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Using the Bathhouse after *Shabbat*

The *Mishnah* (2:5) teaches:

A city that is populated by *yisraelim* and *nochrin*, and there is a bathhouse that was used on *Shabbat*, if the [population] is majority *nochrin* then a *yisrael* can use it immediately after *Shabbat*. If there is a majority *nochrin* then one must wait for the time it would take to heat the bath [before using it]. If it half-half, then one must wait for the time it would take to heat the bath. *R' Yehuda* says, that if the bath is small and the authorities have rights [to use it as they wish], then one can use it immediately after *Shabbat*.¹

How do we understand the *Mishnah*?

When there is a majority of *yisrael*, it is presumed that the water was heated for the *yisraelim* – consequently it cannot be used immediately after *Shabbat*, rather they must wait the time it would take to heat the bath. The *Mishnah Berura* explains that this is so that no benefit is derived from the *nochrin* performing the *melacha* for them on *Shabbat* (*Rashi, Ran*). Furthermore it is a *gezeria* to prevent one from asking a *nochrin* to perform *melacha* on *Shabbat* (which is forbidden) in order that he can use the product immediately after *Shabbat* (*Tosfot, Rambam*).

The *Mishnah Achrona* points out that there are times that the product can be *assur* indefinitely. Unlike this case, it is where the *melacha* is performed public. This law is learnt from the *Gemara Shabbat* (151) where a coffin or grave site was constructed in a public manner. The *Mishnah Berura* however cites the *Ran* that explains that the indefinite *issur* is only in the case of a grave site where it would be a disgrace to the deceased to be buried in place where it is known

publicly that *Shabbat* desecration occurred. (He rules that that opinion can be relied on in cases of great need.)

Returning to the *Mishnah*, when there is a majority of *nochrin* citizens, it is presumed that the water was heated for the *nochrin* and it can be used immediately after *Shabbat*. The *Mishnah Achrona* adds that the water cannot however be used on *Shabbat* itself. He continues noting that we learn in *Gemara Shabbat* (122a) that if there is a group with a majority of *nochrin* and a *nochrin* lights a candle, all can benefit from the light. Why is this case different? The *Tosfot* explains that the *Chachamim* understood that there is an extra concern by food that one might perform the *melacha* themselves, as one is naturally drawn to food. Such a concern does not apply to candle light. The *Mishnah Achrona* explains that since bathing also benefits the body, it too shares the same concern.

One question that was asked this week is that even in a city where the majority of the population are *nochrin*, it is quite possible that the majority of the people that will use the bathhouse after *Shabbat* will be *yisraelim*. Consequently does that impact on our understanding of the *Mishnah*? The *Mishnah Berura* (326:38) explains that the majority that is referred to in the *Mishnah* is not referring to the dwellers but rather the people that would use the bathhouse *motzei Shabbat*. The reason is that if the majority of the users at that time are *yisraelim*, even though they might be the minority of the population, it can be safely assumed that the heating performed towards the end of *Shabbat* was for them.

Yisrael Yitzchak Bankier

¹ Whether *R' Yehuda* is arguing are adding to the first opinion is debated in the *Rishonim*. The *Rashi* implies that *R' Yehuda* is adding to the first opinion, while the *Rambam* understand that the point that *R' Yehuda* raises is debated. A discussion of this debate is beyond the scope of this article.

Revision Questions

מכשירין ב' ג' – ג' ה'

- What is the law regarding the moisture generated in a house that contains one *tameh* and one *tahor* pool? (ב' ג')
- What are the other three cases that share a similar ruling to the previous question and which case has a condition? (ג' ב')
- What is the law regarding one that washes his clothes with *mei shofchim* and rain falls on them? (ד' ב')
- What other case is listed that shares the same law and what is *R' Yehuda's* opinion regarding both cases? (ב' ד')
- When is there a restriction regarding when one case use a communal bath after *Shabbat*? (Include both opinions.) (ב' ה')
- When would one be forbidden from buying vegetables until the time it takes for them to be imported from a nearby location has past? (ב' ו')
- Explain the debate regarding how one should identify the religion of an abandoned child. (ב' ז')
- When would one not be required to announce that he found a lost object? (ב' ח')
- What is the law regarding bread that is found in a city that is populated by both *Yisraelim* and *goyim*? (ב' ח')
- What is the law regarding meat that was found in such a city? How does the law change if the meat was cooked? (ב' ט')
- When would produce that was found in street be considered *tevel*? *Chulim*? *Demai*? (ב' י')
- Explain that debate regarding the status of fruit in a storehouse that is shared by *Yisraelim* and *goyim*. (ב' י')
- What is the law regarding a mixture of fruit from different years of the *shemita* cycle? Why is this important? (ב' י"א)
- What is law if the mixture contains exactly half from two consecutive years? (ב' י"א)
- Explain the debate regarding which water is considered "*b'chi yutan*" in a case where produce was placed on the river's edge in order to draw water. (ג' י"א)
- What is the law regarding the moisture in produce that in contact with the walls of an earthenware utensil that is partially liquids? (ג' י"ב)
- To which of the seven liquids does this law not apply? (ג' י"ב)
- Explain the debate regarding bread (that was made with fruit juice) that, after baking, was placed of the mouth of a barrel of wine. (Include all three opinions.) (ג' י"ג)
- What is the law regarding wheat that was placed on a washed floor? (ג' י"ד)
- What other case brought is similar to the one in the previous questions? (ג' י"ד)
- What is the law regarding one that placed produce on newly dried cement? (ג' י"ה)
- Should one be concerned when casting their wheat onto a new washed threshing floor? (ג' י"ה)
- Explain the debate regarding wheat that was being brought for grinding and rain fell on it. (ג' י"ה)

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
25 th April י"א אייר	26 th April י"ב אייר	27 th April י"ג אייר	28 th April י"ד אייר	29 th April ט"ו אייר	30 th April ט"ז אייר	1 st May י"ז אייר
Machshirin 3:6-7	Machshirin 3:8-4:1	Machshirin 4:2-3	Machshirin 4:4-5	Machshirin 4:6-7	Machshirin 4:8-9	Machshirin 4:10-5:1

