

# HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

In this double issue, we shall address two different questions both of which deal with the same basic issues.

**The questions:**

1. Given that heating water is permitted on YomTov for cooking, is showering allowed even though it will involve heating fresh water?
2. May one use a programmable dishwasher to wash one's dishes on Shabbos or YomTov? The dishes will be placed into the dishwasher while it is off, and the timer will turn it on later.

**The issues to discuss:**

- (A) When *Mitoch* (the extension of the Melachos of food-preparation) is being relied on to permit Melacha for purposes other than food-preparation, does it include any purpose?
- (B) *Chamin Shehuchmu Beshabbos*, water that was heated on Shabbos.
- (C) *Gezeiras Merchatzaos*, the Rabbinical prohibition against bathing on Shabbos and YomTov.
- (D) *Sechita*, squeezing; what must be avoided when washing or drying oneself?
- (E) *Hashmoas Kol*, when the sound of a Melacha which occurs by itself can be heard.

**(A) What is permitted under Mitoch**

On YomTov, *Melechtes Ochel Nefesh*, the Melachos involved in preparing food, are permitted, not only in the preparation of food, but also when they are otherwise needed for YomTov - *Tzorech Hayom*. For example, one may carry food to be eaten on YomTov, and therefore, carrying a Machzor to shul is also permitted [See Halochoscope Vol 1 No 34.]

However, these Melachos are not always permitted on YomTov. Certain cases are indeed considered a *Tzorech Hayom Ketzas*, somewhat necessary, while others are not. The main qualification is that the need is *Shaveh Lechol Nefesh*, that everyone would consider it a necessity. One may not do a Melacha for the purposes of enjoying what many people consider a luxury. For example, burning incense involves *Hav'arah*, burning, which is permitted when preparing food. It is therefore permitted for other purposes (Mitoch). However, since burning incense is generally considered a luxury, it is not *Shaveh Lechol Nefesh* and is forbidden even to those who feel it is a necessity.

Boiling water, *Bishul*, is permitted for *Ochel Nefesh*. It is therefore permitted for other purposes provided they qualify as a *Tzorech Hayom Ketzas*. While the Talmud allows boiling water on YomTov to wash the face, hands or

feet, it does not permit heating water for a hot bath. Bathing the whole body is considered *Ta'anug*, a luxury. In Talmudic times it was considered healthy to sweat in a bath-house, so water may be heated to allow for sweating which, being *Librius*, done for therapeutic, or health, reasons, is considered *Shaveh Lechol Nefesh*. Although this was later forbidden in most instances for other reasons, it serves as a guide to the rules of *Shaveh Lechol Nefesh*. Evidently, anything that is done for health is considered *Shaveh Lechol Nefesh*, even though most people would not consider it necessary. However, something done for enjoyment is not considered *Shaveh Lechol Nefesh*.

Based on this the Poskim discuss the permissibility of smoking on YomTov. Bear in mind that the discussion took place at a time when it was not known that smoking was a health hazard. On the one hand, it seemed that smoking was similar to burning incense and a luxury, regardless of how many people smoked. It was really done for enjoyment and there was no direct benefit to one's health, and would therefore be forbidden on YomTov. In addition it could involve the *Melacha* of *Kibuy*, extinguishing. On the other hand, some Poskim argued that it helped in the digestion, and that those who smoked regularly would get sick unless they could smoke on YomTov (addiction!). Therefore, even though for many people it would not be considered a necessity, (on the contrary they avoid it) and it is definitely a *Ta'anug*, it is also *Lebrius* (!) It would therefore automatically be considered *Shaveh Lechol Nefesh*. As for *Kibuy*, with care it can be avoided. In light of today's understanding of the harm caused by tobacco smoking, it appears unlikely that they would permit it as something that is *Shaveh Lechol Nefesh*.

Although many people do wash with warm water every day in our times, it does not seem to be considered *Shaveh Lechol Nefesh*. An argument could be made for *Minhag Hamokom*, the practice in a whole country being different than elsewhere. In that case maybe one could say that in this country it is *Shaveh Lechol Nefesh*. Nonetheless, since not showering is merely a discomfort and not a real necessity, it is still a *Ta'anug*. Washing the face, hands and feet, however, are indeed *Shaveh Lechol Nefesh* and one may heat water for this purpose. Using the hot water in our homes today can involve *Bishul*. When water is removed from them, most hot-water heaters immediately fill up with fresh cold water which is then heated. Although there is no intention at this point to heat the fresh water, it is a *P'sik Reisha*, an unavoidable *Melacha* results from the act, and is therefore forbidden [See also *Halochose*, Vol 1 No 11]. Some large-capacity systems do not fill up every time some water is removed, but store a lot of hot water and only refill when the water level falls below a certain point. These are used in large apartment houses. In these cases, it is possible that one is not actually causing *Bishul* by removing some water, and it is therefore a *Sofeik P'sik Reisha* which is permitted by some authorities. Accordingly, it would be permissible to shower with this water. However, there remains a problem with using water that was heated on YomTov itself for washing one's body. Therefore, only on the first night of YomTov, when it is likely that all the water coming out of the system was already hot from before YomTov, would this be permissible. Even in this case, we shall explain, there are other considerations to be taken into account. Furthermore, since the *Sofeik* is about a Scriptural *Melacha* on Shabbos, and, according to some Poskim, on YomTov too, others do not rely on this to permit using large-capacity boilers. [See *Kesubos* 7a, Rashi,

*Tosafos*, Shabbos 39b. *Tosafos*, Pnei Yehoshua. *Shulchan Aruch Orach Chaim* 511:4. *Shaarei Teshuva* 5 Pri Megadim on Taz 2 and 514, Magen Avraham 4. *Aruch Hashulchan* O.C. 511:11. *Nishmas Odom* 95:13. *Sh. Ar. Yorch Deah* 87:6. *Hagahos Rabi Akiva Eger*. *Teshuvos Beer Moshe*]

#### (B) Chamin Shchuchmu Beshabbos

Even if no *Melacha* was done but water was heated on Shabbos or YomTov by some automatic process, it may not be used on Shabbos at all. On YomTov it may only be used for those purposes for which it is anyway permitted to heat it. This means that on Shabbos one could not use this hot water for anything at all, and on YomTov one could drink it or use it to prepare food (including washing dishes which became dirty on YomTov) and wash parts of the body, but not the whole body. The reason for this prohibition is that one may not derive benefit from a *Melacha* done on Shabbos. Most Poskim regard this as a Rabbinic ordinance. In many cases, it is forbidden to make use of the *Melacha* even after Shabbos is over for the time period it would take to do the same *Melacha* after Shabbos, known as *Bikdei Sheya'aseh*. This ensures there is no gain from the *Melacha* at all. Otherwise people might do the *Melacha* on Shabbos to have the benefit immediately after Shabbos goes out. As a precaution the Rabbis included in this prohibition water heated by *Hatmonah*, directing a cold water pipe through hot water so that it would be heated by itself on Shabbos. [Not to be confused with the "insulating" *Hatmonah*.]

With regard to the two questions raised: taking a hot shower (over the whole body) is thus forbidden on YomTov, and certainly on Shabbos, even if no *Melacha* was performed in heating the water but it was heated on Shabbos or YomTov.

In the case of a programmable dishwasher, a timer can be set to heat the water on Shabbos without involving *Melacha*, but this water is *Chamin Shchuchmu Beshabbos*, and could not be used to wash dishes. (Besides which, one should always be careful when washing dirty dishes on Shabbos with hot water, that all possibilities of *Bishul* on the food attached to the plates be avoided.) If one wishes to put the dirty dishes out of the way and stacks them in the dishwasher, one is benefitting from *Chamin* even though one does not intend to. Therefore, in this case, one could not use them following Shabbos for the time the full cleaning cycle takes. It is also doubtful if one may intentionally plan on doing something on Shabbos and waiting on Motzoei Shabbos *Bikdei Sheya'aseh*. There is also an issue of *Hachanah*, preparing on Shabbos for Motzoei Shabbos. This might not be a problem when the dishes were anyway being put out of the way.

On YomTov, however, this dishwasher may be used to wash dishes that will be needed later that day. Although we do not turn on electricity on YomTov because of *Molid Aish*, the prohibition against beginning a fire, here it is being done automatically as with any appliance on a timer. However, there are other possible problems that will be discussed in section E. [See Shabbos 38b, 39a-b, 40a commentaries. *Chulin* 15a. *Baba Kama* 71a. *Rif Shabbos Perek* 3. *Tur* and *Sh. Ar.* O.C. 318:1, 326 and 511.]

#### (C) Gezeiras Merchatzaos

Strictly speaking, there is nothing wrong with bathing on Shabbos in

hot water. In earlier times, this was common practice. Since people did not have their own facilities, they used public bath-houses where the water had been heated on Erev Shabbos. However, in time, the bath-house attendants were caught heating water on Shabbos and so the Gezeiras *Merchatzaos* was instituted forbidding taking hot baths using water heated on Erev Shabbos. At the time, people would use the baths as a sauna to sweat. In time people would evade the Gezeiras *Merchatzaos* by pretending to enter just to sweat, and so sweating, too, was forbidden.

*Shetifa*, pouring hot water over oneself, which amounts to showering, is a matter of Talmudic debate. There is an opinion that it is not considered the usual way of bathing and therefore was not included in the Gezeira. It is, however, generally accepted in Halacha that showering the whole body is like bathing and is also forbidden. However, parts of the body may be washed as long as one does not end up washing all or most of his body.

On YomTov, however, there is no definite indication in the Talmud that Gezeiras *Merchatzaos* applies. Consequently, there are two opinions in the Poskim: the Rif and Rambam are of the opinion that inside a bath-house one may not bathe, but in the privacy of one's home one may bathe the whole body. Although water may not be heated on YomTov for this purpose, as explained, no Gezeira was made forbidding the use of water heated on Erev YomTov. Tosafos and others show that the Gezeira was also applied to YomTov, forbidding both bathing and sweating. Although sweating was considered a *Ktzas Tzorech* permitting heating water on YomTov, and certainly using pre-heated water, to reinforce the Gezeira, sweating had to be forbidden too.

Since there is an opinion that *Shetifa* was not included in the original Gezeira even on Shabbos, there is a possibility that it was not forbidden on YomTov even according to the stricter opinion because generally YomTov is viewed as being less stringent than Shabbos. However, this is rejected due to a different version of the text on which it was based. Thus, according to the opinion of Tosafos, showering the whole body is also forbidden on YomTov.

Although there are exceptions such as a sick person or baby, the general rule is that Ashkenazic Jewry does not bathe the whole body at all on YomTov regardless of when the water was heated. The Sephardim permit bathing in water that was heated before YomTov in the privacy of one's home.

In summary: Water heated on Shabbos may not be used at all. Water heated on Erev Shabbos may be used to wash up to half one's body in parts. Water may be heated on YomTov to wash the face, hands and feet. It is questionable whether it may be heated to wash other parts of the body too. Water heated on Erev YomTov may be used to wash the body in parts by Ashkenazim and to bathe the whole body by Sephardim. [See Shabbos 39b-40a, Beitza 21b, commentaries, Poskim. Sh. Ar. O.C. 326:1-2, 511:2 commentaries *Biur Halacha*.]

#### (D) *Sechita*

One may not squeeze out juice from fruit on Shabbos. In the case of grapes and olives, this is a Scriptural Melacha, a *Toldah* (subcategory) of *Dash*, to thresh grain. Anytime something needed is extracted from inside something else through a process it can involve a *Toldah* of this Melacha, either *Mefarek* or *Sechita*. *Mefarek* is extracting something contained in something else such as

milking a cow, and *Sechita* is squeezing juice out of a homogeneous mass. The prohibition is extended Rabbinically to include other cases, too. There is another type of *Sechita*, too: squeezing out wet cloth or clothing. Here the "juice" is not wanted, but the intent is to dry the clothing, and therefore it is not *Mefarek*. However, it is part of the laundering process and forbidden because of *Libun*, the Melacha of bleaching or cleansing the wool. Along with the obvious prohibition against squeezing, the Rabonon forbade moving a very wet cloth as a precaution against *Sechita*.

Accordingly, when washing oneself it is Rabbinically forbidden to squeeze one's hair. This makes it very difficult to wash parts of the body covered with hair, and certainly to dry these areas. Therefore, unless absolutely necessary, such as to fulfill a Mitzvah, we avoid bathing even in cold water. In addition, when one has finished drying oneself, one should be careful not to squeeze the towel. One contemporary Posek says that although there is nothing obviously wrong with washing in cold water on Shabbos, it seems that the practice is to refrain from doing so, and that there is probably good reason for this.

In summary: Strictly speaking, one may wash in cold water on Shabbos or YomTov but one should take extra care when washing and drying hairy areas, and with the wet towel afterwards. [See Shabbos 143b, etc. 147a-b, etc. commentaries, Poskim. Rambam Hil. Shabbos 9:11. Sh. Ar. O.C. 301:45-49, 320, Magen Avraham 23, 326. commentaries]

#### (E) *Hashmoas Kol*

There are a lot of things that are not Melachos but can give the impression of *Chilul Shabbos*. Usually this is considered *Maris Ayin*, the appearance of something forbidden, and is forbidden because it would lead people to suspect *Chilul Shabbos*, or because people might misinterpret the circumstances and permit something really forbidden [See *Halochoscope* Vol 1 No 1]

There are other types of such prohibitions, one of which is *Hashmoas Kol*, that the sounds of the Melacha taking place are heard in public which is disrespectful to Shabbos. In addition it will lead people to think that the owner of the thing making the sounds is being *Mechalel Shabbos*. Milling grain on Shabbos is forbidden Scripturally - the Melacha of *Tochen*. The Talmud discusses the permissibility of putting grain into a water-powered mill before Shabbos, where the grain will be ground on Shabbos, but no-one is doing a Melacha. The milling will be heard and the Talmud says that it is only permitted if it will be finished before Shabbos. One opinion suggests that this is because the noise of the grinding is *Hashmoas Kol*. People will say that this person's mill is running on Shabbos. However, this reason is rejected by other opinions in the Talmud. Nonetheless, these are two opinions in the Poskim as to the Halacha. Our practice in Ashkenazic countries is to forbid it in this case unless a loss will be incurred by not grinding it. However, something which is well-known to be pre-programmed such as a chiming clock, which must be wound up is permitted. Today, many appliances are used on Shabbos, even though they do cause a noise, such as air-conditioners and fans, because it is well known that they were not switched on on Shabbos.

What would the Halacha be, for example, with setting a tape-recorder to begin playing at a certain time? Here it would appear that it is forbidden.

Although the term used to describe the prohibition of Hashmoas Kol is *Avsha Milsa*, which means that many people will see or hear it, it can be shown that it is forbidden even if the noise is not very loud, and can only be heard inside the house. There is an opinion that an alarm clock may be set to go off on Shabbos if the sound will not be heard outside the room. By the same reasoning, in our case, if the dishwasher does not make a noise that can be heard outside the kitchen, it may be set. However, there is a difference between an alarm clock in a bedroom, which is not frequented by other people and a kitchen, which is a more open place. Furthermore, alarm clocks are always preset, while appliances are usually turned on when they are needed. Nonetheless, if the dishwasher does not make any sounds or if the sounds are very muffled, and there is no beeping at different points in the cycle, it would appear that the kitchen is really a private area. Thus, in these cases, one could assume that there is no problem of Hashmoas Kol and use it on YomTov in the way described here. [See Shabbos 18a commentaries, Poskim. Sh. Ar. O.C. 252:5 Taz, Magen Avraham, etc. Igros Moshe O.C. vol 4 No 70:6.]

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## ANNOUNCEMENTS

### SCHEDULE:

- ERUV TAVSHILIN -

CANDLE-LIGHTING EREV YOMTOV	6:47 PM
MINCHA EREV YOMTOV	6:55 PM
MAARIV 1ST NIGHT	7:30 PM
NIGHTFALL (8.5 DEGREES)	7:45 PM
SHACHARIS - 1st & 2nd days & Shabbos Chol Hamoed	9:00 AM

MINCHA 1st day	6:50 PM
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There will be a guest speaker between Mincha and Maariv speaking on Inyana Deyoma.

Candlelighting 2nd night -earliest time for Melacha	7:44 PM
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A Simchas Beis Hashoeiva get-together will be held IY"H in the Succah after eating on the second night. Please come.

CANDLE-LIGHTING Erev Shabbos Chol Hamoed	6:44 PM
MINCHA 2ND DAY	6:50 PM
SHABBOS MINCHA	6:35 PM
Shalosh Seudos in Succah	

SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY & TUESDAY	7:00 AM
SHACHARIS HOSHANA RABA	6:30 AM
MINCHA SUNDAY - TUESDAY	6:45 PM
MISHNEH TORAH Hoshana Raba night	9:30 PM

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### SHMINI AZTERES - SIMCHAS TORAH

-ERUV TAVSHILIN-

CANDLE-LIGHTING EREV YOMTOV	6:36 PM
MINCHA EREV YOMTOV	6:45 PM
Hakofos at Maariv	
SHACHARIS SHMINI ATZERES	9:00 AM
MINCHA SHMINI ATZERES	6:40 PM

Auctioning of kibuddim before Maariv

CANDLE-LIGHTING Simchas Torah- earliest time for Melacha	7:32 PM
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SHACHARIS SIMCHAS TORAH	8:30 AM
HAKOFOS	

Kiddush before Musaf

MINCHA SIMCHAS TORAH	6:40 PM
CANDLELIGHTING SHABBOS BERAISHIS	6:32 PM
SHABBOS MINCHA	6:30 PM

SHACHARIS SUNDAY	7:55 AM
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SHACHARIS MONDAY-FRIDAY	7:00 AM
MINCHA SUNDAY-THURSDAY	6:35 PM
CANDLE-LIGHTING NOACH	6:22 PM
MINCHA EREV SHABBOS NOACH	6:30 PM

**SHIURIM:**

HALACHOS OF SUCCOS	1ST TWO DAYS	8:15 AM
HILCHOS SHABBOS	SHABBOS	8:15 AM
<b>DAE YOMI-</b>		
1st day in the Wilner's Succah 5459 Hobart & Murdoch		
		5:00 PM
2nd day and SHABBOS		5:30 PM
SUNDAY CHOL HAMOED		9:30 AM
MON & TUES CHOL HAMOED		7:50 PM
Shmini Atzeres, Simchas Torah and Shabbos Beraishis		
		5:15 PM
SUNDAY		8:50 AM
MON-THURS		8:00 PM
HALACHA B'YUN	MONDAY	9:00 PM
HALACHOS OF BUSINESS	Please enquire	

The Kollel will be hosting its annual Simchas Beis Hashoeiva on Sunday night 3rd night of Chol Hamoed, the 196th Yohrzite of the Gaon of Vilna. The entire community and all guests are invited. Live music, dancing and refreshments in the Succah; beginning at 8:00 pm.

This issue of HALOCHOSCOPE has been sponsored by Dr. and Mrs. Dennis Wayne in memory of his father, Meir Wayne, z"l, whose Yorzile was on Erev Yom Kippur.

Anyone interested in subscribing to Halochoscope may send their name and address, along with a check for \$36 made out to Congregation Shaaray Tefillah, to the address below. Please note in the "memo" of the check that this is for a subscription to Halochoscope.

Comments and suggestions are welcome and can be addressed to :  
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