

**YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

**TALMUDIC METHODOLOGY
By Rav Moshe Taragin**

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This week's shiurim are dedicated in memory of
Moshe Eliezer Maeir Stillman z"l
by Isaac Ely Stillman

Shiur #01: Calculations on Shabbat for *Mitzvot*

Several *Gemarot* in *Messekhet Shabbat* interpret a statement in *Sefer Yeshaya* (58:13) as forbidding discussing financial activities on Shabbat: “*Im tashiv mi-Shabbat raglecha...mi-metzo cheftzekha ve-daber davar*,” “If you restrain because of Shabbat...from seeking your needs or discussing the forbidden.” This verse prohibits speaking about monetary issues, as well as non-verbal involvement. The phrase “*mi-metzo cheftzekha*” teaches that Shabbat should be completely dedicated to religious activities and not to financial or commercial activities. This prohibition includes activities normally associated with commercial activity, such as financial calculations.

However, two *gemarot* permit speaking about commercial activities that are necessary for *mitzvot*. For example, charity may be raised and funds may be gathered for essential public needs. Even though soliciting these funds constitutes commercial activity, their mitzva agenda renders them permissible. The simple understanding of this rule suggests that the value of the mitzva overrides the prohibition. Since the prohibition is only semi-Rabbinic – it does not appear in the Torah, although it does appear in the *Nevi'im* – it can be overridden by a mitzva. An interesting statement of Rabbenu Chananel, however, seems to alter the nature of the *heter* to engage in commercial activity for the purposes of a mitzva.

The *gemara* in *Beitza* (26b) forbids rendering an item *hekdesh* or dedicating human value to *hekdesh* (*charamim*) on Shabbat. The ensuing *gemara* (37a) associates this with the prohibition of *mi-metzo cheftzekha*, engaging in commercial activity. Many *Rishonim* question why it is permissible to solicit charity on Shabbat, while it is prohibited to donate *hekdesh* items. The Ran

(*Shabbat* 64a in the pages of the Rif) cites Rabbenu Chananel, who writes that donating items to *hekdesh* more closely resembles commercial activity, and it is therefore forbidden; soliciting funds for charity does not involve an ITEM, and therefore does not resemble commercial activity and is permitted. Other *Rishonim* (see Beit Yosef, citing the Kolbo) distinguish between donating an item to *hekdesh*, which involves a transfer between one account (the donor) and another (the financial account of *hekdesh*), and solicitation of charity, which does not entail any account transfer.

Either way, the distinction between the two cases is surprising. If the *heter* is based on the mitzva overriding the prohibition, ANY prohibition should be overridden in the case of a mitzva. After all, the prohibition applies even if no object is involved. It is forbidden to solicit funds for non-mitzva purposes EVEN THOUGH NO ITEM IS INVOLVED AND NO ACCOUNTS ARE INVOLVED IN THE TRANSFER. If the mitzva OVERRIDES the prohibition of commercial activity, it should just as easily override the prohibition of object transfers as it does the prohibition of activities without the transfer of an object.

Evidently, the permissibility of soliciting *tzedaka* funds on Shabbat is not based on a simple override of the prohibition because of the mitzva. Rather, the prohibition itself does not cover all commercial activities. The experience of Shabbat mandates that we detach from the human sphere and invest in the Divine sphere. As the *pasuk* teaches, we should avoid involvement in “*cheftzekha*,” “your needs.” Typically, commercial activities are associated with the human marketplace, violating this principle. However, if the activity facilitates a mitzva, it is considered *cheftzei Hashem*, the Divine sphere, despite the fact that it entails commercial-like transfers. The *heter* is not based on an override, but rather on defining commercial activities that enable *mitzvot* as *cheftzei Hashem* despite the involvement of market processes.

Apparently, if the transaction is object-oriented, it cannot be redefined as a Divine pursuit, even though it entails a mitzva. If the process is too concrete, it reflects the market environment and by definition draws the participants into the human sphere. However, if the commercial transaction is abstract (such as soliciting *tzedaka* funds), the mitzva agenda defines the process as *cheftzei shamayim* and not grounded in the human sphere.

This different model of understanding the *heter* of commercial activity for mitzva purposes may yield an interesting additional halakha. Until now, we have discussed whether all commercial processes involving *mitzvot* are permitted, and we concluded that processes that are too powerfully associated with the market (centering around tangible items) are prohibited. A second question regards whether all *mitzvot* validate commercial activities or only certain *mitzvot*. If the mitzva overrides the prohibition, we would expect all equally graded *mitzvot* to have a similar effect. However, if the mitzva redefines the activity as *cheftzei*

shamayim, we may encounter certain *mitzvot* that are unsuccessful in redefining the process.

This may explain an interesting dialogue cited by the *gemara* in *Ketuvot* (5a). R. Zeira initially suggests that calculating the costs of a wedding feast on Shabbat would violate the prohibition of thinking about commercial matters. Abaye questions this conclusion; if *tzedaka* money can be calculated due to the mitzva, wedding costs may similarly be computed due to the mitzva. Ultimately, R. Zeira retracts his position, but it is intriguing to consider his initial thought that the mitzva of a wedding feast would not validate computing the costs on Shabbat. Why is this mitzva different from the mitzva of *tzedaka*?

It is possible that unlike *tzedaka*, in which the mitzva performer receives NO BENEFIT, the mitzva of a wedding feast provides pleasure to the performer of the mitzva. Perhaps, then, the costs for this activity cannot truly be considered Divine purposes. Although it serves a mitzva, it primarily serves the appetite of humans. Of course, if the *heter* is based on the overriding effect of a mitzva, the mere presence of ANY mitzva should induce the override. However, if the mitzva redefines the activity as Divine needs, perhaps only *mitzvot* in which the performer does not benefit can have that impact.

Abaye rejects this concept and permits computing wedding costs. Perhaps he believes that the dynamic is based on the override effect and this dynamic exists even regarding wedding feasts. Alternatively, Abaye (and ultimately R. Zeira) may have conceded that *mitzvot* redefine the activity as Divine needs, but even the mitzva of a wedding feast can redefine the computation as *cheftzei shamayim*.

This second way of reading Abaye invites consideration of other situations in which the mitzva cannot redefine the calculation as a Divine need for some reason. For example, it may not be permissible to make calculations necessary to sell *chametz* on Erev Pesach that falls on Shabbat. The *Shulchan Arukh* (*Orach Chaim* 444) allows these calculations, as they are geared toward the performance of a mitzva. However, several other authorities (including the *Pri Megadim* and the *Shulchan Arukh Ha-Rav*) prohibit these calculations even though they facilitate a mitzva. Perhaps these dissenting opinions view the allowance of mitzva calculations as based on the fact that these calculations are defined as *cheftzei Hashem*, religious tasks, not on a "mitzva override." Selling *chametz* cannot be defined as a Divine task since the ACT of selling per se is not a mitzva; it is merely intended to prevent the violation of owning *chametz* on Pesach. Although the process prevents an *aveira*, the selling itself does not entail a mitzva. If the *heter* stems from the definition of the calculation as being for Divine purposes, the allowance may only apply if the calculations contribute to the actual mitzva. Calculating *tzedaka* or wedding feasts are instances in which the calculations yield *mitzvot*; calculations for selling *chametz* yield a situation in which no *aveirot* are committed. These calculations may not be defined as Divine

tasks. In contrast, if the mitzva allowance is based on the mitzva overriding the prohibition of calculations on Shabbat, any calculations that enable any mitzva should be permitted; the ultimate mitzva validates any calculation necessary for its fulfillment.