

YESHIVAT HAR ETZION  
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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TALMUDIC METHODOLOGY  
by Rav Moshe Taragin

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Dedicated in honor of Rabbi Ronnie and Yael Ziegler by Michael Merdinger and Eliana  
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**Shiur #15: The Prohibition of *Hotza'a* on Shabbat**

The first mishna of Masekhet Shabbat describes the *melakha* of *hotza'a* - relocating items on Shabbat from a private domain to a public one. The mishna lists various scenarios of a homeowner depositing *tzedaka* money into the outstretched hand of a poor person standing outside his door. As the latter is ostensibly situated in a public area while the former stands in a private realm, *hotza'a* – at some level – is effected.

The gemara (49b) asserts that *hotza'a* was performed as part of the *mishkan* activities. As the beams were transferred from the wagons which carried them to the area where the *mishkan* would be erected, *hotza'a* was executed. The wagons were high enough and wide enough to constitute a *reshut ha-yachid*, and the transfer of beams from this area to a *reshut ha-rabim* entailed *hotza'a*. Typically, important activities performed as part of the *mishkan* routine are considered '*melakhot*' which are forbidden on Shabbat; Apparently, *hotza'a* conforms to this mold.

The gemara in Eiruvim, however, may provide an alternate source for the *melakha* of *hotza'a*. In Parashat Beshalach (Shemot 16:29), God informs the nation that an extra portion of manna would descend on Friday, and, according to one view in the gemara, in this verse *Benei Yisrael* are warned not to remove it from their property on Shabbat. Presumably, this registers a warning against the *melakha* of *hotza'a*. (The second view in the gemara suggests a different rendition of the *pasuk*, whereby it warns against 'leaving their vicinities on Shabbat,' which would then serve as a source for the prohibition of *techumin* [traveling beyond a 2000-cubit radius around one's city]). Why should *hotza'a*, of all *melakhot*, require a specific *pasuk* as its source? Shouldn't it follow the normal pattern of being prohibited simply because it occurred in the *mishkan*?

Another gemara in Shabbat (96b) provides yet an additional source for the *melakha* of *hotza'a*. In Parashat Vayakhel (Shemot 36:6), Moshe informs the nation that sufficient materials for the *mishkan* had already been collected, and in response to this announcement, the people 'cease from delivering further material' (*Va-yikalei ha-am*

*mei-havi*). The gemara proves that these instructions were issued on Shabbat and stemmed from Shabbat-related concerns, as well. Moshe typically stood in the region of the *Levi'im* (which constituted a *reshut ha-rabim*) and received delivery from Jews who may have been standing in a *reshut ha-yachid*. As this system entailed *hotza'a*, Moshe ordered that it should not continue on Shabbat. Astonishingly enough, *hotza'a* has TWO *pesukim* as its Biblical source, whereas most *melakhot* do not stem from any *pasuk* at all, and are prohibited merely because they were performed in the *mishkan*. To what may we attribute this unique quality of *hotza'a*?

Tosafot, towards the beginning of Shabbat, address this issue and claim that one might have viewed *hotza'a* as an inferior or substandard activity, which is not forbidden on Shabbat. Without a specific *pasuk*, or perhaps even without two *pesukim* (each detailing different forms of *hotza'a*), we may not necessarily have outlawed this activity. To preclude such a conclusion, and to unquestionably establish the prohibition of *hotza'a*, the Torah introduces this halakha through two *pesukim* (whereas normally none are needed at all). Similarly, to highlight the violation of *hotza'a* the first mishna iterates all the various manifestations of this *melakha*.

Tosafot attribute the inferiority of *hotza'a* to its similarity to other forms of permissible transport. If items are relocated within a private area or transferred from one private domain to its neighboring area, no *melakha* has been violated. However, if the boundary between a *reshut ha-yachid* and *reshut ha-rabim* has been crossed, the *issur* has been performed. Indistinguishable from permissible activities, *hotza'a* is not considered a classic *melakha*.

Another unique property of *hotza'a* (which may account for its inferiority) is mentioned by the *Or Zarua*, in the name of the Rabbenu Tam. Generally, only creative *melakhot* are Biblically forbidden on Shabbat; activities under the category of *mekalkel*, which involve destruction, rather than creative action, by and large do not earn the status of *melakha* for purposes of Shabbat prohibition. Shabbat imposes a lockdown upon the creative process of human industry. Even though we are allowed (and even encouraged) to advance and develop our world during the week, Shabbat demands a cessation. Accordingly, all *melakhot* yield some important and constructive change. *Hotza'a*, however, is unique in that the item upon which the *melakha* is performed undergoes no physical or chemical change. No advance is discernable as a result of the *hotza'a* process, which merely relocates the given item. As no palpable change has occurred, it is deemed an inferior *melakha* and would not have been forbidden, were it not for the *pesukim* which explicitly establish this prohibition. Similarly, we would otherwise not have inferred one variety of *hotza'a* from the basic form. That a homeowner (to choose the scenario of the mishna) may not stand in a *reshut ha-yachid* and manually deposit goods in a *reshut ha-rabim*, does not necessarily imply that a beggar standing in a *reshut ha-rabim* may not thrust his hand into a *reshut ha-yachid*, lift an item and redeposit it in the area where he stands. The various forms of *hotza'a* thus require specific Biblical sources.

Viewing *hotza'a* in this light - as unique because it does not introduce tangible change - may help explain several interesting positions among the Rishonim which cast

*hotza'a* as exceptional. For example, the Ritva in Eirubin (78) cites the view of his Rebbi - Rabbenu Yona – permitting one to instruct a non-Jew to perform *hotza'a*. In general, of course, Halakha forbids *amira le-akum* (instructing a gentile toward *melakha*). Yet, regarding *hotza'a*, this rule may not apply, and we might indeed permit asking a gentile to carry an item. (It should be noted that halakhically, we do not follow this position). Perhaps this view can be grasped in light of Rabbenu Tam's designation of *hotza'a* as inferior because it yields no substantive effect on the item. Instructing a gentile toward *melakha* is forbidden because a Jew will ultimately benefit from a Shabbat violation. But if the act has no impact and no benefit accrues, one may, indeed, ask a non-Jew to perform the act on his behalf.

Likewise, the *Chayei Adam* (9:11) claims that the principle of *ma'aseh Shabbat* – which forbids deriving benefit from Shabbat violations even after Shabbat - would not apply to *hotza'a*. For example, Halakha generally forbids eating food which was unlawfully prepared during Shabbat, either for a limited timeframe or forever, depending on the particular circumstance. According to the *Chayei Adam*, this provision does not apply to *hotza'a*. Since this *melakha* effects no palpable change, one may derive 'benefit' from its performance. Thus, for example, if an item designated for long-distance transfer was removed to a *reshut ha-rabim* on Shabbat, it may be further transported after Shabbat without returning it to its original location and 'starting anew.'

A third manifestation of this 'inferiority complex' may arise from an interesting mishna which details the mechanics of *hotza'a*. The mishna (92a) forbids removing items while carrying in either hand, in a pocket, or on shoulders, while it permits (on the level of Torah law) carrying on the back of a hand, on a foot, in a mouth, on an elbow, or in some other atypical fashion. The mishna demands that the item be carried *ke-derekh hamotzi'in* – in the manner by which most people carry items – in order for *hotza'a* to occur. The gemara is quite specific in this regard, allowing carrying on one's head if most people do not carry in that fashion. In general, halakha is not that pedantic about the exact method of a *melakha*'s performance; so long as the result of that *melakha* is achieved, it is forbidden. Yet, regarding *hotza'a*, halakha only forbids very particular and conventional activities. This phenomenon may be explained in light of Rabbenu Tam's theory. Most *melakhot* impact the item and produce a tangible effect. As such, they exhibit greater flexibility: as long as that effect has been produced by "more or less" the same activity, it is forbidden. By contrast, *hotza'a* features a prohibition upon an act itself, even though it yields no tangible effect. Therefore, only if that act is strictly adhered to, has *hotza'a* been committed. In the absence of the precise action, no 'common impact' has been achieved, and the activity cannot be prohibited.