

**YESHIVAT HAR ETZION**  
**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**  
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TALMUDIC METHODOLOGY  
By: Rav Moshe Taragin

**Kitutei Mikhtat Shiurei:**  
**The Halakhic View of 'Shiur' in Items Designated to be Burnt Part II**

Last week we inspected the nature of kitutei mikhtat shiurei. We suggested that it might represent a physical reduction by visualizing the future burning as having already occurred. Alternatively, it might not be a physical assault upon the size of the item but rather a diminishing of the item's importance in light of its limited future. Generally, a quantitative shiur is designed to endow significance. In cases of kitutei mikhtat, although the quantitative shiur has been met, the importance of the item is affected by its being slated for burning. This week, we will investigate possible ramifications of this question - cases where the applicability of this principle of kitutei mikhtat might hinge upon the manner in which we understand the halakha of kitutei mikhtat.

For example: Would kitutei mikhtat extend to items which are forbidden to use but must be buried instead of burnt (for example avoda zara owned by a Jew)? Tosafot in Yevamot (104a) present two opinions on this matter. Quite possibly, the debate would revolve around the nature of this halakha. If kitutei mikhtat reduces the item to ashes because the future burning is visualized in the present, we would not apply the rule to items which are buried. Burial per se – even if imagined in the present - does not physically reduce or decompose an item as burning does. If, however, kitutei mikhtat teaches us that lack of future utility effectively undermines the quality of an item, we might extend the rule to any item which must be eliminated - be it through burning or burying.

To better understand the scope of the halakha we might question the role played by certain shiurim in halakha. This would help us determine whether kitutei applies to those shiurim. We already witnessed last week that according to the Ran in Gittin and the Ra'avia, kitutei does not apply to certain shiurim (the size of paper required to write a 'get' and the minimum

size of food required to receive tum'a) precisely because kitutei mikhtat is not an imagined burning but rather a subversion of the item's importance. Some shiurim are not designed to lend importance to an item; in such cases it would be interesting to discover whether kitutei mikhtat applies.

Possibly the most direct example would be the issue of kitutei mikhtat as it applies to lechi and kora. To allow carrying on Shabbat within a three-cornered alleyway a person must erect a thin vertical beam (lechi) or construct a horizontal crossbeam (kora) – either of which are placed at the entrance to the alley. The gemara in Eiruvim (80b) considers using wood of avoda zara for these beams. It seems as if the gemara is willing to validate a lechi of avoda zara wood but disqualify a kora from the same wood because of kitutei mikhtat (the shiur of a kora being thick enough and wide enough to support a brick). Why should our rule only apply to kora and not lechi (which also demands a shiur of 10 tefachim in height)?

This question was first raised by Tosafot and an interesting answer is cited in the name of Rav Avraham. He explains that even after applying kitutei mikhtat to the lechi, we could still resurrect the beam by reconstructing the pieces (madbik ketitim). This answer is reminiscent of what we saw last week in the Ra'avia. Certain shiurim just represent mass while others are accompanied by a certain shape or distinct form. In the former cases, kitutei does not apply since the mass still remains while in the latter case we cannot maintain the shape and the item is disqualified. A lechi requires a 10 tefachim's worth of wood (parallel to a beitzah's worth of food according to the Ra'avia) and it can still be 'accumulated' after applying kitutei. A kora, however, is not just a mass of wood but must be a crossbeam; the shiur of this item (solid and wide enough to support a brick) just ensures that the item has the function AS WELL as the form of a crossbeam. Since more than just material is necessary we apply kitutei mikhtat. This distinction between shiurim of mere mass and shiurim which define functional items can only be suggested (by the Ra'avia and Tosafot in Eiruvim) assuming that kitutei mikhtat does not physically reduce the item to ashes. Were it not so, even shiurim of mass would be affected since the ashes no longer contain the required volume.

Another distinction between lechi and kora is suggested by R. Chayim (in his commentary to the Rambam, Hilkhos Shabbat 17:12-13). R. Chayim claimed that the shiur of 10 tefachim regulating walls on Shabbat should be

understood slightly differently from the manner we are accustomed to. The shiur doesn't define the wall but demarcates the area. Stated otherwise: a reshut ha-yachid (private domain) on Shabbat does not require four walls. Rather, the walls are necessary to create a setback area or an area not easily accessible to the public. This type of area is considered a reshut ha-yachid even in the absence of actual walls. For example, the gemara in Shabbat (100a) rules that a hill whose incline rises 10 tefachim is considered a reshut ha-yachid even though no walls actually surround it. This proves that a private domain merely has to be surrounded by a blockade of 10 tefachim which impedes easy access. Hence, the 10 tefach shiur on Shabbat does not define a wall but defines an enclosed area (only an area enclosed by 10 tefach high blockades is considered 'surrounded' [mukaf]). A shiur of this nature (which doesn't define the item per se [the wall] but lends a certain identity to the area) cannot be affected by kitutei mikhtat which attacks the importance of the item. The 10 tefachim are not geared to creating a significant 'wall' and therefore a wall made from avoda zara is unaffected; on a PRACTICAL level the wall still encloses and demarcates the area. R. Chayim makes a point of claiming that kitutei mikhtat DOES NOT MEAN that the item is considered burnt; if this were true kitutei would apply to every shiur and reduce the wall to ashes rendering the area unenclosed. According to R. Chayim, the 10 tefach shiur of the lechi is immune to kitutei mikhtat while the shiur of a kora which defines the kora per se (creating a halakhically meaningful crossbeam) is susceptible.

Another example of a shiur which might not be affected by kitutei mikhtat would be the minimum size of the etrog. The gemara rules that it must be either as large as an egg or as a walnut. The Rosh in Sukka (3:15) cites two opinions as to whether kitutei mikhtat would apply. There is no question that an etrog of avoda zara is invalid. The only question is: Is it invalid because of kitutei mikhtat or simply because of mitzva ha-ba'a be-aveira (a mitzva which was facilitated by an item of aveira)? When citing the opinion that kitutei mikhtat does not apply, the Rosh reasons that the shiur of etrog does not revolve inherently around size. Rather, the size INDICATES that the fruit has reached a fully ripened state. The requirement is to use a fully ripened etrog; the size is merely the litmus of this ripening process. Since the shiur is a LITMUS rather than that which lends significance to the item the rule of kitutei mikhtat does not apply. Again, the statement of the Rosh can only be accepted in we do not view kitutei mikhtat as already burnt. If this were the case the etrog would clearly be disqualified.

Evidently, the Rosh as well, developed an independent definition of kitutei mikhtat (which he does not articulate) and this rule only affects shiurim which are inherent rather than indicative of another factor.

One final example of limiting the halakha to very specific shiurim can be located in a Tosafot in Chullin (140a s.v. Limutei). Tosafot (according to the Maharsha's explanation) question the validity of sacrificing an animal of avoda zara. If we apply kitutei mikhtat the simanim (windpipe and foodpipe in the animal's neck) which must be sacrificed through an act of shechita have already been burnt. R. Akiva Eiger (responsum 165) rejects even the possibility of reading Tosafot this way. Kitutei mikhtat does not render the item burnt. It merely offsets the desired effect of the shiur by undermining the object. In this instance, the shiur (two simanim on the animal's neck) are not required to define a meaningful animal. Rather the ACT of shechita consists of cutting these two veins. If these are already cut then a halakhically defined act of shechita has not been performed. Since the shiur does not define the item but the act which must be performed upon the item, kitutei is rendered irrelevant. Possibly, the Maharsha understood kitutei mikhtat in the more traditional way – the item is considered already burnt. If so, then no ACT of shechita can be performed since the veins have already been burnt.

## SUMMARY

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Understanding kitutei mikhtat as imagined burning would broaden the scope of its application to most shiurim; if the item is burnt it is burnt - period. If, however, kitutei merely diminishes an item's halakhic worth it would apply in fewer cases. It would not apply to shiurim which are indicative (etrog), shiurim which create a situation in other items (the 10 tefachim of a lechi define the area not the lechi), or shiurim which are merely qualitative (size of paper for 'get,' size of food for tum'a) but are not accompanied by some shape or utility (as is the case for lulav, shofar, the shoe used for chalitza, and kora).