



Heating Water on Yom Tov

We have discussed previously that certain *melachot* are permitted on *Yom Tov* for *ochel nefesh* – food. The *Mishnah* (2:5) records a debate regarding heating water for washing one's hands and feet. *Beit Shammai* forbid the practice unless the water is fit for drinking, whereas *Beit Hillel* rule leniently. We shall attempt to understand this debate.

The *Bartenura* explains that for *Beit Shammai* kindling a fire is only permitted for food and not for washing. *Beit Hillel* however maintain that since the *melacha* was permitted for food, it is permitted for other benefits - *mitoch she'hutra le'tzorech, hutra nami she'lo letzorach* (*mitoch* for short).

Given that *Beit Shammai* and *Beit Hillel* argue about the principle of *mitoch*, the *Tosfot Yom Tov* explains that according to *Beit Shammai*, it is not enough for the water to be drinkable. One must drink from that hot water using the remainder for washing their hands and feet, since the heating is only permitted for consumption.

The *Tosfot R' Akiva Eiger* comments whether the water is drinkable is not relevant to *mitoch*. Instead it is more relevant to the principle of "*ho'il*" (that we discussed in connection to *eiruv tavshilin*). Recall that according to *Raba*, even though on a biblical level one is not allowed to cook from *Yom Tov* to *Shabbat*, nevertheless since (*ho'il*) it is possible for guests to come during the remainder of the day, cooking at the time is not biblical prohibited. That being the case, since *Beit Shammai* require the water to be drinkable, it implies that they maintain the principle of *ho'il*. Consequently, it is not necessary that one drink from the heated water since the *ho'il* alone permits the *melacha*.

The *Tosfot R' Akiva Eiger* however cites the *Rashba* who explains that since *Beit Shammai* do not maintain the principle of *mitoch*, they would certainly disagree with *ho'il*. He however cites the *Tosfot* that states explicitly that *Beit Shammai* maintains the principle of *ho'il*. The *Gemara* in *Pesachim* (46b) records the debate regarding *ho'il* with *Raba* maintaining the principle and *Rav Chisda* rejecting it. The *Gemara* (47b) cites a *Beraita* that accords with *Beit Shammai* as a difficulty for *Raba*. The *Beraita* discuss the prohibitions that are violated if one cooks *gid ha'nasheh* in milk on *Yom Tov*. One of those listed is kindling. The *Gemara* comments that according to *Raba* since one could use the fire for a permissible use, they should not be liable for that prohibition. The *Tosfot* concludes that based on the

argument, according to *Raba* who maintains the principle of *ho'il*, he understands that it is universally accepted. Consequently, we return to the original question, according to *Beit Shammai*, we can suggest that the reason why it is permitted when the water is drinkable is based on the principle of *ho'il* and he would not require the person drink from that water. The *Tosfot R' Akiva Eiger* leaves the matter requiring further analysis.

The *Tifferet Yisrael* attempts to defend the position of the *Rashba*. He explains that there are different types of *ho'il* and the *Tosfot* differentiate between a *ho'il* that is *shechi'ach* (common) and one that is not. The *ho'il* the relies on the possibility that guests might arrive is weak. It depends on the likelihood of the third party arriving. That type of *ho'il*, the type that is our *Mishnah*, is the type that the *Tosfot* reject. It is that weaker type that the *Rashba* maintains that if *Beit Shammai* reject *mitoch* they would certainly reject *ho'il*. This however is different to the *ho'il* discussed in *Pesachim*. With respect to kindling, the *ho'il* used (one could use the kindled fire for cooking) is immediately available. It is that type of *ho'il* that the *Beit Shammai* would accept. Consequently, since *Beit Shammai* would reject *ho'il* in our case, the only way he could heat the water is if it was for consumption, and he drank some water as the *Tosfot Yom Tov* contends.

In defence of the *Tosfot R' Akiva Eiger*, *Rashi's* explanation of our *Mishnah* presents of difficulty for the *Tifferet Yisrael*. When explaining the position of *Beit Shammai*, *Rashi* does not mention the *melacha* of cooking, but rather the *melacha* of *havarah* – kindling! Therefore, even if we accept the distinction of the *Tifferet Yisrael*, both cases are dealing with kindling – both cases are dealing with the same "category" of *ho'il*! Consequently, the question of the *R' Akiva Eiger* stands. *Beit Shammai* would indeed maintain *ho'il* in our case!

The *Sefat Emet* however answers that even according to the opinions that maintain the principle of *ho'il*, that does not mean that they can be relied on *le'chatchila*. In other words, the *Gemara* in *Pesachim* was explaining that based on *ho'il*, one will no longer have violated a biblical prohibition. Granted that that may be the case, one cannot rely on *ho'il* to permit any practice from the outset. Consequently, it explains why *Beit Shammai* does not rely on *ho'il* and only allows heating the water if the person will drink some of it.

Revision Questions

ביצה ב' - ב' - ג' - ה'

- List the opinions of *Beit Shammai* and *Beit Hillel* regarding *tevilah* for *Yom Tov* when it falls on a Sunday. (ב' - ב')
- Which form of *tevilat keilim* is permitted on *Yom Tov*? (ג': ג')
- Explain the debate regarding which *korbanot* can be brought on *Yom Tov*? (ד': ד')
- What is different about the way *Beit Shammai* maintains that a *korban shlamim* is brought on *Yom Tov*? (ד': ד')
- Is one allowed to heat water on *Yom Tov* for the purpose of washing his feet? (ה': ה')
- In which three cases (relating to *Yom Tov*) does *Rabban Gamliel* rule stringently according to *Beit Shammai*? (ו': ו')
- In which three cases does *Rabban Gamliel* rule leniently compared to the *Chachamim*? (ו': ו')
- In which three cases does *R' Elazar ben Azarya* permit and the *Chachamim* prohibit? (ז': ז')
- In which of those three cases does *R' Yehuda* take an intermediate position? (ז': ז')
- Why can the three components of a pepper grinder each *mekabel tum'ah*? (Be specific) (ח': ח')
- Can a child walker be used on *Yom Tov* and why? (ט': ט')
- Can one feed fish on *Yom Tov*? (י': י')
- When can one "hunt" animals on *Yom Tov*? (י': י')
- Can one take animals to slaughter that are found in hunting traps on *Yom Tov*? (יא': יא')
- What is the debate regarding slaughtering a gravely sick animal on *Yom Tov*? (יא': יא')
- What is the law regarding slaughtering a *b'chor* that fell into pit on *Yom Tov*? (יב': יב')
- What is the law regarding an animal that dies on *Yom Tov*? (יג': יג')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 - 2 - 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
5 November ט"ז חשוון	6 November י"ז חשוון	7 November י"ח חשוון	8 November י"ט חשוון	9 November כ' חשוון	10 November כ"א חשוון	11 November כ"ב חשוון
Beitzah 3:6-7	Beitzah 3:8-4:1	Beitzah 4:2-3	Beitzah 4:4-5	Beitzah 4:6-7	Beitzah 5:1-2	Beitzah 5:3-4

