

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

230 - SHOWERING ON YOM TOV OU ISRAEL CENTER - SUMMER 2021

- As we head into the Chagim, we again encounter one of the common halachic questions of our times - can one shower on Yom Tov¹?
- In today's world, where many people shower at least once daily, not showering can be a cause of discomfort. Where there are two days of Yom Tov - such as a Rosh Hashana in all places or other Chagim in chu'l, this concern is deepened. In some cases there can be three days of Chag and Shabbat. For many people, the idea of not showering for three days is distressing!
- Nevertheless, on this question it is common for people to get different answers from different poskim. The range of issues on which rabbis disagree is particularly marked. For instance:
 - some rabbis allow showering the whole body, others up to half the body, others the whole body limb by limb, others just the face, feet and hands, and yet others do not allow stepping into a shower at all.
 - some allow showering in hot water, others in lukewarm water, others in cold water and others not at all.
 - some allow showering in water heated on Yom Tov, some only in water that was heated on Erev Yom Tov and other not at all.
 - some differentiate between a bath and a shower, others between a private bathroom and a more public one (eg in a dorm) and others make no such distinctions.
 - some differentiate between a one day, two day and 'three day' Yom Tov; others do not.
 - some differentiate between a regular boiler system and a solar powered *dud shemesh* system.
- As we will see, the halachic sources on this issue are difficult to unpack - there are three separate issues that we will need to examine separately - but this will enable us to understand where each opinion is coming from.

A] BISHUL: HEATING WATER ON SHABBAT AND YOM TOV

A1] THE TORAH PROHIBITION

1. (וי) ויום השביעי שבת לה' אלהיך לא תעשה כל מלאכה אתה ובנך ויבנתך עבדך ואמתך ובהמתך וגרך אשר בשעריך:

שמות כ"ג

On Shabbat, the Torah prohibits ALL melacha, without qualification.

2. (כג) ויאמר אלהים הוא אשר דבר ה' שבתון שבת קודש לה' מחר את אשר תאכלו אפו ואת אשר תבשלו בשלו ואת כל העוף הניחו לכם למשמרת עד הבקר.

שמות טו:כג

Although most of the 39 melachot are learnt in the Oral Law as Halacha LeMoshe MiSinai, a few are mentioned in the verses of the Torah, including bishul - cooking.

3. וביום הראשון מקרא קודש וביום השביעי מקרא קודש יהיה לכם כל מלאכה לא יעשה בהם אך אשר יאכל לכל נפש הוא לבדו יעשה לכם.

שמות יב:טז

On Chag (here Pesach), the Torah prohibits most melacha but explicitly permits melacha 'which is needed so that everyone [kol nefesh] will be able to eat'.²

1. There is a large literature in English on this topic. See for instance Halachic Responses To Sociological And Technological Change, R. Michael J. Broyde and Avi Wagner, Journal of Halacha & Contemporary Society 39; Spring 2000 - Pesach 5760 - at <http://www.daat.ac.il/daat/english/journal/broyde-wagner-1.htm>; May I take a Nice Hot Shower on Yom Tov? R. Yirmiyohu Kaganoff - at <https://www.yeshiva.co/midrash/11528>; Showering on Yom Tov - https://halachipedia.com/index.php?title=Showering_on_Yom_Tov; Showering on Yom Tov-Is It Permitted? R. Mordechai Starshesky - at <https://oukosher.org/passover/articles/showering-on-yom-tov-is-it-permitted/>; [https://www.crcweb.org/ask_rav/bathing_yomtov.php#:~:text=However%2C%20due%20to%20the%20fact,Orach%20Chaim%20511%2C%202](https://www.crcweb.org/ask_rav/bathing_yomtov.php#:~:text=However%2C%20due%20to%20the%20fact,Orach%20Chaim%20511%2C%202;); <https://asktherav.com/376-showers-on-yom-tov/>; <http://www.5tjt.com/showering-on-yom-tov/amp/>; <https://dinonline.org/2016/05/05/shower-on-yom-tov-2/>; <https://www.kof-k.org/articles/041708120402W-41%20Showering%20on%20Yom%20Tov.pdf>; Washing and Bathing on Yom Tov, R. Da'vid Sperling - <https://www.nishmat.net/Uploads/files/Ask-Rav-Sperling-Washing-on-Shabbat-and-YT.pdf>; Showering on Yom Tov by Rabbi Chaim Jachter - <https://www.koltorah.org/halachah/showering-on-yom-tov-by-rabbi-chaim-jachter>

2. Translation of R. Aryeh Kaplan in The Living Torah. The importance of the words *kol nefesh* will be examined below.

A2] 'MITOCH' - BROADENING THE SCOPE OF PERMITTED MELACHA ON YOM TOV

4. בית שמאי אומרים - לא יחם אדם חמין לרגליו, אלא אם כן ראויין לשתייה. (ר' עוזדיה מצרטנורא - אוכל נפש התירה התורה, ולא להבעיר אור בשביל רחילה). ובית הלל מתירין (ר' עוזדיה מצרטנורא - דמתוך שהותרה הבערה לצורך חכילה הותרה נמי שלא לצורך חכילה כשיש צה צורך חיזו הנאה)....

משנה ביצה ב:ה

Boiling water on Shabbat is prohibited according to all views under the melacha of bishul. Concerning boiling water on Yom Tov, the Mishna presents a dispute between Beit Shammai and Beit Hillel. Beit Shammai permit boiling hot water for the purposes of bathing one's feet, ONLY if the water is drinkable. Since the Torah permits melacha only for food preparation, bishul is only permitted for water that will be drunk³. Beit Hillel permit boiling the water even it is only suitable for bathing. They apply the principle of 'mitoch'⁴ - since the Torah permits bishul for cooking, so too it would permit it for all physical needs, such as bathing⁵.

- Since the halacha follows Beit Hillel, it is permitted to boil water on Yom Tov for the purposes of bathing one's feet.
- But this apparently limits the permission to feet only and NOT the whole body. For some reason, even Beit Hillel have a halachic problem with heating water on Yom Tov to bathing the whole body. Why would that be? We will see three distinct issues.

B] BATHING ON YOM TOV - THE ISSUES

B1] ISSUE 1 - 'SHAVE LE KOL NEFESH'

5. א"ל רב פפי לרב פפא אלא מעת מותר לעשות מוגמר ביו"ט דמתוך שהותרה הבערה לצורך הותרה נמי שלא לצורך. אמר ליה עליך אמר קרא אך אַךְ אֶשֶׁר יֵאָכֵל לְכָל-נֶפֶשׁ - דבר השוה לכל נפש. אמר ליה רב אחא בריה דרבא לרב אשי - אלא מעתה נזדמן לו צבי ביו"ט הואיל ואינו שוה לכל נפש ה"נ דאסור למשחטיה? אמר ליה - אנא דבר הצורך לכל נפש קאמינא. צבי צריך לכל נפש הוא.

כתובות ו.

In Ketubot, the Gemara introduces an important qualification to the principle of 'ochel nefesh'. Only those activities which are considered a 'need' for most⁶ people are permitted under the rubric of 'ochel nefesh'. Activities which are only needed by a minority of people are not included. On that basis, the Gemara prohibits burning incense to remove odors on Yom Tov. Only very fastidious people would ever feel the need for this, so it is not considered 'shave lekol nefesh'. However, shechting a deer is permitted. Even though most people cannot afford to eat venison, they share the wish to eat meat and would eat venison if they could!

6. וב"ה מתירין - ודוקא לרגליו. אבל לכל גופו מודה דאסור דדבר הכוה לכל נפש צענין, וזה אינו ראוי חלל לבני אדם מעונגין. אבל ידיו ורגליו שוה לכל נפש.

תוספות ביצה כא: ד"ה לא יחם אדם

Tosafot rules clearly that the Chazal did NOT permit heating water on Yom Tov to bath one's entire body since only indulgent people [meunagim] would bathe fully on a daily basis, more for recreation than hygiene! Washing one's feet - and also face and hands - daily is however normal and heating water on Yom Tov for that purpose is permitted.

- According to Tosafot, heating water on Yom Tov to bathe one's whole body would, it seems, be a TORAH prohibition since the Torah did not give permission to heat water for such a purpose⁷.
- Although some Rishonim omit this limitation, the majority of Rishonim cite and apply it to other cases.
- We will examine below whether the application of *shave lekol nefesh* is fixed or varies according to time and place.

3. Tosafot understands, based on the text of the Yerushalmi that, according to Beit Shammai, the water must actually be drunk. It would not be enough to simply heat water which could be drunk since the allowance to perform melacha is only for actual 'ochel nefesh'. Once some water is being heated for drinking, Beit Shammai would permit adding extra water on the basis of *marbe beshiurim* - adding extra quantity. Since only ONE melacha action is done (ie lighting the flame), adding extra water is not considered extra melacha (Beitza 17a)

4. The Ran explains that Beit Hillel's permission to heat the water is based on the principle of *mitoch*, which was discussed in the Gemara earlier in Beitza 12b. The logic behind 'mitoch' is discussed by the mefarshim. R. Yosef Engel suggests at the beginning of Bava Kama that the term 'achila' does not simply mean eating, but includes any physical benefit. On that basis the av nezikin of 'shen' - where an animal damages through eating - includes not only eating but also scratching or any physical benefit that the animal derives. This was also the earlier position of the Sefer Yeraim (304), Rambam on the Mishna and Kolbo 58

5. The classic example of Beit Hillel's opinion is that, since it is permitted to carry food, it is permitted to carry other items - such as a child, a lulav or a sefer Torah (Beitza 12a) . Rashi, Rambam and Rif understand that *mitoch* permits ANY personal need. Tosafot disagrees and quotes Rabbeinu Chananel who understands that there must be a mitzva need (eg to carry a lulav). Rabbeinu Tam rules that the need does not have to relate to a mitzva, but must be some need [*tzorech ktzat*] for Yom Tov. See Tosafot Beitza 12b s.v hachi.

6. *Kol nefesh* is understood by many mefarshim to refer to most people and not all people - see Pri Megadim Eshel Avraham OC 511:4 who explicitly notes this in the name of many commentators.

7. Tosafot's position is however strongly rejected by some other Rishonim. The Ramban (Shabbat 39b) calls Tosafot's analysis 'words of prophecy' - ie totally without a source! He, like the Rif, Rambam and other Rishonim understands that bathing one's whole body IS *shave lekol nefesh* but is prohibited due to *gezeirat merchatza'ot*.

B2] ISSUE 2 - GEZEIRAT MERCHATZA'OT/HABALANIM

- On Shabbat, all opinions agree that there is Torah prohibition on heating water for any purpose. Furthermore, all would agree that using or deriving benefit from water which was purposely heated on Shabbat is also prohibited (rabbinically) as ma'ase Shabbat.
- However, bathing per se is NOT a prohibited activity on Shabbat or Chag⁸. So is there any reason why a person cannot bath on Shabbat or Yom Tov in water which was heated BEFORE Shabbat/Yom Tov?

7. מעשה שעשו אנשי טבריא והביאו סלון של צונן לתוך אמה של חמין. אמרו להן חכמים - אם בשבת, כחמין שהוחמו בשבת אסורין ברחיצה ובשתיה. ביום טוב, כחמין שהוחמו ביום טוב אסורים ברחיצה ומותרין בשתיה....

משנה מסכת שבת פרק ג משנה ז

The Mishna relates the case of the people of Tiberius who developed an automatic water heating system by running a pipe of cold water through the hot springs in order to heat it for bathing on Shabbat and Yom Tov. Even though there was no melacha activity at all, the Rabbis decreed that the water should be treated AS IF it had been heated directly on Shabbat/Yom Tov⁹. As such, on Shabbat it could not be used for bathing or drinking and on Yom Tov it could be used for drinking but not bathing.

8. בתחילה היו רוחצין בחמין שהוחמו מערב שבת. התחילו הבלנים להחם בשבת ואומרים: מערב שבת הוחמו - אסרו את החמין והתירו את הזיעה. ועדיין היו רוחצין בחמין, ואומרים מזיעין אנחנו - אסרו להן את הזיעה, והתירו חמי טבריה. ועדיין היו רוחצין בחמי האור, ואומרים בחמי טבריה רחצנו - אסרו להן חמי טבריה והתירו להן את הצונן. ראו שאין הדבר עומד להן - התירו להן חמי טבריה, וזיעה במקומה עומדת.

שבת מ:

Chazal explain that, originally, there was no concern of bathing on Shabbat in water which was heated before Shabbat. However the bathhouse attendants would continue to heat water on Shabbat but lied claiming it was heated before Shabbat. A number of stages of Rabbinic degree were tried to see how the public reacted. In the end, bathing and sauna in regular hot water were prohibited (rabbinically), even though the water was heated before Shabbat.

- As such, there is a rabbinic gezeira prohibiting bathing on Shabbat in hot water which was heated before Shabbat.
- But how is this to be defined? Does 'bathing' mean immersing one's whole body? What if a person washed parts of their body? And how hot is hot? Would it include luke-warm water? Or even be extend to completely cold water?

9. אתמר: חמין שהוחמו מערב שבת - רב אמר: למחר רוחץ בהן כל גופו אבר אבר. ושמואל אמר: לא התירו לרוחץ אלא פניו ידיו ורגליו.

שבת מ.

Chazal agree that the rabbinic prohibition applies to bathing COMPLETELY. But it is still permitted to wash one's face, hands and feet in hot water which was heated before Shabbat. Another opinion in Chazal extends this to even washing one's whole body, but one limb at a time.

- Finally, all of this applies to water heated before SHABBAT! Is there any reason to think that the gezeira was also applied to water heated before YOM TOV when it is actually permitted to heat water on Yom Tov for many purposes?

10. רחיצה וסיכה הרי הן בכלל אכילה ושתייה ועושין אותן ביום טוב שנאמר שמות י"ב אך אשר יאכל לכל נפש - לכל שצריך הגוף. לפיכך מחמין חמין ביום טוב ורוחץ בהן פניו ידיו ורגליו. אבל כל גופו אסור משום גזירת מרחץ. וחמין שהוחמו מערב יום טוב רוחץ בהן כל גופו ביום טוב שלא גזרו על דבר זה אלא בשבת בלבד.

רמב"ם הלכות יום טוב פרק א הלכה טז

The Rambam (following the psak of the Rif in the name of the Geonim) rules that gezeirat merchatza'ot DOES apply to some degree even to bathing on Yom Tov. He understands that one may not bathe one's whole body in water heated ON Yom Tov due to the rabbinic decree; only washing one's face, hands and feet is permitted. But bathing on Yom Tov using water heated before Yom Tov is not restricted¹⁰.

8. Some of the activities associated with bathing, such as squeezing hair and using solid soap, ARE prohibited on Shabbat and Chag We will see below how these concerns became more significant later in the halachic development of the sugya.

9. A side issue is why heating by geothermal activity should be prohibited at all on Shabbat! Chazal clearly rule that bishul is only prohibited on a Torah level if a regular flame or heat source is used. (Today this would include a heat produced by gas and electricity. Microwave energy is a question. On the one hand, it is not a classic heat source but, on the other hand, R. Moshe Feinstein rules that since it is a normal manner of cooking today, it will remain a Torah prohibition.) Heating a food in strong sunlight is actually permitted on Shabbat, so why is geothermal energy prohibited? R. Yosi (Shabbat 30a) rules that the hot waters of Tiberius are heated by the fires of Gehennom and pass over its entrance. Scientifically, the waters are indeed heated by intense seismic activity, similar to volcanos.

10. This last point may be dependant on the different reasoning for the prohibition according to the Rambam and according to Tosafot. The Rambam understands that heating water on Yom Tov is prohibited rabbinically and, on that basis, there would be no reason to make a gezeira (extending to water heated on erev Yom Tov) on another gezeira. Tosafot however

B3] ISSUE 3 - THE MINHAG NOT TO BATHE AT ALL ON SHABBAT/YOM TOV

11. תשובה - ויפה נוהגות הנשים שאין טובלות שלא בזמנה בלילי שבתות מ"מ היכא דאפשר למטבל בחול לא עבדין בה עובדא לכתחלה משום חשש כמה איסורין. דמהאי טעמא מנהג פשוט שלא לרחוץ בצונן בשבת. וטעמא דשייך למיגור משום סחיטה ומשום נושא ד' אמות בכרמלית מים שעליו ואלונטית במקצת נהרות ומשום שיטה גופא וקיסמין.

ש"ת מהר"ל סימן קלט

The Maharil (14C Germany) records a custom that Jews stopped bathing on Shabbat even in cold water due to other halachic concerns, such as squeezing (hair or towels) or carrying (water or towels etc). Some of these reasons (such as squeezing hair) apply equally on Yom Tov.

- We see therefore that there is a fundamental dispute as to why bathing fully in hot water on Yom Tov is prohibited:
 - A: Tosafot understand that it is a potential Torah prohibition since water may not be heated for a purpose which is not *shave lekol nefesh*. Tosafot ALSO accept the notion of *gezeirat merchatza'ot* and will apply that to their approach.
 - B: Rambam understands that it is a rabbinic prohibition due to *gezeirat merchatza'ot*.
 - C: The Maharil refers to a general custom not to bathe on Shabbat and Yom Tov.
- These reasons will also impact on a other related questions. For instance:
 - (i) Would it permitted to bathe on Yom Tov in water which was heated BEFORE Yom Tov?
 - A (Tosafot) would NOT permit this. Since heating water on Yom Tov is a Torah prohibition, the rabbinic extension of *gezeirat merchatza'ot* would include water heated before Yom Tov.
 - B (Rambam) WOULD permit this. Since heating water on Yom Tov is itself a Rabbinic prohibition due to *gezeirat merchatza'ot*, there would be not halachic justification to extend this to water heated before Yom Tov¹¹.
 - C (Maharil) would NOT permit this since it is bathing.
 - (ii) Would there be any exception for someone who is *mitztaer* - uncomfortable and in need of bathing?
 - A (Tosafot) would NOT permit this. *Mitztaer* would not justify the breach of a Torah prohibition.
 - B (Rambam) MAY permit this. There is more room for leniency in a Rabbinic prohibition.
 - C (Maharil) MAY permit this since the minhag may not apply to cases of *mitztaer*.
 - (iii) Would it make a difference if people now shower daily?
 - A (Tosafot) MAY permit this. The concept of *shave lekol nefesh* may be subjective and change with time (see below).
 - B (Rambam) would NOT permit this. The Rabbinic prohibition is unlikely to be subjective in this way.
 - C (Maharil) would NOT permit this since this still bathing, unless a new minhag has developed.
 - (iv) Would it make a difference if the water was luke warm?
 - A (Tosafot) WOULD permit this if the water was below *yad soledet bo*.
 - B (Rambam) WOULD permit this since the Rabbinic prohibition was made on a standard hot bathhouse.
 - C (Maharil) would NOT permit this since this still bathing, with a danger of squeezing etc.
 - (v) Would it make a difference if one washed only face, hands and feet.
 - All opinions would permit this.
 - (vi) Would it make a difference one washed the body limb by limb?
 - A (Tosafot) would NOT permit this since water is still being heated for a purpose which is not *shave lekol nefesh*.
 - B (Rambam) WOULD permit this since the Rabbinic prohibition was made on standard bathing.
 - C (Maharil) WOULD permit this since this is not considered bathing.

C] SHULCHAN ARUCH

12. מותר להחם בי"ט מים לרחוץ ידיו אבל לא כל גופו, אפילו אינו רוחצו בבת אחת אבל במים שהוחמו מעי"ט, מותר לרחוץ כל גופו אפילו כאחד. מיהו דוקא חוץ למרחץ, אבל במרחץ אסור. הגב: ויש אוסרים בכל ענין, וכן נוכחין (טור והרא"ש).

שולחן ערוך אורח חיים הלכות יום טוב סימן תקיא סעיף ב

The Shulchan Aruch leaves number of questions unanswered. There are effectively three statements in this extract:

- (i) *The Mechaber rules that one may heat water on Yom Tov to wash ones hands but NOT one's whole body;*
- (ii) *The Mechaber rules that one may bathe (privately and not in a bathhouse) fully in water heated before Yom Tov;*
- (iii) *The Rema adds that the Ashkenazi ruling is prohibit ALL bathing on Yom Tov.*

understand that heating water on Yom Tov for bathing may be a Torah prohibition due to not being *shave lekol nefesh*. As such, it WOULD be reasonable to extend this through *gezeirat merchatza'ot* to water heated on erev Yom Tov.

11. See Ran Beitza 11a s.v. ve'ose and Ramban Shabbat 40 s.v. ha-ditnan that the gezeira is relevant where there is a potential Torah prohibition on the Shabbat/Yom Tov itself.

- The later mefarshim do not agree on which positions are being taken here by the Mechaber and Rema! Statement (ii) clearly follows the Rambam but (i) and (iii) are less clear. Some understand that the Mechaber is following the Rambam and the Rema is following Tosafot. Some understand that both opinions follow Tosafot, or both follow the Rambam, or both are strict for both!¹² We will see below some of the contemporary psakim.
- Much of the halachic discussion revolves around the position of Tosafot. One the one hand, this is STRICTER in that it rules a Torah prohibition for heating water for bathing on Yom Tov since this is not *shave lekol nefesh*. On the other hand, it may be more LENIENT if the definition of *shave lekol nefesh* can change over time and place!

D] DEVELOPMENTS IN THE ACHARONIM

- Over the last 400 years, but before the modern changes in bathing habits, there were some important developments concerning bathing on Shabbat and Chag.

D1] STRENGTHENING THE MINHAG NEVER TO BATHE ON SHABBAT/YOM TOV

13. ח מותר לטבול. כ' מהרי"ל סי' ק"ג יפה נוכחות הנשים שאין טובלות שלא צמנס בשבת דמה"ט מנהג פשוט שלא לרחוץ בצונן וטעמא דשייך למיגזר משום סחיטה ומשום שגושא מים שעליו ד"א צכרמלית ומשום שיטת גופו וקסמים ע"כ. וכ"כ בת"כ סי' רנ"ה אף על גב דאפי' המרדכי דמחמיר בצונן דוקא צכלי אצל צנהר או צמקוה שרי, מ"מ המנהג לאסור ולכן אפילו לטבול לאסור דמיחזי כמתקן כדחתא צגמרא עכ"ל. וכן כתב צ"י צ"י ד סימן קל"ט דאסור לטבול בשבת משום סחיטת שער עכ"ל.

מגן אברהם סימן שכו ס"ק ח

The Magen Avraham reinforces and strengthens the Ashkenazi minhag not to bathe in any water or even to use the mikve unless absolutely required.

14. (כא) הרוחץ בנהר וכו' - כתבו הפוסקים דנהגו שלא לרחוץ כלל צנהר או צמקוה, דמלוי לצוה לידי סחיטת שער וטוד כמה טעמים ...

משנה ברורה סימן שכו ס"ק כא

Mishna Berura also rules in this way. Even where immersing in water is not technically prohibited for other halachic reasons (for instance swimming in the sea, which is rabbinically prohibited), all immersing in pools and mikvaot is effectively prohibited on Shabbat due to the strong minhag.

15. (ג) מנהג מדינותנו שלא לרחוץ בשבת אפי' בצונן, האם אין להתקלח בצוננין גם ביום שרב. תשובה: בלא צער יש להחמיר אף שלא מצינו בספרי רבותינו מנהג זה. אבל כשמצטער מחום היום רשאי להקל.

שו"ת אגרות משה אורח חיים חלק ד סימן עד

Nevertheless, R. Moshe Feinstein rules that showering was never included in the minhag not to bathe on Shabbat/Yom Tov. As such, where a person is in discomfort on a very hot day, R. Moshe permits them to take a cold shower, even on Shabbat.

- This is also the psak of the Shemirat Shabbat Kehilchata (14:11) who permits a cold shower on a hot Shabbat for someone disturbed by the heat. The person must however be careful not to squeeze hair etc¹³

12. Halachipedia - https://www.halachipedia.com/index.php?title=Showering_on_Yom_Tov#cite_note-3 gives a good summary of the evidence in different directions as follows:

Proofs that the halacha follows Tosafot: The Beit Yosef 511:2 simply quotes Tosafot and does not quote the reason of the Rambam. Seemingly, he holds like the Tosafot. Even though he quotes the Rif, who says that one may not heat up water for a complete body shower, the Rif does not explicitly state that he agrees with the Rambam's explanation. Mishna Berura 511:10 quotes the opinion of Tosafot and only mentions the explanation of the Rambam in the Sha'ar HaTziyun (511:8). Chazon Ovadia (Yom Tov pg 41) also explains the prohibition to heat up water on Yom Tov for a full-body shower in accordance with Tosafot.

Proof that Shulchan Aruch follows the Rambam: The Ran (Shabbat 18b and Beitzah 11b) writes that since the Rif and Rambam hold that heating up water on Yom Tov for a full-body shower is only rabbinic, it is permitted to take a shower if the water was heated up before Yom Tov. According to Tosafot, who hold that heating up water on Yom Tov is a biblical prohibition, it would be prohibited to take a shower with hot water even if it was heated before Yom Tov. Beit Yosef 511:2 quotes the Ran. Shulchan Aruch 511:2 rules that it is permitted to bathe one's entire body in hot water which was heated before Yom Tov, while the Rema rules that it is forbidden. Using the logic of the Ran, Shulchan Aruch follows the opinion of the Rambam, whereas the Rama follows the opinion of the Tosafot. Assuming, as did the Ran, that the Rif holds like the Rambam, it is very reasonable to believe Shulchan Aruch follows the Rambam, since two of the three major pillars of halacha agree to that opinion. See Rav Yosef Karo's introduction to the Beit Yosef s.v. VeLeChen. See, however, the Meiri (Beitzah 21b s.v. Amar HaMeiri HaMishna HaReviyit) who explains like Tosafot but also rules like the Rif that one may completely bathe in water which was heated before Yom Tov. According to the Meiri, these two aren't necessarily related and as such, the proof as to the ruling of Shulchan Aruch isn't ironclad.

Proofs that we are strict for both: The Kaf HaChaim 511:13 quotes both opinions and does not rule definitively. The Sha'ar HaTziyun details a practical difference between the Rambam and Tosafot but does not rule either way.

13. Some of the halachic concerns involved in showering on Shabbat and Yom Tov are listed at the end of the shiur.

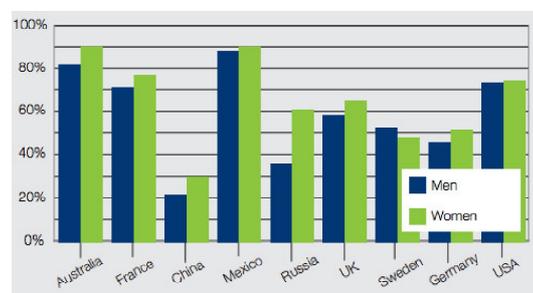
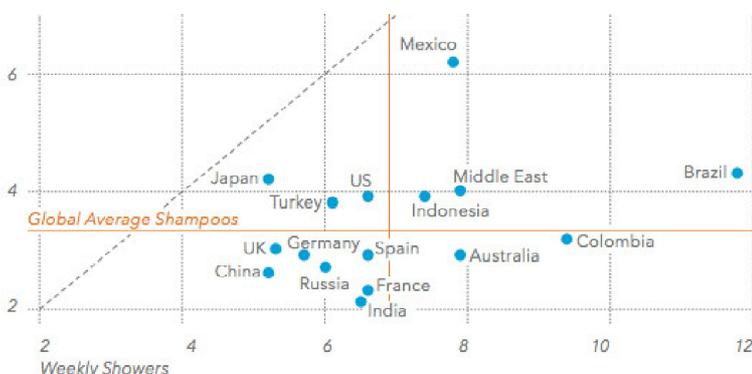
D2] HEATED MIKVAOT

- During the 18th and 19th Centuries a number of landmark teshuvot defined, and to some degree rolled back, the application of *gezeirat merchatza'ot*.
- The Chacham Tzvi¹⁴ and the Node B'Yehudah¹⁵ both permitted women to immerse themselves in a mikve of water that was lukewarm. They understood that *gezeirat merchatza'ot* was made only in regard to hot water. In the nineteenth century, the Divrei Chaim¹⁶ notes that the common practice was for women to immerse on Yom Tov even in fully heated mikvaot. This heter was also approved by R. Akiva Eiger, as cited in Bi'ur Halacha 326:1. The justification was that, since women find it difficult to immersed even in lukewarm water, it is considered a great discomfort and the *gezeira* was never intended to apply in such circumstances. Alternatively, some poskim suggest that the *gezeira* was not intended to apply to bathing for a mitzva¹⁷.

E] IS DAILY SHOWERING NOW SHAVE LEKOL NEFESH?

E1] HOW OFTEN DO PEOPLE SHOWER TODAY

- Until recent times, very few people showered or bathed daily. This has now changed dramatically¹⁸.

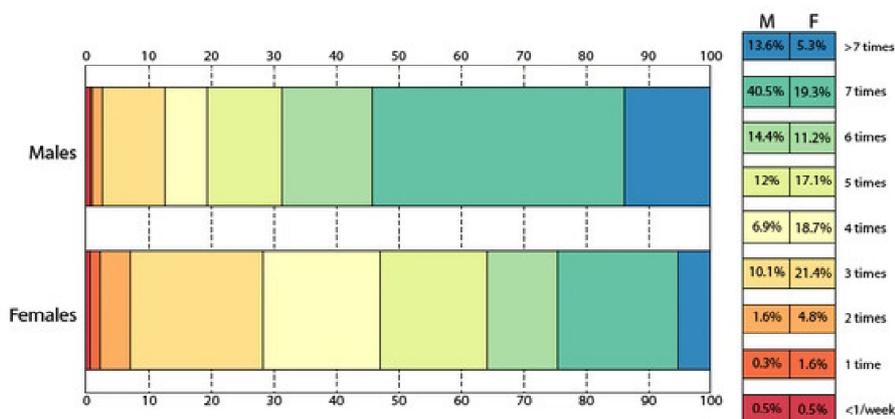


- Another major change is the availability of hot water on tap in our homes without anyone having to heat it specifically.

E2] DOES THE DEFINITION OF SHAVE LEKOL NEFESH CHANGE AS SOCIETY CHANGES?

- There are number of different approaches in the poskim¹⁹:

- R. Nissim Karelitz²⁰ rules that *shave lekol nefesh* is a halachic status fixed by Chazal and cannot change with time²¹. He also rules that, even if the halacha could theoretically change, daily showering may be a practice in some places but is not a 'daily need'.²²
- Nevertheless there are indications in some sources that the application of *shave lekol nefesh* can change with different times²³.



14. R. Tzvi Ashkenazi (1656-1718) Teshuva #3

15. R. Yechezkel Landau (1713-1793) OC 24.

16. R. Chaim Halberstam of Sanz (1793-1876) OC 2:26.

17. The mitzva element of bathing on Yom Tov may also apply when Yom Tov runs into Shabbat and especially on a 'three day Yom Tov'.

18. Washing one's whole body is so common in America that in Thomas vs. Allsip (826 S.W.2d 825 (Texas Ct. App., 1992)) the Texas Court of Appeals notes that Texas prison regulations (Texas is not a state known for expansive prisoner rights!) mandate that even prisoners be allowed to shower daily.

19. For a detailed overview see <http://www.daat.ac.il/daat/english/journal/broyde-wagner-1.htm>

20. Chut HaShani Yom Tov 15:1.

21. This is also the position of the Debrezina Rov in Ba'er Moshe 8:158 & 159, who strongly criticizes showering on Yom Tov and opposes any attempt to change the definition that Chazal gave to *shave lekol nefesh*.

22. R. Shlomo Zalman Auerbach (Shulchan Shlomo 3) does not agree that *shave lekol nefesh* must be a daily 'need' and brings as a proof the example of sexual intimacy, which the Gemara classifies as *shave lekol nefesh*, even though it is not a daily need. For more on this see the Dirshu Mishna Berura 511:2 note 4.

23. Note also the discussion in the Rema OC 511:2 and Magen Avraham (511:5) concerning bathing a child in hot water, which turns to some degree on whether bathing children daily is or is not the societal practice, indicating that *shave lekol nefesh* may to some degree be subjective. See also Aruch Hashulchan 511:5 and 6 who indicates that the application of *shave lekol nefesh* may change in different societal situations. He also applies this to heated mikvaot in his time.

16. ידיו - ... וצבגדי ישע כתב דל"ל פניו ידיו ורגליו ומ"מ יש לעיין אולי דצימינו אין רחילת רגליו שזה לכל נפש, ונשנה זה רק צימיהם שכיו הולכין הרבה יחף צלי מנעלים, ודומה רגליו לשאר איברי הגוף. אכן לפי מה שנכתב לקמן בשם הרא"ש והרשב"א דמקלת שאר איברי הגוף דומה לפניו ידיו ורגליו דמותר בודאי אין להחמיר בזה.

באור הלכה סימן תקיא סעיף ב

The Biur Halacha suggests that it may not be permitted to heat water on Yom Tov in places where people do not walk around barefoot. In the end he is inclined not to be strict on this in light of other opinions (see the following source).

17. אבל לא כל גופו - עיין מ"צ דחון מפניו ידיו ורגליו חשיב אינו שזה לכל נפש. וצחמד משה ראיתי שהעתיק דכל שאינו רוחץ רוב גופו שרי והעתיק זה מסימן שכ"ו לענין שבת צמים שהוחמו מע"ש שכתב שם נמי דפניו ידיו ורגליו שרי ולא כל גופו וכתב שם הרמ"א דגם שאר איברים שרי כל שאינו רוחץ רוב גופו. ולכאורה אינו דומה לשם דשם המים כבר הוחמו מע"ש ורק איסור גזירת רחילה נגעו בו. משא"כ כאן דמיחם חמין ציום טוב שאינו מותר מלאכה ציום טוב אלא לדבר השור לכ"ג. ומכל זה נראה לכאורה דבענינו יש צו חשש איסור דאורייתא עכ"פ אין להקל. אלא דציו"ד סי' קל"ט העתיק המחבר דינו דהרא"ש ... כתב דמותרת לרחוץ בית הסתרים צמעט מים שהוחמו אפילו ציום טוב. ואף להמחבר אין לדמות רחילת רשות לרחילת בית הסתרים דאולי סמך המחבר על הרא"ש רק התם דהוא לזורך עזילת מלוה. אמנם אח"כ מלאתי בחידושי הרשב"א בשבת דדעתו נמי דפניו ידיו ורגליו לאו דוקא דה"ה שאר איברים כל שהוא רק מקלת גופו שרי....

באור הלכה סימן תקיא סעיף ב

The Biur Halacha quotes other opinions which permit heating water on Yom Tov to wash up to half the body. He inclines against these since, unlike the case of washing on Shabbat with water heated before Shabbat which is rabbinic prohibition, heating water on Yom Tov risks a Torah prohibition.

18. ובית הלל מתירין. משמע דוקא לרגליו אבל לצורך כל גופו לא. וכן משמע בכולה שמעתין דמחמירין בחמין שהוחמו בי"ט כחמין שהוחמו בשבת וגזרו על הזיעה בי"ט כמו בשבת. ואומר ר"י בשם ריב"א דרחיצה אינה אלא לתענוג ואסורה כמו מוגמר דאסור בפרק קמא דכתובות משום דאין שוה לכל נפש. וכן משמע בירושלמי דהיינו טעמא דרחיצה. אבל זיעה שוה היא לכל נפש דאינה תענוג אלא לבריאות.

תוס' שבת לט:

Also, Tosafot indicate that Chazal viewed bathing as an pleasure-seeking indulgence, rather than a necessity. On the other hand, they viewed the sauna as a health requirement, which was shave lekol nefesh. Some poskim²⁴ equate the role of today's showering with the sauna of old.

- Some poskim²⁵ rule that the definition of *shave lekol nefesh* clearly applies in accordance with the reality of the times. As such, today, showering in regular hot water²⁶ will unquestionably be permitted according to Tosafot. This was the clear position of Rav Soloveitchik.
- In terms of *gezeirat merchatza'ot*, since the gezeira was created to safeguard the potential Torah prohibition of cooking water, once the Torah prohibition connected with showering has been removed (since showering is *shave lekol nefesh*) there will no longer be any application for the gezeira!
- R. Herschel Schachter rules that the gezeira WILL still apply since, at least according to the Rambam²⁷, a Rabbinic gezeira will not lapse even when the reason is negated. However, he understands that the original gezeira only applied to HOT water, so a lukewarm shower would not be prohibited²⁸. We also saw above that some poskim understood that the gezeira did NOT apply in cases where people were in significant discomfort.

F] HOW DO MODERN HEATING SYSTEMS WORK?

- Today, water for bathing is not simply heated over a flame!!

F1] ELECTRIC/GAS BOILER SYSTEMS

- The most common system outside Israel is a hot water boiler system whereby water is heated (by gas or an electrical element) in a boiler. As hot water is removed through the hot tap, this allows more cold water into the boiler system which is subsequently heated up in the boiler (partly by the heat source and partly by the hot water which is present in the boiler).

24. See Shemirat Shabbat Kehilchata (3rd Ed) Chapter 14 note 21.

25. See the analysis of R. Aryeh Lebowitz at https://www.yutorah.org/lectures/lecture.cfm/749147/Rabbi_Aryeh_Lebowitz/Ten_Minute_Halacha_-_Showering_on_Yom_Tov.

26. Extremely hot water may still be considered indulgent and, as such, unusual and not *shave lekol nefesh*.

27. Hilchot Mamrim 2:2.

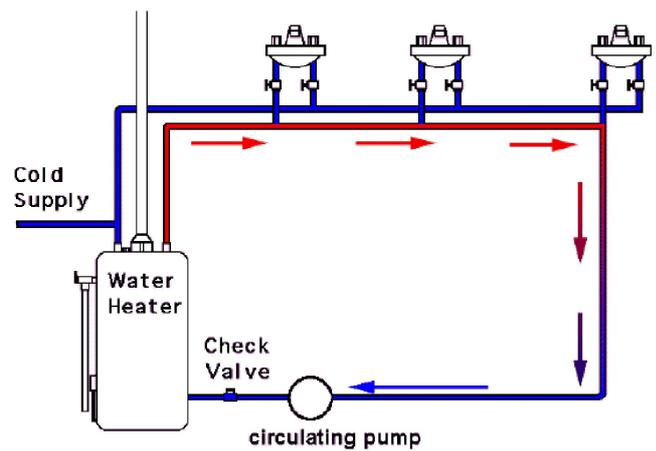
28. The bathhouse attendants were dishonest only because hot water was needed. They would not have need to lie about lukewarm water!

- Turning on the hot tap in these systems will simultaneously allow cold water into the boiler, which will then heat to above *yad soledet bo*.
- There is an argument that this works as a *grama* system, whereby the melacha is performed indirectly with a delay. However, in fact, although the heating IS indirect, there is no time delay²⁹. Additionally, this is the normal manner of heating water in home boiler systems, so it is not clearly classified as *grama* (which by definition is an unusual way in which to do the melacha). Furthermore, *grama* is still prohibited on Shabbat (other than in a situation of significant loss or great need)! According to some authorities, *grama* is permitted on Yom Tov.

- There is a second argument that the entry of the cold water is unintentional - *davar she'eino mitkaven*. Nevertheless, in most boiler systems, the introduction of the cold water is automatic and inevitable, thus making it *psik reisha*, which is a Torah prohibition. Even if one could make an argument that the heated water was not wanted (*psik reisha delo nicha lei*) or at least irrelevant to the user (*psik reisha delo ichpat lei*) this is still prohibited (rabbinically) in most situations, especially such as here where a Torah prohibition of bishul is being discussed.

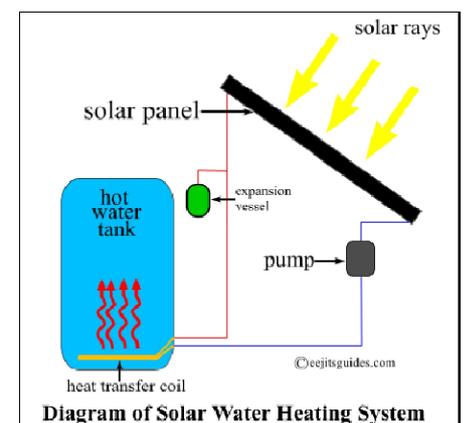
- All poskim prohibit turning on a hot tap on Shabbat where water will be heated in this way, unless the system is adapted for Shabbat use³⁰.
- On Yom Tov is permitted to heat water for many uses - washing dishes, washing hands, face etc, and most poskim will permit using a hot tap of this nature on Yom Tov³¹.

Traditional type hot water circulating system.

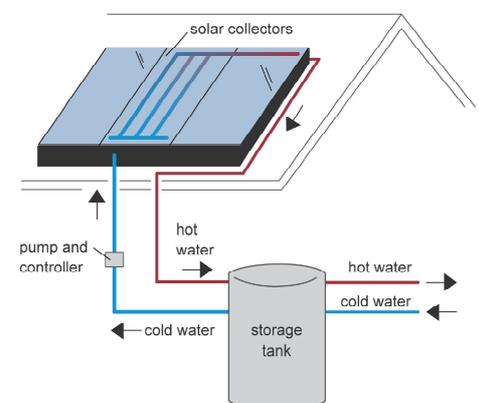


F2] SOLAR 'DUD SHEMESH' BOILER SYSTEMS

- In solar heating systems, the water is heated either directly by the sun (by passing water through solar panels) or through a heat transfer coil in a water tank which is itself heated by the solar panels.
- The halachic issues relating to solar heating systems are complex and beyond the scope of this shiur. Some poskim permit use of hot water from a 'dud shemesh' system, even on Shabbat. Others prohibit this other than in cases of special need (such as for someone who is sick or a small child). All poskim agree however that the halachic issues are less serious than with a standard gas/electric heating system and the prohibition in question is likely to be rabbinic.



Basic components of a solar water heating system



Note: This is a simplified diagram of a drainback-type solar water heating system.
Source: U.S. Energy Information Administration



F3] OTHER CONCERNS

- MANY modern boiler systems operate in ways which will prevent their use ENTIRELY on Shabbat or Yom Tov.
- Some are 'instant hot water systems' whereby opening the hot tap automatically ignites a heating element or gas burner.
- Others involve pumping systems which are automatically operated when the taps is turned on.

29. One cannot argue that there is a time delay between entry of the cold water and it boiling since ALL bishul of water works in this way! One is liable for cooking water even though it boils only a few minutes after one put it on the flame. Since the entire melacha is done through time delay, this will not constitute halachic *grama*. A parallel analysis applies to zorea - planting a seed. Similarly, a melacha which is intrinsically performed indirectly (eg winnowing using the wind) will not be considered *grama* in halacha since this is the normal way of performing this melacha.

30. In some systems it is possible to turn of the valve which allows new cold water into the system. Often, however, this is not possible or considered unsafe. In some systems where the boiler is turned off the reality is that cold water will settle near the bottom of the tank and hot water will rise to the top. If new cold water feeds into the bottom on the tank and will not be heated, this will be permitted. As such, the physical realities of the tank set up must be known. If in doubt, one should assume that cold water will be heated and the system may not be used on Shabbat.

31. As noted above, the issue of *grama* is also more lenient on Yom Tov.

G] BOTTOM LINE - HOT SHOWERS ON YOM TOV: YES OR NO?

G1] SEFARDIM

- The psak for Sefardim is slightly simpler since the likelihood is that the Mechaber rules like the Rambam/Rif and the main halachic consideration is *gezeirat merchatza'ot* and NOT the issue of *shave lekol nefesh*.
- Most Sefardi poskim rule that one may NOT heat water on Chag to shower the whole body but one MAY shower normally, in a private bathroom,³² in water which was heated before Yom Tov³³.
- Some Sefardi poskim permit³⁴ normal showering in a solar 'dud shemesh' system on Yom Tov.
- Some Sefardi poskim³⁵ permit showering in a normal shower on Yom Tov on a 'three day Yom Tov' as long as the water in the boiler was hot before Yom Tov came in, even if new incoming cold water is heated up as it enters the boiler.

G2] ASHKENAZIM

There are essential two groups:

A] THOSE WHO CONSIDER THAT SHOWERING IS SHAVE LEKOL NEFESH

- Some poskim allow one to shower in hot³⁶ water heated in a regular boiler system on Yom Tov³⁷.
- Some poskim³⁸ allow one to shower normally but only in luke warm water³⁹.
- It would certainly be permitted shower in water which was heated in a solar panel 'dud shemesh' system.

B] THOSE WHO CONSIDER THAT SHOWERING IS NOT SHAVE LEKOL NEFESH

- Most poskim rule that a hot water shower may NOT be taken on Yom Tov⁴⁰, even if the water was heated prior to Yom Tov.

Water Heated Before Yom Tov

- If the water was heated before Yom Tov, some poskim allow one to wash one's body *ever ever* - limb by limb.⁴¹
- If the water was heated before Yom Tov, some poskim allow one to shower normally.

Water Heated On Yom Tov

- All agree that one may heat water on Yom Tov to wash one's hands, face and feet.
- Some poskim⁴² allow one to wash up to half of the body in hot water heated on Yom Tov. Many limit this to a case where one will not easily come to shower normally - ie it must be done at a sink not in the shower, or while still wearing some clothing.
- Some poskim allow one wash all of the body in hot water on Yom Tov BUT only limb by limb. Again, many limit this to a case where one will not easily come to shower normally - ie it must be done at a sink not in the shower, or while still wearing some clothing.
- Some poskim allow one to shower normally in water which was heated in a solar panel 'dud shemesh' system.

32. Chazon Ovadia Yom Tov p. 41. Note that Rav Hershel Schachter rules that *gezeirat balanim* applies even to a private home since the poskim did not distinguish.

33. See R. Chaim David Halevi (Mekor Chaim 1:29), Yalkut Yosef (Volume 5, 511:10) and Kaf Hachaim (OC 511:2),

34. Rav Ovadyah Yosef (Chazon Ovadia Yom Tov p. 41 and p. 157), Yalkut Yosef Shabbat Volume 4 Siman 326 page 58. Rav Elyahu Ben Chaim holds that it is permitted to shower in lukewarm water on Yom Tov.

35. See https://www.halachipedia.com/index.php?title=Showering_on_Yom_Tov#cite_note-7. This is apparently the psak of Rav Yitzchak Yosef which is based on various considerations of leniency, including that the prohibition (for Sefardim) is rabbinic, there are arguments of *grama* and also the action could be classified as a *psik reisha delo nicha lei*. Nevertheless, on <http://halachayomit.co.il/en/ReadHalacha.aspx?halachaid=1997> the psak concerning showering on Yom Tov is stricter and explicitly requires the cold water input to be turned off before using the shower.

36. But not excessively hot.

37. This was the position of Rav Soloveitchik and is recorded as such by R. Aharon Ziegler in Halakhic Positions of Rav Joseph B. Soloveitchik - see <https://www.torahmusings.com/2016/05/showering-yom-tov/>. This is also the position of the cRc.

38. This is the position of R. Hershel Schachter who rules that the water should be warm enough to take of the chill (in accordance with the psak of the Beit Meir cited in Sha'ar Hatzion) https://www.yutorah.org/lectures/lecture.cfm/749147/Rabbi_Aryeh_Lebowitz/Ten_Minute_Halacha_-_Showering_on_Yom_Tov and R. Lebowitz's source sheet at <https://www.yutorah.org/download.cfm?materialID=526226>. Bedieved, R. Schachter permits even a warm shower.

39. There is a debate as to what is considered lukewarm - under *yad soledet bo* (113F), under body temperature (98F), just warm enough to take of the chill, or whatever people would call 'cold'.

40. Shemirat Shabbat Kehilchata 14:7 rules strictly that showering in hot water is not permitted on Yom Tov, but observes a number of times in the footnotes (14 n21 and n25) that it is logical that showering on Yom Tov should be *shave lekol nefesh*. In 19 n3 he states clearly that showering on Yom Tov is *shave lekol nefesh*.

41. Mishna Berura 512:18. Rabbi Yirmiyahu Kagenoff writes that one may stand in a shower stall, not directly under the water flow, and place different parts of the body under the shower. Again, this is ONLY with water that was heated prior to Yom Tov.

42. This is based on the position of the Rashba and Rosh cited in the Biur Halacha above. The Gra'Z (518:1) is also lenient.

G3] OTHER ISSUES⁴³

- One must in all situations ensure that turning on any tap will not automatically operate a heating or pumping system.
- One may not use a sponge or washcloth since this would involve the prohibition of squeezing - *melaben*.
- One may not use a bar of soap since this involves the prohibition of smoothing - *memachek*. Liquid soap is permitted⁴⁴.
- Squeezing hair is prohibited, which makes washing hair halachically challenging⁴⁵.
- One may use a towel to dry one's body normally. The poskim differ⁴⁶ as to whether a towel may be used to dry hair. One may not squeeze or wring water out of one's hair.
- One may not comb or brush hair with a hard brush that removes knots. Tidying with a soft brush is permitted.
- One may not braid or plait hair. Putting hair into a pony-tail is permitted.

H] A PARALLEL DEBATE - SMOKING ON YOM TOV!

- Leaving aside the central halachic question of whether it is permitted to smoke at all given the now clear health risks, there is a parallel question of whether it is permitted to smoke on Yom Tov.
- Many of the classic poskim of the 19th Century and earlier ruled that, since most normal people did smoke, smoking would be considered *shave le kol nefesh*.⁴⁷ Since this reality has changed in the 21st Century and most people do not appreciate the smell of smoking or smokers, most poskim rule that smoking on Yom Tov is no longer permitted on Yom Tov.

I] YOM TOV SHENI

..... ואותן שביום ראשון אין מעשנין ובשני מעשנין מזלזלין ביום טוב שני 19.

ערוך השולחן אורח חיים סימן תקיא סעיף יא

The Aruch HaShulchan criticizes those who smoke on Yom Tov Sheni but not on Yom Tov Rishon and sees this as degrading for Yom Tov Sheni.

- The same may apply to bathing specifically on Yom Tov Sheni. On the other hand, if one needs to shower only on Yom Tov Sheni, this would not be a zilzul. On a 'three-day Yom Tov' this would include the mitzva element of kavod Shabbat.

43. These issues all apply equally on Shabbat and Yom Tov.

44. There is a halachic debate on how liquidy liquid soaps need to be. R. Moshe Feinstein held that many of the liquid soaps were not sufficiently liquidy.

45. R. Aryeh Lebowitz recommends the following options. Either: (i) apply the shampoo before your hair becomes wet; or (ii) pour the shampoo directly from the bottle onto your head and allow the pressure of the water to wash it out.

46. Shemirat Shabbat Kehilchata permits this but R. Hershel Schachter does not.

47. See Biur Halacha 511:14 and Aruch Hashulchan 511:11.