

Introduction—The Nature of Melachah

DETERMINING THE NATURE OF MELACHAH

The fourth of the Ten Commandments the Jewish people received at Har Sinai is to abstain from work on Shabbat, as it says in the Torah, “Six days you shall labor and do all your work. But the seventh day is Shabbat to Hashem, your God; in it you shall not do any manner of work (מְלָאכָה)” (*Shemot* 20:9,10; *Devarim* 5:12,13). The Torah, however, does not explicitly define the term *melachah* (מְלָאכָה) which it uses here in forbidding “work” on Shabbat. Nonetheless, we are informed via the tradition of *Torah Shebe’al Peh* as to what this prohibition encompasses.¹ Physical exertion is not the deciding factor in establishing whether an activity is a *melachah* which the Torah forbids on Shabbat. Rather, *Chazal* determined that the various activities that were necessary for constructing the *Mishkan*, the Tabernacle that *Benei Yisrael* built in the Sinai Desert, are the main classes of labor forbidden on Shabbat.

Where is this connection hinted to in the Torah? *Chazal* note the juxtaposition of the commands regarding observance of the Shabbat and the building of the *Mishkan* (*Shemot* 35). Moreover, the

1. **Melachot Mentioned in the Torah** Several *melachot* are specifically mentioned in the Torah: Plowing and Reaping, “In plowing time and in harvest you shall rest” (*Shemot* 34:21); Lighting a fire, “You shall kindle no fire in any of your dwelling places on Shabbat day” (*Shemot* 35:3); Carrying from one domain to another, “Let no man go out of his place on the seventh day” (*Shemot* 16:29). The latter statement is understood as forbidding the people from going out with vessels on Shabbat to gather the manna.

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Torah uses the term *melachah* to describe the work connected with construction of the *Mishkan*. Thus, we learn that the *melachot* of constructing the *Mishkan* were forbidden and discontinued on Shabbat.² (See *Shabbat* 49b, 73b; *Shemot* 35:2, Rashi and *Mechilta*, *ibid.*; *Shemot* 31: 13, Rashi, *ibid.*).

THE THIRTY-NINE CATEGORIES OF MELACHAH

The Mishnah (*Shabbat* vII, 2) lists thirty-nine principal categories of “work” (ל”ט מלאכות) that are forbidden on Shabbat. They are the following: (1) Sowing³ (הזורע) (2) Plowing (החורש) (3) Reaping (הקוצר) (4) Binding Sheaves (המעמר) (5) Threshing (הדש) (6) Winnowing (הזורה) (7) Selecting (הבורר) (8) Grinding (הטוחן) (9) Sifting (המרקד) (10) Kneading (הלש) (11) Baking (האופה)⁴ (12) Shearing Wool (הגוזז את הצמר) (13) Cleaning (המלבן) (14) Combing (המנפץ) (15) Dyeing (הצובע) (16) Spinning (הטווה) (17) Stretching the Threads (המסד) (18) Making Loops (העושה שני בתי נירין) (19) Weaving Threads (האורג) (20) Separating the Threads (הפוצע שני חוטין) (21) Tying a Knot (הקושר)

2. **Melachot Associated with the Mishkan** The main categories of *melachah* on Shabbat are activities that *Chazal* have determined were involved in constructing the *Mishkan*, which were forbidden even for such a holy purpose as building a Sanctuary to God. Some authorities include, as well, the activities that were involved in preparation of the offerings in the dedication of the *Mishkan*. According to this view the first eleven *melachot*, from Plowing to Baking, involved production of the loaves of bread for sacrifices.
3. **Sowing and Plowing As Listed in the Mishnah** The Mishnah first lists Sowing and then Plowing in the order of the Thirty-Nine *Avot Melachot* (principal categories). Some of the Codes follow the same order. Other Codes, however, such as the *Mishneh Torah*, *Semag*, and *Chayei Adam*, list Plowing first, in accord with the usual practice in tilling the soil. The Talmud explains that the Mishnah refers to the Land of Israel, where the soil is hard and requires additional plowing after the seed is sown and planted in the ground. The intent of the Mishnah is to let us know that the second plowing is also considered a prohibited *melachah* on Shabbat.
4. **Baking and Cooking** The Mishnah lists Baking among the *avot melachot* rather than Cooking, although it was the boiling of ingredients for dyes that was involved in preparing the hangings and curtains for the *Mishkan*. The Talmud explains that the Mishnah’s list follows the sequence of making bread and enumerates the various activities associated with it. Baking and Cooking are the same category of *melachah* for all practical purposes.

(22) Untying a Knot (הַמְתִיר) (23) Sewing (הַתּוֹפֵר) (24) Tearing (הַקּוֹרֵעַ)
 (25) Trapping (הַצֹּד) (26) Slaughtering (הַשׁוֹחֵט) (27) Skinning (הַמְפָּשֵׁיט)
 (28) Salting (הַמּוֹלֵחַ)⁵ (29) Tanning (הַמְעַבֵּר) (30) Scraping (הַמְמַחֵק)
 (31) Cutting (הַמְחַתֵּךְ) (32) Writing (הַכּוֹתֵב) (33) Erasing (הַמּוֹחֵק) (34)
 Building (הַבּוֹנֵה) (35) Breaking Down (הַסּוֹתֵר) (36) Extinguishing a Fire
 (הַמְכַבֵּה) (37) Kindling a Fire (הַמְבַעֵיר) (38) Striking the Final Hammer
 Blow (הַמּוֹצִיא מְרֵשׁוֹת לְרֵשׁוֹת) (39) Carrying (הַמְכֵּה בַפְּטִישׁ).

AVOT MELACHOT

The thirty-nine categories of work listed above are referred to in the Mishnah as *avot melachot* (אַבוֹת מְלָאכוֹת), that is, principal or primary categories of work. However, *avot melachot* are not limited to the specified activities involved with the *Mishkan*, or even those actions named in the Mishnah. Any activity may be considered an *av melachah* if it is similar to one of the listed *Avot* (1) in its purpose or objective, as well as the nature of the activity, or (2) by virtue of a common purpose or objective alone, even where the activity itself is not the same. An example of the first (1) is the act of embedding a branch of a tree in the ground so that it will take root and grow into a separate tree. This activity is similar to the principal category of Sowing or Planting in the nature as well as in the objective of the act, since in both instances it entails putting something in the ground for the purpose of growth. Therefore this act is considered an *av melachah* even though it is not listed in the Mishnah. An example of the second (2) would be pruning the branches of a tree. While the act of cutting the branches is not similar to the principal category of the *melachah*, namely Sowing or Planting, it nevertheless shares with it the common purpose of growth, in that pruning the branches of the tree will facilitate and enhance its growth.

5. **The Substitution of Marking for Salting** The listing of the *melachot* in codes such as the Rambam's differs from that of the Mishnah in this instance to accord with the ruling in the Talmud (*Shabbat* 75b) that Marking (הַמְשַׂרְטֵט) is to be listed in place of Salting. This is because salting is covered under the *Av Melachah* of Tanning, as salting the hide is part of the tanning process. Marking, however, is an independent and necessary operation preparatory to cutting or writing.

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TOLADOT

Each of the *avot melachot* subsumes other additional acts of work known as *toladot* (תולדות). As to determining whether an act is an *av melachah* or a *toladah*, the following rules apply.

1. If any act is similar to the listed *av melachah* by virtue of a common purpose or objective, it is considered an *av melachah* as well when it is directly carried out on the object for which it seeks to achieve the purpose intended, but not where it directly involves another object. For example, watering a plant or a tree is considered a *toladah* of the *Av Melachah* of Sowing. Although watering shares a common purpose with sowing in that the shared objective is growth of vegetation, it is not considered an *av melachah*, because the act directly involves the water and not the plant or the tree.

Another illustration of this distinction would be removing a mound of earth, thereby leveling the ground. Since, like the principal category of Plowing, this, too, serves the objective of preparing the soil for seeding or planting, and the act is carried out on the ground itself, it is considered an *av melachah*. However, removing weeds from the ground, where the act does not directly involve the ground, is a *toladah*, even though it has the same objective of preparing or improving the soil as the principal category.

2. Acts that are of the same nature as a principal category of *melachah* but do not share a common purpose are considered to be a *toladah*. Thus, filing metal, an act that is similar to grinding corn or other grain but has a different purpose, which in the case of corn or grain is for food, is therefore considered to be only a *toladah* of the *Av Melachah* of Grinding. Similarly, mixing earth with water and kneading it is a *toladah* of the *Av Melachah* of Kneading, since it, too, resembles the *av melachah* only in the act, but not in its purpose.

Apart from certain *halachic* considerations, the *toladot* are for all practical purposes equal to *avot melachot* in that they are also considered to be Biblically prohibited.⁶ Thus, the performance of a

6. **Transgression of a *Melachah*** An intentional transgression of a Biblical prohibition involving an *av melachah* or a *toladah* is considered a severe desecration of Shabbat

forbidden act which is considered to be a *Toladah* constitutes a violation of Torah law.⁷

DEGREES OF LIABILITY

Violating an *av* or *toladah* constitutes a Biblical breach of Shabbat (*asur min haTorah*). The Talmud uses the term *chayav* (חַיִּיב) to indicate such a violation, which means simply: liable or culpable. Therefore, if one sees in the Talmud or Codes that a person who does a certain action is *chayav* that is an indication that the person has done something which is Biblically forbidden, and subject to the penalties which such a violation incurs.

Many actions on Shabbat are Biblically permitted, yet nevertheless rabbinically forbidden. The term used to indicate such an action is *patur aval asur* (פְּטוּר אָבֵל אָסוּר) which means “exempt yet prohibited,” which is to say: exempt from Biblical culpability yet not allowed nonetheless.

The term *mutar* (מוֹתָר) is used to indicate an act that is not subject to any Biblical or rabbinic prohibitions and may be performed on Shabbat.

It is important to note the overriding rule that the saving of life supersedes all Shabbat prohibitions, whether Biblical or rabbinic (פִּיקוּחַ נַפְשׁ דּוֹחֵה אֶת הַשְּׁבֵת) (*Shabbat* 132a; *Yoma* 85b; Rambam, *Mishneh Torah*, *Hilchot Shabbat* 2:1). Therefore, whatever their designation, activities that are otherwise forbidden are permissible when there is a possible danger to human life.

(see *Shemot* 31:14, *Mechilta*, and Rashi, ad loc.) An unintentional transgression—in the time of the *Beit HaMikdash*—required a sin-offering (see *Bava Kama* 2a).

7. **Halachic Considerations** Although the classification of *av* and *toladah*, respectively, has no impact on the permissibility of the act, there are two areas of law in which the classification is important. First, the Talmud rules that a person who performs multiple *melachot* unintentionally is obligated to bring a sin offering for each *melachah*, but if he performed the same *melachah* numerous times, he is only obligated to bring one. So too, if he performed an *av* and its *toladah*, he is only obligated to bring one sin offering (see *Bava Kama* 2a). A second area in which this classification has practical ramifications is regarding the obligation to warn the would-be sinner of his crime. When a person offers a warning against the commission of a *toladah*, he must articulate the *av melachah* under which the *toladah* is subsumed (*ibid.*, Tos., s.v. *UleRabbi Eliezer*).

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THE INTERNAL LOGIC OF MELACHOT

To understand how *Hilchot Shabbat* operate, it is important to understand that every *melachah* has its own inner logic and mechanisms. Simply because an act looks like a *melachah* does not mean that it is a *melachah*.

For example, Cooking is one of the Thirty-Nine *Melachot*. If someone fries an egg on a fire on Shabbat, he is liable for violating Shabbat. If, however, someone fries an egg on a hot sidewalk on Shabbat, no violation of Shabbat has occurred (although it is rabbinically prohibited.) Why should this be the case? In both instances, the egg was fried. The answer is the inner logic of the *melachah*. The art of cooking may not concern itself with the source of the heat but the definition of “cooking on Shabbat” does. As the Talmud states, “a derivative of fire is required” (תולדות אש בעינין) (*Pesachim* 41a). As such, only the one who cooks with fire has violated Shabbat despite the fact that the resultant eggs are identical in every other respect.⁸

Another example is the prohibition of squeezing juice (סוקה). Squeezing grapes to produce grape juice is a *toladah* of the *Melachah* of Threshing. However, if the grapes are squeezed directly into a pot of food, no prohibition has been violated. In both circumstances, a person has squeezed a grape and produced juice. Why should one case be a violation and the other not? Again, you can find the answer in the inner definition of the *melachah*. The *melachah* of squeezing includes the condition that juice is present at the end of the process. If you are not left with juice, you haven’t violated the *melachah*. If so, squeezing grapes directly into food is not prohibited, because in a practical sense, you have not produced juice. What you have done, in the eyes of the inner logic of the *melachah*, is transfer the liquid from one food to the other (*Shabbat* 144b, See *Rambam Hilchot Shabbat* 8:10). That is why two acts which look the same yield very different results.

8. **Inner Logic** Indeed, in other areas of *halachah* where cooking is significant, the fire source is irrelevant. For example, the Talmud states that cooking on Shabbat using the hot springs of Teveriah is not a Torah violation of Shabbat. However, cooking the *Korban Pesach* in the same springs is a violation of the Torah’s directive not to cook the *Korban Pesach* in water (*Shemot* 12:9). The inner logic which limits “cooking” to fire on Shabbat does not apply universally.

**HALACHIC CONDITIONS DETERMINING
WHETHER AN ACT IS PROHIBITED**

While the *av* and *toladah* classifications determine which sorts of acts are considered “work,” there is a second set of principles which determine whether any given act of “work” is indeed prohibited on Shabbat. These conditions are known collectively as *melechet machshevet*, or as formulated by Chazal, מְלָאכֶת מַחְשֶׁבֶת אֶסְרָה תוֹרָה, “the Torah prohibits work of craftsmanship.”

The phrase *melechet machshevet* is found in the Torah’s description of the building of the *Mishkan*. The Torah says of Betzalel that God “has imbued him with the spirit of God, with wisdom, with insight, and with knowledge, and with [talent for] all manner of craftsmanship, to do master weaving, to work with gold, silver, and copper, with the craft of stones for setting and with the craft of wood, to work with every [manner of] thoughtful work” (לְעִשׂוֹת בְּכֹל מְלָאכֶת מַחְשֶׁבֶת) (*Shemot* 35:31-33). While the simple understanding of this verse relates to Betzalel’s ability as a thoughtful and skilled craftsman, Chazal understood *melechet machshevet* to mean that for a *melachah* to be forbidden on Shabbat, it must be performed in a constructive manner; done with intention and purpose. In other words, an action may have the **form** of a *melachah*, yet **might not** be prohibited if it was done without the requisite intention and purpose. There are several categories of *melechet machshevet*:

- (a) You are not liable unless you do the whole of the *melachah* by yourself. For example, if two people hold a pen and write, neither has violated Shabbat *min haTorah*. However, it is a *melachah* that cannot be done alone, two people performing the act together will both be liable.⁹

9. **Doing the Whole *Melachah*** The condition that you must do the whole *melachah* to be liable is derived from the verse, “And if anyone sins ... in doing any of the things which the Lord has commanded not to be done and be guilty” (*Vayikra* 4:27). Chazal taught: “Only he who performs the whole of it, but not he who performs a portion of it. If a single person performs it, he is liable; if two perform it, they are exempt” (*Shabbat* 3a). However, if one person cannot do the *melachah* alone, and two do it together, they are both liable. Therefore, if two people move an object that is too heavy for one to move alone from one domain to another on Shabbat, they are both liable. If one is able to move it alone, and the other is not, the one who can move it

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- (b) You must do the *melachah* with the intention to accomplish the general purpose associated with that action (מְלָאכָה הַצְּרִיכָה לְגוּפָה), and not for some other purpose (מְלָאכָה שְׂאִינָה צְרִיכָה לְגוּפָה). For example, if you dig a hole on Shabbat because you need the dirt, but have no need for the hole itself, you have not violated Shabbat *min haTorah* despite the fact that the mechanics of the action are identical with the *Melachah* of Plowing.¹⁰
- (c) A *melachah* must be done in its customary manner, without any change (בְּדַרְבָּה בְּלִי שִׁינוּי). If you perform the *melachah* in an unusual way, there is no liability. For example, pulling nails off by hand or by biting them off is not in violation of the Biblical prohibition of *gozez* (Shearing) since you usually remove nails with a scissors or clippers. It is nevertheless rabbinically forbidden even when it is not done in the usual way. Similarly, a right-handed person is rabbinically forbidden to write with his left hand, although he would not be culpable *min haTorah*, since it is not his usual way of writing.
- (d) You must perform the prohibited act with the expressed intention to do the *melachah* in the manner that it is prohibited, involving the same object, and in the intended order. But if you intended to do a permitted act and the *melachah* results as an unintended byproduct, the act is permitted (דְּבַר שְׂאִינוּ מִתְכוּוֹן). For example, you may pull a chair or a table along the ground even if it makes a groove in the earth,

is liable, while the other is exempt. In the above, as in other similar instances, the exemption is only with regard to culpability for the Biblical violation. The action is, nonetheless, rabbinically prohibited.

10. **The General Purpose** Another example would be if you extinguish a lamp, not because you want the light extinguished, but because you want to save oil. Rabbis of the Talmud as well as the *Rishonim* differ on whether you are liable for such an act. Rambam rules according to the Talmudic opinion that you are culpable for an action performed with an intention different than its general purpose. The *Shulchan Aruch* follows the lenient opinion and maintains that Torah law does not forbid a *melachah* which is done for a different purpose than its general one. The act is nevertheless rabbinically prohibited, especially in the case of extinguishing a fire, where the prohibition is more severe than other rabbinic prohibitions.

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since your intention was to move the chair or table and not to make the groove.

This applies only when it is possible to do the act intended without necessarily performing the *melachah*. However, if it is not possible to do the permitted act without doing a forbidden act, even though you do not intend the forbidden act, you are liable. This is because, in the latter instance, the forbidden act is inevitable (פְּסִיק רִישִׁיָּה).¹¹ Therefore, you may not wash your hands over grass or a plant, even when the intention is to wash and not to help the plant grow. Since you will necessarily water the grass while washing your hands, it is as though you intended the forbidden act from the start.

- (e) An act must be constructive to be considered a *melachah* (מְתִקֵּן). If you act merely destructively (מְקַלְקֵל), you are not liable. If, however, you act destructively with a useful purpose in mind, it is considered a *melachah*. For example, you may not tear something with the intention of resewing it.¹²
- (f) The act must endure (מְתִקֵּים) in order to be prohibited. If it is not of an enduring nature, you are not liable. For example, tying

11. **The Forbidden Act is Inevitable** The expression “פְּסִיק רִישִׁיָּה וְלֹא יָמוּת, Cut off his head, but let him not die!” is employed in the Talmud (*Shabbat* 75a) to indicate a situation where an “unintended” act inevitably results in a violation of Shabbat. If the person performing the act desires that result and is satisfied with it (פְּסִיק רִישִׁיָּה דְנִיחָא לִיָּה), he is liable. However, if he is unhappy with the result (פְּסִיק רִישִׁיָּה דְלֹא דְנִיחָא לִיָּה) or is indifferent to it (פְּסִיק רִישִׁיָּה דְלֹא אֵיכַפֵּת לִיָּה) he is not liable. Some authorities permit the latter case, where you are indifferent, but most believe it to be rabbinically forbidden. An act categorized as a *melachah* is only rabbinic in nature, where the resulting *melachah* is only rabbinic in nature, is permitted. For example, if you are a guest for Shabbat and notice that movement around the home triggers a motion sensor on a disarmed alarm system, you may continue to move freely since setting off the small red bulbs is considered a rabbinic prohibition, and in this case, although your movement will inevitably set off the light (פְּסִיק רִישִׁיָּה), you are indifferent to it (פְּסִיק רִישִׁיָּה דְלֹא אֵיכַפֵּת לִיָּה).

12. **Destructive and Constructive Acts** Since the *melachot* in the *Mishkan* were all of a constructive nature, a destructive act does not conform to the concept of *melachah*. Therefore, tearing or burning clothing, or deliberately breaking an object is not prohibited Biblically. It should be noted, however, that even acts that are wholly destructive, for which there is no liability, are nevertheless rabbinically prohibited.

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a permanent knot is prohibited on Shabbat, but tying a bow is not, since a bow-tie is not considered a permanent knot.¹³ This leniency applies only to certain *melachot*, such as Writing, Dyeing, and Building, but not to such *melachot* as Plowing and Sowing.

- (g) Only direct action can be considered a *melachah*. An indirect action (*גרמא*) does not come under the Torah prohibition. For example, extinguishing a fire is a *melachah*, but setting down a water barrier around the fire is *גרמא*, and therefore does not constitute a Torah prohibition.¹⁴ (Of course, where there is even a possible danger to life, you should take direct and prompt action to extinguish the fire.)

A *melachah* that does not meet the above conditions, while it does not incur liability as a Biblical prohibition, is nonetheless rabbinically prohibited (*patur aval asur*) and you should therefore not do such actions on Shabbat.

BENEFITING FROM A MELACHAH

Not only is a Jew prohibited from performing *melachah* on Shabbat, he may not benefit from work done by another Jew in violation of Shabbat. This prohibition is a penalty which *Chazal* imposed even when the transgression was unintentional, to distance a Jew from the violation of Shabbat. Although this penalty relates to the transgressor, others are affected as well, in accordance with the following rules:

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13. **Melachot That Are Not Durable** While you are not liable for a *melachah* if the end result is not enduring, the act may still be rabbinically forbidden, depending on the *melachah* in question. For example, coloring an article with a dye which will not last, or writing with material or on a surface where the writing will not endure is *patur aval asur*. However, as stated above, it is permitted to tie or untie a bow which is not a durable knot. To be considered durable, an act must last at least through Shabbat, although some require that it endure for a longer period of time before considering it enduring.
14. **Indirect Melachah** The prohibition of *melachah* as given in the Torah, “You shall not do (תעשה) any manner of work” (*Shemot* 20:10), is understood by *Chazal* to mean that direct action (*עשייה*) is forbidden, but indirect action (*גרמא*) is not. However, while *גרמא* is not forbidden by Torah law, it is nevertheless generally rabbinically prohibited. In certain instances, as in cases involving substantial financial loss (*במקום פסידא*), an indirect *melachah* may be permitted. For this reason, a water barrier may be set up to extinguish a fire which will cause monetary damage.

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If a Jew knowingly violated a *melachah* from the Torah (מִזִּיד), for example, if a Jew knowingly cooks on Shabbat, the food will be forbidden to the cook forever, and to others it is forbidden on that Shabbat,¹⁵ but permitted immediately after Shabbat.¹⁶

But a person who performed the *melachah* unwittingly (שׁוֹגֵג) either because he forgot that it was Shabbat, or because he thought he was acting permissibly, produces results forbidden to everyone on that Shabbat, but permitted to all, even to himself, immediately after Shabbat.

When the *melachah* performed was of rabbinic origin, the *halachah* is more lenient. If it was willfully violated, it is forbidden to everyone on that Shabbat, but immediately after Shabbat it is permitted to all, even to him. But if the *melachah* was done unwittingly, it is permitted to all, even to him, on that Shabbat.¹⁷

This penalty, prohibiting benefit from *melachah* on Shabbat, does not apply to an act done by a Jew who follows a lenient opinion in a matter subject to *halachic* debate. Therefore, if you are strict in certain matters, you should not view the actions done by those who are lenient as מַעֲשֵׂה שַׁבָּת and you may have benefit from those actions.

15. **Drinking Coffee or Tea in a Non-Observant Home** If you are visiting a home where the hosts do not observe Shabbat, you should not eat or drink anything (even when there is no question whether it is kosher) that you think may have been cooked on Shabbat.
16. **Benefit from a Melachah by a Non-Jew** When a non-Jew performs a *melachah* for a Jew, you must wait after Shabbat for the amount of time it would take to repeat that *melachah* after Shabbat (בְּכַרֵּי שִׁיעוּשָׁה). This is because the prohibition against having a non-Jew do *melachah* on Shabbat is not taken as seriously as a Jew doing *melachah*. If you were allowed to benefit immediately after Shabbat ended, people might ask a non-Jew to do *melachah* on other occasions. However, this precaution was not deemed necessary in the case of a *melachah* done by a Jew, because the likelihood of one Jew asking another Jew to desecrate Shabbat on his behalf is low.
17. **It is Permitted to All** For example, if you are a guest for a Shabbat meal at a family unaware of the proper way to reheat cooked food on Shabbat, and you observe that cooked food has not been reheated in the proper way, you may nonetheless eat the food as failure to reheat cooked food in the proper way is a violation of a rabbinic ordinance.

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RABBINIC ENACTMENTS

While abstaining from *melachah* is of paramount importance on Shabbat, it is not the only important aspect of the day. The experience of Shabbat in its fully realized state is a profound experience of what the Torah characterizes simply as “rest.” In their role as guardians of the Torah, its laws and institutions, *Chazal* adopted safeguards, and enacted laws designed to preserve the sanctity of Shabbat, to maximize a Jew’s experience on this holy day, and bring that fully realized state of rest to fruition.¹⁸

The prohibitions that *Chazal* enacted to that end are known generally by the term *shevut* (שְׁבוּת) in accord with the verse “six days you may do your work, but on the seventh day you shall rest (תִּשְׁבֹּת)” (*Shemot* 23:12). Rambam, in his Laws of Shabbat, provides three reasons as to why *Chazal* would prohibit certain activities by rendering them a *shevut*.

1. The activity resembles a *melachah*, and if it remained permitted, you might mistakenly come to do the actual *melachah*. For example, pressing olives or grapes is a *melachah*. (Pressing is a *toladah* of Threshing which the Torah forbids, since olives and grapes are used principally for the oil and wine extracted when these fruits are pressed and processed.) However, squeezing mulberries, pomegranates and similar fruits for their juice is not a *melachah*, since these fruits are generally intended to be eaten as food, but it nevertheless is rabbinically forbidden (Rambam, *Hilchot Shabbat* 21:12).

2. The activity normally involves, or may lead to, a *melachah*. Thus, you are rabbinically forbidden to transact business such as buying and selling on Shabbat, as it may lead to transgressing the *Melachah* of Writing. It is likewise rabbinically forbidden to make a loan, or to conduct judicial proceedings on Shabbat, as these activities customarily involve writing (Rambam, *Hilchot Shabbat* 23:12,14).

3. *Chazal* have, furthermore, prohibited certain additional activities in keeping with the words of Yeshayahu, “If you turn away your foot

18. **Rabbinic Authority Presently Limited** Rabbis are presently not empowered to enact similar decrees of their own accord. Such authority could no longer be exercised after the close of the Talmud and the age of the Geonim, and the Jewish people’s dispersal from one general location.

because of Shabbat, from pursuing your business on My holy day... and shall honor it, not doing your wonted ways, nor pursuing your business, nor speaking thereof” (*Yeshayahu* 58:13). *Chazal* take this to mean that on Shabbat you should refrain from weekday activities and concerns (עֹבְדֵי יָחֹל).

Therefore, you should not speak of business matters, handle objects that are not for Shabbat use, engage in excessively strenuous activity, or engage in activities that are of a distinctly weekday nature. The purpose of these rabbinic enactments is to keep Shabbat from becoming an ordinary weekday, with people occupying themselves with their usual weekday pursuits (Rambam, *Hilchot Shabbat* 24:1,12,13).

THE CHARACTER OF RABBINIC ENACTMENTS

As stated above, *Chazal*'s motivation in enacting laws was to protect the laws of the Torah. As a general rule, *Chazal* did not make laws to protect other rabbinic laws. The Talmud formulates this principle as *ein gozrin gezerah legzerah*, אֵין גּוֹזְרִין גְּזֵירוֹת לְגֵזֵירוֹת (*Shabbat* 21a). While this remains true, it does not mean that *gezerot* do not have an internal logic and mechanism. Therefore, while the ultimate motivation for the *gezerah* is to protect a Torah law, the result of the *gezerah* may affect actions that would be seemingly disconnected from protecting the Torah law.

For example, *Chazal* forbade riding a horse on Shabbat (see ahead in our discussion of *Kotzer*, “Reaping”), for fear that a rider might detach a branch from a tree and use it as a whip. Of course, a reasonable person may be inclined to argue that people do not make whips from detached shrubbery in our day and age. Similarly, *Chazal* placed limitations on the use of medicines on Shabbat for fear that someone may grind plants into medicine on Shabbat. Here too, is it extremely unlikely that taking an aspirin in our day and age will lead to grinding plants. However, we are mindful of both *gezerot*. The reason is that a *gezerah*, once accepted by the Jewish people, becomes binding in its own right.¹⁹

19. **Binding in its Own Right** The Rambam's formulation is as follows: “A court that made a decree or an enactment or initiated a custom, which was accepted by all of

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Another example is the rabbinic law forbidding use of a tree on Shabbat. *Chazal* forbade climbing a tree primarily for fear that a person might pick fruit in violation of the *Melachah* of *Kotzer*. However, all forms of use of a tree are forbidden as well; for example, you cannot hang a hammock directly on a tree, although lying on a hammock will not lead someone to pick fruit. The reason for this extension is that *Chazal*, in an effort to keep people from picking fruit, made a *gezerah* making trees “out of bounds” on Shabbat. The Talmud expressed this idea with the phrase “it is all one *gezerah*”—*kula chada gezerah* (כּוּלָּהּ חֶדְרָא גְזֵירָהּ). Although the ramifications of the *gezerah* are broad, the motivation remains singularly to protect the Torah law.

THE PRINCIPLE OF *SHEVUT DESHVUT*

When two independent rabbinic prohibitions coincide in one act, that act is termed a *shevut deshvut* (שְׁבוּת דְשְׁבוּת). For example, it is rabbinically prohibited for a Jew to ask a non-Jew to violate Shabbat for the Jew’s benefit. It is also rabbinically prohibited to reheat cooked food by placing it on an open fire. Asking a non-Jew to reheat cooked food by placing it on an open fire would thereby constitute a *shevut deshvut*. Generally, you cannot perform a *shevut deshvut*, but there are notable exceptions.

If the act is urgently necessary for a person who is slightly ill, or essential to save you from a considerable loss, or for a *mitzvah*, it would be allowed if it were a *shevut deshvut* (*Shulchan Aruch, Orach Chaim, Hilchot Shabbat*, 307:5; 331:6).

The principle of *shevut deshvut* as a mitigating factor applies to a Jew as well, allowing for leniency in such emergency situations, when there is a combination of two prohibitions that are rabbinic in nature.

Israel, and subsequently, another court sought to nullify the act, the second court may not unless they are greater than the first in wisdom and in acceptance by the great rabbis of the generation. But if they are not, they have no right to nullify the act *even if the motivation for the act is no longer relevant*” (Italics added. *Hilchot Mamrim* 2:2; see also 2:3).

PERFORMING AN ACT IN A DIFFERENT MANNER

As already indicated, performing a *melachah* in a backhanded manner (כְּלֶאָחֵר יָד) or in an unusual way (עַל יְדֵי שִׁינוּי) reclassifies the act as a *shevut*, and you would not be liable *min haTorah* for performing the *melachah*, but the act is rabbinically prohibited. However, כְּלֶאָחֵר יָד and שִׁינוּי are further mitigating factors for acts which themselves are rabbinic prohibitions. Therefore, you may prepare a soft, thin mixture in an altered manner (עַל יְדֵי שִׁינוּי) on Shabbat, because this is a rabbinically prohibited form of Kneading but not prohibited by Torah law. You can likewise mash fruits and vegetables on Shabbat if you do it differently than usual, for example with the handle of a knife or spoon.

The rationale for שִׁינוּי as a mitigating factor is that when you do the act differently from how you do it on weekdays, we need not fear you will come to do the *melachah* forbidden by Torah law. However, you cannot use the principles of כְּלֶאָחֵר יָד and שִׁינוּי automatically to permit all rabbinic prohibitions. While they apply to those rabbinic prohibitions relating to the transgression of a *melachah*, they do not apply to certain decrees enacted by the Sages (גְּזֵירוֹת) to safeguard observance of *Shabbat*.

THE PROHIBITION OF MAR'IT HA'AYIN

The general rabbinic prohibition of *mar'it ha'ayin* (מְרִאִית הָעַיִן), the prohibition of an act because of the appearance of wrongdoing, imposes restrictions on Shabbat as well.

An apparent reason for this restriction, aside from the obligation to present an appearance of upright conduct and to avoid a *chillul Hashem*, profaning the Name of *Hashem* (in compliance with the Torah's directive, "You shall be clean before the Lord and before Israel" [*Bamidbar* 32:22]), is that even permissible action could be misconstrued and might lead others to actually violate a *melachah*. Therefore, if your garments become soaked in water, you may not spread them out to dry, for fear that people will suspect you of having laundered them on Shabbat.

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Mar'it ha'ayin, although a rabbinic prohibition, applies with regard to both Biblical and rabbinic prohibitions. However, while in the case of a Biblical prohibition an act that has the appearance of wrongdoing and is subject to *mar'it ha'ayin* is forbidden even in private, in the case of a rabbinic prohibition it is only forbidden in public.²⁰

20. **Acts Prohibited Because of *Mar'it Ha'ayin*** Chazal, as we have seen, differentiate between Biblical and rabbinic prohibitions with regard to their own enactments. Therefore, in cases where the act is subject to *mar'it ha'ayin* to protect an *issur min haTorah*, it is forbidden even in private. However, if it is protecting a rabbinic prohibition, they were stringent in prohibiting the act in public, but not in private. The restriction in private, even in one's innermost chamber, applies to acts that are customarily performed in public, but not to acts that are normally performed in private. It should be noted, as well, that the restriction of *mar'it ha'ayin* is not applied indiscriminately. It is applied to actions which are usually prohibited, and as an exception, someone is performing the act in a permitted manner. Therefore, you are not forbidden to perform an act that is manifestly permissible merely because some people might mistakenly believe it to be prohibited. For example, a man may drive in a car after candle lighting time on Friday, before sunset, without worrying that some people are unaware that it is permitted.