

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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Shiur #21: Chatzi Shiur – Part 2
The Prohibition of Chatzi Shiur when Performing Partial Acts

The previous shiur explored two very different approaches to the issur of chatzi shiur. Rabbi Yochanan, in justifying a prohibition for less than a shiur, invokes the concept of 'chazi le-itzerufi' – the partial quantity has the potential of becoming a full shiur. Does this imply that chatzi shiur is forbidden purely because of the practical concern that partial quantities will yield complete ones, or because even partial amounts are identified as prohibited (even though they carry no punishment)? This shiur - the second in the chatzi shiur series - will explore situations in which an identity of issur does not exist, but perhaps a partial act will generate a complete and forbidden one. These scenarios might further confirm the basis of the prohibition of chatzi shiur.

Would a person violate the prohibition against cooking meat and milk together if he prepares less than a ke-zayit? Would Rabbi Yochanan apply the chatzi shiur rule in this case and thus assert an issur (though exempting the person from onesh)? A parallel question arises in the Minchat Chinukh, who questions the status of someone who prepares less than the shiur of 'hin' for sacred Mikdash oil, or someone who prepares Mikdash ketoret less than the shiur of 'peras.' Would he be in violation of the prohibition against preparing precise imitations of Mikdash material, even though he prepared less than the requisite shiur? The Minchat Chinukh (110) maintains that preparing less than a shiur of these materials would not be proscribed under the chatzi shiur concept. Presumably, he would also claim that cooking less than a ke-zayit of meat and dairy would not be forbidden as chatzi shiur.

Theoretically, if chatzi shiur stems from the concern that partial aveirot will yield complete ones, we might apply the notion in this case, as well. Preparing less than a shiur of shemen ha-mishcha, or cooking less than a ke-zayit of basar be-chalav, might indeed precipitate preparation of complete shiurim, and this specter would suffice to install the issur of chatzi shiur. By contrast, if chatzi shiur is based on the notion that ANY quantity of a forbidden item is prohibited, the principle would apply only to actual prohibited items, such as less than a ke-zayit of neveila and less than a ke-zayit of cheilev - situations where the identity of issur exists despite the absence of requisite quantity. When, however, the shiur is necessary to create the issur in the first place (the minimum amount of oil to qualify as preparing Mikdash oil, or the minimum amount of meat and milk necessary to qualify as basar be-chalav), no prohibition would exist.

The Ra'avad in Hilkhhot Avodat Kokhavim (12:10) appears to disagree with the Minchat Chinukh's position. The Rambam rules that a male who detaches a white hair from his head has violated the prohibition of "Lo yilbash gever simlat isha" (a male shouldn't dress like a woman or excessively attend to personal vanity). The Ra'avad disagrees, claiming that only the removal of two white hairs will warrant punishment, because the shiur for violating the simlat isha prohibition is two hairs. The Ra'avad concedes, however, that the removal of one hair will be forbidden. Presumably, he viewed the removal of a single hair as a form of chatzi shiur. Evidently, even when an identified issur does not yet exist, performance of an aveira to a partial extent will be forbidden under the rule of chatzi shiur. Thus, the Ra'avad likely argues with the Minchat Chinukh's position.

One might suggest an intermediate position, namely, that plucking a single hair would not be prohibited, while preparing less than a requisite quantity of oil or ketoret would. Even if we view chatzi shiur as purely a hedge against a complete issur, only acts which yield an intermediate stage would be forbidden. Otherwise, every conceivable partial act should be forbidden because it might yield a comprehensive issur. Take, for example, someone who carries an object two amot in a reshut ha-rabim (public domain) on Shabbat, rather than the requisite four. (The Minchat Chinukh actually cites this case in defense of his rejection of the chatzi shiur issur for preparing less than a required quantity of oil). In this instance, a full issur was not perpetrated, nor was a partial intermediate stage achieved. Simply put, the issur never fully developed. One might equate the situation of removing a single hair with this case of carrying two amot on Shabbat. Since the required minimum of two hairs was not removed, no issur ever came into being. By contrast, preparing less than a peras of ketoret, or cooking less than a ke-zayit of meat and milk, poses a situation in which part of the shiur was actually prepared. In these cases, an intermediate stage has been created. Therefore, this might constitute a legitimate issur of chatzi shiur out of concern that this palpable phase will yield a completion of the issur. Logically, we might reject the Ra'avad's position regarding the single white hair while also disagreeing with the Minchat Chinukh and prohibiting minimal quantities of Mikdash oil and ketoret.

There is an additional source which MAY address the status of chatzi shiur when performing prohibited actions, rather than partaking of prohibited items. The Yerushalmi in Terumot (6:1) lodges a startling claim: Reish Lakish, who generally rejects the concept of an issur for chatzi shiur, would concede that it is forbidden on Yom Kippur. The simple reading of this statement indicates that Reish Lakish would admit that ingesting a chatzi shiur of food or drink on Yom Kippur is forbidden according to Torah law. Yom Kippur's prohibition of eating is vastly different from standard prohibitions. On Yom Kippur, any experience which disrupts inuy (deprivation) is forbidden, and, conceivably, less than a shiur - though not sufficient to yield a halakhic act of akhila - might still compromise inuy. Though Reish Lakish is typically inflexible regarding chatzi shiur and does not recognize a Biblical prohibition against eating less than a ke-zayit, he might reconsider the case of Yom Kippur since, inevitably, inuy was interrupted.

The Yerushalmi's assertion that Reish Lakish concedes to Rabbi Yochanan is not - per se - a dramatic statement about chatzi shiur. However, an additional text, in the Torat Kohanim, might suggest a different understanding of the Yerushalmi. In Parashat Acharei Mot, the Sifra interprets an extra phrase in the verse – "ve-khol melakha" (Vayikra 23:28) – as specifically prohibiting performance of a partial melakha on Yom Kippur. For example, if a person would write just one letter (the halakhic minimum for punishment being 2 letters) or weave a single string (the minimum shiur for punishment being 2 strands), he would violate the Biblical prohibition against performing melakha on Yom Kippur. It is possible that the Yerushalmi in Terumot - which asserted that Reish Lakish would acknowledge an issur for chatzi shiur on Yom Kippur - was referring to the scenario of the Torat Kohanim. Indeed, if a person ate a partial shiur of food, Reish Lakish WOULD NOT agree that he violates Yom Kippur. He only embraced an issur of chatzi shiur in the performance of a partial melakha. This reading of the Yerushalmi would yield an astonishing conclusion: performing a chatzi shiur of prohibited work is MORE LIKELY to be forbidden as chatzi shiur than would partaking of less than a ke-zayit of food. Reish Lakish would not prohibit the latter, even though he agrees with the former!! Indeed, the situation of weaving a strand or writing one letter is analogous to preparing small quantities of Mikdash oil and less similar to plucking one white hair. However, the notion that performance of melakha at less than chatzi shiur is MORE problematic might be based upon a reconsideration of the nature of issurei melakha, and in particular of melakha on Yom Kippur.