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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*.<sup>1</sup>

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*

<sup>1</sup> 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 <sup>th</sup> April י"א אייר	26 <sup>th</sup> April י"ב אייר	27 <sup>th</sup> April י"ג אייר	28 <sup>th</sup> April י"ד אייר	29 <sup>th</sup> April ט"ו אייר	30 <sup>th</sup> April ט"ז אייר	1 <sup>st</sup> 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

