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Shabbos Daf 39

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Heated by the sun and by Fire

The *Mishna* had stated: One may not break an egg onto a hot cloth, while Rabbi Yossi permits this.

The *Gemora* asks: It was taught in a *Mishna* elsewhere: A cooked dish may be placed in a pit, in order that it should be preserved, and good water into stale water, for it to be cooled, and cold water in the sun, for it to be heated; shall we say that this *Mishna* agrees with Rabbi Yosi, but not with the Rabbis?

Rav Nachman said: In the sun, all agree that it (*cooking*) is permitted (*because it is unusual to cook in such a way, and there is no concern that people will confuse this with cooking by fire*); in a fire-heated object (*such as a kettle or cloth heated by a fire*) all agree that it is forbidden. Where do they differ? It is concerning a sun-heated object (*such as a cloth heated by the sun*): One master (*the Rabbis*) holds that we forbid a sun-heated object on account of a fire-heated object (*for people cannot discern between cloths heated by the sun and those heated through fire, and this will lead to people cooking with fire-heated objects*); while the other master (*R' Yosi*) maintains that we do not forbid it.

The *Mishna* had stated: One may not dig it into hot sand (*or dust of the road in order to roast it*).

The *Gemora* asks: Now, let Rabbi Yosi differ here too?

Rabbah answers: It is a preventive measure, lest one come to hide it in hot ashes.

Rav Yosef said: It is because he may move earth (*in order to bury the egg; this will be a violation of plowing*).

The *Gemora* asks: What is the practical difference between the two?

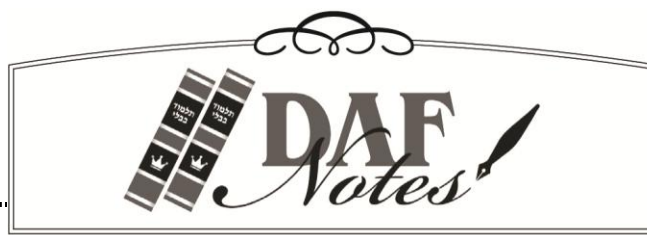
The *Gemora* answers: It is in respect of loose earth (*for according to Rav Yosef, it will then be permitted*).

The *Gemora* asks on Rav Yosef from the following *braisa*: Rabban Shimon ben Gamliel said: An egg may be slightly roasted on a hot roof (*which was heated by the sun*), but not on boiling lime (*which was heated by fire*). Now, as for the view (*Rabbah*) that it is forbidden (*to bury food in the sand*) lest he hide it in hot ashes, it is well, for there is nothing to be concerned about (*seeing that there is not sufficient sand on a roof to bury food*); but according to the view (*Rav Yosef*) that it is because he may move earth, let us forbid it?

The *Gemora* answers: The ordinary roof has no earth.

Come and hear (*a question on Rav Yosef from an incident related in our Mishna*): The people of Tverya brought a pipe of cold water into a stream of hot water. [*The Sages told them that if it was done on Shabbos, it is tantamount to water heated on Shabbos, which one may not drink or wash with.*] Now, according to the view that it is forbidden (*to bury food in the sand*) lest he hide it in hot ashes, it is well, since this is similar to hiding (*for the cold water in the pipe is enveloped by the hot water stream, and therefore it would be cited in the Mishna as a proof that such an action would be forbidden*); but according to the view (*Rav Yosef*) that it is because he may move earth, what can be said (*for there is no connection between moving earth and the Tverya pipe of water*)?

The *Gemora* answers: Do you think that the incident of Tverya refers to the latter clause (*regarding the prohibition of burying an egg in hot sand*)? It refers to the first clause: One may not



break an egg onto a hot cloth, while Rabbi Yosi permits this; and the Rabbis said as follows to Rabbi Yosi: But in the incident of the people of Tverya, it was a sun-heated object (*for they maintained that the hot springs are heated from the heat of the sun, which penetrates the earth*), yet the Rabbis forbade it (*and therefore it should be forbidden to bury the egg in the sand as well!*)? Rabbi Yosi retorted: That was a product of fire, because the springs pass by the entrance to *Gehinnom*.

Rav Chisda said: On account of the incident of what the people of Tverya did and the (*fact that the*) Rabbis forbade them, the practice of insulating anything (*hatmanah*) with something that adds heat, even by day (*on Friday*) has ceased (*i.e., it is prohibited*).

Ulla said: The *halachah* agrees with the inhabitants of Tverya.

Rav Nachman said to him: The Tiberians have broken their pipe long ago! [*They themselves retracted; it emerges that all agree now that it is forbidden.*]

The *Mishna* had stated: The people of Tverya [brought a pipe of cold water into a stream of hot water. *The Sages told them that if it was done on Shabbos, it is tantamount to water heated on Shabbos, which one may not drink or wash with.*]

The *Gemora* asks: Which washing is meant? Shall we say that it refers to the whole body? Is only hot water heated on *Shabbos* forbidden, whereas hot water heated before *Shabbos* is permitted? Surely it was taught in a *braisa*: As to hot water which was heated before *Shabbos*, on the following day (*Shabbos day*), one may wash his face, hands, and feet in it, but not his whole body. Therefore, it must refer to his face, hands, and feet. Then consider the second clause (*of our Mishna*): If it occurred on *Yom Tov*, it is like water that was heated on *Yom Tov*, and one may drink it, but not wash with it. Shall we say that we taught an anonymous ruling in accordance with Beis Shammai (*when we know that the halachah is in accordance with Beis Hillel*)? For we learned in a *Mishna*: Beis Shammai maintain: A man may not heat water (*on Yom Tov*) for washing his feet, unless it is fit for drinking (*if he heats it for drinking, which is a labor permitted on Yom Tov, it may then be used for washing as well*); but Beis Hillel permit it (*for heating water is something that is generally used for cooking purposes*)!?

Rav Ikka bar Chananya: The reference is to the rinsing of the whole body (*showering, not bathing*), and it (*our Mishna*) agrees with the following *Tanna* (*that although one is not allowed to bathe in hot water that was heated before Shabbos, he is allowed to rinse his whole body with such water*), for it was taught in a *braisa*: A man (*on Shabbos*) may not rinse his whole body, whether with hot or with cold water; these are the words of Rabbi Meir, but Rabbi Shimon permits it. Rabbi Yehudah said: It is forbidden with hot water, but permitted with cold. [*Our Mishna is following the opinion of R' Shimon.*]

Rav Chisda said: They differ only in respect to (*water in*) a vessel (*for obviously it was heated by fire, and one seeing it may think that it was heated on Shabbos; therefore, it was forbidden*), but if the water is in the earth, all agree that it is permitted.

The *Gemora* asks: But the case of the people of Tverya was in respect to the earth, and yet the Rabbis forbade them?

The *Gemora* answers: Rather, if stated, it was stated as follows: They differ only in respect to earth, but as for a vessel, all agree that it is prohibited.

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: The *halachah* follows Rabbi Yehudah.

Rav Yosef said to him: Did you hear this explicitly, or learn it by implication (*from something else that he said*)?

The *Gemora* explains: What is the implication? For Rav Tanchum said in the name of Rabbi Yochanan in the name of Rabbi Yannai in the name of Rebbe: Wherever you find two (*Tannaim*) disputing and a third compromising, the *halachah* is as the words of the compromiser, except in the case of the leniencies relating to rags (*and their susceptibility to tumah, when the owner decides to designate them for*) an insignificant use, where although Rabbi Eliezer is stringent (*for he says that a rag that is less than three by three handbreadths and is stored for prepared or unprepared use is susceptible to tumah; storing the rag demonstrates that the rag is significant to the owner*) and Rabbi Yehoshua is lenient (*maintaining that whether the rag was stored for prepared or unprepared use, the rag is tahor and it is not susceptible to tumah; storing the rag demonstrates its insignificance to the owner*), and Rabbi



Akiva makes a compromise (*differentiating between one storing the rag for prepared use, where the rag is susceptible to tumah, and storage for unprepared use, where the rag is tahor*), the *halachah* does not follow the words of the compromiser. [This is because of two reasons:] Firstly, because Rabbi Akiva was a disciple; and furthermore, Rabbi Akiva indeed retracted in favor of Rabbi Yehoshua.

The *Gemora* asks: Yet, what if it is by implication?

The *Gemora* answers: Perhaps that is only in the *Mishna*, but not in a *braisa*?

Rabbah bar bar Chanah answered: I heard it explicitly. (39a – 40a)

INSIGHTS TO THE DAF

Leaving Food on the Oven

There is a discussion amongst the Poskim regarding the *halachah* of taking a shower on *Yom Tov*. One of the primary sources is our *Gemora* (*and Beitzah 22*). This is a collection of some of the conclusions that the Poskim have rendered. These *halachos* were shown by Rabbi Ostroff to HaGaon HaRav Moshe Shternbuch, Shlita.

Is one permitted to bathe in hot water on *Shabbos*?

There are several factors that are taken into account to render a ruling on this matter. One aspect is the bathing itself. A second aspect is the hot water system that is being used, i.e. a boiler, a sun heater, etc. Lastly, was the water heated before or on *Shabbos*?

One may ask, what can be wrong with bathing? I do not see that one who bathes is engaged in a prohibited *melachah* – forbidden labor.

Indeed, bathing does not involve a *melachah*, but it is nonetheless prohibited.

The *Gemora* in *Shabbos 40a* relates that initially people would bathe (in bathhouses) in water that was heated prior to

Shabbos, but then the attendants would heat the water on *Shabbos* and claim that the water was heated prior to *Shabbos*, so the Chachamim prohibited bathing, but they permitted the sauna.

However, people would continue to bathe in hot water and claim that they were wet from sweating in the sauna, so the Chachamim prohibited the sauna as well.

The *Gemora* concludes that bathing in hot water and sweating are prohibited but bathing in cold water is permitted. This issue will be discussed later.

Perhaps taking a shower in hot water is different than bathing?

The *Gemora* cites a dispute between Rabbi Meir and Rabbi Yehudah and the *halachah* is in accordance with Rabbi Yehudah, who maintains that one cannot shower his entire body with hot water on *Shabbos*. Rashi adds that this is prohibited even if it is done with water that was heated prior to *Shabbos*.

In summary, one may not shower or bathe in hot water on *Shabbos*, even with water that was heated prior to *Shabbos* and even if one did not use a water-heating system. It is the actual bathing that is prohibited.

Why does the *Gemora* mention ones entire body?

The *Gemora* draws a distinction between water that was heated before or on *Shabbos* and states that one may wash his face, hands and legs with water that was heated prior to *Shabbos* but not with water that was heated on *Shabbos*.

One could argue that for the same reason that one is prohibited from washing his entire body, one should be prohibited from washing his face, hands and legs. Nonetheless, the Chachamim only prohibited one from bathing his entire body.

The Shulchan Aruch HaRav, based on the Magen Avraham, adds that the majority of ones body is considered the entire body, whereas ones face, hands and legs are deemed to be the minority of his body. Consequently, one may wash the minority



parts of his body, besides his face, hands and legs, provided that one does not wash the majority of his body.

Is there not a permit to wash one limb at a time?

That leniency is related to *Yom Tov* and not to *Shabbos*.

You mentioned that one may not bathe even one limb with water that was heated on *Shabbos*. How was the water heated?

We find several permitted methods of heating. One method is when the water was heated by a gentile for a sick person. A gentile can heat water that will be used to bathe a sick person but a healthy person cannot bathe even one limb in that water. Another permitted method of heating water is if the water was placed near a source of heat and in a manner that the water would not reach the temperature of *yad soledes bo*. There are certain restrictions to this method of heating water, i.e. the water cannot be placed on a hot-plate or on a blech on *Shabbos*, and the water cannot be placed near heat if the water can reach *yad soledes bo* over a period of time. One cannot place cold water on a radiator with the intention to remove the water before it reaches *yad soledes bo*. If the water will never reach *yad soledes bo*, it is permitted.

This water is heated on *Shabbos* and one cannot use the water to wash his hands or an arm etc.

What about water that was heated before *Shabbos*?

Water that was placed on a hot-plate or blech before *Shabbos* and was heated on *Shabbos* is considered to be heated before *Shabbos*. Water that was heated by the sun can also be used to wash ones face, hands and legs.

Do the sick and infirm share the same halachos as the rest of the population?

Rabbi Akiva Eiger writes that an ill person can bathe in hot water that was heated prior to *Shabbos* even if he is not a *choleh sheain bo sakanah*, i.e. confined to bed because of his illness.

Can one use water from a solar heater when the water was heated before *Shabbos*?

We have previously discussed this question, where we have ruled that when one draws water from the water boiler, fresh cold water enters the boiler and the cold water may become heated from the existing water. Another issue is how to define the solar panels.

A regular boiler that is heated with a heat element is far more severe and is off limits for use on *Shabbos*.

Is it permissible to take a warm shower on *Yom Tov* ?

Some Poskim maintain that one can only take a cold shower on *Yom Tov* if one is feeling very uncomfortable. Otherwise, one would be prohibited from taking a shower.