshaya (Chapter 58, 13-14) "If you restrain your foot because of Shabbat; refrain from accomplishing your own needs on My holy day; if you proclaim the Shabbat 'a delight,' and [proclaim] the holy [day] of Hashem 'honored,' and you honor it by not engaging in your own affairs, from seeking out your own needs or discussing the forbidden. Then you will delight in Hashem, and I will mount you astride the heights of the world; I will provide you the heritage of your forefather Jacob, for the mouth of Hashem has spoken." Our Sages derive from here that one should avoid weekday activities on Shabbat. Exercising, which could include swimming, would therefore be forbidden. On the other hand, the Rambam (Hilchot Shabbat 21,28) suggests that the prohibition to rub oneself with great exertion (if one is doing so to sweat) stems from the fact that it is a form of therapeutic healing. Based on the Tosafot Yom Tov and the Rambam, it might seem that one may not go swimming on Shabbat because swimming is a form of exercise that

leads to sweating, which is a typical weekday activity and could be viewed as refuah. However, Rav Yitzchak Yosef (Yalkut Yosef Shabbat chelek 2 page 10) dismisses this issue, since swimming can also be viewed as a form of leisure or as a mechanism to cool off.<sup>6</sup>

### 4. Squeezing (Sechita)

#### Water From One's Hair

If one swims on Shabbat or Yom Tov, it is possible one may squeeze out the water from one's hair. Squeezing water out of a soaked substance violates either the melacha of melaben<sup>7</sup> (Tosafot Beitzah 30a) or dash (Igrot Moshe chelek 1 Orach Chaim siman 133), while squeezing fruits constitutes the melacha of dash (Mishna Berurah 220 seif katan 1). However, the Gemara (Shabbat 128b) states that there is no Biblical prohibition of sechita (to squeeze) by hair, since hair does not easily absorb water (Rashi 128b). Nevertheless, squeezing water out of one's hair is still Rabbinically forbidden. Therefore, one may not squeeze out the water in one's hair, whether with a towel or with one's hands. However, one may use a towel to lightly "pat down" one's hair if one is careful to avoid squeezing out the water (Ben Ish Chai shanna bet, Parashat Pekudai seif 8). As long as one avoids squeezing water out of one's hair after swimming, sechita does not pose a problem.

## 5. Removing Hair from One's Head or Beard

The Gemara (Shabbat 94b) states that removing hair from one's body with a utensil is Biblically forbidden (violating the melacha of gozez), since this is the standard way to remove hair (Rashi here). However, it is Rabbinically prohibited to remove hair from one's body with one's hands. If one wipes one's head or beard after swimming, one may unintentionally pluck out some hairs, violating the melacha of gozez. Nevertheless, there is a strong possibility no hairs will be removed (meaning it is most likely a Davar She'eno mitkaven, which is permissible). Furthermore, even if wiping inevitably leads to removing hair (psik reishah), one does not care about this outcome (psik reishah de'lo ichpat leih). We have a general rule: if an action inevitably leads to a rabbinic prohibition that one does not desire or care about (psik reishah de'lo nicha/ichpat leih be'issur derabanan), the action is permissible. Therefore, as long as one does not intentionally rub to remove hair, one does not need to worry about removing hair while drying oneself with a towel.

## 6. Cleaning/Laundering the Towel

It is prohibited to wash clothing (melaben) on Shabbat and Yom tov. For example, it is forbidden to pour water on a dirty shirt and

squeeze out the water to remove the dirt. Some poskim hold that "soaking a substance is considered laundering"<sup>8</sup> which could pose a problem for wiping oneself with a towel after swimming, since the towel is becoming wet. However, Rav Yitzchak Yosef rules<sup>9</sup> that this is only true if the clothing is filthy. Furthermore, when a person dries himself with the towel, the towel is becoming dirtier than it was before it was used, which does not constitute the prohibition of melaben<sup>10</sup>. For this reason, it is also permissible to wipe one's wet hands with a towel; even though the towel is absorbing water, it is "derech tinuf," meaning the end result is that the towel becomes dirty. Therefore, the problem of melaben does not apply to people wiping themselves after swimming.

## 7. Soaking Clothing Could Lead to Squeezing

Maran HaRav Yosef Karo (Bet Yosef O"C Siman 302) rules based on a Gemara (Shabbat 113b) that it is prohibited to purposely soak clothing on Shabbat, since one might squeeze water from the clothing and violate the prohibition of sechita. Based on this, it is prohibited to go swimming with regular clothing that absorb water easily. However, the Mishna Berura (siman 201 seif katan 173) rules that any clothing that one

does not mind if it gets soaked does not fall under this Rabbinic prohibition. Furthermore, Rav Yitzchak Yosef holds any article of clothing designated to become wet also does not fall under this issur. Chacham Eliyahu Ben-Haim Shlita rules one should wear nylon clothing when swimming on Shabbat, since there is no issur sechita by such clothing<sup>11</sup>. Therefore, as long as one wears clothing designated to become wet (like a bathing suit), this prohibition does not pose a problem.

## 8. Carrying water

Maran in Shulchan Aruch (O"C siman 326,7) rules that if a person washes himself in a river, he must immediately wipe himself before walking outside of the river, otherwise he might carry the water on his body in a public area, violating the prohibition of hotza'ah. Rav Moshe Feinstein (Igrot Moshe section 2 Even Ha'ezer siman 13) applies this ruling to our pools today. However, Rav Yitzchak Yosef (Yalkut Yosef Shabbat chelek 2 page 10) claims that people usually wipe themselves before going out into the public, and our pools are in private property (as oppose to the rivers in the times of Maran). Therefore, if one is careful to wipe oneself, the prohibition of carrying water is not applicable to swimming.

## SUMMARY:

If one avoids the following prohibitions, it is technically permissible to swim on Shabbat and Yom Tov:

- ❖ Exercising to sweat
- ❖ Swimming in a body of water without walls, like a river
- ❖ Squeezing water from one's hair
- ❖ Intentionally wiping oneself to remove hair
- ❖ Wearing clothing not designated to become wet (unlike a bathing suit)
- ❖ On Shabbat, swimming in hot water. On Yom Tov, swimming in hot water that was heated on Yom Tov itself.
- ❖ Carrying water into public property

Nevertheless, due to the many potential prohibitions involved, Rav Yitzchak Yosef rules it is preferable not to swim on Shabbat or Yom Tov.

## ENDNOTES

- (1) See Piskei HaRid 40,2
- (2) See Ran in the da'pei HaRif here
- (3) Terumat Hadeshen siman 255 and Mishna Berurah siman 326 seif katan 21
- (4) Igrot Moshe part 4 Orach Chaim siman 75
- (5) See article "Showering on Shabbat" by Avraham Ben-Haim
- (6) See gemara Beitzah 18a, "adam nir'eh ke'mekar"
- (7) See Rambam Shabbat perek 2 halacha 11
- (8) See Tosafot Beitzah 18a
- (9) See Yalkut yosef Shabbat chelek 2 page 10
- (10) See Tosafot Beitzah 18a, which gives background to "derech tinuf"
- (11) See Yalkut Yosef Shabbat chelek 2 page 10

## COOKING WITH MODERN APPLIANCES

By Sammy Baniliv

*The Torah in Sefer Shemot<sup>1</sup> when speaking about the holiday of Pesach tells us "אך אשר יאכל לכל" נפש הוא לבדו יעשה לכם.* The Torah permits Havara (kindling a fire) on Yom Tov. However, Chazal forbid creating fire from scratch on Yom Tov. Thus, when we light something on Yom Tov, we light it from a preexisting flame. The Halacha forbids, however, burning incense on Yom Tov.<sup>2</sup>

### Why is incense burning not permitted on Yom Tov?

The reason is that the Halacha does not permit burning that is not "Shaveh LeChol Nefesh," something that is not customarily enjoyed by all. Food, as opposed to incense, **does** fall under this category. Burning incense is regarded as "exotic" and is not included in the permission of Havara on Yom Tov.

### Creating a Fire

On Yom Tov it is forbidden to ignite a new flame/fire in any manner. One may not strike a match or turn on an electric flame or light.<sup>3,4</sup>

### Transferring from an existing flame

Under most circumstances it is permitted to transfer a fire for a Yom Tov purpose,<sup>5</sup> as long as the transfer falls under the category of something that is *שוה לכל נפש*, which includes cooking. For example, it is permitted to transfer a fire from a pre-lit Yaartzeit candle to a barbeque grill.

On the other hand, it is generally forbidden to extinguish or even to lower<sup>6</sup> a flame on Yom

Tov. There are, however, certain situations when doing so may be permitted for cooking purposes. If the food is cooking on a gas fire and, because the flame is too high, the food will burn, one would be permitted to lower the flame. However, some *Poskim* rule that this leniency applies only when a different flame is not available or cannot be ignited in a permissible manner.<sup>7</sup> Others disagree and rule that lowering the flame to prevent food from burning is permissible even if an alternative flame is available.<sup>8</sup> It should be noted that there are Sephardic poskim<sup>9</sup> that permit turning off the flame of a **Gas** appliance in a situation of need using alternative methods.

How does one turn off a gas stove? A pot should be filled with water and placed on the fire until it boils and by doing so, the water will overflow and spill onto the fire, thereby extinguishing it. After the flame is extinguished, one can then turn off the stove to prevent gas from leaking into the house.

### Gas Stoves and Ovens

#### Category 1:

**Pilot ignition system.** This category includes stoves and ovens that operate using a functional gas flame (pilot light) that is on all the time. Such stoves and ovens are commonly used in caterer's kitchens. Many older stoves and ovens also work on this type of system. This system maintains a fire that stays lit all the time and when the oven thermostat is turned up, a gas flow is sent to the stove or oven burner where the pilot flame ignites the gas. Therefore, the

temperature of such stoves and ovens may be turned up for cooking purposes because doing so does not ignite a new flame but rather extends an existing one. The temperature may be turned down only if one is using the flame to cook food and the food will burn, as explained above.

#### Category 2:

**Electronic Ignition system.** The basic principle is that they use a thermostat to send power to an igniter. Power flows through the igniter which heats to a glow or creates sparks and a flame. Gas is then allowed to flow to the burner. In these cases, electricity is involved only in creating the initial flame but not thereafter. This is the common mechanism of gas stoves.

It follows, therefore, that it is forbidden to turn on this flame on Yom Tov. However, if the initial flame was ignited before Yom Tov, temperature control could be governed by the same principles as the first category.

In other cases, common in modern day ovens, power must continually flow through the igniter for gas to be released into the oven burner to create a flame. Once the set temperature is achieved, the control stops all power to the ignition circuit that causes the igniter to turn off, stopping any burner flame. Cycling on and off continues to maintain the specific temperature the control is set for. One would not be able to turn on or adjust the temperature on Yom Tov as it involves starting or stopping the

flow of electricity.

## Electric Stoves and Ovens

Electric stoves and ovens use a thermostat to control the flow of electricity to the element. The way it works is that a higher temperature reading enables the electric current for a longer period before going off and then on again when the thermostat senses that the temperature has lowered beneath the desired reading. In simpler terms, changes to the temperature reading on an electric appliance causes a start and stop of the flow of electricity. Since adjusting the temperature involves starting or stopping the flow of electricity/current, adjusting the temperature is forbidden on Yom Tov.

## Electric Indicator Lights

If you are using a mechanical electric oven or stove, some of the

aforementioned issues may be circumvented by calling an electrician to install an indicator light which turns on when there is a flow. Similarly, when the light is off, the temperature may be lowered because it does not stop the electric flow, rather, it simply extends the duration of the down time. of electricity to the burner and off when the flow stops. Many of the older ovens were already built with this kind of indicator light near the controls. When the light is on, the temperature may be raised because turning the dial does not start an electric flow, Similarly, when the light is off, the temperature may be lowered because it does not stop the electric flow, rather, it simply extends the duration of the down time. Rather, it simply ensures a greater duration of the existing flow.

## Miscellaneous Appliance Concerns

There are a few more significant concerns pertaining to modern day appliances that use electricity. Firstly, when oven doors are opened there is an immediate cooling of the internal oven temperature. This can cause the electric current to start again to properly re-heat the oven. Similarly, when an oven door is closed, the sudden preservation of heat may cause the electric current to stop. There is a debate in the Poskim on this matter, with a large amount leaning towards it not being a concern.<sup>10</sup> Furthermore, many ovens incorporate digital controls to increase and decrease temperature instead of the older mechanical controls. IT IS PROHIBITED TO USE DIGITAL CONTROLS ON SHABBAT AND YOM TOV.

## SUMMARY

- ❖ Gas Stove/Oven- Only if previously turned on, it is permissible to raise and lower the temperature. When lowering a Gas stove, please refer to instructions discussed above.
- ❖ Electric Stove/ Oven- Even if previously turned on, it is prohibited to raise or lower the temperature because by doing so you are starting and stopping the flow of electricity.

## ENDNOTES

- (1) שמות י"ב, טז
- (2) ביצה כב עמוד ב שולחן ערוך אורח חיים סימן
- (3) שולחן ערוך אורח חיים סימן תקב סעיף א
- (4) חזון עובדיה הלכות יום טוב דף נג
- (5) עיין תוספות שבת לף לט, ביצה כא
- (6) שולחן ערוך סימן תקיד הלכות יום טוב
- (7) עיין רמא סימן תפקיד סעיף א
- (8) איגרות משה, אה א, קטו, ד, קג
- (9) חזון עובדיה הלכות יום טוב דף נח
- (10) ילקוט יוסף דף רעג



## CLAPPING & DANCING ON YOM TOV

By Elie Sadik

### Background

The Mishna in Beitzah (36b) explicitly states that one may not clap (*me'tapchin*), slap one's thigh (*me'sapkin*), or dance (*me'rakdin*) on Shabbat and Yom Tov. The Gemara explains that the Chachamim instituted this prohibition because they feared one may inadvertently build or fix a musical instrument while engrossed in these actions, violating the melacha of *makeh be'patish* (see Rashi here and Shabbat 47a). The Ohr Zarua (quoted in the hagah in the Rosh) defines dancing as lifting one's foot in the air while the other foot stays on the ground. See below for a practical application of this idea.

However, Tosafot (Beitzah 30a) asserts that this Rabbinic prohibition only applied in the times of the Chachamim, where people were acquainted with building musical instruments. Therefore, since we are no longer familiar with building these instruments, it is permissible to clap (in a musical manner), slap one's thigh (in a musical manner), and dance on Shabbat on Yom Tov.

It is important to note that previously mentioned prohibition to clap and slap one's thigh specifically applies in the context of music or singing. If one is doing so for other reasons, such as applauding in response to an inspiring Dvar Torah, it is permitted to do so (see the section below

"Permissible Forms of Clapping and Dancing").

### Shulchan Aruch and Psak Halacha

Maran in Shulchan Aruch (Orach Chaim siman 339, 3) rules like the previously quoted Mishna: it is forbidden to clap, slap one's thigh, or dance on Shabbat and Yom Tov. He also asserts that one may not bang one's hand/finger on a table/floor; similarly, it is forbidden to snap one's fingers. Nevertheless, he adds, one may clap in an abnormal manner, such as clapping with the back of one's hand (based on Rambam Hilchot Shabbat, perek 23 halacha 5). However, the Rama here states that according to some opinions (Tosafot quoted above) it is permissible to clap, slap one's thigh, and dance, and many rely on this opinion. The Rama quotes this opinion as "some say" (*yesh om'rim*), implying that he himself does not rule accordingly.

Rav Yitzchak Yosef (Yalkut Yosef Shabbat Part 5, page 84), current Sephardic Chief Rabbi of Israel and son of Rav Ovadia Yosef Z'TL, rules like Maran in Shulchan Aruch. Therefore, it is forbidden to clap (in the context of music or singing), slap one's thigh (in the context of music or singing), or dance on Shabbat and Yom Tov.

However, according to all opinions, it is permissible to clap, slap one's thigh and dance on Simchat Torah (Mishna Berurah Siman 339, seif katan 8), even in

the context of music and singing. The Chachamim did not apply these restrictions to Simchat Torah.

### Practical Applications of the Aforementioned Prohibitions

As mentioned above, the prohibition to clap, snap one's fingers, and slap one's thigh only applies in the context of singing and music. However, if one is doing so for other reasons, it is permissible to do so. The following Halachot reflect this rule.

It is forbidden to clap (in the context of music or singing), slap one's thigh (in the context of music or singing), or dance on Shabbat and Yom Tov.

It is forbidden to bang on a table with a utensil (such as a spoon or fork) to a beat or song (Yalkut Yosef Shabbat Part 5, page 68).

One may not snap one's fingers to a song or beat (Shulchan Aruch, Orach Chaim siman 339, 3).

### Permissible Forms of Clapping and Dancing

As a general rule, any form of clapping, snapping one's fingers, or slapping one's thigh is permissible if they are not done in the context of music or singing. The following Halachot reflect this rule:

It is permissible to clap if one is applauding, as oppose to clapping to a beat or a song. Similarly, it is permissible to clap to get another person's attention or

to wake somebody up (Yalkut Yosef Shabbat Part 5, pages 67-69).

The same halachot apply to snapping. One may not snap to a beat or song, but one may snap for other reasons, such as getting another person's attention (Yalkut Yosef Shabbat Part 5, page 70).

One may bang on a table with a utensil (such as a spoon or fork) if

one's intention is to silence a crowd (Yalkut Yosef Shabbat Part 5, page 68).

One may clap in an abnormal manner, such as clapping with the back of one's hand (Shulchan Aruch, Orach Chaim siman 339, 3).

It is permissible to "circle dance" on Shabbat and Yom Tov, where people hold hands and walk in a

circle (Yalkut Yosef Shabbat Part 5, page 86). Based on the Ohr Zarua mentioned in the introduction, this phenomenon is not considered dancing.

It is permissible to clap (in a musical manner), slap one's thigh (in a musical manner), and dance on Simchat Torah (Mishna Berurah Siman 339, seif katan 8).

**לעילוי נשמת האשה הכשרה שגדלה בניה ובנותיה בדרכי התורה  
ורדה בת בן-ציון ע"ה**



## SHOWERING ON YOM TOV

By Avraham Ben-Haim

### The prohibition of bathing in hot water on Shabbat

Heating water on Shabbat is forbidden under the *melacha* of *bishul* (cooking).<sup>1</sup> It goes without saying that water that was heated on Shabbat in violation of Shabbat may not be used to bathe. Water that was heated before Shabbat may be used to wash one's arms, legs, and face (or other individual parts, such as washing just one's underarms or part of one's body) but not one's entire body, even if it is not done all at once. This prohibition of washing one's whole body with water that was heated before Shabbat is a Rabbinic prohibition (*mi'derabannan*). The Gemara in Masechet Shabbat quotes a *berayta* which explains why this prohibition was enacted and how it developed:

*"Originally, it was permissible to wash with water that was heated before Shabbat. The bathhouse caretakers began heating water on Shabbat, claiming that it was heated before Shabbat, so the rabbis forbade washing with water that was heated before Shabbat too, but still permitted steaming in the bathhouse. People continued to wash in the bathhouse, and would claim that they were only visiting the bathhouse for a steam, so the rabbis prohibited steaming too, but still permitted washing in natural hot springs. People continued to wash in the bathhouse and would claim that*

*they were using the natural hot springs, so the rabbis forbade that too, and only permitted bathing in cold water. They saw that people could not sustain this prohibition, so they permitted natural hot springs, but steaming and washing in the bathhouse with water that was heated before Shabbat remained forbidden."* (Shabbat 40a- loosely translated).

Thus, it is forbidden on a rabbinic level to bathe one's entire body on Shabbat, even if the water was heated before Shabbat. It is only permissible to wash one's arms, legs and face (or other individual body parts) but not one's whole body.

### Does this apply to Yom Tov too?

The Mishnah in Masechet Betzah (21b) says that one may only heat water on Yom Tov to wash one's arms, legs and face. It is clear from the Mishnah that it is forbidden to wash one's whole body with water that was heated on Yom Tov. There is a dispute among the Rishonim regarding the reason for this prohibition.

The Tosafot<sup>2</sup> explain that although it is permissible to cook on Yom Tov, this is only true if the cooking benefits a person in a manner which is *shaveh lechol nefesh*- all people enjoy this benefit equally. Showering daily, however, is a practice that only "spoiled" individuals partake in, and is not considered necessary for all people. Most people only feel a need to wash their arms, legs, and face daily. Therefore, it is

forbidden on a Torah level to warm up water on Yom Tov to use for a full-body shower.<sup>3</sup>

The Rambam<sup>4</sup> understood that washing daily is in fact considered *shaveh lechol nefesh*, and in theory it should be permissible to heat up water on Yom Tov to take a full-body shower. However, the rabbis forbade it on a *derabannan* level like they did on Shabbat, so that the bathhouse caretakers should not come to heat up water on Shabbat like they do on Yom Tov.

Thus, based on the Mishnah in Betzah, both the Rambam and the Tosafot agree that it is forbidden to heat up water on Yom Tov itself to take a full-body shower,<sup>5</sup> but differ on whether this prohibition is *derabannan* or *deorayta*.

### Water that was heated before Yom Tov

The discussion until now pertained to water that was heated on Yom Tov itself. There is a major debate among the Rishonim if water that was heated before Yom Tov may be used for a full-body shower on Yom Tov. The Rif,<sup>6</sup> Rambam,<sup>7</sup> and Ran<sup>8</sup> all hold that water that was heated before Yom Tov may be used for a full-body shower on Yom Tov (on condition that it takes place in one's home and not in the bathhouse<sup>9</sup>). Rashi,<sup>10</sup> the Rosh<sup>11</sup> and the Tosafot<sup>12</sup> hold that water heated before Yom Tov may not be used for a full-body shower.

The Ran<sup>13</sup> explains that this *machloket* is intrinsically connected to the first one. Since the Rambam holds that water that was heated on Yom Tov itself is only forbidden *miderabannan*, we do not extend the prohibition to water that was heated before Yom Tov. The Tosafot, however, understand that water that was heated on Yom Tov is prohibited *mideorayta*, which would make it analogous to Shabbat. Just like water heated before Shabbat is prohibited *miderabannan*, so too, water that was heated before Yom Tov is prohibited.<sup>14</sup>

*Lehalacha*, Maran Harav Yosef Karo<sup>15</sup> ruled in accordance with the Rif, Rambam and Ran. Therefore, it is permissible for *Sepharadim* to take regular, full-body showers on Yom Tov with water that was heated from before Yom Tov. Rav Moshe Isserles<sup>16</sup> ruled like Rashi, the Rosh and the Tosafot, and based on his ruling, it would seemingly be prohibited for communities who follow his ruling to take a full-body, hot shower on Yom Tov, even if the water was heated before Yom Tov.<sup>17</sup>

## Showering on the second day of Yom Tov (outside of Israel)

It is true that today, the leniency to use hot water heated up before Yom Tov is not very helpful. Most people shower immediately before Yom Tov begins, and water heated from before Yom Tov only lasts for a few hours into Chag. However, based on this leniency, Rav Ovadia Yosef zt"l writes<sup>18</sup> that it is permissible to take a shower on the second day of Yom Tov with water that was heated on the previous day, even though it was

Yom Tov too. He utilizes an argument called *mima nafshach* (either/or). We know that according to the Torah, there should only be one day of Yom Tov, but outside of Israel the practice is to observe two days of Yom Tov because in the times of the Sanhedrin they did not have predetermined calendars and the Jews who lived outside of Israel did not know exactly which day Yom Tov would fall out on. That means that even though both days must be observed, they cannot *both* be Yom Tov. EITHER the first day was "really" Yom Tov, which means that the second day is *chol* and one may therefore shower however one wants. OR, the second day is "really" Yom Tov, which means that the water which was heated up yesterday was "really" heated up before Yom Tov, which according to *Sepharadim* may be used now! Although we must observe both days as if we don't know which day is "really" Yom Tov, they cannot both be Yom Tov, so no matter which day is the "real" Yom Tov, it is permissible (if one has a regular boiler in their home and not a tankless water heating system) to use the hot water that was heated up on the first day of Yom Tov to take a full-body hot shower on the second day of Yom Tov of any of the *chagim* except for Rosh Hashana.<sup>19</sup> (Rosh Hashana, however, is treated as one long day of Yom Tov, and water that is heated on the first day is still prohibited on the second.) Thus, on the evening of the second day of Yom Tov, one may shower regularly until the first boiler of water that was heated from before nightfall is used up. One may use soap and shampoo

as one usually would.<sup>20</sup> However, one must be careful to not dry one's hair with a towel in the usual manner, and must instead pat it gently or let it air-dry.<sup>21</sup>

## Lukewarm showers

Another option for showering on Yom Tov is to take a lukewarm shower. The rabbinic prohibition to shower on Yom Tov only included bathing in hot water. Bathing in lukewarm water, however, is permitted. Rav Moshe Feinstein writes<sup>22</sup> that the temperature of the water must be slightly cooler than what most people are comfortable showering with. Rav Ben-Sion Abba Shaul estimates<sup>23</sup> that this is around 95° F, which is slightly cooler than one's body temperature. As mentioned above, one may use soap and shampoo as one usually would. However, one must be careful to not dry one's hair with a towel in the usual manner, and must instead pat it gently or let it air-dry.

# תשמרו לעשות

## SUMMARY

- ❖ Water that was heated on Shabbat may not be used at all. Water that was heated before Shabbat may be used to wash one's arms, legs and face (or other individual body parts, like one's underarms). One may not take a full-body hot shower on Shabbat.
- ❖ Water that was heated on Yom Tov may be used to wash one's arms, legs and face, but not one's whole body.
- ❖ Water that was heated before Yom Tov may be used to take a full-body hot shower.
- ❖ Water that was heated on the first day of Yom Tov may be used on the second day of Yom Tov (for any holiday other than Rosh Hashana) to take a full-body hot shower.
- ❖ One may shower in lukewarm water, which is slightly cooler than the temperature that is usually used to shower (slightly below body temperature).
- ❖ One may use soap and shampoo when showering on Yom Tov. However, one may not use a towel to dry one's hair on Yom Tov and must instead let it air-dry.

## ENDNOTES

- (1) שלחן ערוך סימן שיח סעיף יד
- (2) ביצה דף כא ע"ב ד"ה לא יחם אדם
- (3) כך הבין הר"ן (ביצה דף יא ע"א בדפי הרי"ף) את דברי התוספות, וכן כתב הרא"ש (שבת פרק שלישי סימן ז')
- (4) בשם ריב"א שאסור לעשות הבערה מה"ת בשביל רחיצת כל גופו
- (5) פרק א מהל' יו"ט הל' טז
- (6) מדברי הר"ן בביצה מבואר שאפילו להתרחץ בביתו ולא במרחץ אסור, שהרי מים שהוחמו מערב יו"ט לא התיר הר"ן אלא בביתו ולא במרחץ - משמע שמים שהוחמו ביו"ט אסור בכל מקום.
- (7) ביצה דף יא ע"א בשם גאון
- (8) פ"א מהל' יו"ט הל' טז
- (9) ביצה דף יא ע"א בדפי הרי"ף ד"ה ועושה אדם מדורה
- (10) ר"ן שם
- (11) ביצה דף לב ע"א ד"ה מי שרי
- (12) שבת פרק שלישי סימן ז
- (13) כמו שהסביר הר"ן לשיטתם (שבת דף יח ע"ב בדפי הרי"ף ד"ה ולענין יו"ט)
- (14) שבת דף יח ע"ב בדפי הרי"ף ד"ה ולענין יו"ט
- (15) לפי דברי הר"ן, לא מובן לי דברי הגר"ע יוסף זצ"ל בחזון עובדיה יום טוב עמוד מא שהתחיל דבריו בשיטת התוספות, וכתב בזה"ל: אבל כדי לרחוץ כל גופו אסור שאין זה הנאה לכל נפש. ע"כ. ומיד אח"כ פוסק כמו הרי"ף והרמב"ם ומרן שמים שהוחמו מעיו"ט מותר לרחוץ בהם כל גופו ביו"ט. ולפי דברי הר"ן, שיטות אלו סותרים זו את זו, שלשיטה שסוברת שרחיצת כל גופו אינה נקרא שוה לכל נפש, חימום המים ביו"ט לרחוץ כל גופו אסור מה"ת, וא"כ היינו גוזרים על חמין שהוחמו מעיו"ט כמו שגזרו בשבת.
- (16) בית יוסף או"ח סי' תקיא ד"ה והאגור כתב ובשו"ע שם סעיף סעיף ב
- (17) שם בהג"ה
- (18) שמעתי שיש רבנים שמתירים גם לאשכנזים שכוון שהיום כולם רגילים להתרחץ בכל יום גם בעלי התוספות יודו שנחשב כדבר השוה לכל נפש בזמננו
- (19) חזון עובדיה יום טוב עמוד קנז
- (20) כשיטת הראב"ד בהל' יו"ט פ"ו הל' טו שגם היום אפשר לומר סברת ממ"נ על שני ימים טובים של חו"ל. וכן פסק מרן בשו"ע או"ח סי' תקכז סעי' כב. ואפילו להרמב"ם שפסק שאין לערב היום על תנאי (הל' יו"ט פ"ו הל' טו), אפשר שגם הוא יודה כאן שמותר כמו שכתב בדרכי משה (או"ח סימן תקכח ס"ק ב) וז"ל: דלא קאמר הרמב"ם אלא לענין ערוב דצריך להתנות ולומר "אם היום חול וכו'" אבל בביצה (וכן בני"ד) שאין צריך שום אמירה אפילו בזמן הזה שרי. ע"כ לשון הרמ"א בדרכי משה.
- (21) יחזקאל דעת ח"ב סימן נ
- (22) אע"פ שאנו סוברים שאין סחיטה בשער, היינו מדאורייתא, אבל עדיין אסור מדרבנן (משנה ברורה סימן של ס"ק ז ובן איש חי שנה ב' פרשת פקודי אות ח).
- (23) אגרות משה או"ח ח"ד סימן עד עמוד קמד
- (24) אור לציון ח"ב עמוד רנא

## MILK & MEAT IN THE SAME OVEN

By Sammy Baniliv

### Reicha – Aroma Emitted by Food

The Gemara<sup>1</sup> records a debate between Rav and Levi whether Reicha Milta or Reicha Lav Milta - is the emitted aroma from food Halachically significant or not? Let it be known that the case Gemara speaks of is a case of Kosher meat cooked in the same oven with, but without touching, non-Kosher meat. According to Rav, Reicha is Halachically significant. Levi, however, rules that the meat remains Kosher because Reicha is not Halachically significant.

The Rambam<sup>23</sup> rules that Levi's is the Halachically accepted opinion. There are others<sup>4</sup> who state that the Halacha follows the opinion of Rav. It should be noted that even those who do conclude that Levi is the accepted opinion would agree that he does not permit one to deliberately (Lechatchila) Perform this action. Levi only permits (B'dieved), after the fact.

The Shulchan Aruch<sup>5</sup> rules like Levi that Reicha is not Halachically significant. The Rama adds a series of stringent rulings on this issue, but ultimately rules like Levi that Reicha is not Halachically significant.

### Zeiah - Steam That Emerges from Food

The problem of cooking milk and meat consecutively in the same oven brings us to the issue of Zeiah - steam emitted from food. The Shulchan Aruch cites the Teshuvot HaRosh<sup>6</sup> that if one placed a pan of milk under a pot of meat, and the emerging steam from the milk pot gets absorbed into the meat pot, the meat is forbidden for consumption. The Rosh cites the source for Zeiah being Halachically significant as being the Mishna in Masechet Machshirim<sup>7</sup>, which states that the steam that rises from a bathhouse that is ritually unclean is itself ritually unclean. We see from this Mishna that the steam that rises from something retains the status of the item from which it emerged. Thus, steam that rises from milk is considered by Halacha to be milk.

An important question needs to be raised at this point. In the previous discussion of Reicha, when the Talmud discusses Kosher meat being cooked simultaneously with non-Kosher meat, there is a concern for Zeiah.<sup>10</sup> Why is the Shulchan Aruch suddenly concerned for Zeiah?

The Aruch Hashulchan<sup>8</sup> writes that Zeiah is a relevant concern only in a small, enclosed area and not in an open area. He mentions that the case in the Shulchan Aruch where Maran is concerned for

Zeiah discusses an example of an enclosed area "such as a very small oven in which a pot is placed and upon it is placed a second pot - the Zeiah rises and fills the area because it does not have a place to escape." The scope of Reicha, however, is not limited to such a situation. When discussing the issue of Reicha, the Talmud does not mention the issue of Zeiah because it is not speaking about a situation of cooking both foods in a small, enclosed area. The Aruch Hashulchan concludes, "but when cooking in an open area which has air such as in our ovens, the Zeiah rises in the air and does not prohibit the pot that is close to it." It should be noted that the Badei Hashulchan<sup>9</sup> points out that Rama 9 seems to contradict this creative logic of the Aruch Hashulchan. The Rama writes of the possibility of Zeiah when meat is hung above pots of cooking milk. Therefore, it is more than fair to assume that the Rama has a worry for Zeiah even if the cooking area is not confined and closed. The Pitchei Teshuva<sup>10</sup> cites a suggestion that maybe the concern of Zeiah only applies to steam that emerges from liquids but not from solid food. This would potentially clear up our question on why the Gemara does not mention the concern of rising steam, when discussing Reicha, because our case mentioned in the Gemara was referring to a case of solid food.

<sup>1</sup> פסחים עו עמוד ב  
<sup>2</sup> מאכלות אסורות טו: לג  
<sup>3</sup> ריף במסכת חולין דף לב עמוד א  
<sup>4</sup> תוספות מסכת פסחים דף עו עמוד ב

<sup>5</sup> שלחן ערוך יורה דעה סימן קח סעיף א  
<sup>6</sup> תשובות הראש כ: כו  
<sup>7</sup> מסכת מכשירין ב: ב  
<sup>8</sup> סימן צב: נה

<sup>9</sup> בדי השולחן צב: פ  
<sup>10</sup> סימן צב: ו

Rav Moshe Feinstein<sup>11</sup> suggests a leniency even if the Zeiah emerging from solid foods is considered Halachically significant. He dissects from the language of Rama<sup>12</sup> that one does not have to assume that Zeiah emerges from solid foods as one must when dealing with liquid foods. "Only when we see that solid food emits steam do we have to be concerned with

Zeiah." According to Rav Moshe's approach, one may say that the Gemara is speaking of a situation where the meat did not emit steam, and therefore the Talmud makes no mention of Zeiah. Rav Moshe also indicates that one may cook milk and meat consecutively in one oven if either the milk or meat pots are covered. This is based on the Rama<sup>13</sup>, who states Zeiah does not constitute a

problem if a pot is covered. In addition, Rav Moshe (as mentioned previously) rules that one should be concerned that solid food emits Zeiah only if one is aware that it has done so.

## SUMMARY

One should strive to have and use separate ovens for meat and dairy in their residences. But, with regards to our modern-day ovens, in cases of **NEED**, meat and milk may be used consecutively if the following is done:

1. Covering the items with at least 1 or 2 coverings
2. The roof of the oven is cleaned/wiped off thoroughly before usage to take away any concerns residue.

<sup>11</sup> אגרות משה יורה דעה מ

<sup>12</sup> עיין רמא סימן קח סעיף א

<sup>13</sup> רמא סימן צב סעיף ח

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