

S OY-JSC



Student Organization of Yeshiva - Jewish Studies Council

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GUIDE TO THE 39 MELACHOS
AND SELECTED HALACHOS

Preface

With Hakadosh Baruch Hu's chesed we were able to put together an interesting and exciting collection on the 39 Melachos in a relatively short period of time. Because the Yeshiva was learning Maseches Shabbos this year, we thought it would be a wonderful opportunity for talmidim to put together a packet about the different melachos.

Our purpose was twofold: first, we wanted to give talmidim an opportunity to write up chiddushim from shiur and from their own learning in order to develop the skills of conciseness and clarity. Second, it is part of the responsibility of budding talmidei chachamim to spread the sweetness of our Beis Medrash and share their beautiful words of Torah with others. We hope that this effort has encouraged talmidim to master their learning in the preparation of the packet and will enlighten ourselves and others with its precious words.

While it is our privilege to publish a torah packet, due to time constraints and the diversity of the writers, some of the transliterations may be inconsistent and typos may exist. For this, the editors take the blame and look forward as there's room to improve.

As we reach this milestone it is without doubt built upon the shoulders of giants who deserve proper credit. Firstly, we would like to thank Rosh Yeshiva, Rabbi Mordechai Willig, who reviewed the Halachic section of the packet and Rosh Yeshiva, Rabbi Daniel Feldman, who briefly reviewed the melachos section. Of course, we'd like to thank the writers who spent time organizing their thoughts and putting them to paper. The printing is thanks to SOY and its prestigious board members. Last but certainly not least, the members of the Halachipedia Club, especially the editors, who spent an enormous amount of time putting this together, deserve proper recognition.

-The Halachipedia Club Staff

Halachipedia.com is a collaboratively-edited free Internet Encyclopedia of Orthodox Halacha. Our goal is to create the greatest, most useful, and accessible resource for Halacha on the web lishem shamayim. We would like as many people as possible to pitch in. To learn more about how to contribute visit Halachipedia.com. The **Halachipedia Club** in YU tries to encourage as many people as possible to contribute to this important project, lehadgil torah ulihaadira. As part of this effort we have, Biezrat Hashem, printed several packets this year including the Halachot of Sukkot, Chanuka, a section for the Yeshiva Haggadah, and this one as well as a weekly-halacha email. We hope to do much more in the future Biezrat Hashem.

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The **Student Organization of Yeshiva - Jewish Studies Council (SOY-JSC)** is a group of student leaders whose mission is to facilitate the Jewish environment, Torah learning, and all religious life on Yeshiva University's Wilf Campus. SOY-JSC's main goal is to continuously improve and support the Torah and religiously oriented activities that occur for the men of Yeshiva College and RIETS by creating an atmosphere of Torah and Jewish identity throughout the year. Events sponsored by SOY-JSC include shiurim offered by various Roshei Yeshiva and guest lecturers, weekly mishmar, various club activities, and Shabbat and Holiday programming.

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Introduction to Meleches Machsheves (I.S.)

Melacha sheina tzaricha legufa: There is a major dispute as to the definition of melacha sheina tzaricha legufa. Tosfot (94a s.v Rabbi)¹ explains that melacha sheina tzaricha legufa is a requirement that the purpose of each melacha be similar to the purpose for which it was done in the Mishkan. For example, if a person carries, he would be culpable if he carries in order to transport the object from one place to another. However, if he carries it just to remove it from a location that is melacha sheina tzaricha legufa.

Rashi (93b s.v. VeRabbi)² writes that a melacha she'eina tzaricha legufa is accomplished when one performs an action in order to prevent a destructive outcome. It is possible to explain Rashi's opinion as follows: If a person does an activity which is completely destructive it is considered mekalkel and if it is completely constructive it is a melacha. However, if the act is done to rectify a situation so that a negative outcome doesn't continue to occur, that is considered a melacha sheina tzaricha legufa.

³ The Ramban (Shabbos 106a s.v. ve'in ani)⁴ presents an alternate approach. He says that melacha sheina tzaricha legufa is an action done for no purpose at all with regards to the object upon which the melacha occurs. However, if the action is done for the purpose or needs of the object upon which the melacha is occurring, it is tzaricha legufa even if it is destructive. For example, the Ramban considers performing Milah on Shabbos to be tzaricha legufa since it is for the benefit of the person receiving the Milah.

When an action is melacha sheina tzaricha legufa, there is a dispute between Rabbi Yehuda and Rabbi Shimon whether this is a biblical prohibition or only rabbinic.⁵ Although the Rambam holds like Rabbi Yehuda, the halacha follows Rabbi Shimon and assumes that it is only rabbinic.⁶

Dvar sheina mitchaven: Doing a permitted action in a way in which one doesn't intend for a melacha to occur as a byproduct of one's intended action is considered a dvar sheina mitchaven. Nonetheless, when it is inevitable that a melacha will take place as a result of one's inherently permissible action, that action becomes forbidden (see Pesik Reisha). For example, dragging a light chair in a field where one's intent is to transport the chair would be a dvar sheina mitchaven when the furrow is created as one did not intend to create a furrow.⁷ Tosfot (Shabbos 75a s.v. mitasek) writes that dvar sheina mitchaven is not unique to Shabbos; rather, it is a general exemption found in numerous laws throughout the Torah.

There is a dispute between Rabbi Yehuda and Rabbi Shimon whether performing an action that is a dvar sheina mitchaven is permitted or forbidden. Within the opinion that is forbidden, many assume that it is only a rabbinic prohibition on Shabbos.⁸ The halacha is that a dvar sheina mitchaven is completely permitted.⁹

Pesik Reisha: If a person does a permitted action that has an inevitable unintended result that is forbidden, it is considered a pesik reisha. Although Abaye originally believed that it was permitted in accordance with Rabbi Shimon, later he agreed with Rava that it is forbidden.¹⁰ The halacha follows Abaye and Rava. Nonetheless, there is a dispute amongst the Rishonim whether a Psik Reisha is forbidden on a biblical or rabbinical level.¹¹

¹ See also Tosfos 94b s.v. aval

² See also Rashi 31b s.v. afilu, Baal HaMeor 38a (relevant to Gemara 106a)

³ This is how Rav Schachter developed the opinion of Rashi in shiur. See a similar approach in Markevet HaMishna (from Chelem) Shabbos 1:1 s.v. veyesh lomar lifi. For an alternate approach, see Hararei Kedem (Shabbos, p. 202-3).

⁴ See also Rivash siman 394, Rabbenu Nissim Goan Shabbos 12a

⁵ Mishna Shabbos 93b

⁶ Rambam Shabbos 1:7, S" A 334:27

⁷ Shabbos 22a, Shabbos 81b

⁸ Tosfos 41b s.v. meycham based on Meleches

Machsheves, Tosfos Yoma 34b, Rashi 121b s.v. dilma

⁹ Based on Rabba's opinion, the halacha follows Rabbi Shimon that dvar sheina mitchaven is permitted. This is the opinion of all Rishonim and Achronim except for Rav Yacov Emden in Lechem Shamayim (Beitzah 2:10).

¹⁰ Shabbos 133a

¹¹ Rambam (Shabbos 1:6) considers it a biblical violation of Shabbos. Tosfos (Shabbos 41b s.v. meycham) seems to agree. Shitah Mikubeshet (Ketubot 5b s.v. behahiy), however, holds that it is only a rabbinic prohibition because of melechet machshevet.

Of noteworthy mention is the opinion of the Aruch (s.v. svar n. 5), who holds that a pesik reisha is permitted if it done in a way that doesn't benefit the one performing the action. Some¹² have explained that his opinion is based on the understanding that pesik reisha is forbidden because it is as though one actually intended for the forbidden result to occur, being that it was inevitable and foreseeable. However, if one doesn't benefit from the forbidden result, even if it is inevitable, clearly it is unintended since one doesn't benefit. On the other hand, Tosfot (Shabbos 103a s.v. lo) argues that pesik reisha is forbidden under all circumstances. According to Tosfot, perhaps pesik reisha is forbidden because the forbidden result is considered included in one's original permitted action since it is inevitable. That being the case, even if one doesn't benefit, the forbidden action is considered included in one's permitted act.

Mitasek: Doing an action in a mitasek manner is to do something forbidden without intent that one is doing a forbidden action. For example, if one takes a vegetable lying on the ground thinking that it is detached from the ground but in reality it is attached, it would be considered mitasek. That is a case in which one's intent was to do a permitted action and in reality a forbidden one resulted. The second area included in mitasek is where one has intent for a forbidden action but doesn't believe that it will come out the same way that it really does. For example, if a person intends to take a red apple off a tree and ends up taking a green apple assuming that a person is concerned about the color of the apple, then that would be considered mitasek. Tosfot Shabbos 72b s.v. nitchaven adds that this second category of mitasek is unique to Shabbos. Whereas the first category is universal, the second is a leniency based on the concept of melechet machshevet.

A person who does an action that is mitasek is certainly not chayav a korban.¹³ However, there is a dispute whether someone who is mitasek did not violate any prohibition¹⁴ or perhaps he has violated a biblical prohibition.¹⁵ With regards to Shabbos specifically, everyone agrees that there is no biblical prohibition for doing an action in a mitasek manner.

Shinui: If a person does a melacha in an abnormal fashion, he isn't culpable for his action. Nonetheless, normally such an action would be a rabbinic prohibition.¹⁶ In certain cases, an extreme abnormality might not be prohibited at all.¹⁷

Mekalkel: The Torah prohibited melacha when it is done in a constructive manner. If, however, one does a melacha in a destructive fashion, there is no biblical prohibition. For example, a person who digs a hole in a field that isn't meant to be plowed in order to use the dirt isn't culpable because his action was destructive.¹⁸

There is a major dispute to what extent one needs to have constructive element to one's action when performing an intrinsically destructive melacha, such as extracting blood from a living being or lighting a fire. Some assume that there's no need for a constructive outcome when performing such melachot. On the other hand, perhaps these melachot are like every other melacha require a constructive element.¹⁹ Another alternative is that a minimal amount of constructive purpose is required in order to be culpable.²⁰

Shnayim She'asauha: If two people do a melacha together each person is exempt and isn't considered as though he violated the melacha independently. There is a dispute between Rabbi Yehuda and Rabbi Shimon whether this applies only if each person couldn't have independently done the melacha or even if the melacha truly required two people.²¹ While the halacha is that shnayim she'asauha isn't required to bring a chatat there is a dispute whether the prohibition to do a melacha with someone else's help is rabbinic²² or biblical.²³

¹² Kovetz Shiurim Ketubos no. 18

¹³ Keritut 19b

¹⁴ Mekor Chaim Siman 430

¹⁵ Rabbi Akiva Eiger (responsa 8)

¹⁶ Mishna 92a, Gemara 103a, Rambam Shabbos 12:13

¹⁷ Mishna Brurah 320:10. See further Am Mordechai Shabbos

p. 148

¹⁸ Chagiga 10a-b

¹⁹ Rashi 106a in understanding the dispute between Rabbi Shimon and Rabbi Yehuda

²⁰ Tosfos 106a s.v. chutz

²¹ Mishna and Gemara Shabbos 92b-93a

²² Rav Yitzchak Elchanan in Beer Yitzchak (responsa 14)

²³ Chacham Tzvi (responsa 82). See further in Minchat Shlomo (Tanina no. 29)

Gramma: One who performs a melacha indirectly isn't culpable and many Rishonim assume that it is totally permitted.²⁴ There is a dispute as to what is considered indirectly in order to exempt one from melacha. Some say that any action which will cause a melacha to occur at a later point is considered grama.²⁵ Others explain that an action is only considered grama if it is disconnected physically and temporally from the process that eventually causes the melacha to occur.²⁶

The 39 Melachos

Melech Zoreia (Chaim Goldberg)

Where was it in the Mishkan: Zoreia is one of the first 11 melachos, which are as *sidura d'pas*²⁷, which are subject to a machlokes as to whether they were done in the mishkan for the production of dyes, or to bake bread to be used in the mishkan.²⁸

Avos and Toldos: In addition to the av melacha of planting, which we might loosely define as causing a seed to grow, the Gemara²⁹ lists 4 other melachos, which, together with zoreia, are considered one melacha. The four are: Zomeir—pruning, Noteia—planting a tree, Mavriv—replanting a sapling in the ground, and Markiv—grafting.

There's a machlokes Rishonim as to which of these five are considered avos and which are considered toldos. The Rambam³⁰ is on one side of the spectrum, saying that all five actions are avos melacha. Rashi³¹ says they are all avos except for zomeir (pruning), which is the one instance where one is solely removing growth. The Ritva³² says only zoreia and noteia (planting a tree) are avos, which are the two instances where one is causing growth from the initial stage that of planting seeds. The Kesef Mishna³³ is on the other side of the spectrum, saying that only zoreia is an av and the rest are toldos.

An additional machlokes regarding zoreia is as to when one becomes culpable. The Rashash³⁴ says one is only culpable once the seed takes root, meaning that the melacha is result-oriented. Therefore, if one mistakenly planted or dropped a seed he should immediately pick it up. The Minchas Chinuch³⁵ disagrees and says one is culpable the moment he planted it, thereby making the melacha action-oriented. A practical case is when one accidentally drops some seeds on dirt outside; since this is done without any thought (*mitasek*), we can rely on the Mekor Chaim, who says that one who is *mitasek* isn't in violation of any prohibition, to say it is permitted.³⁶

Halacha lema'aseh: A common question regarding zoreia is whether there is a violation of zoreia by placing plants in water. The Rambam says such an action is forbidden³⁷ and this is how we hold, though the Rama³⁸ says if the plant has no buds, one need not be concerned.

Melech Choresch (Mordechai Shichtman)

Most commentaries believe plowing was needed for growing plants, which were used as dyes for the Mishkan.³⁹ Commentaries dispute the scope of the Av Melacha. Some believe the Av Melacha is limited to

²⁴ Gemara Shabbos 120b, Tosfos Beitzah 22b s.v. vehamistapek, Rama 334:22

²⁵ See Yabia Omer 10:26, Shemirat Shabbos Kehilchata (Introduction 1:26)

²⁶ B'ikvei HaTzoan Siman 7 explaining the opinion of Rav Soloveitchik

²⁷ Shabbos 73a

²⁸ This is a machlokes between Rashi and Rav Hai Gaon, where Rashi maintains that they were done for the production of dyes, whereas Rav Hai Gaon maintains they were done for the production of the *lechem hapanim*. This machlokes can be understood as dependent on a deeper debate, whether the melachos of the mishkan are learned out from actions done in the daily avodah of the mishkan (Rav Hai Gaon), or only from

prerequisite actions done in constructing the mishkan itself (Rashi).

²⁹ Shabbos 73b

³⁰ Hilchos Shabbos 7:2,3

³¹ Shabbos 73b

³² *ibid*

³³ Hilchos Shabbos 7:2

³⁴ Shabbos 73b

³⁵ Mosech HaShabbos Melech Zoreia n. 2

³⁶ Rabbi Sobolofsky

³⁷ Hilchos Shabbos 8:2

³⁸ Shulchan Aruch 336:11

³⁹ Rashi 73a s"v HaOfeh. For another opinion, see the introduction to Eglei Tal s"k 1.

plowing⁴⁰ while others believe any form of digging⁴¹ constitutes the Av Melacha.⁴² All agree that any form of landscaping improvement, with the intention to improve the ground⁴³, violates a tolada.⁴⁴ Examples include fertilizing⁴⁵ and removing weeds.⁴⁶

Authorities disagree if the Melacha of Choresh requires making the ground fit for growing plants or improving any ground is also Choresh.⁴⁷ Similarly, a dispute exists if improving the ground for non-agricultural purposes violates Choresh.⁴⁸ Additionally, while it certainly is forbidden to plow with animals on Shabbos, commentaries disagree if this is a violation of Choresh.⁴⁹

Based on a confluence of factors, one does not violate Choresh by pushing a stroller on dirt.⁵⁰

Meleches Kotzeir (Yaakov Abramovitz)

Definition of kotzeir: The definition of kotzeir is pulling living things out of their places of growth, *okeir davar m'gidulo*⁵¹. There is a debate whether this *melacha* is limited to things that grow from the ground (*gidulei karka*) or if it expands to include uprooting any living thing from its life source.

The Minchas Chinuch⁵² asserts that the opinion of Rambam is that kotzeir is not limited to *gidulei karka*, and this seems to fit with the Gemara⁵³ that pulling a fetus out of its mother's womb is an act of *okeir davar m'gidulo*. The Talmud Yerushalmi⁵⁴ takes this to an extreme and says that pulling a fish out of water is an act of

⁴⁰ Meiri 73b s"v HaChoresh

⁴¹ Orchos Shabbos 28 note 68, based on Rashi Beitzah 23b s"v Mipnei Sh'Koveshes, argues stroller wheels do not dig but rather press dirt down and this is permitted. However, Orchos Shabbos argues pressing dirt down for the purpose of planting seeds is forbidden under Choresh. This distinction here between intending to plant and not intending to plant is not clear to me.

⁴² Rambam Hilchos Shabbos 7:2, Ritva 73b s"v HaChofer

⁴³ Shabbos 73b

⁴⁴ Shabbos 103a (and see the Meiri there s"v HaMenachesh), Yerushalmi Shabbos 7:2, Rambam Hilchos Shabbos 8:1 and the Mishnah Berurah's introduction to Orach Chaim 337. However, the Eglei Tal Choresh s"v 9 argues, based on Rashis 73b s"v Melacha Achas and s"v Mishum Choresh, that Rashi limits the melacha to only softening the ground for planting. See also Rashis 73b s"v Guma and s"v Patur Aleha.

⁴⁵ The Yerushalmi Shabbos 7:2 says m'zavel is an example of Choresh. Rabbenu Chananel on Shabbos 73b and the Chayei Adam Hilchos Shabbos 10:3 cite this Yerushalmi. While the Rambam does not explicitly mention a prohibition of fertilizing, the Nishmas Adam 10:1 argues the Rambam includes it when the Rambam Shabbos 8:1 writes "any act which improves the ground is a tolada of Choresh." However, the Eglei Tal Zoreah s"v 22 in the end of the Hagah argues m'zavel is only rabbinically prohibited.

⁴⁶ The Rambam Shabbos 8:1 mentions m'nachesh and the Mishnah Berurah cites this in his introduction to 337.

⁴⁷ The Ohr Zarua 55, citing Pesachim 47b, argues the ground must be fit for growing plants. However, one could negate the citation of Pesachim by claiming it is only referring to Kilayim. The Pnei Yehoshua Shabbos 73b s"v Michdi and the Mishnah Berurah, in his introduction to 337, concur that the ground must be fit for growing plants.

The Yerushalmi Shabbos 7:2 says sweeping is included in Choresh. This approach must say either: 1) this is against the Bavli Shabbos 73b that digging a pit in one's house is only a violation of boneh, 2) sweeping is only a rabbinic prohibition,

3) the Yerushalmi discusses a case where one sweeps outside, or 4) the Yerushalmi discusses a case where the dirt floor is fit for growing plants and the Bavli discusses a case where the dirt floor is not fit for growing plants.

At first glance, Tosafos Shabbos 39a s"v Mipnei, disagrees with this approach above. However, the Maharam s"v B'emta Dibburo V'od argues that Tosafos is only saying that this is a rabbinic prohibition. It is thus possible Tosafos agrees on a Torah level that the ground must be able to grow plants.

⁴⁸ The Meiri, commenting on the Mishnah 73a and the Pnei Yehoshua Shabbos 73b s"v Michdi argue Choresh must be for agricultural purposes. The Shita LaRan, Shabbos s"v Haysa appears to disagree. This position of the Shita LaRan may be supported by the Yerushalmi mentioned in note 9 which includes sweeping in Choresh. However, the possible answers mentioned in note 9 are relevant here as well.

Ohr Zarua, mentioned in Shaar HaTziyun 336:18, holds a middle view that pouring water on fallow ground, even without intentions to plant, violates Choresh if the ground has been designated for plowing.

⁴⁹ The Rambam in Hilchos Shabbos 20:2 appears to say plowing with an animal violates Lo Sa'aseh Kol Melacha Ata U-Behemtecha. Shabbos 153b says one does not receive malkus for this lav. (See the Magid Mishnah there for a different explanation of the Rambam.) The Ramban, in his Chiddushim to Shabbos 154b and his comments on the Rambam's Sefer HaMitzvos, Shoresh 14, argues plowing with an animal is simply plowing using an object. As such, the Ramban believes one who intentionally plows with an animal is liable for stoning. See also the Chazon Ish, Orach Chaim 36 s"v 2.

⁵⁰ Shemiras Shabbos Kehilchasa (new edition) 28:48. See also Chut Shani volume 1 on Hilchos Shabbos, page 74.

⁵¹ Rambam 7:4, 8:3

⁵² Kotzeir 2

⁵³ Shabbos 107b

⁵⁴ Shabbos 48b

kotzeir min haTorah. In contrast, Ramban⁵⁵ insists that *kotzeir* is limited to *gidulei karka*⁵⁶. In fact, he suggests that even Rabbi Yehudah who holds that *dosh* applies to things that don't grow from the ground would agree that *kotzeir* only applies to *gidulei karka*, since the ground is such an integral part of *meleches kotzeir*. Magen Avraham (340:15) also seems to imply that *kotzeir* only applies to things that grow from the ground⁵⁷.

As to what is considered ground, the Mishnah⁵⁸ writes that to pull a flower out of a perforated pot that is on the ground would be an act of *kotzeir d'oraysa* since the flowerpot is viewed as an extension of the earth it is drawing nutrients from. On a rabbinic level it is prohibited to pull a flower out of pot even if it does not have a hole in it. This is codified by Shulchan Aruch 336:7 and Mishnah Brurah 336:42.

Gezeiros of Kotzeir: The Gemara (Beitzah 36b) explains that one may not climb, use or lean most of his weight against a tree on Shabbos or Yom Tov for fear that he may come to break off a branch. Similarly, Chazal prohibited riding an animal on Shabbos for fear that the rider might break a branch off a tree to steer the animal.

Meleches Dosh (Reu Berman)

Generally speaking, the Av Melacha of Dosh refers to a process of removing something that grew from the ground from⁵⁹ its natural unwanted attachment.⁶⁰ According to most Rishonim, the melacha of Dosh was done in the Mishkan by threshing the seeds from their shells so that they could be used for the dyes.⁶¹

The Eglei Tal (Dosh #2:3) notes that there is a dispute amongst the Rishonim whether Dosh is only violated by removing something that is covered by its encasing, as was the case in the mishkan, or that any detachment from something unwanted would be a violation of Dosh.⁶² Seemingly, this question is relevant to whether it is permitted to detach grapes from their vine, and, thus, the Achronim wonder why it is that the Ramo (siman 336:8) rules without question that it is permitted to remove a fruit from a branch that was detached before Shabbos.

The Pri Megadim (introduction to siman 320) explains that the Ramo concludes like those Rishonim who assume Dosh is only violated when it entails removing something usable from a covered p'soles. However, many Achronim are weary of taking this approach. As an alternative, the Eglei Tal (Dosh #11) says that Dosh does not apply when the detachment is being done for immediate use, as threshing is done as a preparation for further processing⁶³. Another explanation is offered by the Shvisas HaShabbos (Introduction to Meleches Dosh, no. 4) quoting the Shem Chodosh who argues that Dosh is only violated when the ochel is extracted by putting pressure on the entire item, which was the way it was done in the Mishkan. Rav Mordechai Willig (Am Mordechai Shabbos siman 21) suggests a fourth approach based on the Aruch Hashulchan (319:20) that Dosh is only violated when working on many items at the same time. Rav Willig notes that according to this explanation one would have to be careful not to pick many grapes at once.

The most common Toldah of Dosh is Mefareik, which includes the prohibition to squeeze the juice out of fruits,⁶⁴ as it also entails removing food from its natural attachment. However, the Gemara (143b) assumes

⁵⁵ Shabbos 107b

⁵⁶ He rejects the proof from the fetus case, claiming that the Gemara sometimes uses the phrase "okeir davar migidulo" with regards to other melachos, in this case: *netilas neshama*. He further asserts that the Bavli disagrees with the Yerushalmi about fish.

⁵⁷ While the Magen Avraham isn't discussing *kotzeir*, he does write that all of the melachos are learned out from the mishkan and since we hold that *dosh* is limited to *gidulei karka*, the others must be as well.

⁵⁸ Shabbos 95a

⁵⁹ The Gemara Shabbos (75a) records a dispute between Rabbi Yehuda and the Chachamim whether the Melacha of Dosh only applies to *gidulei karka*, meaning things that grow in the ground. The Rambam (hilchos Shabbos 8:7) rules like the Chachamim that *mi'd'oraisa* it only applies to *gidulei karka*, and this is the opinion of most of the Rishonim.

⁶⁰ 39 Melachos (Rabbi Ribiat, Vol. 2, pg 317) based on the explanation of Rabbeinu Chananel (Shabbos 74a).

⁶¹ The Eglei Tal (Introduction #1) quotes the opinion of some Rishonim who maintained that Dosh was done in preparation for the bread that was needed in the Mishkan, in which the case the melacha was removing the grain kernels from their chaff and stalk (39 Melachos, *ibid.*, pg. 315).

⁶² This is based the machlokes between Rashi (73b s.v. *mefareik*) and Tosfos (73b s.v. *v'achas*) about how to explain why the Gemara says that one would be in violation of a toldah of Dosh when knocking off a tree.

⁶³ A similar approach is taken by Rav Moshe Feinstein (Igros Moshe O"C vol. 1, siman 125) to explain why the removal of a shell from a nut or a peel from garlic is only a question of Borer and not Dosh.

⁶⁴ There is much discussion in the Gemara and throughout the Rishonim and Achronim about whether milking a cow would

that the Halacha varies depending on what fruit we are discussing. The conclusion is that only squeezing grapes and olives is assur mi'd'oraisa, while for everything else it would depend on whether there are others who would squeeze them for their juices. Rav Zvi Sobolofsky points out⁶⁵ that today we have to assume that everything is squeezed somewhere.

One major difference between Mefareik and its Av is that Dosh is the removal of ochel from p'soles, something unwanted, which is not the case with squeezing juice from fruit. In order to maintain the comparison the squeezing of the juice must be viewed as squeezing liquid from food. Therefore, the Gemara (144b) rules that squeezing juice directly⁶⁶ into food (not drink) is permitted since then it is viewed as removing food from food and is not similar to Dosh where the extract is different than what it is removed from.⁶⁷

Meleches Zoreh (Yosef van Bemmelen)

Zoreh is *winnowing*, which means using air to separate chaff from grain. Zoreh was done in the mishkan when making bread for the lechem hapanim⁶⁸ and is one of the melachos in the sidura dipas category. The most basic example of zoreh would be to throw grain in the air in order to remove chaff, but nowadays this is not very common.

Using the wind to accomplish an action is usually considered *grama*, which is patur, but for Shabbos purposes, zoreh is chayav either because **a**) it is meleches machsheves since he still fulfilled his intention [Rashi] or **b**) that is how it is was done in the mishkan and is thus defined [Rosh].

There are a few limitations on zoreh quoted by different sources. The Minchas Chinuch limits zoreh to when one uses a kli to separate between the good and the bad, if done with one's hands it would be borer. R' Akiva Eiger limits zoreh to gedulei karka, items grown from the earth.

The Yerushalmi says that spitting into the wind is chayiv because of zoreh, which is quoted by the Rama⁶⁹ as chumrah. R' Akiva Eiger⁷⁰ says that this Yerushalmi is against the Bavli since the Bavli implies that zoreh is dependant on separating good from bad, which wouldn't apply to spit, and therefore we don't hold like the Yerushalmi.⁷¹

However, many modern day poskim hold like the Yerushalmi, and say that one should therefore avoid shaking out crumbs into wind and other scattering-related activities. Also, deodorant and other aerosols could be considered zoreh according to this Yerushalmi⁷², but according to R' Moshe they are permitted because the scattering is caused by pressure on the liquid from micro-conduits in the nozzle head and not from air.

Meleches Borer (Jeremy Koolyk)

The Melacha of Borer is sorting or selecting from a mixture in order to separate the useful parts from the non-useful parts of the mixture. In the construction of the Mishkan, Borer was performed as part of the process of manufacturing dyes⁷³; after the dye plants were threshed, any impurities that could not be removed by

also be a violation of Mefareik. See Orchos Shabbos (Chap. 4).

⁶⁵ This and the subsequent references were heard directly by the author from Rav Sobolofsky.

⁶⁶ The Mishna Berura (Sha'ar Ha'tziun Siman 320, no. 23) quotes a machlokes Rishonim regarding squeezing into a plate with the intention of subsequently pouring it into food. The Chazon Ish (O"C 55:6) rules that it is only permitted if it is direct, and Rav Sobolofsky says that this is the opinion of the most of the Poskim.

⁶⁷ Such is the opinion of Shmiras Shabbos k'Hilchiso (chap. 5, seif 4) and Rav Sobolofsky. See, however, Biur Halacha 320:1 s.v. muter

⁶⁸ According to the shitah of R' Hai Gaon (quoted in T'shuvos HaRambam 134) that melachos are also derived from work

done in the mishkan on a daily basis, not just in the original building. According to Rashi, however, the source of zoreh would be something done in the construction of the mishkan, (צריך עיון).

⁶⁹ Shulchan Aruch, 319:17

⁷⁰ 20 שו"ת רע"א (quoted from Ashie Schreier)

⁷¹ R' Akiva Eiger actually explains that this Yerushalmi means that one is chayiv for zorek not zoreh, when spitting into another reshuv.

⁷² Assuming the contents are gedulei karka, which could be debatable. Also, since the Yerushalmi talks about spit it doesn't seem to matter whether or not the item is gedulei karka.

⁷³ Rashi 73a s.v. Haofeh

winnowing, such as rocks and pebbles⁷⁴, were hand-selected⁷⁵ out of the mixture, thus constituting the Melacha of Borer.

The Gemara (74a) cites a cryptic Braisa, which seems self-contradictory: the Braisa first permits selecting from a food mixture and then rules that doing so is forbidden by Torah law. The Gemara suggests five ways to reconcile the Braisa, three of which remain relevant. First, one may select from a food mixture by hand but it is forbidden by Torah law to select using a specialized sorting instrument such as a sieve. Second, one may select from a food mixture as long as one takes the Ochel (food) from the Psoles (non-food) but it is forbidden by Torah law to select the Psoles from the Ochel. Third, one may select from a food mixture for purposes of immediate consumption but selecting and then putting aside for future use is forbidden by Torah law.

Rabbeinu Chananel (74a-b) understands that the three answers of the Gemara do not disagree; in order to avoid Borer one must fulfill all three conditions by separating the Ochel from the Psoles by hand for immediate use. While the halacha follows Rabbeinu Chananel⁷⁶, it is interesting to note that not all rishonim agree. For instance, Rashi 75a s.v. vohatanya holds that as long as a person does the separation immediately before eating it is permitted. Rashi's opinion seems to be that the primary requirement is that one may do an action as part of the process of eating. In any event, Tosfot 75a s.v. vohatanya disagrees with Rashi's approach and seems to require at least that the selection be for immediate consumption as well done with one's hand. Perhaps Tosfot believes it is only permitted to separate foods if it is significantly different from the way that a person would separate for storage.

Melech Tochen (Darren Sultan)

Tochen (grinding) was performed in the mishkan in the process of crushing herbs to make dyes.⁷⁷ The melacha is defined as the constructive reduction of a large singular entity into small parts whereby it serves a new purpose.⁷⁸

Examples include chopping wood into small chips for a fire, shaving down a metal rod to form small strips or dicing vegetables to cook them.⁷⁹ Additionally, an important example for medical purposes is the prohibition of crushing herbs. Based on this issur, there is a gezeira derabanan regarding taking medication on Shabbos lest one come to grind herbs to make medication.⁸⁰

There are a number of significant limitations discussed by the Rishonim and Poskim:

- 1) One cannot use a utensil that is specially designed to chop or mash food into small parts.⁸¹
- 2) Tochen may be restricted to gidulei karka, things that grow from the ground.⁸²
- 3) There may be a heter if one does Tochen for foods that will be eaten subsequently in the meal.⁸³
- 4) It is possible that Tochen does not apply after something has previously been chopped or mashed.⁸⁴

Cutting up vegetables into small pieces in order to cook them and shaving down a metal rod are examples of toldot of Tochen.⁸⁵ Regarding chopping fruits and vegetables that can be eaten raw, there is some discussion amongst the poskim regarding whether Tochen applies. The consensus among the poskim is that one

⁷⁴ Rambam Peirush Hamishnayos 7:2

⁷⁵ Rashi 73a s.v. Haborer

⁷⁶ Shulchan Aruch 317:1

⁷⁷ Rashi Shabbos 73a s.v. HaOfeh. See 39 Melochos (R' Ribiat, vol. 2, Zoreiah footnote 7)

⁷⁸ Rambam Peirush HaMishnayot 7:2

⁷⁹ Rambam Shabbos 8:15

⁸⁰ Gemara 53b and Rashi s.v. Gezeira

⁸¹ Sh"t Rivash 184. See Shemiras Shabbos Kehilchasa (6 no. 9) citing R' Shlomo Zalman Auerbach where he discusses that with a cheese grater there is an issur of uvdin d'chol even if one will eat the grated cheese immediately based on the Rivash. However, one can use a knife and even perhaps a special chopping knife if one will eat the food subsequently in the meal since cutting is not exactly like regular tochein, which is closer to grating or mashing.

⁸² Based on Trumas Hadeshen 56. See Shulchan Aruch 321:9 and commentaries there who explain the heter to cut up meat into small pieces based on this reason.

⁸³ Rama 321:12 from Sh"t HaRashba 4:75. This leniency is used commonly in addition to other leniencies to permit some cases of tochen by foods such as mashing a banana for a baby (see Shemiras Shabbos Kehilchasa Perek 6 for this and other applications; see also footnote 5 above).

⁸⁴ Rama 321:12 poskins this based on a number of rishonim (Yirei'im, Ran and others). Shemiras Shabbos Kehilchasa 6:9 has a chiddush that there is no issur tochen for foods that have been sufficiently softened through cooking (ex. mashing a cooked potato), though some poskim maintain that this is only true where the cooked item was also previously crushed.

⁸⁵ Rambam Shabbos 7:5, 8:15, 21:18

may chop such fruits and vegetables before a meal but preferably in slightly large pieces since this represents no real constructive benefit since one can eat the vegetables either way.⁸⁶

Melech Merakaid (Ashie Schreier)

Miraked is the milachah of sifting. One of the practical issues that come up by miraked is the issue of filtering liquids on shabbos. The rashba (139b) explains that there are 3 levels of liquids. The 1st level is when something is tzalul (clear). This means most people would drink it the way it is and you are straining it to make it better. Therefore, even when using a real strainer it would still be permitted. The 2nd level is where most people try not to drink it that way, but there are people who would. In this case, we allow you to strain it using the handkerchief which serves as some sort of shinuy and this is the case of the mishna. The 3rd level of liquid is where no one would drink this liquid in its current state and when this is the case any straining would be prohibited.

The Gemara in shabbos (138a) discusses the laws of mishamer. Mishamer is the issur of straining on shabbos. The gemara asks what av milachah must one use as a warning when he sees someone violating mishamer. Rabah says mishamer is a law in borer because you are taking ochel from psoles. R' Zeira holds it is a law in miraked because the psoles is on top of the ochel. What are they arguing about? Rashi (138a) explains that everyone agrees that a warning of miraked would work and this is just a debate in whether borer is a good warning. Tosfot (73b) disagrees and says Rabah argues on whether miraked would work as well. If one were to warn from miraked, people would think he is kidding and not take his warning seriously. Many ask on Tosfot, how can Rabah only think borer would be a good warning, what is the difference between mishamer and miraked? The Chidushei Haran in shabbos (137b) explains that miraked is different from mishamer because it only applies by solid foods. The Biur Halachah (319:9) answers that miraked is different because it is something which is a process and does not happen immediately but mishamer happens instantaneously.

The mishna in shabbos (139b) says one may use a handkerchief to strain liquids. In the gemara, Zieri says one may use a real strainer to strain clear liquids, but he may not do so with cloudy liquids. We have to understand what Zieri is adding in the gemara?

The chidushei Haran (139b) thinks that Zieri and the mishna are discussing the same case. When using a handkerchief there would be more of an issue because it could lead to squeezing liquids out of a cloth. However, to strain with a strainer would certainly be permitted. This is true when we are dealing with clear liquids. The rambam (8:14) feels that regardless of what kind of liquid we are dealing with, using a real strainer is always prohibited. Zieri was not discussing a real strainer, he was talking about a handkerchief and he was being stricter than the mishna. A strainer will always be prohibited.

The Shulchan Aruch (319:10) concludes that straining clear liquids in a real strainer would be permitted. This would mean that using a water filter would be allowed provided that we are dealing with clear liquids. The Biur Halachah (319:10) quotes the pri migadim that if one would not want to drink the water without the filter, it may be an issue on shabbos.

If we do not assume like the pri migadim and believe that we determine whether something is drinkable based on whether most people would drink it, there is an additional factor to keep in mind. If we are in a place where drinking the tap water would be prohibited, even though many of the people in the place would drink it, it may still be an issue. Though, in the general case where the water is basically drinkable without filtering, Shemiras Shabbos Kehilchasa (3:56) writes that it is permitted to use a built-in filter or a pitcher with a filter on shabbos.

Melech Losh (David Silber)

Losh was done in the mishkan for the production of dyes. The basic definition of the melacha is the mixture of multiple substances via a liquid agent in order to create a single entity.⁸⁷ There are two major

⁸⁶ Mishna Brurah 321:39, 45 and Shemiras Shabbos Kehilchasa 6:6

⁸⁷ Shabbos 155b

limitations to this general definition. The first of which is the extent to which one must mix the substances together. According to some poskim, the melacha begins as soon as the liquid comes in contact with the flour, even before any mixing is done.⁸⁸ Most poskim however, maintain that the melacha is only technically transgressed once the water and flour are mixed into some sort of solid mass, which would be classified as one entity.⁸⁹ Ultimately, the Mishna Brurah brings down that one should assume like the first, more stringent opinion.⁹⁰

A second area of distinction is within understanding the particular materials being mixed together. The Gemara distinguishes between what is known as a **Bar Gibul** as opposed to a **Lav Bar Gibul**.⁹¹ The basic distinction between the two is that a bar gibul is something which mixes easily upon addition of liquid, such as fine powder, flour, or sand, while a lav bar gibul is something that does not.

However, within the very definition of a lav bar gibul, there is a machlokes as to what its halachic status is. Some suggest that because these substances, such as ash or coarse sand never truly fuse with the substance it is being mixed with even when water is added and kneading is done, it is therefore not subject to the melacha altogether.⁹² Most poskim however, understand that a lav bar gibul is still subject to the melacha of losh, and therefore in certain circumstances may be dealt with in an even more stringent manner than a bar gibul material, for it would be culpable simply upon addition of water, without any kneading, considering that the kneading does not accomplish anything of significance.⁹³

Melechtes Bishul (Yaakov Abramovitz)

Definition: The definition of meleches bishul is the process of altering something with heat. Rashi⁹⁴ writes that bishul occurs when the object is softened, while Rambam⁹⁵ maintains that bishul can be done either by softening or hardening.

Iglei Tal⁹⁶ infers from Rambam⁹⁷ that the Av of bishul is only when the change to the object is permanent (such as baking a cake), but if the change will be undone (such as heating up metal that will eventually cool back down) then it is only a toldah of bishul.

Presence of fire: The Gemara⁹⁸ records a machlokes about cooking in the sun (*bishul b'chama*). Rabbi Yose maintains that one is chayav for cooking in the sun (just like cooking on a fire), while the Chachamim are of the opinion that *bishul b'chama* is patur.

Rashi⁹⁹ explains the opinion of the Chachamim as follows: *bishul b'chama* is patur because it is not the normal way to cook. R' Moshe¹⁰⁰ extrapolates from this Rashi that had *bishul b'chama* been a normal way of cooking, it would be no different from cooking on a fire. In other words, bishul min hatorah can be accomplished even without an actual fire and this is why cooking in a microwave oven is considered bishul d'oraysa (since it is normal to cook in a microwave oven). However, R' Shlomo Zalman¹⁰¹ argues that Rashi meant that, by definition, cooking with anything other than a real fire (such as the sun or a microwave oven) is not bishul min hatorah.

Ein bishul achar bishul: There is a principle in meleches bishul that something that has already been cooked cannot be *halachically* cooked any further (*ein bishul achar bishul*). There is a debate among the Rishonim concerning the point at which a food is considered to be “cooked” in this sense. Rashba¹⁰² maintains that once a food has been cooked to the level of *ma'achal ben derusai*¹⁰³ it cannot be cooked any further.

⁸⁸ Ba'al HaTerumos, cited by Mishna Brurah 324:10

⁸⁹ Rif, Rambam, Rosh, Ramban, and Ran, cited by Shaarei Tzion 321:57

⁹⁰ Mishna Brurah 324:11

⁹¹ Shabbos, ibid

⁹² Rambam (Shabbos 8:16). Nonetheless, the Rambam (Shabbos 21:34) writes that would be a rabbinic concern of appearing as lishah. Mishnah Brurah 321:50 quotes this.

⁹³ Tosfos, Rosh, Rashba, Raavad, and Ran cited by Shaarei Tzion 321:60

⁹⁴ Shabbos 74b s.v. d'mirafei rafi

⁹⁵ Shabbos 9:6

⁹⁶ Bishul 9:6

⁹⁷ Shabbos 9:6

⁹⁸ Shabbos 39a

⁹⁹ Shabbos 39a s.v. d'shari

¹⁰⁰ Vol. 3, Responsa 52

¹⁰¹ Shemiras Shabbos 1 note 12

¹⁰² Shabbos 39a s.v. kol sheba bichamin milifnei hashabbos shorin oso

¹⁰³ There is a further debate among the Rishonim regarding what exactly this degree of “cooked” is. Rashi (Shabbos 20a s.v. ben drusai) writes that it is a third cooked, while Rambam (Shabbos 9:5) holds that it is half cooked. Shulchan Aruch

However, Rambam¹⁰⁴ argues that bishul no longer applies only when the food is completely cooked and further cooking will only worsen the quality of the food (*mitztamek vera lo*). Shulchan Aruch¹⁰⁵ poskens like the Rambam, but the Biur Halacha¹⁰⁶ writes that if the maachal ben drusai food was returned to a covered fire then b'dieved one can rely on the Rashba and eat it.

Melechtes Gozez (Ashie Schreier)

When discussing the laws of gozez (shearing), we are generally dealing with animals, but the Mishna in Shabbos discusses the laws of gozez on people. The mishna says cutting hair or fingernails on shabbos is an issue. There is a dispute amongst the tanaaim whether cutting nails and hair with a shinuy would still be an issue midioraysa or whether it is an issue midirabanan. The gemara brings down two ways to learn this mishna. The first way is to simply say that everyone agrees if the cutting was done in a normal way there is an issue midioraysa and the machlokes is what the status of the issur is when it is done bshinuy. The second way to learn the gemara is that the machlokes applies even when it is done in the normal way. This does not seem to be the maskana of the gemara but it is presented as a possibility.

The rishonim discuss if the machlokes was even when the cutting is done in a normal way, what would the argument be about. Rashi (94b) says the argument is whether gozez can apply on a dioraysa level by people. Maybe real gozez only applies by animals. However Tosfos (94b) disagrees with rashi. He says the chachamim, who would be holding that gozez bikli would be patur, feel this way because they hold like R' Shimon that milachah sheayna tzricha ligufo would be patur.¹⁰⁷ The mishna which said chayav, was only the opinion of R' Yehuda who feels that milachah sheayna tzricha ligufo is chayav. Since we hold like R' Shimon that milachah sheayna tzricha ligufo is patur, it comes out that the mishna which says that cutting nails and hair is chayav is not limaaseh for us. This would mean there are no dioraysa issues of cutting nails and hair on shabbos.

Why would rashi disagree with tosfos? Doesn't he agree that milachah sheayna tzricha ligufo is patur? The ramban in shabbos (106a) explains that cutting hair and nails would really be a milachah shetzricha ligufo. He is improving the state of his body so it is a milachah shetzricha ligufo. The rivash (siman 394) agrees but explains a little differently. He says tosfos is wrong and milachah sheayna tzricha ligufo is not relevant in this discussion here. Milachah sheayna tzricha ligufo is all determined by the mishkan and in the mishkan there was sometimes hair removal to beautify the oros tichashim so this is a milachah shetzricha ligufo.

How do we poskin? The shulchan aruch (340:1) says one who cuts nails on shabbos is chayav. Many ask: how can it be that the shulchan aruch holds chayav if he holds milachah sheayna tzricha ligufo is patur? The magen avraham (340:1) says we must be talking about a case where the guy wants the nails and hair which makes it a milachah shetzricha ligufo and is why the shulchan aruch says chayav. The vilna goan disagrees and says that the shulchan aruch really just feels milachah sheayna tzricha ligufo is chayav. The biur halachah proves from other milachos that this pshat of the gra is not possible. He explains the pshat in the shulchan aruch is that he is holding like the rivash. Only because it is a milachah shetzricha ligufo will it be chayav.

Melechtes Melabain (Eli Lonner)

Melabain was performed in the mishkan in the preparation of the wool that would be used for the curtains. Rashi says that the Av Melocho of Melabain that took place in the mishkan was the removing the wool of its impurities.¹⁰⁸ The Rambam argues that the Av Melocho was the bleaching of the wool. The Rambam still agrees that cleaning wool is prohibited since it falls under the Toldah of Mechabeis, laundering.¹⁰⁹

There are three methods that are considered laundering in Hilchos Shabbos:¹¹⁰ a) Wetting a garment b) scrubbing a garment and c) squeezing a wet garment.

(254:2) poskens like Rambam, but Mishnah Brurah (253:38 and 43) writes that "b'makom ha'dchak" and b'dieved we can rely on Rashi.

¹⁰⁴ Shabbos 9:3

¹⁰⁵ O"C 318:4

¹⁰⁶ S.v afilu bido roseach

¹⁰⁷ This is a milachah sheina tzricha ligufo because you are cutting the nails and hair not for the purpose of the nails and hair.

¹⁰⁸ Shabbos 73a s.v. Hemelabeno

¹⁰⁹ Hilchos Shabbos 9:11

¹¹⁰ The 39 Melachos (p. 693)

Wetting a non-leather garment is Melabain according to the Mishna on Shabbos 142. There are exceptions to this rule as there are various Gemaras that allow one to wet clothes on Shabbos. The Rishonim offer several explanations: wetting is only cleaning if the garment was previously dirty¹¹¹, wetting is not considered cleaning if it is done in a way that soils the garment¹¹², or wetting is only considered cleaning if the individual had intent to clean.¹¹³

Another issue that arises is dusting off a garment.¹¹⁴ Tosfos says that this is only an issue when it comes to wet dirt, while Rashi argues that it even applies to dry dirt.¹¹⁵ While the Gemara says that ruling only applies to new, black, garments whose cleanliness you care about, the Achronim point out that those rules are only a function of how concerned a person is about their clothing¹¹⁶. Therefore, today when most people care about the appearance of their clothing, especially their Shabbos clothing, we must assume that it is prohibited to dust off the clothing.¹¹⁷

There are also several Rabbinic prohibitions that stem out of the fear that one may come to violate Melabain. For example, there is a prohibition against wetting a garment lest you come to squeeze it out (which is an *isur deoraisa*). This prohibition is aside from the Torah prohibition of wetting a garment. Therefore even if one finds himself in a situation in which there is no Torah prohibition to wet a garment (like *derech lichluch*) he must take care that he does not wet the garment to the extent that he is likely to squeeze it out by accident.¹¹⁸

Meleches Menapaitz (I.S.)

The melacha of Menapaitz is violated when combing hairs to prepare them for weaving.¹¹⁹ Based on the Mishna (Shabbos 105b), the Rambam (Shabbos 9:12) writes that the minimum measure to be obligated for violating Menapaitz is 4 tefachim.

There is a long discussion beginning with the gemara and continuing into the rishonim and achronim about combing one's hair on Shabbos. The entire discussion revolves around the melacha of *gozez*, detaching hair, and not about the actual combing. Why is menapaitz not violated when combing one's hair? The *Avnei Nezer* (O.C. 170-1) has two suggestions. First, menapaitz might only be violated when combing wool that is detached from its natural source; however, combing hair that is still attached to the living being is not similar to how combing was done in the *mishkan*. Alternatively, combing is only a violation of menapaitz when it is done to prepare for weaving. Combing hair that is attached to the body is clearly not a preparation for weaving and as such does not violate menapaitz.

A practical application of these two suggestions is combing a *shaitel*. According to the first explanation, there is a question of menapaitz since, after all, the hair of the *shaitel* is detached from its natural source. Yet, according to the second approach, weaving is not relevant to *shaitel* hair, as such hair is not fit to be used for weaving.¹²⁰ *Shemirat Shabbos Kehilchata* 14:52 is lenient to allow combing a *shaitel* with a soft bristle brush.

Meleches Tzoveya (I.S.)

One of the 39 Melachot on Shabbos is *tzoveyah*, dyeing. The primary prohibition is to color a material with dyes, while a *toldah* is to create a liquid dye¹²¹. Since the primary purpose of dyeing is to add color to a material for design purposes in a constructive manner, it is questionable whether dyeing should apply to food. Adding color to food isn't considered an act of dyeing because people don't usually color foods for esthetic value. Additionally, because foods are meant to be eaten, any coloring for food would automatically be

¹¹¹Tosfos Shabbos 111 s.v. Hai but it seems like the Rashbam argues in Tosfot 120 s.v. noten

¹¹²Tosfos Shabbos 111 s.v. Hai

¹¹³Hagahot Maimoniyot Shabbos 22:80

¹¹⁴Gemara Shabbos 147

¹¹⁵s.v. Hana'er Talito

¹¹⁶aleha .Aruch Hashulchan 302:3, Biur Halacha 302:1 s.v.

¹¹⁷The 39 Melachos (p. 709). Rabbi Ribiat quotes Biur Halacha 302:1 s.v. lechush that one may be lenient by light colored garments and brush off the dust with a *shinui*

¹¹⁸Mishna Brurah 302:46. There are examples of cases where you need not worry, for example where you are not bothered if water is absorbed in such a garment, or if there is not too much water.

¹¹⁹Mishna 73a, Rashi s.v. HaMenapso

¹²⁰Rabbi Ribiat (v. 3 p. 735)

¹²¹Rambam (Shabbos 9:13-4)

temporary¹²². However, a case where one's intent is to improve the esthetic appearance of the food, such as adding red wine to white wine for the Pesach Seder, may be an issue of tzoveya.¹²³ Additionally, this could potentially be considered lasting because one wants the wine to stay colored until one drinks it, thereby serving a purpose for as long as it is colored.¹²⁴

Another interesting case that involves dyeing is photosensitive glasses which dim when exposed to sunlight. There is a potential question of dyeing by wearing such glasses in the sun because one is causing the glass material to become dimmed and change color by exposing them to the light. However, it is also possible to argue that the procedure of the glasses dimming due to light exposure is altogether different from the normal process of dyeing. Dyeing means adding an external dye to a material to give a color; in this case, with photosensitive glasses, the glass itself changes colors and no external substance is being added.¹²⁵

Meleches Toveh (I.S.)

The melacha of Toveh is spinning fibers or hairs into a thread to be used for weaving¹²⁶. There is a biblical violation of this melacha whether one spins the thread by hand or one uses a special utensil.¹²⁷

The Rambam¹²⁸ considers pressing raw material into a sheet of cloth in which there are no threads to be a Toldah of Toveh. The Raavad¹²⁹ however, argues that pressing raw materials into a cloth is irrelevant to Toveh and cannot be considered a Toldah. He suggests that it could constitute a Toldah of Boneh though, since one is creating a new entity out of the fibers. The Minchat Chinuch¹³⁰ notes that even though the Rambam holds that pressing fibers into cloth is a Toldah of spinning, it wouldn't necessarily be considered spinning for other areas of halacha, such as shatnez.

Meleches Maisach (I.S.)

Definition: The melacha of meisach is to mount the warp threads on the loom to enable the weft threads to be passed over and under successive warp threads. The warp threads are the long, traditionally placed vertically, threads which are set up to establish the skeleton of the fabric. Once the warp threads are set up, the shorter weft threads, traditionally placed horizontally perpendicular to the warp threads, are passed over and under the warp threads alternatively.¹³¹ It is possible to violate this melacha whether one sets up the warp strings on a simple weaving frame or a sophisticated weaving loom.¹³²

Toldot: A toldah of Meisach is shovet. Shovet is to beat the warp threads already mounted to prevent them from becoming tangled or stuck to one another.¹³³ It seems that the general purpose of shovet is the same as meisach, to arrange the warp threads for weaving.¹³⁴

¹²² The Shibolei HaLeket (Siman 86) quotes the Yereyim as stating that there is no violation of dyeing when adding saffron to food, even though it gives it a color, because it is dissimilar to the way dyeing is normally done. Rabbi Ribiat (39 Melachos p. 750) gives two explanations of this idea. Rav Hershel Schachter (Shabbos Shiur #16 min 55-60) suggests another reason: coloring food before you eat it could be considered part of the process of eating, derech achila. See the Shaar HaTziyun (318:65) who notes some achronim who disagree and the Yabia Omer O.C. 2:20 who defends the idea that there's no tzoveya by food.

¹²³ Nishmat Adam 24:3, Rabbi Ribiat (p. 753).

¹²⁴ Suggestion based on Nishmat Adam 24:3

¹²⁵ Shemirat Shabbos Kehilchita 18 footnote 70 writes that wearing the glasses doesn't constitute tzoveya because the coloring is only temporary and isn't considered as though a person is doing any action by simply wearing them in the sun. Orchos Shabbos 15:96 questions this second reasoning based

on the Gemara Sanhedrin 77a, not considering this to be grama. Rather he permits it for the reason written above. Yalkut Yosef Shabbos 3 p. 377 also permits.

¹²⁶ Rambam Shabbos 9:15, Rabbi Ribiat (v.3, p. 759)

¹²⁷ Chaye Adam (Shabbos 25:1)

¹²⁸ Shabbos 9:15

¹²⁹ Ibid.

¹³⁰ 32:16

¹³¹ Rambam (Shabbos 9:17), Aruch HaShulchan 340:12

¹³² Rabbi Ribiat (p. 764) assumes this because the actions involved both fit the definition of meisach.

¹³³ Rambam (Shabbos 9:18)

¹³⁴ Rashi (Shabbos 75 s.v. shovet). Though, based on Rashi, it is possible to suggest that Rashi assumes shovet is synonymous with meisach, unlike the Rambam who considers it a toldah. See Lechem Mishna 9:16 who suggests that Rashi and Rambam argue how to define meisach.

Meleches Oseh Shtei Batei Nirin (R. Schrier)

The melacha of shtei batei nirin was an essential part of the weaving processes that occurred in the construction of the Mishkan.¹³⁵ The process of oseh shtei batei nirin is not only complicated¹³⁶; the practical definition of the process is subject to a fundamental debate among the rishonim. There are three basic positions taken. Rashi¹³⁷ seems to think that this melacha consists of stringing threads of the woof (the threads attached vertically to a loom) through the heddles of a loom (small holes which enable the weaver to lift every even or odd thread simultaneously so as to make the weaving process more efficient). For Rashi, the mechayev of this melacha would seem to be preparing the loom for the weaving process.¹³⁸

The Rambam¹³⁹ has a different approach. For the Rambam, the creation of the holes (or the batim) through which the strings will be threaded is the definition of oseh shtei batei nirin. This melacha is not performed by threading the fabric through the heddle, but rather through the construction of the heddle itself.¹⁴⁰ While this argument will lead to significant practical ramifications regarding what will constitute a transgression of shtei batei nirin, the conceptual mechayev of the melacha seems to remain constant: the preparation of the loom for the weaving process. For these approaches, any creation of holes that will be used for the weaving process (Rambam) or any setting of strings through these holes (Rashi) will constitute a toldah transgression of shtei batei nirin. See the Rambam's list of toldah cases in Hilchos Shabbos 9:16.

The Meiri's¹⁴¹ interpretation of this melacha drastically differs from the approaches mentioned above. The Meiri believes that this melacha has nothing to do with setting up a loom. Rather, shtei batei nirin is a form of weaving that differs from the conventional method of weaving. The complicated process that the Meiri describes is known as "springing", or "Egyptian Plating"¹⁴². This understanding of shtei batei nirin may shed light on the conceptual nature of meleches oreg as well (unfortunately, there isn't sufficient space to discuss this). It is conceivable that this is a viable interpretation of the Rambam.¹⁴³ If this would be the case, creating any loose weave which contains holes in it (such as a net) could be a toldah transgression of this melacha.

Meleches Oreg (Eli Wiess)

Oreg was utilized in the Mishkan to produce the curtains that were eventually draped over the Mishkan (Mishna Shabbos 73a and Rashi *ibid.* s.v. HaPotzeah), and was accomplished through the repeated threading of horizontal strings (the weft) through vertical strings (the warp) on a loom.

The Rambam (Peirush Hamishnayos Shabbos 7:2) defines this melacha as the chibbur, compilation/assembly, of multiple entities. The concept of chibbur in the melacha of oreg also seems to arise from the Yerushalmi (Shabbos 13:1), which attempts to align R' Eliezer, who holds that one must make three

¹³⁵ Rashi to Shabbos 73a s.v. haPosea explains that the weaving was performed to create the curtains of the Mishkan.

¹³⁶ To properly conceptualize the facts of this case, it may be helpful to view the diagrams in Rabbi Ribiat's 39 Melachos (vol. 3, p. 769) and in Artscroll's Shabbos daf 105a.

¹³⁷ Rashi to Shabbos 105a s.v. batei nirin

¹³⁸ This is the more classic understanding of Rashi (see Tosfos Yom Tov to Shabbos 7:2). However, Rashi's shita may be slightly more complex. On daf 105a, Rashi describes another method through which one can transgress this melachah (s.v. tarti bebatei and s.v. vachat benira). There is not sufficient space to describe this process here. Essentially, it seems that Rashi believes that one can transgress shtei batei nirin by creating the bayit (the heddle or hole) around the thread in contrast to putting the thread through the hole. If this is true, Rashi would seem to think that oseh shtei batei nirin is defined by completing a bayis with a nir drawn through it. The order of this process is irrelevant as long as you end up with a heddle and thread drawn through it, ready for the arigah process.

¹³⁹ Rambam Hilchos Shabbos 9:16

¹⁴⁰ See Lechem Mishnah 9:16 and Tosfos Yom Tov Shabbos 7:2 who explicate this view of the Rambam. The Tosfos Yom Tov points out that the Mishnah's formulation of *oseh* shtei batei nirin implies that this melachah involves creating the batim, not placing the threads through the bayis. (It should be noted that this inference is not in contradiction with our aforementioned interpretation of Rashi. For Rashi, the definition of a beis nir could be a hole with a thread drawn through it. Therefore, creating a beis nir involves both the crafting of the bayis as well as the thread being drawn through it.)

¹⁴¹ Meiri to Shabbos 105a s.v. HaOseh shnei.

¹⁴² See Ma'aseh Oreg (written by Isroel Gukovitzki, London) p. 50 for an in depth description of this process. The finished product looks similar to a chain-link fence.

¹⁴³ See Markeves haMishnah Hilchos Shabbos 9:16. Also, see the Rambam's Peirush haMishnayos Shabbos 7:2 which provides strong support for this approach to the Rambam.

stitches in the beginning of a garment to be chayav for Oreg, with the position of R' Yehuda, who holds that one needs to sew three stitches between two pieces of clothing in order for them to be considered connected for the issur of Kilaim. By making such a comparison, the Yerushalmi seems to suggest that having a chibbur in Oreg is critical for R' Eliezer.

The Rambam's understanding of Oreg seems to be manifest in several other places as well. The Gemara Shabbos on 75b records the position of the Chachamim that if one is "midakdek," he is chayav for Oreg. Several explanations are provided for what midakdek means¹⁴⁴, however Rabeinu Chananel¹⁴⁵ explains that it refers to the process by which one pushes the stitches together after they are woven. This seems to shift the focus of Oreg from the action of weaving itself to the chibbur of the strings. Additionally, the Minchas Chinuch (32:17) quotes the Magen Avos who explains that for all melachos which have a shiur, measurement, listed in the mishna (Shabbos 73a), there is no issur chatzi shiur. For example, one has not violated the prohibition if he or she has only woven one string, part of the shiur. The idea that two strings are fundamental to Oreg suggests that melacha is defined as creating a chibbur.

Perhaps this idea of chibbur relates to another concept, which arises regarding Oreg. The Gemara Shabbos on 105a states that if one sews the lip of a garment, he is chayav even if he sews the length of only three batei nirim, a shiur less than the standard length of m'lo hasit, which one ordinarily must sew in order to be chayav for Oreg. The Gemara explains that this case is analogous to sewing a small belt, which is only three batei nirim in length. The Ritva¹⁴⁶ explains that since we find a begged, the belt, which has a size of only three batei Nirim, sewing this length for the lip of the garment will be sufficient to be a violation of the melacha of Oreg. The Ritva seems to view the melacha of Oreg not just as the action of threading a string through other strings, but rather as the production of clothing. This approach may also limit the scope of materials to which Oreg is applied. Tosofos on Shabbos 94 s.v. v'ki, attempt to explain why braiding one's hair would not be considered Oreg while braiding three strings together would. Their first answer is that something can only be considered Oreg if it is with clothing, and not hair.¹⁴⁷

This further explains the position of Rav Ashi on Shabbos 104b that even the Rabanan, who normally require two strings for a chiyuv of Oreg (Mishna Shabbos 73a), require just one stitch when it is the last stitch in the garment. One way to understand this is that since the whole melacha is defined as producing a begged, when one actually finishes the begged with his stitch, he does not have to do a second stitch to be chayav. Perhaps the Rambam who emphasized the element of *chibbur* agrees with the Ritva because when one combines multiple stitches, he makes a surface area which will constitute a portion of a *begged*.

Meleches Potzeyya (I.S.)

What is potzeyza? Rashi Shabbos 73a s.v. ha'potzeyya explains that it is ripping the threads of a cloth in order to thin them down and then retie them. The Rambam (Shabbos 9:20), however, explains that it is removing the threads from a cloth in order to mend the edge of the cloth. When removing a cloth from the loom, one way to secure the hanging weft threads is to remove some of the long vertical warp threads near the edge, fold over the weft threads or tie the edges of the weft threads together, and then reinsert the warp threads. The Rambam also writes there that a toldah of potzeyya is unraveling a woven cloth in order to reweave it. Perhaps, according to the Rambam, potzeyya is the twin-melacha of oreg, and is only biblically forbidden when done in order to accomplish a constructive oreg afterwards.

The Raavad there wonders how, according to the Rambam's definition of potzeyya, is it any different from ripping, kore'ah. In defense of the Rambam, the Maggid Mishna explains that the Rambam, unlike Rashi, explains potzeyya to mean unwinding or unweaving, and not tearing or breaking apart a material.

¹⁴⁴ See Rashi and Meiri ad loc.

¹⁴⁵ Ad loc.

¹⁴⁶ Ad loc.

¹⁴⁷ More strikingly, the case of the threads appears on Shabbos 64b in the context of being classified as tumas *begged*, the size

needed for a *begged* to become ritually impure. Tosofos's seamless integration of hilchos Tumah with Shabbos further emphasizes Oreg's focus on the *begged*.

In any event, the Raavad explains potzeyya as cutting the hanging weft threads of a cloth after it is removed from the loom. He seems to view potzeyya as relating to a finished cloth and not to individual strings or knots.

Melechos Koshair and Matir (Jonathan Tavin)

Where was it in the Mishkan? Rava¹⁴⁸ says that the trappers of *chilazon* would tie knots in their nets.

Definition: There is an important machlokes Rishonim as to the definition of a knot that would warrant a *chiyuv min hatorah*. According to Rashi¹⁴⁹ and Rosh¹⁵⁰, as long as the knot is intended to stay tied forever or for a long time, one is *chayav min hatorah* for tying it. According to Rambam¹⁵¹ and Rif¹⁵², not only must one intend to keep it tied for a long time to be *chayav min hatorah*, it must also be defined as a *kesher uman*—professional knot, such as a sailor’s or camel-driver’s knot.

There are different opinions as to what constitutes a ‘long time.’ The Kol Bo¹⁵³ says that a knot that is tied for more than one day is called somewhat permanent, and it is *assur* to tie it *lechatchilah*. The Tur and Mordechai¹⁵⁴ say that a knot that is tied for more than seven days is permanent. Rabbeinu Yerucham¹⁵⁵ says that only a knot that is tied for half a year or a year is considered permanent.

There is a *machloket* in the Mishnah¹⁵⁶ if a bow is considered a knot and is forbidden to tie. Rabbi Yehudah says it is the equivalent of a knot, while the Rabbanan argue.

The rules of untying are parallel to the rules for tying. Thus, any not that is permitted to tie is also permitted to untie.¹⁵⁷ According to some opinions, *matir* only applies if you are untying with intention to re-tie a better knot.¹⁵⁸ Others disagree.¹⁵⁹

Melechos Tofair and Koreah (Ariel Schreier)

Where was it in the mishkan? There is a *machlokes* where Tofair was in the mishkan. According to some, sewing was required in the mishkan in order to sew the curtains together.¹⁶⁰ However, the Yerushalmi explains that the curtains were continuous without a seam and therefore did not require sewing. Accordingly, Tofair in the mishkan was not required for creating the curtains, but only for repairing them.¹⁶¹

Definition: Tofair entails the combining of any two separate objects into one single entity, whether by sewing, pinning, gluing or any other means.¹⁶²

Examples: Some examples include taping a torn page and stapling together two sheets of paper.

Hagdarah #1: According to many Poskim, Tofair is only prohibited if the two attached objects are intended to remain there for more than 24 hours.¹⁶³ According to this view, using the tabs on disposable diapers would not be an issue.

Hagdarah #2: It is clear from the Poskim that buttoning is not an issue of Tofair on Shabbos and is permitted in all cases. There are two reasons for this. First, using buttons isn’t a *melacha* if it is being used in its normal manner, *Derech Tashmisho*, and its functional design is to be fastened and unfastened. Also, Tofair only occurs when the combining medium causes them to be unified to the extent that one must “tear” them apart to detach them. However, buttoning does not actually combine two parts into one and does not require tearing to

¹⁴⁸ Conclusion of the Gemara Shabbos 74b

¹⁴⁹ Shabbos 112a s.v. b’dirabanan

¹⁵⁰ Shabbos 15:1

¹⁵¹ Shabbos 10:1

¹⁵² Shabbos 41b

¹⁵³ Cited in Rema 317:1

¹⁵⁴ As cited in Rema 317:1. Tur in 317 says that a knot is only permanent enough to be *chayav chatas* if it is able to be kept forever, but a knot meant to last seven days is *patur aval assur*.

¹⁵⁵ Cited in Beit Yosef 317:1

¹⁵⁶ Shabbos 113a

¹⁵⁷ Mishna 111b, Rambam Shabbos 10:7, Rama 317:1, Mishna Brura 317:7, Chazon Ovadia Shabbos vol. 5: pg 47.

¹⁵⁸ Tosfos Shabbos 73a “Hakoshair”, Biur Halacha 317:1 “Dino”. see 39 Melochos v. 3, p. 786, fn. 2.

¹⁵⁹ Rashi (74b “Shari”), see 39 Melochos, pg. 805.

¹⁶⁰ Rashi Parshas Teruma 26:3

¹⁶¹ Yerushalmi Perek Klal Gadol

¹⁶² Rambam Shabbos 10:9

¹⁶³ Darchay Moshe Simin 340 Sif Katan 2

separate.¹⁶⁴ Many Poskim compare buttons to safety pins and allow it to be used to connect two ends of a garment (at least for temporary use).¹⁶⁵

Separating any two objects that are glued or sewn together is considered an act of tearing, *Koreah*.¹⁶⁶ However, this is only an issue if they were attached with at least some permanence.¹⁶⁷ For example, it's permissible to open an envelope or a booklet that was stapled shut just for transmission by post by removing the staples. However, it's forbidden to remove the staples from two papers that were stapled together permanently.¹⁶⁸

Meleches Tzad (Jonny Drory)

In the mishkan they would trap rams to use their skins for the curtains and the chilazon for its techeles.¹⁶⁹ While Meleches Tzad is very complex, it doesn't appear to have any toldos. There is only one thing prohibited by this melacha-trapping.¹⁷⁰

The basic idea of tzad is to contain a living creature to use it or something from it. Rashi and Rabbenu Chananel on 106a¹⁷¹ indicate that the paradigmatic way to trap an animal is to chase it into a house or some other sufficiently small¹⁷² place and close the door so that the animal can't escape. One is also chayav for simply locking the door when the animal is already inside.¹⁷³ If one grabs an animal that is also Tzad. Interestingly enough, a case when one is not always chayav is setting a trap. Some poskim say one is chayav for setting a trap that will definitely catch something on Shabbos.¹⁷⁴ Others however say one is only chayav if the animal is already entering the trap as he sets it.¹⁷⁵

The mishna says¹⁷⁶ that one is only chayav for trapping an animal that is normally trapped. If so, one would not be chayav, for example, for trapping flies. According to Rashi¹⁷⁷, this petur is only when you are not trapping it to use it or something from it.¹⁷⁸ Most Rishonim however think it is more of a categorical rule, because meleches tzad only applies to certain species.¹⁷⁹

Another limitation is that one is not chayav for trapping an animal that is already trapped; like if it is in an inescapable enclosure. An extension of this is that you are patur if you trap an animal that is immobile or especially slow due to old age or disease. Such an animal is considered to be naturally trapped and contained.¹⁸⁰ One is also patur, and it may even be permitted, to trap a domesticated animal which one knows will come back to his domain at a later time, even if it is currently running around and not trapped.¹⁸¹

The Achronim explain in different contexts why tzad may be different than other melachos. There are different variations of the idea that Tzeida doesn't affect a physical change in the animal, the object of the melacha.¹⁸² Some extend this idea to explaining that unlike other melachos where the melacha is the goal-oriented, here it is the action that is prohibited.¹⁸³ These approaches help explain why we find in various places that one's mindset matters more by Tzad than by other melachos.¹⁸⁴

¹⁶⁴ The 39 Melachos by Rabbi Dovid Ribiat page 815

¹⁶⁵ Igros Moshe Chelek 2 Siman 84

¹⁶⁶ Shulchan Aruch 340:14

¹⁶⁷ Mishna Brura 340:45

¹⁶⁸ Shemirat Shabbos KeHilchata 28:5

¹⁶⁹ See Rashi 73a s.v. Hatzad es hatzvi. See also gemara 75a

¹⁷⁰ Some meforshim try to explain how some ways of trapping, done differently than in the mishkan, are indeed only toldos. See Avnei Nezer O"C Siman 195

¹⁷¹ See also Rambam Hilchos Shabbos 10:19

¹⁷² The house must be small enough so that you can easily grab the animal. See Mishna 106a and Rambam ibid 10:20

¹⁷³ Mishna 106b, Rambam Hilchos Shabbos 10:23

¹⁷⁴ Pri Megadim-Eshel Avraham 317:9 based on Tosfos 17b

¹⁷⁵ Mishna Berura 316:18 from Magen Avraham based on Tos ibid. For more details see *Toras Hamelochos* vol. 5 p. 21-33

¹⁷⁶ 107a and gemara 106b

¹⁷⁷ 107a s.v. sh'lo l'tzorech

¹⁷⁸ See Tosfos Rid on 107b who explains how the rules of melcha sheina tzricha l'gufa apply in this context. Regarding trapping a person see Avnei Nezer O"C 189-22.

¹⁷⁹ Tosfos 107a s.v. Shelo. See Avnei Nezer O"C 189-7 who explains why such a limitation of the melacha exists.

¹⁸⁰ Gemara 106b Shulchan Aruch 316:2

¹⁸¹ Shulchan Aruch 316:12

¹⁸² Avnei Nezer O"C 189:7

¹⁸³ Shiurei Rav Shimon Shkop Kesubos 4:2

¹⁸⁴ See for some examples Rashba 107a based on Yerushalmi and Magid Mishna Shabbos 10:17

Melechesh Shochet (Dani Yaros)

The Mishna (73a) lists ‘shocheit’ (slaughtering) as one of the 39 avos melachos on Shabbos. The Mishna (107a) teaches that one who is chovel or causes a wound in a person or animal has violated a melacha on Shabbos. There are many opinions amongst the rishonim which melacha one who does chovel is liable for. The Rambam (Shabbos 8:7) writes that one who is chovel has violated dosh (threshing), because when a wound is caused, blood is removed from a person’s capillaries, which is similar to the threshing process. In contrast, Tosafos (75a D”H ki) writes that one is liable for shocheit. Tosafos explains that the pasuk states “ki hadam hu hanefesh” that blood is the location of a person’s soul, and one who causes a person to have a wound removes a bit of the soul, which is equivalent to the melacha of shocheit.

The Shulchan Aruch (316:8) does not take a firm stance on whether to rule in accordance with the Rambam or Tosafos, however, the commentaries on Shulchan Aruch appear to hold like Tosafos (see Magen Avraham [316:8] and Mishna Berura [316:29], see also Beis Yosef [316:8] who also appears to side with the opinion of Tosafos).

A common example of a situation where the melacha of shocheit becomes relevant is when doctors wish to draw blood from patients. In situations where the blood is part of the general circulation and is needed by the doctor (to perform a blood test or the like) then serious questions of shocheit do exist, which may prohibit a doctor from drawing blood unless there is pikuach nefesh. In contrast, if either the blood or fluid needed is not part of the general circulation¹⁸⁵, or if a needle must enter a person’s skin but no blood actually needs to be removed for the procedure to be effective, then there may be more room to be lenient to administer such a procedure for a choleh shein bo skana since shocheit wouldn’t apply to such blood¹⁸⁶. All doctors should consult their respective rabbanim for guidance on how to deal with these and similar questions that relate to their field of work.

Melechesh Mafshit (I.S.)

Mafshit is defined as skinning an animal, fish, or bird carcass.¹⁸⁷ In the construction of the Mishkan, part of the process in preparing the hides to be used for the leathers involved skinning the rams and tachash animals.¹⁸⁸

For a number of reasons removing chicken skin from a cooked piece of chicken is permitted and not considered mafshit. Rabbi Ribiat¹⁸⁹ suggests that it should be permitted since the cooking process makes the skin lose its natural adhesion to the flesh making the chicken as though it was already skinned. Alternatively, Or Letzion¹⁹⁰ writes that just as cooking converts the skin into food with respect to the laws of tumah so too regarding the halachos of Shabbos cooking the chicken will cause its skin to be treated as food. Once this is the case, there is no issue with removing the skin from the meat because the chicken once cooked is considered a single entity of food. Lastly, Aruch HaShulchan¹⁹¹ explains that this issue could be solved if one removes the skin immediately before eating so that it can be considered part of the process of eating—derech achila.¹⁹²

¹⁸⁵ The Gemara Ketubot 5b states that there is no issue of Shocheit if the blood is mifkad pakid. Rashi s.v. mifkad explains that blood that is mifkad pakid stays collected in a certain valve and isn’t absorbed into the flesh. The language of “not part of the general circulation” is borrowed from Rav Schachter’s translation of mifkad pakid regarding Tosfos Shabbos 75a s.v. ki.

¹⁸⁶ Even though there is no issue of Shocheit, nonetheless, there is a rabbinic issue of creating a hole (Ketubot 5b,

Shabbos 107a, Rambam Shabbos 23:1). For a choleh shein bo sakana, it may be permitted (S”A 328:17).

¹⁸⁷ Rambam Shabbos 11:5, Aruch HaShulchan 321:26

¹⁸⁸ Rashi Shabbos 73a s.v. hasad, Aruch HaShulchan 321:26

¹⁸⁹ v. 3, p. 899

¹⁹⁰ 2:31:13

¹⁹¹ 321:26

¹⁹² Compare this with the concept of derech achila regarding borer in Gemara Shabbos 74a

Melehes Maabaid (Ari Brandwein)

Me'abeid (tanning) was done in the Mishkan on the skins of the techashim¹⁹³ which were used to make the coverings for the structure of the Mishkan.¹⁹⁴ Me'abeid can be defined as hardening soft things in order to slow down the decaying process.¹⁹⁵

The Rambam¹⁹⁶ writes that one can violate a toldah of Me'abeid by trampling on animal skins in order to harden them or by softening them by pulling the skins with one's hand in order to make the leather uniform in the manner that shoemakers would prepare leather.

A modern example of this toldah would be if one were to soften the stiffness in the leather uppers of a new pair of shoes by bending the leather back and forth in order to make the shoe more comfortable.¹⁹⁷

There is a debate in the Gemarah whether Me'abeid applies to food or not.¹⁹⁸ Rabah bar Rav Hunah holds Me'abeid applies to food and therefore one who salts meat on Shabbos is chayav. Rava, on the other hand, argues that Me'abeid does not apply to foods. The Rambam¹⁹⁹ paskins like Rava that Me'abeid does not apply to foods.

The Gemarah in Shabbos²⁰⁰ quotes a statement of Rav Chizkia in the name of Abaye that it is forbidden to salt radishes on Shabbos. Rashi²⁰¹ explains that this is forbidden because salting these foods makes them hard and thus "tans" them. Tosfos²⁰² seems to adopt the position of rashi and explains that even though Me'abeid does not apply to food, this is only on a torah level. Midirabanan Me'abeid applies to foods. The Rambam²⁰³ explains that the reason for this rabbinic prohibition is that it appears one is pickling food and pickling is assur on Shabbos because it looks like Bishul and this also the opinion of the Shulchan Aruch.²⁰⁴ Rabbi Ribiat²⁰⁵ explains that a heavily salted food acquires the halachik status of a hot solid food (Rosai'ch K'tzli) in many areas of halachah. Similarly, foods soaking in a pickling solution attain (to some degree) the status of M'vushal. Therefore, although the concept of Rosai'ch K'tzli does not truly apply to the laws of Shabbos, Chazal nevertheless prohibited salting foods on Shabbos because salting foods creates a perception that food is being cooked.

An example of this prohibition is that one may not salt a plate of cucumbers, radishes, or other various vegetables.²⁰⁶

Meleches Memachaik (Dubbin Hanon)

Definition: The melacha of memachek is defined as removing the roughness of a surface by smoothing or scraping after tanning. For example, scraping hairs off a piece of leather (Rashi 73a, Rambam Hilchos Shabbos 11:5.) or using sandpaper to smooth wood (Gemara Shabbos 75b, Rambam Shabbos 11:6. Based on the Gemara Shabbos 50a about washing dishes, Rav Soloveitchik quoted in Nefesh harav pg. 168 understood that brushing teeth wasn't memechaik since you are only scraping away the plaque on top of the teeth and not the enamel of the teeth. See article on Brushing Teeth)

In the Mishkan: In the mishkan, memachaik was performed to smooth the ram's hides by removing the hairs as part of the processing of the leather (Yerushalmi Shabbos 7:3, 39 Melachot Rabbi Ribiat 3: pg. 913).

Toladot: One of the primary toladot of this melacha is mimareach-smoothing, not by eliminating part of the surface, but by spreading something over the surface. (Rambam Hilchos Shabbos 11:6, Rashi 146a)

Food: Darchei Moshe 321:3 quotes the opinion of the Mordechai that since Memachaik is part of the tanning process and tanning on a torah level does not apply to food, neither does Memachaik. Midirabanan there is ibud on foods, and this would be true for Memachaik as well. However, in the Shulchan Aruch 321:19, the Rama writes that if the food can be eaten without the smearing it is permissible. He adds that those who are stringent are blessed. Mishna Brura 321:82 says that it is permissible to spread something over a piece of bread. The Biur Halacha s.v. tavo alav bracha adds another reason to be lenient; he says that since you don't intend to

¹⁹³ Rashi Shabbos 73a "Hazard"

¹⁹⁴ Shemos 26:14

¹⁹⁵ Rambam's commentary to mishnayos Shabbos 7:2

¹⁹⁶ Hilchos Shabbos 6:11

¹⁹⁷ The 39 Melochos (Rabbi Ribiat, vol 3, pg 902)

¹⁹⁸ Gemarah Shabbos 75b

¹⁹⁹ Hilchos Shabbos 11:5

²⁰⁰ 108b

²⁰¹ "Ein Molichin Znon ubeitzah"

²⁰² 75b "Ein ibud b'ochlin"

²⁰³ Hilchos Shabbos 22:10

²⁰⁴ Shulchan Aruch 321:3

²⁰⁵ The 39 Melochos (Rabbi Ribiat, vol 3. pg 904)

²⁰⁶ The 39 Melochos (Rabbi Ribiat, vol. 3 pg 905) For a further discussion of the details of this prohibition see Shulchan Aruch Orach Chaim 321:3-4 and the Mishna Brurah there

actually smooth out the substance but just want to cover the empty area it is permissible. The only case in which one would have to be strict is where you are smearing a substance for aesthetic purposes.

If absorbed: Magen Avraham 316:24 writes that memareach only applies when you intend to spread one item on top of another. Accordingly, it doesn't apply if the substance is absorbed. Mishna Brura 316:49 and Aruch Hashulchan 316:32 rule likewise. Chacham Ovadia Yosef (Sh"t Yabea Omer 4:30 about toothpaste and Yechave Daat 2:50 about soap) and Rav Soloveitchik (Nefesh Harav pg. 168) extend this leniency to a case where the substance will be washed away immediately.

Meleches Mesartait (Jonah Steinmetz)

The Gemara Shabbos 75b states that salting and tanning the hides are the same melacha and can't be considered independent melachot. Because of this, the gemara replaces one of them with mesartet in order to account for 39 melachot exactly. What is mesartet? Rashi explains that mesartet means etching lines into hides so that they could be cut to the correct measurement. Mesartet isn't specific to hides and applies to scoring any material in order for it to be cut precisely or written on afterwards. Similarly, the Rambam (Shabbos 11:17) writes that drawing a straight line on a log so that it can be cut evenly is a Toldah of mesartet.

Rabbi Mayer Twersky (Shabbos shiur 26) suggested another approach. Interestingly, the Rambam (Shabbos 7:1) places mesartet right after kotev, writing, and not in the context of preparing hides. It follows that the Rambam (Shabbos 11:17) writes that the minimal amount one would need to violate in order to be obligated a chatat is etching a line long enough to write above it 2 letters, as 2 letters is the minimal size for the melacha of kotev. Additionally, the Rambam Pirush Mishnayot 7:2 writes that mesartet is done in preparation for writing upon hides. It seems that the Rambam understood mesartet to be etching lines into parchment so that you can write neatly, whereas Rashi understood mesartet to be etching lines into hides for them to be cut correctly.

According to Rashi, it is easy to understand where mesartet was used in the construction of the mishkan; when they had to cut the hides to match one another, they would first score them. However, according to the Rambam, there is a question where in the mishkan was the Av melacha of mesartet used. Were the kohanim really so careful about writing down where each beam would be placed, that they would first etch lines before writing? Some suggest that mesartet, according to the Rambam, was used in the construction of the bigdei kehuna as they would need to etch lines into the tzitz and ephod so that the writing upon them would come out straight.²⁰⁷

Meleches Mechataich (Jeremy Perlow)

Mechateich is defined as cutting any item to a specific, desired size.²⁰⁸ In the Mishkan, Mechateich involved cutting animal skins to specific sizes in order to sew them into coverings for the structure of the Mishkan.²⁰⁹

Mechateich applies to all materials. Nonetheless, Mechateich does not apply to foods.²¹⁰ In order to be chayav for Mechateich, one must perform the cutting in the usual manner, so if the cutting typically involves a tool, one will be patur if he performs the cutting with his hand.²¹¹

Thus, one is chayav for tearing off a piece of aluminum foil, plastic wrap, or toilet paper from a long roll to a desired size.²¹² Similarly, one violates this melacha by sharpening a pencil²¹³ or by cutting one's hair or nails to a desired length when using the appropriate tool.²¹⁴ Biting one's nails or cutting them off by hand would only be a violation derabanan.²¹⁵

²⁰⁷ Torat HaMelachot (vol 7, p. 150) quoting from He'ir Yosef

²⁰⁸ Mishna Brurah 322:18

²⁰⁹ 39 Melachos (v. 3, p. 931, 935)

²¹⁰ Mishna Brurah 322:18

²¹¹ Mishna Brurah 322:18

²¹² Mishna Brurah 340:41

²¹³ See Shabbos 75b where it states that one who drags the end of poles on the ground to sharpen them to a desired size is chayav for Mechateich. See also 39 Melachos (p. 935, note 3).

²¹⁴ 39 Melachos (p. 936, note 12). This is also a problem of gozez. The Minchat Chinuch in Musach Ha'Shabbos is quoted there stating that nonetheless Brit Mila is not a problem of Mechateich because the only reason we remove the orla is to fulfill Hashem's commandment.

²¹⁵ See Mishna Brurah 532:1 where he states that biting and cutting one's nails is irregular.

One may tear along the perforated lines of small packets of sugar, salt, ketchup, etc., even though one is cutting to a specific size, because the true purpose of the cutting is to create an opening, and one tears on these lines simply because it makes it easier to open the package. When one cuts along the perforations, he merely intends that the contents from the package should not spill out, not to cut the packet to a particular size.²¹⁶

Melechtes Kotaiv (Daniel Elsan)

The act of writing was used in the Mishkan to identify the position of each of the kerashim (planks). This was accomplished by inscribing a symbol on each keresh.²¹⁷ Alternatively, the act of writing was needed to keep track of money and valuable materials that were being donated for the building of the mishkan.²¹⁸

The prohibition of Kosaiv is to write two letters on Shabbos.²¹⁹ The letters must have some particular meaning. For example, drawing a random line on a paper would not be considered an act of kosaiv, but nevertheless it is forbidden on a rabbinic level.²²⁰ There is a dispute how to classify drawing designs. Rambam considers drawing designs to be a Toldah of kosaiv, whereas Rashi seems to disagree. The halacha is strict for the Rambam.²²¹

A question arises regarding closing a book with letters or words written or printed on the outside of the pages, where by closing the book it would form meaningful letters or words from that action. The Chazon Ish²²² believes that if possible, that book should not be used on Shabbos. However, the Mishna Brurah holds that we can be lenient, but if another book without words on it is accessible, then that one should be used.²²³

Melechtes Mocheik (Yitz Mandel)

Mocheik was done on the beams, kerashim, in the mishkan. The kohanim would put markings on the kerashim in order to know how to match them up properly. Mocheik was necessary when there was a mistake in order to fix the markings.²²⁴ The Gemara²²⁵ tells us that if someone erases one letter and there's room for two letters to be drawn in its place he is chayav²²⁶.

The Rambam²²⁷ writes that a toldah of mocheik would be if one erases a marking, roshem, in order to fix it. The Rosh²²⁸ however quotes a tosefta and explains it as saying saying that the fundamental principle to transgress mocheik is the "machshava for ksiva," for the intent to write, and therefore one would be chayav even for erasing a blur splotch on a page.

There is a famous Chumra brought down by the Rema²²⁹ from the Mordechai²³⁰ to not cut through the letters on a cake because of a potential issue of mocheik. The Dagul Me'revava argues for a few technical reasons²³¹ and the Mishna Brurah is lenient on this issue when the letters are not cut by hand rather just during the eating process. Rav Shlomo Zalman Auerbach is quoted²³² that cutting *between* the letters is okay.²³³

The Pri Megadim raises the suggestion that even though we know that the shiur in order to be chayav for mecheika is two letters still if one were to erase one letter from a sefer that was written in error in order to fix it

²¹⁶ Shmiras Shabbos Ke'hilchata 9:14 note 25, quoting R' Shlomo Zalman Auerbach, and note 16. See also Rabbi Dovid Ribiat "39 Melachos" p. 937, note 16, where both reasons discussed in the above paragraph are brought.

²¹⁷ Shabbos 103b

²¹⁸ Avnei Neizer 199:10

²¹⁹ Rambam Hilchos Shabbos 11:9

²²⁰ 340:24

²²¹ Rambam (Shabbos 11:17) considers Roshem to be a toldah, while Rashi (Shabbos 103 s.v. mishum) explains the opinion of Rabbi Yose differently. Mishna Brurah 340:22 codifies the Rambam.

²²² 61:1

²²³ 340:17, and in the Sha'ar Tzion 340:25

²²⁴ Mishna 103a with elaboration of Rosh (7:9)

²²⁵ 75b

²²⁶ As opposed to if you only write only letter big enough that two letters could fill its place you are patur, the gemara says this is where we see a chumra by mechika that doesn't exist by koseiv.

²²⁷ Shabbos 11:17

²²⁸ Shabbos 7:9

²²⁹ Shulchan Aruch 340:3

²³⁰ Shabbos 369

²³¹ Additionally he makes a chiluk between whether or not the letters are part of the cake itself or put on top.

²³² Shmiras Shabbos Kehilchasa Chap. 9 Ha'arah 51

²³³ He continues to explain that even though we know erasing Shem-Hashem is prohibited, still in our case of the cake it would be permitted because by Shem-Hashem there is a Tzeiruf HaOsios, a halachic unit formed by the combination of the letters, which is not so in our case because here each letter is independent and not part of a whole halachic unit.

you would be chayav for mechika because that erasure is instrumental in order to complete the sefer correctly.²³⁴

The Minchas Chinuch suggests that, according to the Rambam,²³⁵ one who removes a tattoo on Shabbos would be chayav because it is a tikun.²³⁶

Melech Boneh (Eli Muschel)

The melacha of Boneh was done in the Mishkan when they placed the kerashim, the planks that made up the walls, into their sockets.²³⁷ The basic definition of Boneh is creating or assembling any kind of structure. In order to be chayav for Boneh, one need not even build the entire structure; even contributing to the building process can be enough to be chayav. The classic example of the av melacha of Boneh would be the construction of a permanent structure, like a house.²³⁸ The amount of Boneh that one must do to be chayav is a kol shehu, any amount.²³⁹

One of the biggest limitations in the melacha of Boneh is its application to keilim, moveable vessels that are not attached to the ground. *Ein binyan b'keilim* is a concept that appears in several Gemaras²⁴⁰ and is the subject of an enormous machlokes²⁴¹ among the rishonim, achronim, and poskim. Despite the all-encompassing implication of “ein binyan b'keilim,” most rishonim and poskim say that there are situations when one can make a kli and be chayav on a biblical level for Boneh. The general consensus among most rishonim is that Boneh does apply to keilim when one makes a kli in its entirety²⁴² or if one uses strength and craft (*chizuk v'umanus*) in the process of making it.²⁴³

Boneh applies to numerous settings and circumstances. While it is somewhat difficult to identify precise criteria for what constitutes Boneh, the various commentaries offer several explanations.²⁴⁴ There are two basic principles that make up Boneh, based on the two tasks that Boneh accomplished in the Mishkan. The first is the idea of *asiyas ohel*, creating a shelter.²⁴⁵ The other factor is *medabaik chalakim*, joining separate pieces together to form a structure.²⁴⁶ In order to be chayav for the av melacha of Boneh, one must do an action that involves both of these aspects. For example, building a house involves creating a roof with walls (shelter) and combining separate parts to form a structure. Therefore, building a house violates the av melacha of Boneh. Doing an action that has only one aspect would be a toldah. For instance, making cheese on Shabbos is a violation of Boneh, as it involves combining pieces together to create a new object.²⁴⁷ Pitching a tent, even if it does not require assembly, would be *asiyas ohel* and a toldah of Boneh.²⁴⁸

²³⁴ Mishbesos Zahav 340:1 based on a Yerushalmi and a Rambam.

²³⁵ That you are chayav when it is on condition to be constructive.

²³⁶ Moseich HaShabbos: Mocheik, Os 4

²³⁷ Yerushalmi Shabbos, 7th and 12th Perek

²³⁸ Rav Eli Baruch Shulman (The Raivesh) highlighted a Rashi in Beitzah, 11b (s.v. d'ein binyan b'keilim) that says the reason that there is no binyan by keilim (according to Beis Hillel) is because Boneh applies only to binyan batim.

²³⁹ Mishnah, Shabbos 102b. The Gemara says this is learned from the Mishkan where they would fill up wormholes in the kerashim with melted lead.

²⁴⁰ Shabbos 102b, 122b and Beitzah 11b are some examples

²⁴¹ It is well beyond the scope of this forum to discuss the magnitude of this topic. For further reading, the sefer Binyan Shabbos (Part 1) dedicates several chapters to this topic.

²⁴² Chiddushei HaRamban, Shabbos 102b, s.v. Rav Amar.

Also see Tosfos, Shabbos 74b, s.v. Chavisa

²⁴³ Tosfos, Shabbos 102b, s.v. Hai. It should be noted that Rashi (Shabbos 47a, s.v. Chayav Chatas; Beitzah 11B, s.v. d'ein) seems to be of the opinion that there is no concept of binyan b'keilim at all. However, Rashi says (Shabbos, ibid.) that there are cases, like making a kli in its entirety, when one would be chayav for makeh b'patish.

²⁴⁴ While several approaches are available, we have chosen the approach taken by the Even Haezel (Shabbos, 10:17) explaining the Rambam. This is a well-known and accepted approach (Rabbi Ribiat follows this as well) and it works well with the various Gemaras and piskei haRambam.

²⁴⁵ In the Mishkan this was done through the building of the roof (yerrios) and the walls (kerashim).

²⁴⁶ In the Mishkan, this was done when the kerashim were connected and placed in their sockets.

²⁴⁷ Rambam, Hilchos Shabbos, 7:6.

²⁴⁸ Rambam, Hilchos Shabbos, 10:13

Melechtes Sosair (Isaac Kleinman)

In the desert, when Hashem said to move to a new camp, the Jews had to dismantle the mishkan in order to transport it to the new camp. If one destroys something *shelo al menas livnos*, he has not performed the melacha of *sosair* but has performed *mekalkel*. Performing a destructive melacha is usually considered *Mekalkel*, which is forbidden mi'derabanan, unless one does it in order to rebuild.

In Shabbos 31b, R' Yehuda says that in order to be culpable for *sosair* it must be a destruction in order to rebuild, *sosair al menas livnos*. R' Yossi holds like R' Yehudah, but requires the additional specification of *al menas livnos bimkomo*, that the construction be done in order to rebuild in the same place where one destroyed previously.

The gemara questions this interpretation of R' Yossi: How could he require *al menas livnos bimkomo* when the Jews in the desert took the mishkan apart to specifically build it in a different place! The gemara answers that since Hashem dictated where the Jews should camp, "al pi Hashem yachanu," the *sosair* was considered *al menas livnos bimkomo*. R' Moshe explains that since *sosair* is a destructive melacha, even if one plans to use the bricks from the destroyed building or has true *kavana* to rebuild in that place, it does not fulfill *al menas livnos*, and he will be *patur*. To be *chayav*, it must be clearly recognizable from the actual *melacha* that he is planning to build. Without this, the eventual *tikkun* is not sufficient to convert the melacha from a *killkul* to a *melacha*. R' Yossi holds that the only way for it to be evident from your actions that your intent is constructive is if you are going to use the cleared area to rebuild something in that same place.

R' Moshe adds that we can now understand the gemara's answer of "al pi Hashem yachanu" as well. The questioner thought that perhaps Hashem first commanded the Jews to dismantle the mishkan and only later commanded them to build it in the new place. The gemara answers that within every command to dismantle the mishkan was a built-in command to rebuild it in the new place. The Jews' action of *sosair*, therefore, contained a clear *al menas livnos*.

Melechtes Makeh BePatish (Russell Spiewak)

According to most Rishonim, the Av Melacha of Makeh BiPatish is violated when doing the finishing act on a keili. Rav Shulman²⁴⁹ explains that Rashi²⁵⁰ defines this as the act which shows that the keili is done, and Tosfos²⁵¹ say that this is the last act on the keili itself. According to the Rambam²⁵², however, that is a Toldah of Makeh BiPatish; the Av is doing any *Maase Uman*, which is a professional act.²⁵³

More generally, the ideas of Makeh BiPatish are creating something useful and perfecting a keili²⁵⁴. Therefore, according to some rishonim, Makeh BiPatish is limited to keilim on which no other melacha was done before, or the final act after other melachos were done before.²⁵⁵ An act that is irreversible may also be Makeh BiPatish, even before the keili is finished.²⁵⁶ Also, finishing something may not be considered Makeh BiPatish if it involves a process, not just a single direct act.²⁵⁷

Additionally, it might only be the Av melacha of Makeh BiPatish if the *tikun* would be a recognizable improvement and not just a *tikun* from a halachic perspective. For example, purifying a keili that is *tameh* is not the Av because the purification is only a halachic *tikun*.²⁵⁸ Finally, a loosely assembled keili that came apart can be reassembled, as long as it's not considered broken in its disassembled state, as nothing new is being created.²⁵⁹

²⁴⁹ Shiurim on Shabbos, August-October, 2014 on YUTorah.org.

²⁵⁰ Shabbos 102b s.v. mipnei shehu k'misaken melacha, Shabbos 73a s.v. makeh bipatish, Shabbos 47a s.v. chayav chatas

²⁵¹ Shabbos 102b s.v. makeh bipatish

²⁵² Shabbos 10:16

²⁵³ See Rav Issur Zalman Meltzer (Even HaEzel Shabbos 10:16)

²⁵⁴ See Rav Dovid Ribiat (v. 4, p. 1112), Rav Shulman (Shiurim ibid.)

²⁵⁵ See Yireim (qtd. in Hagahos Shenimtziu b'Mordechai, perek haBoneh), Mirkeves Hamishnah (Shabbos 10:14), Kehilas Yaakov (Mahadura Chadasha, Shabbos 41), and Gra (Shnos Eliyahu Shabbos 12:1 s.v. Hakodeach kol shehu chayav) for a more complete discussion of the issues.

²⁵⁶ See Igros Moshe 1:122:2

²⁵⁷ See Rashi as explained by Rav Dovid Ribiat (v. 4, p. 1121, note 30a), Rav Shulman (Shiurim ibid.)

²⁵⁸ See Minchas Chinuch (32:27)

²⁵⁹ See Rav Dovid Ribiat (v.4, p. 1127-8)

Some interesting examples of Makeh BiPatish include bending a pair of eyeglasses back into shape, pulling apart two connected plastic utensils left uncut by the factory, putting new shoelaces into shoes, and fashioning a hook from a wire hanger.²⁶⁰

Some typical pturim from Makeh BiPatish are *derech tashmisho* (using things in the way that they are commonly used; adjusting an object as part of its regular mode of use cannot be seen as creating a new object), restoring an item that has not become unusable and lost its original identity, and an improvement that is clearly only temporary.²⁶¹

Some gzeiros Dirabanan include playing musical instruments (lest they break and you fix them), clapping or dancing (lest you come to play and break musical instruments), and toveling keilim (because it makes them permitted to use).²⁶²

Melechos Mechabeh and Mavir (David Drory)

The melacha of mechabeh is to extinguish a flame. According to Rabbi Shimon who holds that melacha sheina tzaricha le'gufa is only a rabbinic prohibition, extinguishing a flame is only a biblical violation if one intends to use the charred wick or ashes.²⁶³

The melacha of mavir is to light a flame. Mavir was performed in the Mishkan when lighting a fire under a vat of spices in order to cook them in the preparation of dyes used for the cloth structures of the Mishkan.²⁶⁴ Alternatively, it may have been done in the process of refining and smelting metal.²⁶⁵ Mavir is violated by both creating a fire anew and for fueling an existing fire. Therefore, adding wood or oil to a fire, tilting a candle, and blowing on a flame all may be considered Torah prohibitions of Mavir.²⁶⁶ One is only obligated for Mavir if it is done in a productive fashion, even though it is essentially a destructive act of the item being burnt. The Gemara provides the case of burning wood for the produced ash, but the Poskim extend the cases of obligation to any productive use of the fire including using it for light, heat, or other purposes.²⁶⁷

Mavir is the only melacha mentioned explicitly in Torah.²⁶⁸ Practically, this has no difference for the nature of this specific Melacha, but rather teaches laws about malachos in general.²⁶⁹ However, because this pasuk is also related to the killings of beis din on Shabbos, we consequently learn that Mavir is violated in the process of the halachik punishment of *sreifa*. During *sreifa*, the perpetrator is not actually burnt, and the violation of mavir actually occurs by lighting the fire under the lead to be poured down the perpetrators throat.²⁷⁰ While lead melts under intense heats, other metals glow and become very hot. It is a machlokes Rishonim of you are chayav for Mavir in such a situation.²⁷¹ This is very relevant practically as in electrical devices, specifically incandescent light bulbs, pieces of metal become very hot and glow in this fashion.

There is a debate in the Achronim about the essence of mavir. The Shulchan Aruch HaRav explains that the chiyuv extends from having the fire, not the burning or destruction of the item lit.²⁷² The Avnei Nezer²⁷³ argues that the chiyuv stems from the combustion of the burnt item, which explains the necessity of burning wood for the ash to be chayav. A possible Nafka Mina might be by incandescent light bulbs, if the metal strips burn but are not consumed. Rabbi Ribiat argues that even still you may violate the Torah prohibition of Mavir because the metal strip does eventually break because of use, which is no less than its immediate

²⁶⁰ Rav Dovid Ribiat (v. 4, p. 1111-6)

²⁶¹ Rav Dovid Ribiat (v. 4, p. 1131)

²⁶² Rav Dovid Ribiat (v. 4, p. 1159-62)

²⁶³ Rashi Shabbos 30a s.v. Shma

²⁶⁴ See Mishna 73a and Rashi there, s.v. Mechabeh UMavir.

²⁶⁵ See Tosfos 94a s.v. R. Shimon, 39 Melachos, Rabbi Ribiat page 1195, footnote 1. See Rambam 12:1 who considers this a Toldah of Mavir, but not an Av.

²⁶⁶ See Gemara Krisos 20a, Beitzah 22a, Shabbos 120b about opening a door for the wind to enhance a torch or flame. This idea is also established in the prohibitions of tilting a candle and stoking coals of an existing fire.

²⁶⁷ See Gemara Shabbos 106a, Rashi, Tosfos and other Rishonim there. Rambam Paskins like R. Yehudah that even mavir requires a tikkun, but includes other tikkunim in 12:1.

²⁶⁸ See Shmos 35

²⁶⁹ See Gemara Shabbos

²⁷⁰ See Sanhedrin 51a which teaches that the sedukim killed by burning the perpetrator. See Maor Hakatan 106a who maintains the violation of Mavir is the "burning" of the perpetrator even in Rabbinic *sreifa*.

²⁷¹ See Rambam 12:2 about extinguishing a "burning" piece of metal, Raavad there.

²⁷² See Kuntras Acharon, Siman 495. Based on Gemara in Krisos 20a.

²⁷³ Siman 138

consumption.²⁷⁴ In any event, almost all poskim agree that electricity and light bulbs are still prohibited under other Torah or Rabbinic restrictions.

Meleches Hotzah (Ezra Zanger)

The first Mishna in Maseches Shabbos explains that there is an *issur deoraisa* for a person to take an object from a *reshus hayachid* on Shabbos and place the object into a *reshus harabim* or vice versa. One who does so has violated Hotzah. There is also a rabbinic prohibition to do half of the *melacha*, by either picking up the object (*akira*) in order to transfer it or to place it down (*hanacha*) after it has been transferred. The Gemara (Shabbos 4a) indicates that *akira* and *hanacha* are only prohibited if the object is placed or removed from a platform of four by four *tefachim*. Interestingly, the Gemara (5a) states that a person's hand is treated as if it is four by four *tefachim*.

The source of Meleches Hotzah is a major *machlokes Rishonim*. Rashi²⁷⁵ states that the source for Hotzah is “*Vayichale ha'am me'havee*” (Shemot 36:6) in which Moshe Rabbeinu commands Klal Yisroel to stop bringing donations for the Mishkan. However, the Ri²⁷⁶ states that the source for Hotzah is “*Al yatzay ish mimkomo*” (Shemot 16:29) which states that one may not leave one's domain while carrying. It is imperative to point out that while most *melachos* are learned from the construction of the *mishkan*, Hotzah requires *pesukim* be established as a *melacha*. Tosfot and Ramban on 2a both address this inconsistency and explain that since Meleches Hotzah is inferior, or *garuah*, in nature²⁷⁷ it requires *pesukim* to clarify that it still is considered one of the 39 *melachos* and was also done in the Mishkan.²⁷⁸ This concept of *Melacha Garua* has a considerable amount of practical applications.

For instance, the Chayei Adam (Shabbos 9:11) states that an object that has been illicitly carried on Shabbos may still be used, in contrast to other *melachot* which, when violated, taint the object with a rabbinical prohibition preventing one from using the object. Furthermore, some *rishonim* understand that the reason the Talmud says that *eiruv* is not required on Yom Tov is because Hotzah falls short of the status of a complete *melakhah*.²⁷⁹

The fact that Hotzah is a *Melacha Garua* has ramifications also on the source of the *toldos*. Usually, the *toldos* of a *melacha* merely consist of actions resembling the *avos* logically. However, some *Rishonim*²⁸⁰ learn that the *toldos* of Hotzah must be both similar in *svara* to the *avos* from which they are derived and practiced in the *mishkan*—a characteristic not found in any other *melacha*. The *toldos* of Hotzah are *haavara* (carrying *daled amos* in *reshus harabim*), throwing an item from *reshus hayachid* to *reshus harabim* and vice versa, throwing an item four *amos* in *reshus harabim*, and *hoshata* (transferring a *chefetz* from *reshus hayachid* to an adjacent *reshus hayachid* through a *makom ptur*).²⁸¹ It is a discussion amongst the *Rishonim* whether *hachnasa*, transferring something from a *reshus harabim* to a *reshus hayachid*, is an *av* or a *toldah*.²⁸²

The *derabbanan* prohibitions of Hotzah include doing an *akira* without a *hanacha* (3a), a *hanacha* without an *akira* (3a), and Hotzah from *reshus hayachid/reshus harabim* to a *karmelis* (3b).

Halachos of Shabbos

Amirah Lenocho (Ike Sultan)

1. A non-Jewish day-worker may not do any *melacha* on Shabbos on a Jew's behalf.²⁸³

²⁷⁴ 39 Melachos (v. 4, p. 1198)

²⁷⁵ Mishna 2a

²⁷⁶ Eruvin 17b, Shabbos 2a

²⁷⁷ See their respective explanations what exactly the deficiency is, see also Ohr Zarua's *siman* 82

²⁷⁸ See Tos 96b

²⁷⁹ See also *Afikei Yam*, II, 4:8.

²⁸⁰ See Tos 96b

²⁸¹ Listed in the first Mishna in *Perek Hazorek* (96a)

²⁸² See Ramban 2b, Rambam Hil Shabbos

²⁸³ The Mishnah (Shabbos 17b) writes that Beit Hillel permitted leaving clothes at a non-Jewish cleaner before Shabbos. Tosfos 19a s.v. *Ela* adds that it is permitted only if one stipulated a price with the non-Jew. The Rashba (Shabbos 19a s.v. *Ha*) explains that if a price is fixed, the non-Jewish worker is considered a contractor, hired for a specific job. If the non-Jew is a contractor, he is working at his own

2. Some say that a live-in maid who has time off each week and doesn't have to work on Shabbos is considered like a contractor and may do melacha for a Jew on Shabbos.²⁸⁴ However, if she works in the Jewish employer's house, she may not do melacha except in her room. Some say that she may do activities that are part of her regular routine.²⁸⁵
3. Additionally, Jews may not benefit from the non-Jew's work on Shabbos and the non-Jew may not do activities that degrade the sanctity of Shabbos.²⁸⁶

Bishul (Dani Caplan and Zachary Green)

A *Kli Sheini* is defined as any utensil into which food from a *Kli Rishon* was poured. The Mishna on Shabbos 42a states that while one may not place spices into a *Kli Rishon*, there is no prohibition of doing so into a *Kli Sheini*. The Gemarah on Shabbos 40b²⁸⁷ explains that this *heter* (Allowance) is based on the assumption that a *Kli Sheini* does not have the ability to fully cook an item placed inside of it.²⁸⁸

convenience, whereas a non-Jewish day-worker is considered like the agent of the Jew.

The Rambam (Shabbos 6:12) writes that if one hires a non-Jewish worker to perform a particular task for an extended period of time, it as if one stipulated a price for a particular job as long as the Jew isn't particular about which days the non-Jew works. The Raavad, however, considers such a worker to be a day-worker.

While the Beit Yosef 244:5 and Rama 244:5 rule like the Rambam, they clarify that it is permitted only if the worker is told to do one particular task, but not if he is hired to do every task that the employer wants. The Magen Avraham 244:16 explains that if the non-Jew is hired for every task, it is almost certain that the Jew benefits from the non-Jew working on Shabbos as it is likely he will be needed for another task after Shabbos. Thus, Mishna Brurah 244:30 writes that one should protest against those who have maids that do work on Shabbos, because the maid is hired to do all the tasks that the employer chooses. See, however, the Mor Uketziah 244:5 who dismisses the Beit Yosef's distinction, insisting that as long as the Jew isn't particular when the non-Jew works, it should be permitted.

²⁸⁴ Rabbi Simcha Bunim Cohen (The Sanctity of Shabbos p. 91, n. 12) quotes Rav Moshe Feinstein, Rav Shlomo Zalman Auerbach, and Rav Chaim Pinchas Sheinberg as saying that maids were considered day-workers in the Mishna Brurah's day because they could be called upon to work at any time. Nowadays, maids work regular hours and take off some days each week. These Poskim explain that if they do some work on Shabbos, it is simply for their convenience - in order to have free time another day of the week. Thus, today's live-in maids are considered like contractors and not day-workers. Rav Cohen clarifies (p. 98-9) that this does not apply to a cleaning lady or part-time help who is hired for a fixed number of hours on Shabbos. In such a case, the maid is like a day-worker and may be hired only to do activities that a Jew could do himself on Shabbos. The 39 Melachos (v. 1, p. 82) agrees.

²⁸⁵ The Yerushalmi (Shabbos 1:8) states that it is permitted to hire non-Jewish contractors as long as they don't do the work in the Jew's house. Based on the Yerushalmi, the Rashba (ibid.) limits Beit Hillel's permission to leave clothes at a non-Jewish cleaner to a case where the work is not done in the

Jewish employer's home. Mishna Brurah 252:17 explains that if it is done in the employer's home, it appears as though the Jew commanded the non-Jew to work on Shabbos. S"A 252:2 codifies the Rashba as halacha. Shemirat Shabbos Kehilchata 30:35 writes that work that a non-Jewish maid does in her own room is considered as though it was not done in the house of the Jew.

Rabbi Simcha Bunim Cohen (ibid.) quotes Rav Moshe Feinstein as ruling that the issue of having a non-Jewish contractor work in the Jew's home applies only to irregular activities, since it appears as if one commanded the non-Jew to do those activities on Shabbos. There is no concern, however, that a Jew instructed the non-Jew to do activities that are part of his daily routine. Rav Hershel Schachter (oral communication) finds this leniency difficult to accept.

The Rosh (Shabbos 16:12) writes that one need not protest if on his own volition, a non-Jew infrequently does melacha for a Jew. However, it is forbidden to let the non-Jew consistently do melacha for a Jew without being instructed, because this constitutes a deceit (Haaramah). S"A 325:13 agrees. Thus, Rabbi Mordechai Willig ("Amira L'Nachri" min 10-12) rules that it is incorrect for shuls to have custodians to turn lights on and off every Shabbos, even if this is done without any explicit command.

²⁸⁶ Rabbi Simcha Bunim Cohen (ibid. p. 87-93) writes that even if a live-in maid is a contractor, the Jew may not benefit from melacha that is done on Shabbos, and the maid may not do anything that degrades the sanctity of Shabbos, such as vacuuming (See Rama 252:5).

²⁸⁷ The Gemarah relates that when the Amora Rav Avdimai wished to heat up his flask of oil, he was advised to place it into a *Kli Sheini* in order to avoid the problem of *Bishul*.

²⁸⁸ There is a discussion among the Rishonim as to the exact reason for this *heter*. Tosfos on 40b writes that since a *Kli Rishon* was originally placed directly on top of the fire, its wall will remain heated for an extended period of time. However, since a *Kli Sheini* was never positioned on top of the flame, its wall will not retain this same level of heat and will cool off at a much quicker pace. According to this logic, the *heter* of a *Kli Sheini* would apply even if the contents inside the *Kli* are still at a level of *yad soledes bo* because the walls of the vessel are already in the process of cooling down.

Although in general we say that a *Kli Sheini* is unable to cook, there are certain instances in which cooking in a *Kli Sheini* would in fact be prohibited. The poskim discuss three main issues which may arise when cooking in such a fashion:

A) **Kalei Bishul**- The Mishna on Shabbos 145b explains that, although it is forbidden to place uncooked foods into a *Kli Rishon* on Shabbos, one would be permitted to pour hot water onto these foods from a *Kli Sheini*²⁸⁹. However, the Mishna goes on to explain that there are certain types of fish for which even pouring would be considered a legitimate act of *Bishul* as they are more “easily cooked” and therefore considered to be within the category of *Kalei Bishul*. Since the Mishna writes that even pouring from a *Kli Sheini* would be *assur*, we can derive that placing these types of foods directly into a *Kli Sheini* would be forbidden as well.

There is a disagreement amongst the *poskim* as to which types of foods fall into this category of *Kalei Bishul*. The Mishna Brurah (Be’ur Halacha Siman 318 S”K 4) writes that any food which the Gemarah does **not explicitly** leave out of the category of *Kalei Bishul* would be forbidden to be placed into a *Kli Sheini*. However, the Chazon Ish (Siman 52 S”K 19) limits the category of *Kalei Bishul*. He explains that the **only** additional items which would be considered *Kalei Bishul* are those which appear to be easily cooked such as bread, tea leaves or eggs²⁹⁰.

B) **Mechzei Kemevashel**- One violates an *Issur Derabanan* if he or she places uncooked food into a *Kli Sheini* when it appears as if it is an act of cooking. However, one may place an item into a *Kli Sheini* for the sole purpose of enhancing the taste of its contents.²⁹¹ Although the Shulchan Aruch and Rama leave out the rule of *Mechzei Kemevashel*, the Mishna Brurah (Siman 318 S”K 34) quotes it as the accepted halacha.

C) **Yad Nichveis Bo**- Some (including the Chazon Ish) are *machmir* and forbid placing foods into a *Kli Sheini* which is considered to be at the level of *Yad Nichveis Bo*.²⁹² The Yad Yehuda explains that something is considered to have reached the level of *Yad Nichveis Bo* if one’s hand would be burned immediately upon contact with the contents within the pot. According to this principle, even foods which do not fall under *Kalei Bishul* or *Mechzei Kemevashel* (ex: water, oil or spices) might be problematic if placed into such a *Kli Sheini*. Though, this *chumrah* is not universally accepted, and the Mishna Brurah (Siman 318 S”K 39), among others, would not worry about *Yad Nichvis Bo*.

Preparing Coffee, Tea and Hot Cocoa – If one wishes to prepare instant coffee, tea or hot cocoa, he or she should do it in the following manner: Hot water should first be poured from the *Kli Rishon* into a dry *Kli Sheini*. After doing so, one is able to add coffee, cocoa, sugar and pasteurized milk into the hot liquid²⁹³. Using tea bags however, is more problematic because most *poskim* view the leaves as an extreme form of *Kalei Bishul*. Therefore, many contemporary Halacha authorities forbid the use of tea bags in any form on Shabbos.²⁹⁴ Instead, one should prepare tea essence before Shabbos by pouring hot water over the leaves and allowing them to sit in the water. If this mixture is kept hot during Shabbos (through the use of a blech), one should pour the essence into a glass and then add water to dilute the mixture. However, if the essence is cold, one should first pour hot water into a *Kli Sheini* and then add the essence directly into the hot water.

²⁸⁹ Rashi explains that this act of pouring is not considered *Bishul* and would therefore be permissible even if done on Shabbos itself.

²⁹⁰ The Mishnah Brurah and the Chazon Ish also argue on the laws of placing *Kalei Bishul* items into a *Kli Shlishi*. The Mishnah Brurah 318:47 quotes that there would be no issue of placing food into a *Kli Shlishi* even if it is considered to be easily cooked. The Chazon Ish 52:19, however, rules that there is no real difference between a *Kli Sheini* and *Kli Shlishi*, so all of the prohibitions by a *Kli Sheini* would similarly apply to a *Kli Shlishi*.

²⁹¹ The Mishnah writes on 42a that one is allowed to place spices into a *Kli Sheini* even though it appears as if the spices are cooking. The Mishnah Brurah 318:34 explains that since

the spices are clearly being used to enhance the taste of the food, there is no issue of *Mechzei Kemevashel*.

²⁹² The Gemarah on 42a writes that it is forbidden to pour cold water into a large tub filled with hot water even though it is a *kli sheini*. The various Rishonim explain that since a tub is normally used for washing, its contents are significantly hotter than water used for drinking.

²⁹³ Rav Moshe Feinstein (Igros Moshe O.C. 4:7) writes that some are stringent to first place the coffee into a *kli sheini* before adding the coffee as to avoid the potential problems of *Kalei Bishul*

²⁹⁴ Rav Moshe Feinstein (Igros Moshe O.C. 4) allows the use of tea bags placed in a *Kli Shlishi*.

Lemon in Tea- There is an argument amongst *Poskim* regarding placing a piece of lemon into tea which is a *Kli Sheini*. The Mishna Brurah 318:42 and Magen Avraham say that this would be prohibited since they worry that anything that can cook easily could be considered *Kalei Bishul*. The Chazon Ish does not consider this a problem since he does not suspect every food of being categorized as *Kalei Bishul*.

Uncooked Water- One would be allowed to add uncooked water into a *Kli Sheini* filled with boiling water since it does not appear to be for cooking purposes as it mixes with the boiling water. Therefore, it would not qualify as *Mechzei Kemevashel*.

While the Chazon Ish is lenient in regards to categorizing something as *Kalei Bishul*, he is stringent in regards to *Yad Nichvis Bo*. He says that, since it is difficult to properly differentiate between the heat levels of *Yad Soledes Bo* and *Yad Nichvis Bo*, one should not place an uncooked item into a *Kli Sheini* even though it would be allowed at the level of *Yad Soledes Bo*. The Mishna Brurah 318:39, on the other hand, does not worry about *Yad Nichvis Bo*, as he allows pouring tea essence, which has cooled down into hot water. Most *Poskim* would agree with the Mishna Brurah and disagree with the stringency of *Yad Nichvis Bo*.

Borer (Ike Sultan)

1. One may separate items from a mixture on Shabbos if one fulfills three conditions: It's done (1) with one's hands (2) for immediate consumption and (3) one takes the desired food from the waste or undesired.²⁹⁵
2. It is permissible to remove chicken skin from chicken on Shabbos right before eating.²⁹⁶ However, grilled chicken skin may be removed even not before eating.²⁹⁷
3. Regarding watermelon seeds, according to Ashkenazim one should eat the melon and spit out the seeds. If that's difficult, one may shake off the seeds right before eating and those that remain remove with one's hand right before eating. According to Sephardim, one may shake off the seeds and those that don't come off may be removed.²⁹⁸

²⁹⁵ S"A 319:1-4, Mishna Brurah (intro to 319 and 319:12)

²⁹⁶ Rama 321:19 writes that one may only peel an onion right before eating it. Magen Avraham 321:30 writes that the same is true of peeling an apple because it is a form of Borer. Pri Megadim A" A 321:30 asks that peeling apples shouldn't be considered Borer because most people eat the peel. Therefore, Rav Ovadyah in Chazon Ovadyah (vol 4, pg 195) and Yalkut Yosef (Shabbos vol 3 pg 304) rules like the Magen Avraham and only permits removing chicken skin right before eating. Ayil Meshulash (6:17) quoting Rav Elyashiv, Sh"t Be'er Moshe 6:47 and Sh"t Az Nidberu 7:16(1) agree.

Igrot Moshe 4:74 (Borer #8) writes that the halacha follows the Magen Avraham and not the Pri Megadim. However, chicken skin is a part of the chicken completely and removing it is like cutting a piece of chicken, which is permitted even not immediately prior to eating unlike apple peels. Sh"t Rivevot Efraim 5:267 agrees. Orchot Shabbos (vol 1, 3:93, pg 166) writes that Rav Moshe was writing in a place where everyone would eat chicken skin, however, in Israel it may only be removed right before the meal like fruit peels. The English translation of Shemirat Shabbos KeHilchata 3:30 adds that whether chicken skin is usually eaten depends on each locality. However, Chut Shani (vol 2, pg 81) writes it's possible to say that since it's totally food and it's only because we're spoiled that we don't eat it, it shouldn't be considered waste.

However, Shemirat Shabbos KeHilchata 3:30 (in new editions 3:34) writes that the Magen Avraham held most people don't eat apple peels but fundamentally he agrees with the Pri Megadim; thus, he rules, since most people eat chicken skin one may remove it even not right before the meal. However, he adds that some are strict based on the Magen Avraham.

Aruch HaShulchan 321:26 writes that it should only be removed right before eating because of Mafshit. 39 Melachos (vol 2, pg 431) writes that preferably one should be strict for this opinion.

²⁹⁷ Orchot Shabbos (chap 3 note 106) writes that everyone eats grilled chicken skin and it can be removed even not right before eating. Korei Oneg (vol 3, pg 55) agrees.

²⁹⁸ Kaf HaChaim 319:47 writes that one doesn't have to eat the whole melon and spit out the seeds because that's not considered the normal way of eating; rather one should shake off the seeds and those that don't fall off remove with one's hand but it's preferable to do it with a shinui. Chazon Ovadyah (vol 4, pg 195) agrees. Sh"t Igrot Moshe 4:74 (Borer #7) writes that one should eat the whole melon and spit out the seeds and if that's difficult one should shake off the seeds and remove those that remain with one's hand. Halachos of Shabbos (vol 3, pg 174), 39 Melachos (vol 2, pg 411), and Shemirat Shabbos KeHilchata 3:16 agree.

4. If the tap water is drinkable without filtering it is permissible to filter it on Shabbos.²⁹⁹ Those who hold that one should not drink New York tap water because of copepods, according to many poskim, may filter the water on Shabbos.³⁰⁰

Brushing Teeth (Ike Sultan)

1. Many poskim permit brushing one's teeth on Shabbos, while some forbid doing so. Some poskim hold that if one does brush his teeth on Shabbos, he should use liquid toothpaste. See note for details.³⁰¹

²⁹⁹ S"A 319:10, Mishna Brurah 319:34, Shemirat Shabbos KeHilchata 3:60, Chazon Ish 53 s.v. VeIm

³⁰⁰ Shemirat Shabbos KeHilchata 3:60 writes that if people don't drink the water in a certain place because of bugs one shouldn't use a filter, however, one may drink directly from the faucet without a cup.

However, Rav Hershel Schachter on "Kashrus of Bugs" on OU Kosher Tidbits (www.ouradio.org, min 39-45) permits using a filter for NY tap water on Shabbos based on 4 reasons: (1) The bugs might be considered kosher (see S"A YD 84:16) (2) The amount of bugs in the water varies at different times of the day and may not require checking (See RJJ vol 49, pg 34, by Rabbi David Shabtai) (3) The bugs aren't necessarily waste since non-Jews eat it and it's only halacha that prevents us (Chaye Adam in Nishmat Adam 16:5) (4) The filter is built in and automatically filters all the water even that which is for non-drinking purposes (Minchat Yitzchak 7:23). Rav Doniel Nuestadt (Yeshurun vol 17, pg 535) discusses the last two reasons at length and argues that the third reason is a dispute in the rishonim. See Rav Belsky in Shulchan HaLevi 12 who writes that the NY tap water is kosher but one who holds it needs filtering may not filter it on Shabbos and rejects the third argument.

³⁰¹ **Memarei'ach:** The Gemara (146a) states that if one smears wax in order to seal a barrel, he violates Memarei'ach, which the Rambam (Shabbos 11:6) explains is a Toldah of Memachaik (smoothing hides).

Rav Soloveitchik (quoted in Nefesh HaRav p. 168-9) held that Memarei'ach applies only if one smears a substance onto something else and it forms a new layer; however, the toothpaste dissolves within minutes and thus does not pose an issue of Memarei'ach.

Rav Ovadia Yosef (Yabia Omer 4:27) agrees. He supports this position from the Magen Avraham (316:24), who writes that Memarei'ach applies only if one wants to smooth one substance onto another, but not if one merely smears saliva on the ground in order for it to be absorbed. The Tzitz Eliezer 7:30:8 rejects this proof, because smoothing out the saliva doesn't accomplish anything, but smoothing the toothpaste does serve to clean one's teeth.

Rav Ovadia adds that perhaps it is similar to the Rambam (Responsa 339), who permitted using soap on Shabbos and was not concerned with Memarei'ach. Yet Mishna Brurah 326:30 quotes the Tiferet Yisrael, who thinks that there also is a prohibition of Memarei'ach in using soap on Shabbos.

Rav Moshe Feinstein (Igrot Moshe 1:112) writes that using toothpaste is a violation of Memachaik. Rabbi Aryeh Lebowitz ("Brushing Teeth on Shabbos") points out that most

likely Rav Moshe meant Memarei'ach, as there is no scraping or sanding done to the teeth that would constitute Memachaik. Minchat Yitzchak 3:48 agrees.

Ohr Letzion (v. 2, 35:6) writes that Memarei'ach can be avoided using liquid toothpaste. While this seems to be the opinion of Shemirat Shabbos KeHilchata (ch. 14 n. 49 and 102), it is disputed by Tzitz Eliezer (ibid.) who argues that Memarei'ach can even apply to liquids.

Molid: The Gemara (Shabbos 51b) states that one may not crush ice in order to produce water on Shabbos. Rashi (s.v. Kedei) explains that it is rabbinically forbidden because the "creating" water is similar to a melacha. The Rashba (s.v. VeLi) however, argues that the prohibition is because it is similar to squeezing fruits.

The Rama 326:10 rules that it is forbidden to use soap on Shabbos because of Molid. Ginat Veradim 3:14 argues that not only according to the Rashba is it permitted, but even according to Rashi there's no Molid, since the soap is nullified by the water and there isn't any noticeable new formation. Yabia Omer 4:28 applies this logic to toothpaste. Menuchat Ahava (v. 2, p. 119) suggests that Molid may not apply in this case where the transformation isn't visible since it happens in one's mouth.

Rabbi Hershel Schachter (quoted by Rabbi Aryeh Lebowitz) says that there is an issue of Molid only when changing a solid into a liquid or visa versa, but not if one is changing a quasi-solid paste to a quasi-liquid foam. Ketzot HaShulchan (v. 7 p. 99) agrees.

Refuah: Rav Ovadia Yosef (4:29:16) explains that there is no concern of Refuah, since brushing one's teeth does not heal or remove pain but rather prevents cavities and illnesses. He maintains that this is permitted not only according to the Beit Yosef 328:37, who permits a healthy person to take medicine, but even according to the Magen Avraham 328:43, who rejects the Beit Yosef's position, because brushing teeth is not clearly a medicinal activity. Ketzot HaShulchan (ibid.) and Ohr Letzion (ibid.) agree.

Sechitah: Rav Moshe Feinstein (ibid.) writes that it is preferable not to wet the brush to avoid the Melacha of Sechitah, wringing out a liquid from a solid. Rav Hershel Schachter (oral communication) holds that squeezing out hair is only d'rabanan since it appears like it absorbs liquid; bristles, however, are stiff and clearly don't look like they absorb liquid. Seridei Eish 1:30, Rav Shlomo Zalman Auerbach (quoted in Seridei Eish), and Rav Ovadia agree.

Uvda DeChol: Ketzot HaShulchan (ibid.) writes that using a toothbrush is considered Uvda DeChol. Rav Hershel Schachter (quoted by Rabbi Aryeh Lebowitz), however, holds that there is no issue of Uvda DeChol. Rav Ovadia 4:30 says

2. It is permitted to use mouthwash on Shabbos.³⁰²

Cleaning Garments (Ike Sultan)

1. One may not clean any garment with water, colored water, spit, or any cleaning agent.³⁰³
2. If one's garment became dusty on Shabbos, if one isn't concerned about the dust on the garment (and would wear it without cleaning it) one may gently shake it out, or gently hit it with one's hand or dry rag. One may not shake it out vigorously, rub it, or use a brush.³⁰⁴ Some say that nowadays people are particular about their Shabbos clothes and so one may not remove the dust at all.³⁰⁵ Sephardim may be lenient to shake out any garment, however, one who is strict should be blessed.³⁰⁶
3. If moist mud, chulent, or a similar thick moist substance sticks to one's clothes, using one's fingernail or the back of a knife, one may scrape off the substance as long as a stain remains.³⁰⁷
4. If the mud dried on one's garment one may not rub it off. However, if food whose ingredients were previously ground (such as dough or farina) dried on one's garment one may remove it with one's fingernail or back of a knife as long as a stain remains.³⁰⁸

that it may be a tzorech Shabbos, in which case Uvda DeChol does not apply.

Hachanah: Rav Moshe writes that one should not clean off the brush after using it because there's no use for it until after Shabbos. Yabia Omer 4:30 agrees. Rav Hershel Schachter (ibid.), though, permits cleaning the brush since people generally do so after brushing because it is unappealing to leave a dirty toothbrush lying around.

Chavalah: Minchat Yitzchak 3:48 writes that since it is hard to be careful not to make oneself bleed, one should not brush so as not to violate Chavalah. Rav Ovadia 4:29 writes that this is an issue only for someone who rarely brushes and almost certainly will bleed; otherwise, it is considered a *davar she'eino mitkavein* and is permitted.

³⁰² Seemingly none of the above issues apply to using mouthwash on Shabbos. Be'eir Moshe 1:34:7 permits using mouthwash, as he maintains that *Molid Rei'ach* does not apply to a person's body. Rivevot Efraim 2:115:23 agrees.

³⁰³ Shemirat Shabbos KeHilchata 15:27, Biur Halacha 302:1 s.v. Yesh

³⁰⁴ Rav Huna in Gemara Shabbos 147a says that one who shakes out his garment has committed a Biblical violation of Shabbos. The Gemara limits this to a new, black garment which one is concerned about. Rashi s.v. Hamenaer explains that the person was shaking out the dust on it, whereas, Tosfos argues that shaking out dust isn't laundering but rather the Gemara means that the person shook out the dew which was on the garment.

Even though, the S'A 302:1 sides with Tosfos, Rama writes that it's proper to be concerned for the opinion of Rashi. Mishna Brurah 302:6 writes that one should only rely on the lenient opinion to ask a non-Jew to do it. Biur Halacha s.v. Yesh quotes the Shiltei Giborim who asks how Tosfos could permit shaking dust out of a garment if one intends to clean it. Biur Halacha answers that Tosfos only permitted shaking it out (without cleaning it directly) however, all agree that rubbing it with one's hands to clean it is forbidden. Shemirat Shabbos KeHilchata 15:28 writes that one may only shake it out gently because shaking it vigorously reveals that one is concerned about the dust. He adds that hitting it gently with one's hand or a dry rag is the equivalent of shaking it out.

³⁰⁵ Shemirat Shabbos KeHilchata 15:29 (based on Biur Halacha 302:1 s.v. Aleha) writes that a black or dark-colored new looking garment is assumed to be a garment which a person is concerned about and wouldn't wear without cleaning it and a light colored or old garment is assumed to be a garment a person isn't concerned about. However, if one's personal attitude is different it would depend on that. 39 Melachos (Rabbi Ribiat, vol 3, pg 708-9) writes that nowadays people are particular about the appearance of one's Shabbos clothes even if they are light colored and old and so dust shouldn't be removed from one's garments in any way.

³⁰⁶ Even though the Ben Ish Chai (Vayechei #8) and Kaf HaChaim 302:8 are strict, Yalkut Yosef (Shabbos vol 2, pg 76) permits like the opinion of Shulchan Aruch. Menuchat Ahava (vol 2, 12:17) writes that it is permitted but one who is strict should be blessed.

³⁰⁷ Rav Kahana in Gemara Shabbos 141a says that if mud sticks to one's garment one may rub it off from the inside but not from the outside. Then the Gemara quotes the Briatta which says that one may scratch it with one's nail. S'A 302:7 codifies this as halacha. Mishna Brurah 302:32 explains that rubbing it from the inside means holding the inside of the garment opposite where it's soiled and rubbing two sides of the garment together. Mishna Brurah 307:24 explains that one may scratch it with one's nail or the back of a knife even from the outside because that's not considered laundering. Yalkut Yosef (Shabbos vol 2, pg 81) agrees. 39 Melachos extends this to chulent or any similar thick moist substance.

Shemirat Shabbos KeHilchata 15:30 (based on Biur Halacha 302:1 s.v. Aleha) rules that one may rub it from the inside or scratch it with one's nail until the mud falls off only if even after removing the mud a stain remains. Shemirat Shabbos KeHilchata adds that one may gently clean the garment using a dry rag if one is careful not to squeeze out the moisture in the garment. 39 Melachos (vol 3, pg 711-2) agrees but emphasizes that even when using a dry rag one may not remove the stain completely.

³⁰⁸ The Tur 302:7 quotes Rabbenu Peretz who says that if the mud dried it's forbidden to rub or scratch it because by making the mud crumble, one violates *Tochen*. S'A 302:7 quotes this as an individual opinion. Shemirat Shabbos

Electronics (Ike Sultan)

1. Some poskim permit opening a refrigerator door only when the motor already is running, while many poskim hold that one may open the door even if the motor is off.³⁰⁹
2. Some poskim permit walking in an area where a motion sensor will turn on a light provided that one does not intend to turn on the light if there's no other way to walk. Similarly, many poskim permit walking in an area where the surveillance cameras will capture a person's image as long as he does not intend to be recorded.³¹⁰
3. Many poskim permit using an electrical automatic toilet if no other toilet is available.³¹¹

KeHilchata 15:31 writes that if food whose ingredients were previously ground (such as dough or oatmeal) dried on one's garment one may remove it according to the conditions in 15:30. Yalkut Yosef (Shabbos vol 2, pg 81) writes that in a situation of need and one is embarrassed because of the stain one may rub off dry mud from the inside but it's preferable to have a non-Jew do it.

³⁰⁹ Rav Shlomo Zalman Auerbach (Minchat Shlomo 1:10) permits opening the refrigerator at any time because completing the circuit to run a motor may not involve any melacha at all, and even if it is, it is permitted because it is grama. He says that he's not sure that it should be considered a psik reisha d'lo nicha lei as one doesn't want the hot air to cause the motor to run sooner, because one also does want the motor to run so that the food doesn't spoil. Tzitz Eliezer 8:12:4, 12:92, Rav Moshe Feinstein (quoted by The Shabbos Home vol 2, p. 482; see, however, Igrot Moshe 2:68), and Rabbi Mordechai Willig ("Halacha Engages Modernity Part 8," min 18-22) agree.

In defining grama, Rav Hershel Schachter ("Electricity on Shabbos," min 73-6) explains that according to many achronim who understand grama as a delay in time, it isn't even a psik reisha to open a refrigerator if the motor will turn on at a later time, while according to Rav Soloveitchik, who defined grama as a total disconnect in action, if it was certain that opening the door would cause the motor to go on any earlier, perhaps it would be forbidden to open the door when the motor wasn't running based on koach achar m'urev bo (See B'Ikvei HaTzon siman 7).

On the other hand, Rav Ovadia Yosef (Yabia Omer 1:21) assumes like Rav Shlomo Zalman that it is grama, but thinks that completing a circuit may involve an issur deoritta of hav'ara. He also is uncertain if this should be considered a psik reisha d'lo nicha lei and concludes that it is permitted, but it nevertheless is proper not to open the door unless the motor is running. Har Tzvi 1:151 and Rav Henkin (Edut LeYisrael p. 122) agree that although it is permitted, it's proper to be strict.

Lastly, Chelkat Yaakov O.C. 76 argues that while it may be a psik reisha, perhaps it is not considered grama since this is the intended normal way it is used. Therefore, he rules that one may only open the door when the motor already is running. Minchat Yitzchak 2:16 and Az Nidberu 2:36 agree. Shemirat Shabbos KeHilchata 10:12, Orchot Shabbos (vol 3 p. 62), and The Shabbos Home (p. 482) quote the two approaches but do not give a final ruling.

³¹⁰ Sheivet HaLevi 9:69 permits walking in an area where there is a motion sensor that will activate a light, such as those attached to the outside of buildings. He explains that davar

she'eino mitkaven refers only to when one does an action that may cause an unintended melacha. If, however, one is walking normally and makes no motion in order for a melacha to occur, it is not even a psik reisha as long as one's intent isn't to turn on the light. Orchot Shabbos (p. 79) quotes Rav Elyashiv and Rav Nissim Karelitz who say that since one doesn't have a direct connection to the melacha and doesn't care about the light, it's not called melechet machshevet. The Shabbos Home (p. 489) agrees.

Rabbi Mordechai Willig (ibid. min 50-60) challenges this line of reasoning because it should be considered a psik reisha d'nicha lei and turning on a light might be deoritta. Furthermore, The 39 Melachos (p. 1215) says that if one can't avoid walking in a place that will turn on a light because of a motion sensor and the streets are dark so that one will benefit from the light turning on, one shouldn't leave his house! He does permit one to walk past such a motion sensor if he closes his eyes while the light will turn on because in such a case then it is not considered niche lei.

On the other hand, Rabbi Hershel Schachter (ibid. min 62-8) explains that if one is doing an action that is physically disconnected from where the melacha is occurring, it isn't considered a psik reisha. Thus, Rav Schachter says that there's what to rely on to permit walking in an area where there is a surveillance camera or a motion sensor which will turn on a light as long as one doesn't have intent to be videoed or turn on the light.

Rabbi Mordechai Willig (ibid. min 48-49) agrees that it is permitted to walk in an area where there is a surveillance camera because unlike the light motion sensors, a person doesn't benefit from being videoed by the surveillance camera and thus qualifies as a psik reisha d'lo nicha lei which is permitted for a d'rabanah prohibition. Rav Shlomo Zalman Auerbach, (cited by Rav Zalman Nechemya Goldberg in Ateret Shlomo vol 6, p. 57), Yabia Omer 9:35, and The Shabbos Home (p. 489) agree.

³¹¹ Rabbi Josh Flug (Sukkot To Go 5770, p. 27) writes that it is certainly permissible to use a toilet with an automatic flusher if no other restroom is available because most assume that using electricity is prohibited only d'rabanah and therefore is permitted for kavod habriyot. He says that perhaps it is even permitted if going to the non-automated toilets is inconvenient, since it may be a psik reisha d'o nicha lei on a issur d'rabanah. Practical Laws of Shabbos (Rabbi Rafael Soae, p. 335) agrees on the first point.

Rabbi Yisrael Belsky in Shulchan HaLevi 7:7 permits using this type of bathroom if there is no other bathroom available, but if there's another option, he forbids using the electrical

Hachana (Ike Sultan)

1. It is permitted to prepare on Shabbos for later on Shabbos, even for Tosefet Shabbos (the extension of Shabbos). One may not, however, prepare on Shabbos for a weekday.³¹²
2. One may set his bed in order to make the room look presentable. It is forbidden, though, to set a bed in order to sleep on it after Shabbos.³¹³
3. After using sefarim on Shabbos, one may return them to the shelf.³¹⁴
4. One may not wash plates or other utensils that were dirtied unless there is a chance that they will be used later that day. After Seudah Shelishit one should not wash the plates unless it is clear one will use them on Shabbos. It is permitted to wash drinking glasses unless the glasses certainly will not be used later that day.³¹⁵

toilet. Rabbi Aryeh Lebowitz (“Using Automatic Bathrooms on Shabbos”) quotes Rav Belsky as saying that kavod habriyot would not be a leniency in order to wash one’s hands with an automatic sink.

³¹² The Mishnah (Shabbos 113a) writes that one may fold clothing on Shabbos. Rashi (s.v. Afilu) limits this to where one is folding the clothes in order to wear them again that day. Tosfos (s.v. Mekaplin) infers that it would be forbidden to fold clothing that would be needed only after Shabbos. This is codified by the Rif 41b, Rambam 22:22, Rosh 15:2, Tur, and S”A 302:3. From this and other halachot, the poskim explain that in general there is a Rabbinic prohibition of preparing on Shabbos for the weekday (See Orchot Shabbos vol 2, p. 400). Sh”t Minchat Shlomo 2:36:10 writes that there is no prohibition of preparing from Shabbos to Tosefet Shabbos because even Tosefet Shabbos is called “Yom HaShabbos HaGadol HaZeh” in Birkat Hamazon. Orchot Shabbos (vol 2, p. 408) agrees.

³¹³ The Mishnah (Shabbos 113a) writes that one may set one’s bed on Friday night for Shabbos day but not on Shabbos for Motza’ei Shabbos. The Rif 41b, Rambam 23:7, Rosh 15:2, and Magen Avraham 302:6 codify this rule. Magen Avraham adds that one may set one’s bed so that the room will look presentable because that is considered a need for Shabbos. Mishnah Brurah 302:19, Shemirat Shabbos KeHilchata 28:86, and The 39 Melachos (vol 1, p. 121) agree. The Machzik Bracha 302:2 points out that this is only when people will pass by the area where the beds are, but if the beds are in a separate room, which people don’t pass by, one may not set the beds. Kaf HaChaim 302:23 agrees.

Similarly, Sh”t Igrot Moshe 4:47 rules that it is permissible to place one’s dirty dishes from the meal into a dishwasher on Shabbos even though it makes it easier to start the dishwasher after Shabbos if one is doing so in order that the dirty dishes don’t make the house look like a mess. He adds that one should just put each dish in the dishwasher as it come to his hand rather than sorting them as usual. Yalkut Yosef (vol 2, p. 221) agrees.

³¹⁴ Shemirat Shabbos KeHilchata 28:89 quotes Rav Shlomo Zalman’s opinion that an action that doesn’t involve any Melacha, isn’t a Tircha (excessive effort), and is usually done without thinking may be done on Shabbos even if it has an effect for after Shabbos. For example, he permits bringing a Talit home from shul and returning a sefer to the shelf after using it. He adds (chapter 3 note 239) that in a shul, it is proper for each person to return his siddur and chumash to the

shelf because if the gabbai has to return all the sefarim, it may involve Borer. Yalkut Yosef (vol 2, p. 226) and The 39 Melachos (vol 1, p. 116) agree. Rabbi Mordechai Willig (Am Mordechai p. 176), however, questions the Shemirat Shabbos KeHilchata’s premise and concludes that one should be strict regarding bringing the Talit home.

³¹⁵ The Gemara (Shabbos 118a) quotes a Braisa, which establishes that that one may wash dishes on Friday night for use on Shabbos morning, on Shabbos morning for use on Shabbos afternoon, and on Shabbos afternoon for use at mincha time, but one may not wash them after mincha time. The Braita adds that cups may be washed anytime, because there is no fixed time for drinking. The Rif 44a, Rambam 23:7, and S”A 323:6 cite this Braita.

The Rosh 16:5 leaves out the case of cleaning on Shabbos morning for use on Shabbos afternoon. The Tiferet Shmuel explains that the Rosh left out that phrase because he understood that the Braita followed Rabbi Chidka’s opinion that one should eat 4 meals on Shabbos, and the Rosh emended the Braita according to the halacha that one needs to eat only 3 meals on Shabbos. However, Tiferet Shmuel wonders why the Rosh didn’t explain the Braita as saying that one may clean the dishes for a voluntary meal in the afternoon. In fact, the Tosfos Rid 118a explains that the Braita is describing a person who wants to eat a voluntary fourth meal. The Me’iri 118a, however, rules that one may clean his dishes only in order to eat one of the 3 obligatory meals of Shabbos and not in order to eat a fourth meal.

The Pri Megadim E”A 323:9 implies that the general rule is that if one knows that he will use these dishes again on Shabbos, he may clean them, and if he knows that he will not use them again on Shabbos, he may not clean them. Someone who is unsure if he will use them later may not clean the dishes after Seudah Shelishit, since there is no assumption that he will use them again. Mishna Brurah 323:28, Kaf HaChaim 323:42, Yabea Omer 7:37:6, and Shemirat Shabbos KeHilchata 12:1 agree.

Aruch HaShulchan 323:7 writes that if one has sufficient dishes or cups for the rest of Shabbos, it is improper to clean anything. Tosfet Shabbos 323:8, Kaf HaChaim 323:39, Shevet HaLevi 5:39 and 6:42, Be’er Moshe 6:82, Yalkut Yosef (vol 4, p. 21), and Menuchas Ahava (vol 1, 11:4) agree. Mishneh Halachot 3:40 and 6:80, however, permits cleaning the dishes for a Shabbos meal even if one has other dishes, because in essence one is cleaning for the purpose of Shabbos and not for the weekday. Rav Moshe Feinstein (cited in Kol Torah vol 54

Learning Secular Subjects (Ike Sultan)

1. According to Sephardim, one should only learn Torah on Shabbos and one may not learn any secular subjects. However, the Ashkenazic minhag is to allow learning secular wisdom such as science and math textbooks but a pious person should refrain.³¹⁶
2. According to Ashkenazim, one may read Jewish history texts that inspire mussar and Yirat Hashem. Many authorities forbid reading novels on Shabbos.³¹⁷
3. It's permissible to learn Torah on Shabbos even if one is doing so for some need for after Shabbos.³¹⁸ However, one may not study secular subjects for a test during the week.³¹⁹

Losh (Dubbin Hanon)

1. It is forbidden to pour water on sand. Therefore, children playing in a sandbox should not pour water into it.³²⁰

p. 18), Rav Nissim Karelitz (cited by Orchot Shabbos p. 404), and Brit Olam (p. 66) agree.

³¹⁶ The Mishna in Shabbos 148b records the prohibition to count the number of guests from a list on Shabbos. Abaye explains that this is a rabbinic restriction so as not to come to read a Shtar Hedyot on Shabbos. What is a Shtar Hedyot? The Rambam (Pirush Mishnayot Shabbos 23:2) explains Shtar Hedyot to mean letters and says the reason for this is that on Shabbos one may only read Navi and it's explanations and not even a book of wisdom and science. However, the Rashba 149a explains Shtar Hedyot as business documents. Therefore, Sh"t Rashba 7:288 permits reading books of wisdom and medicine on Shabbos and quotes the Ramban who agreed.

Shulchan Aruch 307:17 rules like the Rambam who says that on Shabbos one should only learn Torah and not books of other wisdoms, however, he mentions that some are lenient. Mishna Brurah 307:65 writes that the minhag is like the lenient opinion; however, a pious person (Yireh Shamayim) should be strict. Based on the Mishna Brurah, Shemirat Shabbos KeHilchata 29:49 permits reading professional literature and textbooks that don't include any business. Rav Shlomo Zalman (Nishmat Avraham 307:5) is quoted as saying that a doctor could learn medicine on Shabbos but a medical student may not.

However, Yalkut Yosef (Shabbos vol 2, pg 214, 626) rules like Shulchan Aruch that one should only learn Torah on Shabbos and is only lenient to allow a medical student who has a test after Shabbos and is pressured for time to study medicine (except for the study of surgery) on Shabbos. Menuchas Ahava (vol 1, pg 234) writes that the halacha follows S"A but one shouldn't protest those who are lenient because they have what to rely on.

³¹⁷ S"A 307:16 writes that secular literature, romance, and history of wars are forbidden to read on Shabbos and even during the week because it is considered an activity of scoffers (Moshav Letzim) and it is like following idolater's practices (Al Tifnu El HaElilim) and reading romance is also a violation of provoking the Yetzer Hara. Mishna Brurah 307:58 writes that Josephus and a few other Jewish history books aren't included in this prohibition because one learns from them ethics and fear of heaven (Yirat Hashem).

Rav Chaim Kanievsky (quoted by Menucha Shelema pg 226) says that it is forbidden to read narratives and dramas on Shabbos because they do not inspire Yirat Shamayim. Similarly, Shabbos Home (Rabbi Simcha Cohen, vol 1, pg 57-8) writes that the minhag is lenient by science, math, and medicine but not history and fictional novels which are not considered 'wisdom', however, one who fears heaven should refrain from any secular wisdom on Shabbos. However, 39 Melachos (Rabbi Ribiat, vol 4, pg 982) (based on Rama 307:1 and Mishna Brurah 307:65) writes that strictly speaking pleasure reading is permitted but concludes that it's best to refrain from any secular book on Shabbos. 39 Melachos adds that obviously if there's objectionable material it's forbidden to read on Shabbos or the week.

³¹⁸ Shemirat Shabbos KeHilchata 28:84 (in new editions 92), 39 Melachos (vol 4, pg 982), Yalkut Yosef (Shabbos, vol 2, pg 216).

³¹⁹ Shemirat Shabbos KeHilchata (chap 28, note 206) quotes Rav Shlomo Zalman as being in doubt whether studying secular subjects not for the knowledge but only to do well on a test is considered Hachana. 39 Melachos (vol 4, pg 982) rules that it's forbidden because of Hachana. However, Rav Aviner (RavAviner.com) permits studying for a test on Shabbos if one enjoys the learning and it doesn't cause stress.

³²⁰ Rambam (Shabbos 8:16) based on the gemara Shabbos 18a writes that kneading water and dirt is forbidden from the torah as a tolada of losh. Based on that, Shemirat Shabbos KeHilchata 16:4, Children in Halacha (Rabbi Simcha Bunim, pg 137-8), and 39 Melachos (Rabbi Ribiat, vol 2: pg 253-254) write that children who are playing in a sandbox may not pour water into it.

The Gemara (155b) cites a dispute as to when one would have violated losh. According to Rebbi, pouring water into flour is enough, while according to Rabbi Yosi bar Yehuda, one isn't liable until he kneads them together to form dough. The Rif (67b), the Rambam (21:34) and the Rosh (24:3) rule like R' Yosi bar Yehuda that it is only forbidden midirabanan to pour water without mixing it, while the Yereim (Ch. 274, 133b), the Teruma (Ch. 220), the Semag (Prohibition 65, lash) and the Semak (Ch. 280) hold like Rebbe. The primary opinion of Shulchan Aruch 321:16 is like R' Yosi, however, he also cites the opinion of Rebbi.

2. If one needs to wash his hands or urinate on the ground, he should look for an area without any loose sand or dirt. In case of need however, one may be lenient.³²¹
3. Many hold that there is no prohibition of losh on a cooked food. Therefore, one may mix margarine into a baked potato or mix cinnamon or raisins into a cooked cereal (like oatmeal).³²²

Medicine on Shabbos (Ike Sultan)

If one has a minor condition (Meychush Bialma)

1. If someone has a minor condition such as a toothache, soar throat, headache, cold, or cough it is forbidden to take any medicine such as pills or drops. However, someone who is in a lot of pain and because of it he is in bed or his body is weakened such as a migraine it is permitted to take a medicine.³²³
2. Some allow someone who is accustomed to take painkillers for a headache or toothache and if he doesn't take it, will be in pain to take painkillers on Shabbos.³²⁴

If one has a sickness (Choleh Shein Bo Sakana)

1. If one has fever, feels weak all over, or feels bad enough to require bed rest, he can be classified as a "patient not dangerously ill" (Choleh Shein Bo Sakana) and he is permitted to take oral medications.³²⁵

Chacham Ovadia Yosef (Livyat Chen 67) and Menuchat Ahava (vol. 2: 9: note 9) are lenient. Rama is strict and this view is accepted by the Ben Ish Chai (Mishpatim 18) and Kaf Hachayim (324:14).

³²¹ The Mishna Berura 321:57 cites the Magen Avraham that it is forbidden to urinate on mud because of losh and the same would be true of loose dirt or sand, even though it is unintended. He also cites the Beit Meir who is lenient in a case of need, to urinate even upon mud since he rules like R' Yosi Bar Yehuda that it is only dirabanan. Mishna Brura concludes that one may be lenient in case of need when the mud doesn't belong to you, since one doesn't benefit from the dirt mixing with the liquid. Kitzur S"A 80:14 agrees that if possible one should be careful. See also Ketzot Hashulchan 130:8.

³²² Shulchan Aruch 321:19 rules based on the Rambam (responsa 109) that one may stir a dish of grits and meat and mash them so that they dissolve and form into one mass. Bach 321 questions the Rambam and says that one may only stir gently. Magen Avraham 321:28 agrees. However, the Taz 321:14 writes that since the meat and grits have been mixed with water and cooked before shabbos, there is no problem of losh in mixing it again. Chazon Ish 58:9 agrees if there is some liquid there from before Shabbos, one may then put in more on Shabbos. Biur Halacha 321:14 s.v. shema adds another reason to be lenient with stirring food that is already cooked; since it is already fit for eating, the kneading becomes part of the process preparing it for eating, derech achila, and would be permitted if you stirred a little bit at a time. Mishna Brura 321:77 advises following the strict views of the Bach and Magen Avraham. Chazon Ish 58:9 allows stirring even vigorously. 39 Melachos (pg. 540) writes that you can mix margarine into a baked potato. Shemirat Shabbos KeHilchata (8:24) agrees and adds (8:25) that you can mix cinnamon or raisins into oatmeal.

³²³ Shemirat Shabbos KeHilchata 34:1,3 and Rav Mordechai Eliyahu's comment on Kitzur S"A 91:1. The Weekly Halachah Discussion (Rabbi Doniel Neustadt) writes that although contemporary poskim debate whether nowadays we can be more lenient with taking medication on Shabbos because of the change in technique, the general consensus is to reject this argument. See Minchas Shabbos 91:9; Ketzos ha-Shulchan 134:7; Chelkas Yaakov 4:41; and Tzitz Eliezer 8:15:15. See also Rabbi Aryeh Lebowitz on YUTorah (Medicine on Shabbos Part I). The Yalkut Yosef 328:52 writes that a choleh shein bo skana (sick in bed) can take pills. He adds that in general someone who is in a lot of pain but isn't choleh shein bo sakana may not take the pills and only makes two exceptions, for someone who has a big headache and someone who has a big stomach ache.

³²⁴ In Yalkut Yosef (Shabbos v. 4, pp. 408-9) he writes that some say that one may take painkillers on Shabbos because they don't cure but only remove pain, and some disagree. He concludes that one should only be lenient if a person is accustomed to taking such painkillers and if one doesn't take them he will be in pain. On page 143 in discussing the same leniency he specifically mentions pills that contain paracetamol, the active ingredient in Tylenol, a pain killer.

³²⁵ Mishna Brura 328:121 permits taking an oral medication without any shinui (alteration from the normal procedure). Yalkut Yosef (Shabbos, vol 4, pg 129) and 39 Melachos (Rabbi Ribiat, vol 2, pg 492) agree with the Mishna Brura. Halachos of Refuah on Shabbos (Rabbi Bodner, pg 55) and The Weekly Halachah Discussion (Rabbi Doniel Neustadt) write that most poskim agree with the Mishna Brura. See, however, Sh"t Igrot Moshe 3:53, Tzitz Eliezer 8:15:15, and Minchat Yitzchak 1:108, 6:28.

2. Since “requiring bed rest” and “weak all over” are subjective terms, it is up to each individual to determine his personal pain threshold. There is no requirement to be overly stringent when judging the degree of illness.³²⁶
3. Some poskim hold that it is forbidden to perform a biblically prohibited action on Shabbos (melacha deoritta) for someone who is in the category of "patient not dangerously ill" even if one does it in an abnormal manner (Shinui).³²⁷ Some, however, hold that it is permitted to do actions in an abnormal way (Shinui) for a "patient not dangerously ill".³²⁸

If one is critically ill (Choleh Sheyesh Bo Sakana)

1. It is permitted and a mitzvah to violate Shabbos in order to save a Jewish life.³²⁹
2. Even if there is only a doubt if the patient is critically ill³³⁰ or if there is a doubt if the procedure will save the patient's life³³¹, nonetheless, it is a mitzvah to violate Shabbos in order to try to save a Jewish life.

Handling Objects (Scott Hoberman)

1. Though a kli shemilachto li'isur (an item whose primary usage is for a prohibited activity, such as a pen or hammer) may only be handled in order to use the item for a permitted activity (litzorech gufo) or to clear the space it occupies (litzorich mikomo,) a kli shemilachto liheter (an item whose primary usage is for a permitted activity, such as silverware or clothing) may be moved even to protect the item from damage (meichama l'tzel.) That being said, the Shulchan Aruch 308:4 rules that all items, even keilim shemilachtam liheter, may not be moved without purpose (shelo litzorech klal).³³² However, foods and seforim may be moved even without purpose as these items are not muktzah at all.
2. Putting aside other potential issues involved with playing ball on Shabbos, the Shulchan Aruch 308:45 rules that one may not handle a ball on Shabbos as it is muktzah. The Rema rules leniently on this issue. Many contemporary poskim rule that the shulchan aruch would agree nowadays that balls which are manufactured to be balls may be handled, and that the Shulchan Aruch's ruling dealt with a makeshift ball.³³³

³²⁶ Rabbi Doniel Neustadt on Torah.org 5760-Chukas). See also Sh"t Tzitz Eliezer 14:50-7 and 17:13.

³²⁷ Shemirat Shabbos KeHilchata 32:2

³²⁸ Eglei Tal (Tochen #18), Rabbi Hershel Schachter in a shiur on yutorah.org (Shiur #3-Shabbos-melacha sh'eina tzericha l'gufa towards end of shiur)

³²⁹ S"A 328:2

³³⁰ S"A 328:6, Mishna Brurah 328:17, 328:26

³³¹ Mishna Brurah 328:37

³³² The gemara (Shabbos 123b) quotes a tosefta discussing the historical development of the prohibition of tiltul keilim. The gemara explains that virtually all keilim were included in the initial prohibition and these keilim could not be moved even litzorech gufo or litzorech mikomo. However, as time went on, chazal ultimately permitted movement of a kli shemilachto li'isur litzorech gufo or litzorech mikomo and a kli shemilachto liheter even meichama l'tzeil (see gemara there for a dissenting opinion not accepted lihalacha.) The Beis Yosef (308:4) quotes the Maggid Mishna (shabbos 25:3) who infers from the Rambam that while a kli shemilachto liheter is the most lenient type of kli, it may not be moved shelo litzorech klal. The Maggid Mishna explains that this emerges from the gemara, as the gemara's phraseology "meichama l'tzeil" seems to limit the permissibility to cases that protect the item.

A further proof that a kli shemilachto liheter cannot be moved shelo litzorech klal is brought from the gemara's conclusion on 124a that the shelves containing the lechem hapanim could not be moved in order to freshen the bread since the bread will not become stale in the interim if these shelves are not handled. This indicates that one needs a sufficient tzorech in order to move a kli shemilachto liheter (see Chiddushei haRan 124a and Ridvaz on Rambam Tmidim Umusafim 5:11.)

The Mishna Brurah 308:23 records a lenient opinion that allows the movement of silverware and the like which are constantly handled, as these keilim were never included in the prohibition of tiltul keilim. This leniency is based on Tosfos 123b d'h miktzoa who considers it untenable that chazal would have ever prohibited moving such everyday items. The Mishna Brurah admits that the Rambam seems to prohibit even such movement (see Shaar Hatzion 21.)

The Dirshu Mishna Brurah's footnote 29 quotes some poskim who permit those who move items out of nervous habit or to help concentrate while learning to do so on Shabbos, as this is considered a tzorech. See also Aruch Hashulchan 308:15 who rules that any movement which a person performs intentionally must have some purpose and is therefore permitted.

³³³ See Sefer Orchos Shabbos 19:76 and Dirshu Mishna Brurah siman 308 footnote 161 who quote Rav Elyashiv and

Opening Containers (Kevin Perlitsh)

1. It is forbidden to open a container or package on Shabbos if it will be used again after being opened.³³⁴ However, it is permissible to open such a container if it is opened in a destructive manner and is therefore no longer fit for future use. Some say that it is permitted if it is a kli that is typically thrown out.³³⁵

others who rule leniently even for those who follow the Shulchan Aruch, as our balls are made to be balls and can be considered a kli on Shabbos. However, the Mishna Brurah 308:157 implies that the mere fact that one plays with an item as a ball does not give it the status of a kli, which would seem to imply that even if it were manufactured to be a ball it would be prohibited according to the Shulchan Aruch. Rabbi Hershel Schachter (Gemara Shabbos Shiur 87) explained in shiur that chazal patterned the prohibition of titul keilim after the biblical guidelines in hilchos tumah. Consequently, the Shulchan Aruch felt that since a ball is not considered a kli in regards to hilchos tumah it cannot be considered a kli and is therefore muktzah on Shabbos.

³³⁴ There are multiple prohibitions that one may violate when opening containers on Shabbos:

Soseir: Mishna in Shabbos 146a says that it is permissible for someone to break open a barrel on Shabbos in order to get to the food inside, as long as he doesn't have intent to make a new vessel. The Gemara Beitzah 33b explains that R' Eliezer must read this Mishna as a case where the kli is "mustaki", which Rashi describes as a kli that had been broken and was then put back together. Only for this type of kli does the Mishna say it's permissible to be soseir, but for regular keilim it would be forbidden. Tosfos in Shabbos 146b and Eiruvim 34b, as well as the Rosh in Eiruvim 3:5, say that this assumption of mustaki is not only for Rabbi Eliezer but even for the Rabanan. Rashi however, does not seem to make this assumption, and presumably would explain that the reason our Mishna says it's permitted to break open the barrel is because of the din that there is no prohibition of boneh or soseir by keilim (Rashi Shabbos 122b). (Rashi's formulation on 146a seems to say it's permitted because it's mekalkeil, a destructive action but many Rishonim have difficulty with Rashi, because mekalkeil is patur aval assur, not permitted. The Rashba and Ran explain that Rashi holds mekalkeil becomes permitted lchatchila when it's l'tzorech shabbos. See Biur Halacha 314 "Assur L'Shavra" who strongly disagrees with this leniency). The Shulchan Aruch (OC 314:1) paskins like Tosfos and the Rosh, that specifically by mustaki we say that there is no prohibition of soseir. Therefore, according to the S"A, the only case where one avoids the issur of soseir is if the container is comparable to mustaki.

Rav Ovadia Yosef (Yechaveh Daat 2:52) notes that the Rambam (Hil' Shabbos 23:2) and the Rif (Shabbos 146a) both paskin like Rashi in this sugya and not like Tosfos (it should be noted that there is a debate about what the psak of the Rambam is). The Korban Nesanel (Shabbos 146a) and others comment that it is strange that the S"A paskins like Tosfos, against the Rambam and Rif. Rav Ovadia assumes that had the S"A known about the psak of the Rif and the Rambam he would have paskined that there is no issue of soseir at all, like

Rashi. Rav Ovadia therefore concludes that there is no issur of soseir at all by opening containers.

Asiyas Pesach: Rashi on Shabbos 146a comments that even though it is permissible to break open a chavis for the food inside, it is forbidden if you have intent to open it in a nice way, creating a neat opening. The Rambam (Hil' Shabbos 10:17) includes this issur as a tolda of makeh b'patish.

Metakein Kli: There is a prohibition of creating a kli on shabbos, based on Gemara Beitzah 33b regarding breaking off a piece of wood to be used as a toothpick (Shulchan Aruch 322:4). It either falls under the category of boneh or makeh b'patish. When one opens a container, he has created a receptacle that can be used to hold items.

Koreiya: Rav Shlomo Zalman Auerbach (Shmiras Shabbos K'hilchasa Perek 9 footnote 12) thinks there are several reasons to be meikil in regards to koreiya. Firstly, we are only dealing with koreiya midrabanan, whether it be because this is a tearing which is a tikkun (Biur Halacha 340:13 s.v. ain), or because it's not al mnas litfor (Biur Halacha ibid. s.v. vlo). Secondly, since you are only tearing it open in order to get to the food inside, the kli is bateil to the food. He therefore concludes that there is no issur koreiya.

There may be an issue of mechateich, measured cutting, if the container is opened on perforated lines. Rav Shlomo Zalman (quoted in Shmiras Shabbos K'Hilchasa Perek 11 Footnote 31) says that even when poskim get around the above issurim and say that it's permitted to open a container, they agree that it would be an issur of mocheik if you tear words in the process. However, Yalkut Yosef Shabbos 314:19 paskins that it is not an issue of mocheik, because we are only dealing with mocheik drabanan (because it is not al mnas lichtov), and you also are not miskavein, and get no hanaah from erasing the letters, so it's a Psik Reisha D'lo Nicha Leih, and therefore it's permitted lchatchila.

³³⁵ If the kli is going to be used again for future use, then one violates the issur of Metakein Kli. Meaning, if one opens a container and after emptying it's contents uses it to hold something else, then when he originally opened it he had created a new kli. Therefore, if one opens the kli in a way that it cannot be used as a receptacle in the future, then he has not created a kli, and it is therefore permitted. (SSK 9:3, Orchos Shabbos pg. 369, 39 Melachos (R' Ribiat, vol 3, pg. 831)) Rav Shlomo Zalman Auerbach says that if it's a kli that is typically thrown out, and you have intent to throw it out it is permitted because it's not considered a kli (Shmiras Shabbos K'hilchasa Perek 9 footnote 10). Chazon Ish (51:11) says that even if you have intent to throw it out, it's still forbidden because you might end up using it. Additionally, if you don't empty it right away, the bag acts as a kli in regards to its contents. Finally, the Chazon Ish suggests that your intent is irrelevant; in the end of the day, you're still making a kli. It should be noted that Minchas Yitzchak 4:82:36 believes that

- In regards to bottle caps that leave a ring attached to the bottle when first opened, Rav Shlomo Zalman Auerbach says that it is assur to open metal bottle caps, but permitted to open plastic ones.³³⁶ Rav Ovadia Yosef and Rav Mordechai Willig say that they are all permitted to open.³³⁷ Rav Elyashiv says that they are all assur to open.³³⁸

Sachar Shabbos (Daniel Feldman)

- It is prohibited to earn money on Shabbos, even through the performance of a permissible service.³³⁹
- It is permitted to receive money on Shabbos for a rental that includes a pre- or post-Shabbos period. The same applies to services performed, that a Jew may serve as a waiter on Shabbos provided he does some set-up before, or cleanup after Shabbos.³⁴⁰

the Chazon Ish was only talking about when you specifically have intent to not throw it out, but he would actually agree that if it is generally thrown out, it would be permitted.

³³⁶ Rav Shlomo Zalman explains that it is forbidden to open a bottle cap for the first time on Shabbos because in the process one is creating a new kli, i.e. a bottle cap that can now be used to cover bottles. While it was attached to the bottle it was not yet a kli, because it could not be screwed on and off of a bottle, which Rav Shlomo Zalman considers the key function of a bottle cap. (Minchas Shlomo 2:32) Also, if one was to break the bottle and slide off the cap as is, without breaking off the ring, it would not be functional as a cap at all. (Minchas Shlomo 1:91:12)

However, Rav Shlomo Zalman distinguishes between a metal bottle cap and a plastic bottle cap. The above issues are all in regards to a metal bottle cap. A plastic bottle cap is different, because the ring is thinner, and majority of it is not attached to the cap. Therefore, it is recognizable that the ring is a separate entity from the cap itself and is meant to be removed. Based on this, Rav Shlomo Zalman paskins that it is forbidden to open metal bottle caps and permitted to open plastic bottle caps.

Rav Ribiat thinks that the plastic caps that Rav Shlomo Zalman allows, which were from Eretz Yisrael, are different from the plastic caps that we have in America. (39 Melachos Makeh B'Patish footnote 96c). See Meor HaShabbos page 482 who offers a new leniency for plastic caps after researching the production of plastic soda bottles.

Although Rav Shlomo Zalman forbidss opening metal caps, it would be permitted if you first puncture a hole into the cap. He also holds it would be permitted if you take off the cap with intent to throw it out immediately. (Shmiras Shabbos K'hilchasa Perek 9 footnote 66 and 72)

³³⁷ Rav Ovadia Yosef disagrees with both points of Rav Shlomo Zalman. He thinks that even while the cap is attached to the bottle it is considered a kli since it is covering the bottle (Yechaveh Daat 2:52). Also, if you would be able to take it off without breaking the ring, even though it wouldn't fit over a bottle of the same size, it would technically still be usable to cover (albeit not via screwing) a smaller bottle. (Response to Rav Shlomo Zalman quoted in Yalkut Yosef Shabbos Krach Bet 314:18:20) Additionally, the Magid Mishnah (Hil' Shabbos 12:2) holds that metakein kli is completely permitted if you don't have intent. Combining his above reasoning with the Magid Mishnah's leniency, Rav Ovadia paskins that it is permitted to open bottle caps for the first time on Shabbos. Rav Shlomo Zalman disagrees with Rav Ovadia's application

of the Magid Mishnah. He explains that even though your main intent is for the drinking, it's also on your mind to make a cap that would be usable in the future. Nonetheless, Rav Ovadia paskins that it is permitted, and does not differentiate between metal and plastic bottle caps.

Rav Willig agrees that it is permitted. The bottle cap was a kli even before you broke off the ring, and the issur metakein kli is only when you create a kli, not when you merely alter the function of a preexisting kli. (Am Mordechai Siman 29:3)

³³⁸ Rav Elyashiv holds it's forbidden to open both metal and plastic caps because of mechateich. (Orchos Shabbos Perek 12 footnote 31) Also, Rav Nissim Karlitz says that even by plastic there is an issue of metakein kli. (Chut Shani 2:37)

³³⁹ The Braisa (Bava Metzia 58a) writes that one who hires a worker to guard, cannot pay him Sachar Shabbos, therefore the guard is not responsible for Shabbos. If he was hired for the week, month, year or Shemitah cycle, he can be paid for the whole period, including Shabbos, therefore, he is responsible for Shabbos.

The Mishna Brurah (306:16) quotes from Rashi in Kesubos (74b) that Sachar Shabbos is prohibited as a Rabbinic decree because of Mekach U'memkar, which Rabbi Simcha Bunim Cohen explains (The Shabbos Home p. 27) that Chazal forbade engaging in any type of business transaction because it might lead to Kosev, writing down the transaction in a journal or the like.

Technically, the prohibition of Sachar Shabbos only applies to the one receiving payment. However, Mishna Brurah (306:21) explains that it is also prohibited to pay Sachar Shabbos because of Lifnei iver. Therefore, it is permitted to pay a non-Jew for permissible work he performed on Shabbos, because since there is no prohibition on him to receive Sachar Shabbos, there is no prohibition of Lifnei Iver on the one making the payment.

³⁴⁰ S" A (306:4) writes that one is permitted to earn money on Shabbos if it is blended in with payments for the week, month, year, or shemittah cycle. This is known as Schar Shabbos B'Havla'ah, Shabbos payments which are blended in, or literally swallowed up, with week payments. Rav Schachter (Doing Business on Shabbos – Schar Shabbos min. 43-45) explains that Havla'ah is when the unit that is paid is larger than Shabbos. If one were to pay an hourly rate, any hours charged on Shabbos would be Schar Shabbos. But if one pays a flat rate which includes services not performed on Shabbos, this would be permitted because of Schar Shabbos B'Havla'ah.

3. Some say that it is permitted to receive payment for the performance of a service that is a mitzvah. For example, according to those poskim, it would be permissible to receive payment to serve as the chazzan or the baal korei.³⁴¹

Showering (Dubbin Hanon)

1. One may not wash a majority of his body with hot water even if it was heated up before shabbos and even if he does one body part at a time. The same is true of pouring water over oneself.³⁴² One may use water that was heated before Shabbos to wash his hands, feet, or face. The same is true of washing any other body part as long as one doesn't wash majority of his body.³⁴³
2. The sephardic custom is to allow showering in cold water on Shabbos. Many ashkenazim have the custom not to shower even in cold water.³⁴⁴
3. One may not enter a bathhouse even to sweat in a steam room or the like. Some poskim say that one may not even enter to for some reason other than bathing such as to remove an item, if he may come to sweat even if that isn't his intention.³⁴⁵

³⁴¹ The Mordechai (Kesubos 189) quotes from Rabbeinu Baruch both the reasons to permit and to prohibit hiring chazanim or baalei kerieah for Shabbos. He writes that it should be prohibited because of Schar Shabbos, but maybe it would be permitted because there is no decree of chazal by a mitzvah. The SA (306:5) writes that it is prohibited to hire Chazanim to daven on Shabbos, and some say it's permitted. As a general rule, when the SA writes a halacha and then writes "some permit it," we follow the first opinion. So it therefore it seems, in terms of Sachar Shabbos, that there should be no difference whether the work is a Mitzvah or not.

The Aruch Hashulchan (306:12) notes a contradiction with the Mechaber here and the Mechaber by Hilchos Rosh Hashana. Over there (585:5) he writes that one may take money to blow shofar, however he will not see a siman bracha from that money. But over here he writes that it is prohibited. The Aruch Hashulchan writes that because it seems that the minhag is to hire chazanim, it's probably not prohibited. Rabbi Simcha Bunim Cohen (The Shabbos Home p. 35) concludes that as long as he chazzan or baal korei prepare during the week, it would be permissible because of Schar Shabbos B'Havla'ah.³⁴² Rambam 22:2, Tur and S"A 326:1 based on that opinion of Rabbi Yehuda in Shabbos 39b. Mishna Brura 326:2 adds from the Magen Avraham 326:2 that the same is true for more than half of the body. Shemirat Shabbos Kihilchita 14:1, Aruch Hashulchan 326:2, Kitzur S"A 86:1 and Yalkut Yosef 326:1 agree.

³⁴³ Shulchan Aruch 326:1 writes that one could wash his hands, feet, or face in water heated up before Shabbos. Rama adds that the same would be true for any body part as long as one doesn't wash majority of his body. Yalkut Yosef (Siman 326 no. 2) says that really Rav Yosef Karo agrees in the Beit Yosef and in the Shulchan Aruch was only copying the language of the gemara. Mishna Brura 326:5 writes that this is talking about water heated up before Shabbos because if it was heated on Shabbos you cannot use it for anything. Gra 326:4 writes that water heated up permissibly on Shabbos is considered like water heated up before Shabbos. However,

Magen Avraham 326:6 and Aruch Hashulchan 326:2 disagree. Nevertheless, Iggerot Moshe 1:126 writes that if a goy heats up water for himself, the Jew may use it for washing less than majority of his body. Shemirat Shabbos Kihilchita 14:2 is strict if the water was heated up with an action, but in 14:3 is lenient if the water was heated up on its own such as if they were placed on the fire before Shabbos or with solar energy.

³⁴⁴ Yalkut Yosef 326:3 says that it is permissible to shower in cold water on Shabbos, but one should be careful not to squeeze water out of his hair or his towel. Livyat Chen pg. 123, Rabbi Eli Mansour, and Kaf Hachaim 326:25 agree. Magen Avraham 326:8 says based on the Maharil 139 that one should not wash in a mikveh or river even in cold water because one may come to squeeze water out of his hair or towel or one may come to carry the drops of water on his body for 4 amot. Mishna Brura 326:21 agrees. Shoneh Halachot 6 writes in the name of the Chazon Ish that the same is true of showers. Minchat Yitzchak 6:32 agrees. Rav Moshe Feinstein (Iggerot Moshe 4:74-75) agrees that this is the minhag, but is lenient in case of tzaar such as a sick person or a heat wave. Shemirat Shabbos Kihilchita 14:11, Ketzer Hashulchan 137:8 and Sh"t Beer Moshe 6:73 agree. Biur Halacha 326:1 s.v. bimayim quotes Rabbi Akiva Eiger (Shulchan Aruch OC 307:5 and 326:1) saying that one can bathe even in water heated before shabbos if he is suffering. Rav Schachter (end of Gemara Shabbos Shiur 57) says that the minhag nowadays is to allow showering in cold water on Shabbos.

³⁴⁵ Shulchan Aruch 326:12 says based on the Gemara Shabbos 40a that one shouldn't enter a bathhouse to sweat. Rama there adds that some hold that it's assur to enter the bathhouse even if it's for another reason, if he might sweat. Mishna Brura 326:35-36 says that according to that opinion it would be assur even if unintended but according to the Shulchan Aruch it would be permitted. Kaf Hachaim 326:55 says that though according to Shulchan Aruch one could be lenient, one should be strict if possible. Yalkut Yosef 326:9 is lenient as long as one doesn't intend to sweat.

Squeezing Fruits (Ike Sultan)

1. It is forbidden to squeeze a fruit in order to extract its liquid if one squeezes the fruit into a liquid or empty vessel. The prohibition is violated whether it is done by hand or with a utensil.³⁴⁶ One may not squeeze a fruit into an empty vessel with intent to put solid food in afterwards.³⁴⁷
2. It's permitted to squeeze a fruit with one's hand onto a solid food if either the food absorbs the liquid or the liquid is meant to improve the flavor of the food.³⁴⁸
3. It is permitted to squeeze a lemon on sugar even if one's intent is to put the sugar in a liquid afterwards. However, there are authorities who are strict on this issue.³⁴⁹
4. It's permissible to cut a slice of lemon and put it into a drink even though the juice will seep out on its own.³⁵⁰

Tochen (Dubbin Hanon)

1. Since there are some who hold that it is permitted to cut up raw vegetables or fruit for "immediate" consumption, and there are others who forbid it, many poskim write that one should only cut up the vegetables or fruit with a knife into somewhat large pieces for immediate consumption. Sephardim hold that for immediate consumption it is permitted to cut up a vegetable even into small pieces but that it is praiseworthy to be strict to only cut it into big pieces.³⁵¹

³⁴⁶ Shemirat Shabbos KeHilchata 5:1,2. Squeezing a liquid out of a solid (Sechita) is Mefarek which is a Toldah of the Melacha of Dash (Iglei Tal, Dash #8, Mishna Brurah 320:1).

S"A 320:1 writes that it's forbidden to squeeze olives and grapes and the juices which flows from them on their own is also forbidden for consumption. However, berries and pomegranates even though they are forbidden to be squeezed the juices from them that flow on their own are permissible if the fruit was meant to be eaten and not be squeezed for the juice. Lastly, all other fruits may be squeezed. The Rama 320:1 explains that in places where it's normal to squeeze certain fruits for their juices it is also forbidden to squeeze those fruits just like berries and pomegranates; in other words, the Rama 320:1 holds that a fruit's usage is based on location. Mishna Brurah 320:5 explains that squeezing berries and pomegranates is forbidden rabbinically because some people squeeze them for the juice like grapes and olives. However, all other fruit in the days of Shulchan Aruch weren't squeezed for juice and were eaten. That's why it is permissible to squeeze such fruits because the fruit if considered like a solid and extracting one solid from another is permissible.

Therefore, the Shemirat Shabbos KeHilchata (chap 5 note 4) writes that nowadays that it is common to squeeze all fruits for their juice it is forbidden to squeeze any fruit on Shabbos. On the other hand, 39 Melachos (Rabbi Ribiat, vol 2, pg 328) lists certain fruits which are rabbinically prohibited to squeeze including oranges, lemons, grapefruits, apples, pineapples, cherries, strawberries, peaches, plums, pomegranates, and tomatoes. Similarly, Yalkut Yosef (Shabbos, vol 3, 343 and 491) delineates certain fruits which are squeezed for the juices in some places such as grapes, olives, berries, pomegranates, apples, grapefruits, pears, mangoes, tangerines, and pineapples would be forbidden to squeeze on Shabbos, however, fruits which are not squeezed anywhere such as quince or watermelon may be squeezed on Shabbos. Yalkut Yosef (pg 344) adds that even when it is

permissible to squeeze a fruit, it may only be done by hand and not with a juicer (tool).

³⁴⁷ Shemirat Shabbos KeHilchata 5:5

³⁴⁸ Gemara Shabbos 144b, S"A 505:1, Shemirat Shabbos KeHilchata 5:3,7, 39 Melachos (vol 2, pg 345)

³⁴⁹ Shemirat Shabbos KeHilchata 5:5,6, 39 Melachos (vol 2, pg 346). Although the Shulchan Aruch 320:6 states that one may squeeze a lemon on Shabbos, the Mishna Brurah 320:22 explains the reason that the leniency doesn't apply today. Kitzur S"A 80:12 writes that it is forbidden to squeeze lemons to make lemonade.

³⁵⁰ Shemirat Shabbos KeHilchata 5:2. Shemirat Shabbos KeHilchata's source is the Kalkalet Shabbos (Dosh) who cites the Taz 320:7 for this halacha. It seems that the primary reason for the leniency is that the juice being squeezed out isn't intentional.

³⁵¹ The Rashba (Responsa 4:75) writes that it is permitted to do tochen if it is immediately before consumption just like it is by borer. This is brought down as halacha by Rama 321:12. However, the Magen Avraham 321:15 quotes the Shiltei Giborim questioning this leniency. Beit Yosef 21 suggests cutting into somewhat large pieces even if he is going to eat immediately. The Chazon Ish OC 57 prohibits chopping into small pieces even for immediate use. Rav Moshe Feinstein (Iggerot Moshe OC 4:74, Tochen 2) writes that the view of the Chazon Ish is a lone view and against the common practice. Chacham Ben-Zion Abba Shaul (Ohr Litzion 1:28) is also lenient. The Mishna Brura 321:45 writes that since some Rishonim disagree with the Rashba one should follow the compromise of the Beit Yosef to cut it up into somewhat large pieces but one who is lenient has what to rely on. Shemirat Shabbos KeHilchata 6:6 agrees. Yalkut Yosef (Shabbos, vol 3, pg 382) writes that sephardim may be lenient but it is praiseworthy to be strict. The Mishna Brurah 321:44 and Shemirat Shabbos KeHilchata 6:6 clarify that this is a case where is using a regular knife (and not a special grinding utensil).

2. There is a machloket amongst the poskim if the prohibition applies only if the food is being cut very small in all dimensions or if it even applies if one is slicing in one direction such as an egg or tomato.³⁵²
3. Even though there is an issue of tochen on non-food items as well as food items, foods that do not grow from the ground such as meat, eggs, and cheese are not subject to the prohibition as long as one plans on eating them that Shabbos.³⁵³
4. There is a debate amongst the Poskim if the prohibition of Tochen applies to fruit or vegetables such as bananas and avocados which when mashed do not separate into individual pieces but rather just change shape and remain one large mass. Therefore, it is better to do so with a shinui.³⁵⁴

Toys and Games (Mordechai Djavaheeri)

1. Most poskim say that playing with lego isn't considered building and is permitted. Others are strict.³⁵⁵

³⁵² Rav Moshe Feinstein (Iggerot Moshe OC 4:74:Tochen 3) writes that slicing foods in one direction isn't considered tochen because otherwise there would be no limit. Rav Shlomo Zalman Auerbach (Sh"t Minchat Shlomo 91:13) also rules this way. On the other hand, Ketzot HaShulchan Siman 129 Badei HaShulchan 2 quotes that the Tzemach Tzedek was stringent. Additionally, Orchot Shabbos page 217 chapter 5:footnote 12 writes that Rav Elyashiv was stringent as well.

³⁵³ Gemara Shabbos 74b writes that one who grinds firewood into small pieces is chayav for tochen. Rambam Shabbos 7:5 includes metal as a tolada of tochen. The Minchat Chinuch (Musach Hashabbos Tochen 4) concludes based on the Rambam's example that tochen applies to items which are not gidulei karka, and he adds that this is also the view of the Rashi (74b "Sheva"), who writes that there is a prohibition of tochen for clods of earth. However, the Pri Megadim (Mishbetzot Zahav 321:10) write that both dirt and metal may be considered gidulei karka. Shulchan Aruch Siman 321:9 based on Terumat Hadeshen 56 writes that one may cut cooked meat into very small pieces. Mishna Brura 321:31 explains that this is because it isn't gidulei karka and therefore the prohibition doesn't apply. Shemirat Shabbos KeHilchata 6:14 and Yalkut Yosef (Shabbos, vol 3, pg 391) extend this to eggs and cheese. Shoneh Halachot 321:24 quotes the Chazon Ish that one may not be lenient with things that do not grow in the ground unless the intention is to eat them immediately.

³⁵⁴ The Tosefta (Beitza 1:19) says that "Pressed or dried figs cannot be crushed before the elderly." The Chazon Ish (57, "nimtzeinu") writes that when pressed or dried figs are crushed, they remain one mass, and therefore even in such a case tochen is applicable. In light of this, the Chazon Ish writes that it is forbidden to mash a banana even though it remains one mass, even for immediate eating (lishitaso with above about immediate eating). Therefore, he says one must do so with a shinui. However, Rav Moshe Feinstein (Iggerot Moshe OC 4:74:Tochen 2) rules that they are not subject to the prohibition of Tochen and may be mashed in the regular manner. He says even if we accept that the prohibition applies even for immediate eating, it is only applicable when one takes one body and turns it into smaller components. However, taking a substance and mashing it while it remains one mass isn't a problem. He nevertheless concludes that if

possible, one should do it with a shinui to be machmir for the Chazon Ish. Rabbi Ribiat ("The 39 Melochos" pg. 461) sides with Rav Moshe. Chacham Ovadia Yosef (Yechave Daat 5:27), though he agrees that mashing is included in tochen, permits one to mash a banana with a fork to feed immediately to a child. Rabbi Moshe Halevi (Menuchat Ahava 2: pg. 278), writes that he should preferably do so in an unusual manner, such as by using the handle of the fork. Shemirat Shabbos Kehilchita 6:7-8 forbids mashing a banana or avocado unless one uses a shinui.

³⁵⁵ The S"A 314:1 based on the gemara (Shabbos 122b) comes to the conclusion that there is not a prohibition of boneh in regard to keilim. Therefore, in S"A 313:6 he writes one can put together utensils that are made of different parts when the connection is flimsy. However, if one firmly forces one piece into another, there is a torah prohibition. The Magen Avraham (313:12) and Taz (313:7) rule that things whose use is by constantly opening and closing them are not bound by the usual parameters of building. Chacham Ovadia Yosef (Sh"t Yechave Daat 2:55 and Chazon Ovadia Shabbos vol. 3 pg 101) quotes a machloket amongst the poskim if a real building that one intends to take apart in a short period of time constitutes boneh. He concludes that lego is permitted since the building has no permanence and it is taken apart often. Sh"t Or Letzion vol 2 (chap 42:5 pg 272), Sh"t Tzitz Eliezer 13:30 and 31, and Children in Halacha (pg. 135) agree that lego is completely permitted even for an adult. On the other hand, Shemirat Shabbos KeHilchata 16:19 (in the new edition) writes that building blocks which fit together tightly are forbidden and gives Lego as an example. Rav Ovadia in Chazon Ovadia Shabbos v. 3 pg 103 points out that in the Hashmatot to Shemirat Shabbos KeHilchata, it says that Rav Shlomo Zalman Auerbach retracted his lenient ruling because of the variety of objects one could build with the same pieces. Similarly, Shalmei Yehuda (pg 90) quotes Rav Elyashiv as saying that lego would be considered building. Sefer Tiltulei Shabbos (Rabbi Pinchas Bodner, pg 24) quotes Rav Moshe Feinstein as saying that it's not clear whether the interlocking pieces is forbidden, and therefore the Sefer Tiltulei Shabbos writes that one shouldn't give it to a child, but if the child takes it not to object.

2. Children shouldn't ride a bike on Shabbos, however a tricycle or scooter is permissible only within an eruv. Preferably, the bell on the scooter should be removed.³⁵⁶
3. It is permissible to play cards, but one may not separate the cards when he is finished.³⁵⁷

Transportation (Alex Mermelstein)

1. It is assur to take an electric train that will make stops whether within the city or outside the city.³⁵⁸
2. One may not travel in an airplane on Shabbos.³⁵⁹
3. Most Ashkenazim hold that it is forbidden to board a cruise unless one boards during the first three days of the week, but some permit boarding on Friday. Sephardim hold that one should ideally board the first three days of the week, but if not possible, one may board on Wednesday. But some hold one can board on Friday as well. This is all on condition that the driver and majority of passengers are non-Jewish.³⁶⁰ If the boat is owned by Jews, one should consult a rabbi.³⁶¹

³⁵⁶ Children in Halacha (pg 138). Even if there is a proper Eruv, there are Poskim, including the Shu"t Mayim Chaim (R' Yosef Meshash, Siman 128), who claim that it is prohibited to ride a bike, because the chain might break and one might come to fix it on Shabbos. However, the Ben Ish Chai (Rav Pe'alim, vol. 1, Orach Chaim, Siman 25 and Hashmatot) quotes the Rosh (Shabbos 2:15) that after Chatimat HaTalmud, we don't institute Gezerot of our own intuition, even if there's a tremendous Chashash. Tosafot in Chullin 104a also says something similar. In fact, the Ben ish chai permits riding a bike in an eruv but some claim that the Ben Ish Chai eventually changed his mind concerning riding a bicycle on Shabbos (see Sh"t Yaskil Avdi OC 3:12:5:4). The Shu"t Mayim Chayim claims further that riding a bike is some form of Melacha as it takes skill to do it, but doesn't explain what exact Melacha. Rav Azriel Hildesheimer (in his Shu"t, vol. 1, OC Siman 49) prohibits bike riding since it's a Pesik Reisheh of making a furrow, but Rav Ovadia (Chazon Ovadia Shabbos vol. 4 page 40) says that since it's already Kilachar Yad, and in the Reshut HaRabbim, it's a Pesik Reisheh MiDeRabbanan DeLa Nicha Leh, and Permitted LeKulei Alma. Additionally, since the wheels are covered with rubber tires, it's like a baby carriage which is Kovesh, not Choresheh, and Permitted. Finally, Rav Ovadia concludes it's Forbidden simply because of Uvdiin DeChol even if it's for a Mitzvah, because people use it to get to their destination quickly, and Chazal expounded on the Pasuk in Yeshayahu that one's walking on Shabbos should be different from his walking during the week. For Ketanim who have reached Chinuch, it's advisable to prohibit it, but tricycles are permissible, since they're made for kids specifically, as long as one removes the bell before Shabbos. There is no difference between Shabbos and Yom Tov. This is also the ruling of the Shemirat Shabbos KeHilcheta (Perek 16, Seif 17, page 185), the Mishneh Halachot (vol. 7, Siman 71), Tzitz Eliezer 7:30:1, Kaf HaChaim (404:8), and Ohr LeTzion (vol. 2, Perek 42, Seif 1), who also prohibit bike riding for similar reasons.

³⁵⁷ Shemirat Shabbos KeHilchata 16:34. The question is one of Borer, which is only permitted in a situation where one is removing desired pieces from the undesirable pieces, by hand (i.e. without a utensil designated for separating), and for immediate use. Thus if one wishes to set up the game, one may do so, because this is sorting immediately prior to use. When playing Rummy, for example, one takes cards from his hand and puts them on the table in order to make a set with

other cards, which is clearly permissible, as it fulfills all three conditions. However, when discarding a card at the end of one's turn, seemingly, it would be considered like removing undesired cards (Pesolet) from the desired ones (Ochel). Rav Asher Weiss (Minchat Asher on Masechet Shabbos, pg. 327) proves that not only are two cards of different number/suit considered one kind and that dropping them from one's hand provides immediate satisfaction in that one's hand is lighter and he's closer to winning, but also that there isn't even any Melacha involved, since Melachot by definition lead up to a greater purpose, which is not true when discarding cards. Therefore, discarding cards at the end of ones turn is not an issue of Borer, since every action is desirable in the greater context of coming closer to winning the game.

³⁵⁸ Yalkut Yosef (Vol. 1 Page 55), Vedaber Davar (Rav Shmuel Pinchasi, 1:21), Sh"t Tzitz Eliezer 1:21.

Chazon Ovadya (Shabbos Volume 1 Page 130) writes that if one needs to travel for a mitzvah, one is permitted to travel on an electric subway if the driver is non-Jewish, majority of the passengers are non-Jewish, and it only travels within the city, as long as one pays before Shabbos and does not have to pay or give a card on Shabbos. Additionally, one should try to do this as privately as possible.

³⁵⁹ If the plane arrives after Shabbos, some Poskim are lenient (Yalkut Yosef Vol. 1 Pg. 52). Vedaber Davar (1:26) and Chut Sheni (Rav Nassim Karlitz, vol. 1, pg. 52) forbid going on a plane whether or not it arrives on or after Shabbos. Sh"t Rivevot Efraim 3:161:2 writes that one should not board a plane if he knows that it will continue to fly on Shabbos. Sh"t Tzitz Eliezer 1:51, Mishev Shalom 76, and Minchat Elazar 2:106 also agree to this.

Yalkut Yosef, Vol. 1, Pg. 53 writes that if a plane arrived on Shabbos, one should not get off the plane until after Shabbos. If one is unable to do so, one should wait in the airport.

³⁶⁰ Menuchat Ahava (Vol 1, 1:2) writes that nowadays, we can be lenient about boarding a boat on Friday because boats are calmer and are less likely to ruin one's Oneg Shabbos. Rabbi Yisrael Belsky (OU Kosher Webcast, December 2011, min 3-9) says that nowadays there is room to be lenient. Shemirat Shabbos Kehilchata 30:66 rules that if one is going on a trip for vacation, one may only board during the first three days of the week. Yalkut Yosef (Shabbos vol. 1, pg. 48) writes that one should only be lenient if he is a frequent traveler by boat and will not be bothered by the traveling.

³⁶¹ Shemirat Shabbos Kehilchata 33:66

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