

# Laws of Shabbat Chapter 12 (Auto Translated)

English

Auto Translated

## Shiur Overview

### Summary of Rambam Hilchos Shabbos Chapter 12

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#### Halacha 1 — One Who Ignites Any Amount is Liable

**The Rambam's Words: "One who ignites any amount is liable."**

**Explanation:** Mav'ir (igniting) is the 37th of the 39 melachos. The shiur is kol shehu — unlike most melachos which have a specific shiur (like a grogeres, kedei kamei'a, two letters, etc.), by mav'ir, making even the slightest bit of fire already makes one liable.

#### Insights and Explanations:

##### 1) Tzorech Le'efer — The "Need" for Mav'ir

One is only liable for mav'ir when done for a purpose. The main example in the Gemara is "**hatzoreich lo efer**" — he needs the ash/ashes. This sounds strange, but in ancient times, ash had an important practical role — people heated with wood, they covered coals with ash (gachalei umumim), and a person had a bucket of ash in the house. This makes the "tzorech le'efer" much more understandable.

##### 2) Mav'ir Bederech Hashchasa — Mekalkel is Exempt

When someone burns something in a destructive manner (e.g., he wants to get rid of a table), he is exempt — because melacha she'eina tzricha legufa / mekalkel is not liable. By all melachos, we look at the po'el yotzei — it must be a metaken, not a mekalkel.

##### 3) Question of the Maggid Mishneh — Wood is Worth More Than Ash

The **Maggid Mishneh** asks: even when one burns wood tzorech le'efer, objectively it's a kilkul — wood is worth more than ash! How is this called metaken? The Maggid Mishneh answers: we don't look at what is objectively worth more, but at what the person needs. He brings a parable: a living animal is worth more than a dead one, but shechita is permitted because the person needs the meat. So too here — he needs ash now, so it's metaken.

##### 4) Mav'ir Gedisho Shel Chaveiro — Revenge as "Tikun"

The **Ra'avad** brings the case of someone who burns his friend's grain or dwelling — he is liable even though he is destroying. "**Since his intention is to take revenge on his enemy and his mind is cooled and his anger subsides, behold the burning is like burning**" — because he satisfies his desire for revenge, this is called a "tikun."

This fits with the principle that the Rambam brings by other cases: **kore'a al meiso bachomoso** (tearing kri'ah), **chovel bachaveiro bish'as meriva**, **sho'el ke'elyon kedei lehatil eima al anshei beiso** — by all of these the Rambam says "**shekol elu metaken hu etzel yitzro hara**" — he is fixing his yetzer hara, therefore he is liable.

##### 5) Dispute Between Rambam and Ra'avad — "Hevel Vareik"

The **Ra'avad** says "**amar Avraham, kol zeh hevel vareik**" — he sharply disagrees. The Ra'avad holds that anger is avodah zarah — how can we call one who injures his friend a "metaken"? According to the Ra'avad, one is only liable by a kosher anger (like hatil eima in a permitted manner, or kri'ah al meiso which is a mitzvah), but not by regular yetzer hara-driven anger.

But the Rambam means "yetzer hara" not necessarily as bad — he means any internal drive-force that the person satisfies through his action. Even kri'ah al meiso — which is a mitzvah — is also "metaken es yitzro" because he calms his pain. The Rambam puts all three cases together under one principle.

##### 6) Difference Between Mav'ir and Mevashel

What is the difference between mav'ir and mevashel? By mevashel one makes a fire in order to cook — that's the purpose. By mav'ir we're talking about burning the thing itself. One can violate both — if one lights a fire (mav'ir) and then cooks with it (mevashel).

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#### Halacha 1 (Continued) — Lighting for Warmth or Light, and Toldos Mav'ir

**The Rambam's Words:** If someone lights a fire — a candle, or wood — for the sake of warming himself or making light, he is liable for mav'ir. **Toldos mav'ir: One who heats iron in order to temper it in water** — someone who heats iron in order to then throw it into water (a process of tziruf/hardening), is liable for toldos mav'ir.

**Explanation:** The av melacha of mav'ir is lighting a fire for a purpose (warmth, light). The toldah is heating metal kedei letzorfo — a manufacturing process where one makes the iron hot and then quickly cools it in water, which makes it hard and sharp.

#### Insights:

- By one who heats the iron, the fire already exists — the person only puts in the iron. Nevertheless it's called mav'ir, because the iron itself becomes red and burning — it itself becomes "ignited" from the fire. If it weren't mav'ir, it would only be damage without a melacha name.

- The **Meiri** asks a question that this should be mevashel (because one heats an object), not mav'ir. The **Ra'avad** also doesn't agree with the Rambam's classification.

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#### Halacha 2 — One Who Extinguishes Any Amount is Liable

**The Rambam's Words: "One who extinguishes any amount is liable. Whether one extinguishes a candle or a coal of wood. But one who extinguishes a coal of metal — is exempt."**

**Explanation:** The shiur of mechabeh is kol shehu, just like mav'ir. Extinguishing a candle or a coal of wood is liable. But extinguishing a coal of metal is exempt.

**Insights:****1) Contradiction Between Mav'ir and Mechabeh by Metal**

By mav'ir, heating metal is liable (toldos mav'ir), but by mechabeh, extinguishing metal is exempt — why the difference? The Rambam makes clear: by mav'ir we're talking kedei letzorfo — it's a need, a melacha. By mechabeh, if one extinguishes a coal of metal simply (not kedei letzaref), it's exempt.

**2) The Ra'avad's Question — Extinguishing as Part of Tziruf**

The **Ra'avad** argues: if by mav'ir he is liable (because letzorfo), he should also be liable by mechabeh — because extinguishing in water is part of the same tziruf process. The Ra'avad argues that even if he didn't intend letzaref, it's actually a tziruf, and according to the Ra'avad's position (melacha she'eina tzricha legufa chayav) he should be liable. It's also asked whether this is a psik reisha (because whenever one extinguishes hot metal in water, tziruf results), but it remains an open question.

**3) The Rambam's Second Formulation by Mechabeh**

The Rambam brings both sides: **"One who heats the iron until it melts into a coal and then puts it in water and tempers it in order to harden it and make it sharp — and this is the tzoruf that one who does it is liable"** — on mav'ir, and the same also on mechabeh. The Rambam formulated differently here than by mav'ir — there he only stated the obligation, here he discusses more the exemption.

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**Halacha 2 (Continued) — A Coal of Metal in Reshus Harabim**

**The Rambam's Words: "A coal of metal in reshus harabim — it is permitted to extinguish it so that the public should not be harmed by it."**

**Explanation:** A glowing metal in reshus harabim may be extinguished so that people should not be injured.

**Insights:**

This fits with the principle that a coal of metal is only exempt (derabbanan), and a derabbanan is permitted for the need of the public / danger. The Rambam said earlier the principle that shevusin are not enforced in such circumstances.

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**Halacha 3 — Nosen Shemen VeNotel Shemen**

**The Rambam's Words: "One who puts oil into a burning candle is liable for mav'ir. And one who takes from the oil that is in the candle is liable for mechabeh."**

**Explanation:** Adding oil to a burning candle is mav'ir; removing oil from a burning candle is mechabeh.

**Insights:**

- By nosen shemen, the person doesn't make a new fire — he only extends the existing fire. Therefore it's called mav'ir. The same in reverse by notel shemen.

- **Question:** If one removes oil but there remains enough that the candle will burn until motzaei Shabbos — is he still liable for mechabeh? Or do we only speak when he removes enough that it will immediately extinguish?

- **Tosafos** is cited that gerama kibuy is permitted, therefore it cannot be that we're talking about a case where it will only

extinguish sooner — it must be that now the flame actually becomes weaker.

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**Halacha 4 — A Fire That Broke Out on Shabbos**

**The Rambam's Words: "A fire that broke out on Shabbos — if one extinguishes because of loss of property, he is liable, for loss of property does not override Shabbos, only loss of life. Therefore if people went out so they should not die — let the fire consume, even if it consumes the entire community."**

**Explanation:** A fire that breaks out on Shabbos — one may not extinguish to save money. Only pikuach nefesh overrides Shabbos. If the people have already left, let the fire burn, even if it can burn the entire city.

**Insights:****1) Language of Pasuk**

The language "let the fire consume" is a language of pasuk.

**2) Neighbor's House**

Even if the fire can spread to the neighbor's house, there too one must only remove the people, but not extinguish — because it remains loss of property.

**3) Mishnah Berurah — Mitzvah to Say This Din**

The **Mishnah Berurah** says it is a mitzvah to state this law (that one may not extinguish for money).

**4) Rema — Bizman Hazeh**

The **Rema** says this was only in the time of the Sages, but today, when we live among non-Jews, every fire is a danger to life.

**5) Mishnah Berurah — Lemaaseh**

The **Mishnah Berurah** and later **poskim** rule that today, since a fire can spread next door where there may be an elderly person, sick person, or child who cannot escape, every fire is a possible pikuach nefesh, and **it is a mitzvah to extinguish a fire on Shabbos**. The Rambam himself says "let people go out so they should not die" — but he's talking about when one is certain there's no concern for people. The Mishnah Berurah's innovation is that in practice there's almost always a doubt of pikuach nefesh.

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**Halacha 4 (Continued) — Gerama Kibuy: A Partition of Vessels**

**The Rambam's Words: "It is permitted to make a partition with vessels, whether full or empty, so that the fire should not pass."**

**Explanation:** One may bring vessels — either full with water, or empty that are fire-resistant — and make a partition to stop the fire.

**Insights:****1) New Clay Vessels Full of Water**

**Even new clay vessels full of water** — even when one knows for certain that when the fire arrives, the vessels will crack (misbake'a) and the water will pour out and extinguish the fire — **it is permitted**, because this is **gerama kibuy** (indirect extinguishing), not kibuy with one's hands.

**2) Foundation: Why is Gerama Kibuy Permitted?**

**Miderabbanan it is forbidden to do gerama melacha**, but **because there is concern for loss, the Sages permitted gerama kibuy**.

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**Halacha 4 (Continued) — Kofin Ke'ara Al Gabei HaNer**

**The Rambam's Words:** If a person has a candle and he's afraid it will ignite the beam (ceiling), **one may turn over a bowl over the candle** to protect it from igniting.

**Explanation:** One places a bowl over the candle to prevent the ceiling from igniting.

**Insights:****1) Mevatel Keli Meheichano — Here Permitted**

Earlier we learned that one may not place a vessel under dripping oil because of **mevatel keli meheichano** — but here it's permitted. The difference: here it's because of danger/loss (that the ceiling shouldn't ignite), therefore they permitted even mevatal keli meheichano.

**2) Practical Understanding**

It's a tall bowl that is tall enough that the candle can still burn under it — it doesn't directly extinguish the candle. If it would directly extinguish, it would be forbidden. Here it's a **gerama** — it causes the fire to become smaller or extinguish when it reaches the bowl.

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**Halacha 4 (Continued) — Porshin Or Shel Gedi / Tallis Al Kora**

**The Rambam's Words:** "A garment that fire caught — **one may bring things that fire does not control and spread on the part of the beam/cabinet that is not yet burned, so that the fire should not catch it.**"

**Explanation:** One places a fire-resistant thing on the part that isn't burning yet, to stop the fire from going further.

**Insights:****1) Less Than Gerama Kibuy**

Here one doesn't extinguish anything — one only makes it so **no new fire should ignite**. The first half of the cabinet will continue burning until it's finished. One has only stopped the fire from going further to the second half. This is even less than gerama kibuy — because by gerama kibuy one extinguishes where it's already burning, but here one only stops a **new** fire from starting.

**2) Why Do We Need to Discuss This at All?**

If one does nothing to the fire itself, only places something on a place where it's not yet burning — why should this be forbidden? The answer: because **he indeed intends to extinguish** — when the fire arrives there, it will extinguish. This is the intention of "so that the fire should not catch it."

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**Halacha 4 (Continued) — A Sefer Torah That Fire Caught**

**The Rambam's Words:** "A Sefer Torah that fire caught — **one spreads it out and reads from it, and if it extinguishes, it extinguishes.**"

**Explanation:** One may spread out the Sefer Torah and read from it, and if the fire extinguishes in the process — it is permitted.

**Insights:****1) Does It Mean Specifically a Sefer Torah?**

"Sefer Torah" in the Mishnah can mean any book. But it must be a book that one may read on Shabbos — because if it's an accounting book, one may not read it on Shabbos.

**2) How Does "Spreading It Out" Help Extinguish?**

By spreading out the book, the fire is "choked" — it's burning from behind, and by spreading one disturbs the fire.

**3) Gerama Kibuy Only for a Mitzvah/Loss**

Perhaps gerama kibuy is only permitted **for a mitzvah or loss** — therefore we speak of a Sefer Torah (mitzvah) or a garment (loss).

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**Halacha 4 (Continued) — Nosnim Mayim Al HaTzad She'adayin Lo Nispas Ba'ur**

**The Rambam's Words:** **One may pour water on the side that hasn't yet started burning, and if it extinguishes, it extinguishes.**

**Explanation:** One pours water on the part that isn't burning yet, and when the fire arrives, it extinguishes.

**Insights:****1) "And If It Extinguishes, It Extinguishes" — It Will Practically Extinguish**

**"And if it extinguishes, it extinguishes" means that in practice the fire will almost always extinguish** — because the fire arrives at the water and extinguishes. This is a gerama — one pours the water "one step ahead" of where the fire is, and when the fire arrives, it extinguishes. There's no doubt it will extinguish — **the heter is only because one doesn't do it directly.**

**2) Comparison to Modern Gerama Mechanisms**

This is compared to modern gerama technologies (Shabbos elevator, electric gerama mechanisms) — one presses something, and the result comes indirectly. Some say this is a mistake, but the Rambam's halacha is clear that such gerama is permitted by loss.

**3) Connection to Pouring Water on a Burning House**

Even when the Rema says one may not extinguish a fire (miderabbanan), that's only direct kibuy. But "half gerama" — like pouring water on the part of the house that isn't burning yet (as a firefighter does) — is permitted, because it's indirect.

**[Digression: Fire in Ancient Times]** In the past, people dealt more with fire — every house had a fireplace, fire was used for heating and cooking, a child woke up in the middle of the night and needed to light a candle. Therefore one better understands the "tricks" the Rambam speaks about.

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**Halacha 4 (Continued) — Shachach Ner Dolek Al Gabei Tavla**

**The Rambam's Words:** "One who forgot a burning candle on a board — **one may shake the board so the candle should fall. But if he placed it on erev — one may not, because the board becomes a basis ledavar ha'asur.**"

**Explanation:** If one forgot a burning candle on a table, one may shake the table so the candle should fall (gerama kibuy). But if one placed it intentionally erev Shabbos, the table becomes a basis ledavar ha'asur and one may not shake it.

**Insights:****1) Difference Between Shachcho/Hinicho**

The difference is not temporal (when he placed it) but intention-based: "shachcho" means he was walking around erev Shabbos with a candle, put it down on the table, intended

to take it away, and forgot — then the table is not a basis. "Hinicho be'erev" means he intentionally placed it there erev Shabbos — then the table becomes a basis ledavar ha'asur.

### 2) Gerama Kibuy by Ner Dolek

This shaking of the board is a gerama kibuy (indirect extinguishing), which is permitted. It's not a certain kibuy — he doesn't know for sure the fire will go out.

### 3) Danger vs. Concern for Fire

The case of ner dolek speaks of a concern that it might make a fire (not actual danger), and even so one may shake. If it were actual danger, one would be permitted even by "hinicho be'erev," because gerama kibuy by danger would permit even muktzeh. But from the fact that the Rambam distinguishes between shachcho and hinicho, we see it's not talking about danger — because by danger the distinction wouldn't exist.

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### Halacha 4 (Continued) — A Non-Jew Who Comes to Extinguish

**The Rambam's Words: "A non-Jew who comes to extinguish — we don't tell him extinguish and we don't tell him don't extinguish."**

**Explanation:** A non-Jew who comes on his own to extinguish — one doesn't need to stop him, and one doesn't tell him to extinguish. One doesn't call a non-Jew to tell him to extinguish, but when he comes on his own, one lets him. One doesn't have a mitzvah to make him rest.

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### Halacha 4 (Continued) — A Minor Who Comes to Extinguish

**The Rambam's Words: "A minor who comes to extinguish — we don't listen to him. And if he did it al da'as aviv — [one must protest]. But on his own / from his own mind — beis din is not commanded to separate him."**

**Explanation:** A Jewish child who comes to extinguish a fire on Shabbos — one doesn't let him. But if he does it from his own mind (not al da'as aviv), beis din is not obligated to separate him.

#### Insights:

##### 1) Difference Between Non-Jew/Minor

This is the main difference: a non-Jew — we don't tell him "don't extinguish"; a minor — we do tell him, we don't let him. The non-Jew we have no mitzvah to make rest; the minor we have an obligation.

##### 2) Dispute About the Meaning of "We Don't Listen to Him"

One suggested that "we don't listen to him" doesn't mean we stop him, but that when he comes to ask "Daddy, should I extinguish?", the father doesn't say "yes." The other strongly disagreed: "we don't listen to him" actually means we don't let him extinguish — we push him away, we tell him "no." This is the difference from a non-Jew: by a non-Jew we're silent, by a minor we actively say "no." The stronger opinion is that "we don't listen to him" actually means we don't let him — we must protest. The proof: the difference between a non-Jew (where we're silent) and a minor (where we speak actively) must be that by a minor we do something more — we stop him.

##### 3) Meaning of "Al Da'as Aviv" vs. "Mida'as Atzmo"

This is a difficult question that the commentators haven't clarified. "Al da'as aviv" doesn't mean only that the father

explicitly tells him — it means the child does it to help the father, or he gets a hint/signal from the father. "Mida'as atzmo" means he himself holds that he's big enough to help, he does it simply on his own.

### 4) Connection to General Laws of Educating Minors (Chapter 24)

The Rambam in Chapter 24 says: a minor who does on Shabbos something that is not a shevus — beis din is not commanded to separate him. Also if the father allows — we don't obligate him to protest. By fire, where Chazal made special leniencies (geramos etc.), we see more clearly the explanation: even by a d'oraisa (mechabeh), if the minor doesn't do it al da'as aviv, beis din is not obligated to separate him. This is a chiddush — because normally by d'oraisa violations one would think we must protest, but by fire Chazal were lenient.

### 5) "Shefisosav Alav" — The Foundation of Obligation by a Minor

The obligation to stop a minor is specifically when he is "shefisosav alav" — he is on the father's responsibility. But this doesn't mean every minor who acts on his own, only specifically when he acts "al da'as aviv." A minor who eats pork on his own — we don't have a mitzvah to stop him (according to this position). Chinuch is a mitzvah to educate to do mitzvos, not a compulsion to stop aveiros.

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### Halacha 4 (Continued) — Amira LeNochri by a Fire

**Explanation:** By a fire on Shabbos there are special leniencies — one may hint to a non-Jew "whoever extinguishes doesn't lose," even though normally one may not benefit from a non-Jew's work on Shabbos when he does it al da'as Yisrael.

**Insight:** The Rambam begins this topic with the prohibition of extinguishing a fire, but in practice he lists all the ways that one may indeed do — including hinting to non-Jews. The principle is: amira lenochri is only miderabbanan, and by a fire (need) Chazal were lenient.

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### Halacha 11 — Hotza'ah Mereshus Lireshus: Av Melacha

**The Rambam's Words: "Hotza'ah from one reshus to another is one of the avos melachos."**

**Explanation:** Hotza'ah from one reshus to another is one of the 39 avos melachos.

#### Insights:

##### 1) Why Does the Rambam Emphasize It's an Av Melacha?

The Rambam wants to counter a misconception — by all other melachos one creates something, makes a change. By hotza'ah one has merely moved something from one place to another — no change in the object itself. Therefore a person might think it's not a real melacha. The Rambam emphasizes that yes, it's an av melacha.

##### 2) Why Does Hotza'ah Have So Many Halachos?

Because hotza'ah is the melacha that a person does constantly — one has things in pockets, one can very easily stumble. Therefore one needs an eruv, and therefore there are so many details.

##### 3) Proof from Pasuk

**"Let no man or woman do any more work for the offering of the Sanctuary — and the people were restrained from bringing"** — Moshe Rabbeinu said they

should no longer bring donations for the Mishkan. The pasuk calls this "melacha," and this bringing was carrying from reshush hayachid to reshush harabim (or vice versa). We see that carrying is called melacha. The Rambam emphasizes: **"Even though this matter... all the bodies of Torah are from the mouth of Moshe from Sinai"** — all 39 melachos are halacha leMoshe miSinai, but by hotza'ah there's also a hint from a pasuk.

#### 4) Dispute Among Rishonim in the Meaning of the Pasuk

**Rashi** goes with the derasha of Chazal that "melacha" means the carrying/bringing itself. The **Rashbam** and **Ramban** understand differently — the women worked (spun and the like) and brought, "let them do no more work" means they shouldn't make new things. The Ramban argues that "melacha" doesn't always mean work — like "asher lo shalach yado bimelech re'eihu" where melacha means "belongings"/property. The Rambam brings here the derasha of Chazal.

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#### Halacha 11 (Continued) — Ma'avir Arba Amos Bireshush Harabim

**The Rambam's Words:** "And so we learned from the oral tradition — one who carries in reshush harabim from the beginning of four to the end of four is like one who takes out from one reshush to another and is liable."

**Explanation:** Besides hotza'ah from reshush to reshush, there's another manner: carrying four amos in reshush harabim is also liable like hotza'ah mereshush lireshush.

#### Insights:

##### 1) Source

The Gemara says "gemara gemiri lah" — the Rambam interprets this as halacha leMoshe miSinai.

##### 2) Meaning of "Kemotzi" — Baal HaMaor

The **Baal HaMaor** gives a different explanation — a person walks around with his small four amos reshush, and when he carries out from his four amos it's literally like hotza'ah mereshush lireshush. Four amos is "reshusho shel adam." Difficult on this: he walks with his four amos, so the new four amos should nullify the previous ones.

##### 3) Structure of Av Melacha

Hotza'ah and hachnasa — the Rambam makes no distinction between them, both are the same melacha. Ma'avir four amos bireshush harabim is a manner of the same melacha.

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#### Halacha 11 (Continued) — Shiur Hotza'ah

**The Rambam's Words:** "And one is not liable until he takes out a useful amount... from reshush harabim to reshush hayachid or from reshush hayachid to reshush harabim."

**Explanation:** One is only liable when one carries out a "shiur hamo'il" — a shiur that is important/useful for that specific thing.

**Insight — Why Hotza'ah Has So Many Halachos (Shiurim):** By other melachos the shiur is connected to the melacha itself. By hotza'ah one can carry anything — spices, food, etc. — and each thing has its own shiur according to how it's used. Therefore there are so many Mishnayos and halachos that detail the shiurim for each thing.

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#### Halacha 11 (Continued) — Akira VeHanacha

**The Rambam's Words:** "And he must uproot from this reshush and place in the second reshush. But if he uprooted and didn't place, or placed and didn't uproot... he is exempt."

**Explanation:** One needs both — akira (picking up) from one reshush and hanacha (putting down) in the other reshush. Without both one is exempt.

**Insight:** The Rambam places akira vehanacha together with shiur hamo'il in one halacha — he views it as part of the "shiur" of hotza'ah, not as a separate condition. Akira vehanacha is part of the completeness of the melacha, just as the shiur is part of the completeness. "Hilchos hotza'ah" means one needs both parts: the shiur (keshiur) **and** akira with hanacha. The Rambam views it as one package.

**And so one who carries from the beginning of four to the end of four bireshush harabim** — also needs akira, hanacha, and shiur. **And one is not liable until he uproots a shiur amount and places on the other side.**

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#### Halacha 12 — Toldos Hotza'ah: Zorek and Moshit

**The Rambam's Words:** Throwing (zorek) and passing (moshit) from reshush to reshush, or from the beginning of four to the end of four bireshush harabim — **"this is a toldah of motzi and one is liable."**

**Explanation:** The form is a bit different, but the result is the same: the object arrives from one reshush to another.

**Insight — Kela'achar Yad by Zorek:** "But one who throws kela'achar yad is exempt." Why does the Rambam bring kela'achar yad specifically by **zorek** and not by **motzi**? He could have said kela'achar yad on motzi too! Only in **Halacha 13** does it say that hamotzi kela'achar yad is also exempt — why not right here? This remains an open question.

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#### Halacha 12 (Continued) — Motzi Miktzas HaCheifetz

**The Rambam's Words:** "One who takes out part of the object from one reshush to another is exempt, until he takes out the entire object from this reshush to that reshush."

**Explanation:** If part of the object remained in the previous reshush, he is exempt.

**Insight — Keli Metzafan:** "A basket full of objects, even full of mustard" — even

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**Explanation:** If part of the object remained in the previous reshush, he is exempt.

**Insight — Keli Metzafan:** "A basket full of objects, even full of mustard" — even thousands of mustard seeds, they are all nullified to the vessel. **"One who takes out most — is exempt until he takes out the entire basket."** The vessel makes everything inside into **one object** — **"for the vessel combines everything that is in it."** We don't look at what lies inside, but at the vessel as a whole.

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**Halacha 13 — Derech Hamotzi'in**

**The Rambam's Words:** "One who takes out an object from one reshus to another — whether in his right hand or in his left hand, whether in his bosom or on his shoulder — is liable, for he took out in the manner people take out."

**Explanation:** Carrying with the right hand, left hand, in one's garment/pocket, or on the shoulder — all are derech hamotzi'in.

**Insights:****1) Al Ketefo Lema'ala Me'asara**

Even when the load is **lema'ala me'asara tefachim** bireshus harabim (where one could argue that reshus harabim doesn't go that high), he is still liable. **"For so we find in the Mishkan — on the shoulder they shall carry"** — in the Mishkan they carried the Aron on the shoulder, and all melachos Shabbos are learned from the Mishkan.

**[Digression: How Did They Carry on the Shoulder?]**

One placed it on the shoulders, with the hands holding to the side so it shouldn't fall. This was a derech kavod — high, "eye level." It's also **easier** to carry heavy things on the shoulder than in the hands. The Kuzari thinks they carried themselves on the shoulder. The pasuk "on the shoulder they shall carry" means with the body — other tribes received wagons, but Bnei Kehas carried on the shoulder.

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**Halacha 13 — Shelo Kederech Hamotzi'in**

**The Rambam's Words:** One who carries out **"between two garments"** (between two pieces of clothing), **"in his mouth"**, **"in his collar"**, **"in his shoe or sandal"** — **"is exempt, for he didn't take out in the manner people take out."**

**Explanation:** Exempt but forbidden — these are not normal ways that people carry things.

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**Halacha 13 (Continued) — Hamotzi Masa Al Rosho**

**The Rambam's Words:** "If it was a heavy sack, such as a sack full or a basket, that is placed on his head and he holds with his hand — he is liable, for so is the manner people take out." But "if it was a light object, such as he placed a garment or knife or book on his head and took it out and he doesn't hold it with his hand — he is exempt, for he didn't take out in the manner people take out, for it's not the way of most of the world to take out objects placed on their heads."

**Explanation:** A heavy load on the head with the hands holding to the side — this is a normal way. But small things on the head without holding with hands — this is not derech ha'olam.

**Insight:** The distinction is: **large/heavy** things on the head with hands — this is derech hamotzi'in, because this is how one carries heavy things. But **small** things on the head without holding with hands — this is not derech ha'olam, because small things are not carried on the head.

**[Humorous Note:]** One carries huge shtreimels on the head — is one exempt? Answer: one doesn't carry it with the hands, it's not derech hotza'ah at all — it's clothing.

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**Halacha 13 (Continued) — Hama'avir Lema'ala Merosho**

**The Rambam's Words:** "One who carries an object from the beginning of four to the end of four bireshus harabim, even if he carried it above his head — is liable."

**Explanation:** Here we're not talking about placing on the head, but about **holding in the hands but higher than the head** — even higher than ten tefachim, he is liable.

**Insights:****1) Question — Lema'ala Me'asara Tefachim**

Lema'ala me'asara tefachim is not reshus harabim — why is he liable? The answer: because the person himself is within ten, and he carries the object, the object is connected to the person. When we say lema'ala me'asara is exempt, we mean when the akira itself is in a place lema'ala me'asara — but when a person walks with the thing, it's connected to the person who is within ten.

**2) Dispute Among Rishonim**

Other Rishonim say one is only liable if there was an akira vehanacha lemata me'asara before/after. But the Rambam says even in a manner that it's lema'ala me'asara the entire time — liable.

**3) Distinction — Only by Ma'avir Four Amos**

The law is specifically regarding carrying four amos bireshus harabim, but from reshus to reshus (reshus hayachid to reshus harabim) it will probably be different when he carries lema'ala merosho — because there we look more at the place from where and to where he carries.

**4) The Ra'avad's Explanation — Avar Derech Alav**

The **Ra'avad** learns a different explanation in the Gemara. He interprets "even though it passed over him" that even if a person extends his hand from the right and places it on the left (the end of four is the beginning of four), and meanwhile it was on the person (who is as if a makom patur) — he is still liable. But if the person travels with the thing (he walks with it), it's the entire time on a makom patur — he should be exempt.

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**Halacha 14 — Tilul Within Four Amos Bireshus Harabim**

**The Rambam's Words:** "It is permitted for a person to carry bireshus harabim within four amos by four amos that he stands at their side."

**Explanation:** A person may be metateil within his four amos in reshus harabim.

**Insights:****1) "That He Stands at Their Side" — What Does This Mean?**

Here is a big question: does it mean the person stands at the side of a four by four square (and he has four amos ahead), or does it mean he stands in the middle and has four amos around him (which would come out 8x8)?

**2) Maggid Mishneh's Position**

The **Maggid Mishneh** argues that "to any direction he wants" doesn't mean he has four amos in every direction (which would be a 16 amos square). He means only in front of him or to his side — not that it should come out four times four.

**3) Suggested Explanations of "Betzidan"**

(a) He stands at the side of the square, and the square is in front of him; (b) "From his side" means as far as a person can extend his hands — this is his reshush. The straightforward understanding is that in front of a person there is a square of four by four, he turns — turns with the square.

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#### **Halacha 14 (Continued) — Shiur Four Amos: Measurement**

**The Rambam's Words:** "The amos of these are measured with the amos of the person." If he is "a dwarf in his limbs — we give him four average amos of any person."

**Explanation:** We measure with the person's own ama (his hand). But a small person receives an average shiur.

**Insight:** A large person receives according to his own (larger) amos — it doesn't become smaller, but larger. The principle: it doesn't become smaller than average, but it can become larger.

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#### **Halacha 14 (Continued) — Source of Four Amos: Halacha LeMoshe MiSinai**

**The Rambam's Words:** "From the received tradition the Sages said that this which is stated in the Torah 'let every man remain in his place, let no man leave his place' — that he should not carry outside this square." The shiur is "like the measure of a person's length and the extension of his hands and feet."

**Explanation:** "Let every man remain in his place" — where you sit you may be metateil. "Let no man leave his place" — more than that one may not. The pasuk originally speaks about gathering manna on Shabbos, but Chazal derived from it the principle of four amos.

#### **Insights:**

##### **1) How Do We Get Four Amos**

A normal person is about three amos tall, when he extends his hands it adds another ama — together four amos. This is the source of the shiur.

##### **2) This Doesn't Mean Only Extending**

He may carry in the entire square of four amos — he sits "at the side" of the square.

##### **3) Question — Gathering Manna on Shabbos?**

According to this explanation, one could gather the manna on Shabbos (because one can sit down and take from four amos around)? Answer: it's only a derasha — the simple meaning of the pasuk is "sit where you are and don't go around Shabbos looking for manna."

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#### **Halacha 15 — Two People Whose Four Amos Overlap**

**The Rambam's Words:** "If there were two people, part of the four amos of one within the four amos of the other — they bring and eat in the middle, provided that this one doesn't take out from his into that of his friend."

**Explanation:** Two people who stand/sit close to each other, and their four amos overlap — both may bring food to the overlapping place and eat there, but neither may take out from his four amos into his friend's four amos.

**Insight:** This is a chiddush — we didn't decree on this case, even though one might have thought it should be forbidden

miderabbanan.

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#### **Halacha 15 (Continued) — Three People: The Middle One Combines Between Them**

**The Rambam's Words:** "If there were three and the middle one combines between them, he is permitted with them and they are permitted with him, but the two outer ones are forbidden with each other."

**Explanation:** The middle person borders with both sides in his four amos, therefore he may with both. But the two outer people may not with each other, because they are not in each other's four amos. We don't say it becomes one large adjacent reshush, and we also don't forbid the middle person because of a gezeira.

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#### **Halacha 15 (Continued) — Chain of People: Carrying Through Many People**

**The Rambam's Words:** "Therefore it is permitted for a person to uproot an object from reshush harabim and give it to his friend who is with him within four amos, and so his friend to another friend at his side, even if they are a hundred, even though the object travels several mil on Shabbos it is permitted, for each and every one only took within his four amos."

**Explanation:** One may make a chain of people, each one passes the object to the next, even a hundred people, even if the object is moved several mil. It's permitted because we don't look at the object but at the person — no single person carried more than four amos.

#### **Insights:**

##### **1) Distinction Between Hotza'ah and Other Melachos (Shnayim She'asuha)**

By other melachos (like transferring fire) we say that when several people do a melacha together, we look at the result — between all of them a complete melacha came out. Here too the object was actually carried several mil — why is this not a melacha?

The answer: By hotza'ah we don't look at the object (po'el yotzei) but at the person's action. No single person was ma'avir four amos bireshush harabim. This is even less than shnayim she'asuha — because by shnayim she'asuha (like echad oker ve'echad mani'ach) it's at least exempt but forbidden miderabbanan, but here it's **permitted** lechatchila.

##### **2) Why Different from Shnayim She'asuha?**

By echad oker ve'echad mani'ach — both can do it alone (zeh yachol vezeh yachol), therefore it's shnayim she'asuha, exempt but forbidden. But here it's not a melacha at all — because no one did the shiur of four amos bireshush harabim. Nothing happened at all from any single person's side.

##### **3) Question from Acharonim — One Person Alone**

If the main reasoning is that each person only carried within his four amos, one person alone could do the same thing — he sits in a new place, carries within his four amos, places down (mani'ach), goes further, picks up (oker), carries again less than four amos. What's the difference between many people or one person?

##### **4) Ra'avad's Dispute**

The **Ra'avad** disputes the basic halacha. He holds that a person may not be metateil within four amos bireshush

harabim just like that — only **in a time of need**, like when he has nowhere to be (ein lo sham kevi'us). The **Shulchan Aruch** rules according to the Rambam.

#### 5) Rambam — Permitted Lechatchila

The Rambam says clearly "permitted" — this means permitted even mid'erabbanan, lechatchila. With many people it's lechatchila permitted according to the Rambam.

#### 6) Distinction Between One Person and Many People (Less Than Four Amos)

The **Bi'ur Halacha** brings that Rav Blumenfeld argues there's a distinction between many people (permitted lechatchila) and one person who goes alone (only in a time of need). The **Pri Megadim** distinguishes: mid'oraisa it's indeed the same — but mid'erabbanan the Sages didn't allow one person alone to do this except in a time of need. But with many people the Rambam says "permitted" — permitted even mid'erabbanan.

#### 7) General Distinction — Hotza'ah vs. Other Melachos

By hotza'ah we look at the action of the person, not at the po'el yotzei (result). By other melachos we look more at what happened. Here is even less than other hotza'ah cases, because he doesn't even carry himself into another reshus.

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### Halacha 16 — Shiur Four Amos: Diagonal of the Square

**The Rambam's Words:** "Since a person has to be metateil within four amos by four amos, it comes out he is metateil along the diagonal of this square — five amos and three-fifths of an ama. Therefore one who carries and one who throws bireshus harabim is not liable until he carries outside five amos and three-fifths of an ama."

**Explanation:** A person receives a square of four by four amos. If he goes straight it's four amos, but if he goes diagonally from one corner to the other, it's 5 and 3/5 amos. Therefore by ma'avir and zorek bireshus harabim one is not liable until one is ma'avir more than 5 and three-fifths ama.

#### Insights:

##### 1) The Foundation

The Rambam's chiddush is that the shiur is not simply "four amos" as we generally speak, but because this is the **reshus** of the person (a square), he can utilize the diagonal. Therefore the true shiur is five and three-fifths ama.

##### 2) Only by Ma'avir and Zorek

The Rambam limits the law — this applies only by ma'avir (carrying) and zorek (throwing), not in all cases.

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### Halacha 16 (Continued) — Different Laws According to Distance

**The Rambam's Words:** Three levels:

1. Up to four amos — **permitted lechatchila**
2. From four amos to five amos and three-fifths (diagonal) — **exempt but forbidden** (issur derabbanan)

## Full Transcript

### Rambam Laws of Shabbat Chapter 12 — Mav'ir (Kindling)

3. More than five amos and three-fifths — **liable for a chatas** mid'oraisa

**Explanation:** The Rambam sets up three levels of law according to the distance.

#### Insights:

##### 1) The Gra's Explanation — Only When One Establishes a Place

The **Gra** says the law of the diagonal applies only when a person has **established his four amos** — meaning he determined exactly where his four amos are. Only then does he receive the addition of the diagonal. This fits with the **Ra'avad's** position that the entire heter of four amos is only when one establishes a place.

##### 2) Question — Why Should the Diagonal Be Permitted?

When one goes **straight**, the shiur is four amos. But when one goes **diagonally**, why should one receive more? This is only logical if one already has a fixed square — but when one goes in a direction, one must first measure where the four amos are, and **perhaps your four amos are set up in a direction that doesn't fit with your path**. This remains **unclear**.

##### 3) The Ra'avad's Dispute — No Distinction Between Four and Five and Three-Fifths

The **Ra'avad** holds (as learned earlier) that **in general there is no heter lechatchila to carry within four amos** — only **in a place of need** (time of need). The Ra'avad goes according to the **opinion of the Rabbanan** that one may only carry less than four amos when it's not possible otherwise.

The Ra'avad asks on the Rambam: **From where did the Rambam take a new gezeira** between four amos and five amos and three-fifths? If the true boundary of four amos is actually five amos and three-fifths (because that's the diagonal), then one should be able to carry in a time of need up to five amos and three-fifths! The Rambam's distinction — that four amos is lechatchila permitted, but between four and five and three-fifths is exempt but forbidden — is **unclear from where he takes this new issur derabbanan**.

##### 4) Difficulty with the Division D'oraisa/Derabbanan

The Rambam's division between d'oraisa and derabbanan is **very difficult to make in hilchos Shabbos**, because "exempt" normally means "but forbidden mid'erabbanan." But the Rambam divided into three levels, which is unusual. The **Shulchan Aruch** brings that four amos is lechatchila permitted, but it's noted that **in many places it doesn't appear so** that one may lechatchila.

##### 5) A Possible Answer — Less Than Four Amos Means the Diagonal

One can perhaps learn that when the Gemara says "**less than four amos**" it actually means the **diameter (diagonal) of four amos**, which comes out more than four amos. This way one could answer the Ra'avad's question.

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**With this, Chapter 12 is concluded.**

### Opening and Introduction

We are learning the holy Rambam, Laws of Shabbat Chapter 12, the twelfth chapter. Wonderful.

We should say a thank you to the donors who sponsor the shiur, the Rav Rabbi Yoel who is the patron of the shiur. And if someone wants to sponsor a particular shiur, for example someone has some connection specifically with the melacha (labor category) of mav'ir, he can sponsor the chapter that deals with it. Or there are many chapters in the Laws of Shabbat, whoever wants, perhaps we should do like the author and sell the Torah in shul, Parshat Ha'azinu costs extra money. So for example the chapter that talks about kiddush can be sold for extra money. Someone who wants a fiery avodas Hashem (service of God) should donate mav'ir. Someone whose kidneys don't work should donate "one who eats two meals gives."

### Halacha 1 – One Who Kindles Any Amount is Liable

So, the Rambam says, "**One who kindles any amount is liable.**" We are learning here, we are now going to learn, we are in the middle of the 39 melachos (categories of labor). I have already calculated most of the 39 melachos I think, and we are now at mav'ir. This is number 37. Very good.

So the Rambam first calculates each halacha with the av melacha (primary labor category), and afterwards he goes to discuss if there are tolados (derivative categories). Mav'ir, what is the measure of mav'ir? Any amount. Unlike most melachos that we had, where there is a certain measure, like a dried fig, like the size of an amulet, or whatever, like the size of letters, two letters. Mav'ir is any amount. Making any fire, a tiny fire is also considered making a fire.

### Tzorech L'efer – The Meaning of Mav'ir

But mav'ir usually means lighting a... I don't know, lighting a table, not lighting something that is normally lit, because we will see later about lighting something that is normally lit. So he says here, lighting, why would a person light a piece of wood? Usually it's either destructive or because he wants the fire.

In ancient times, as I just discussed with my study partner R' Yitzchak, for us it seems like it's for the purpose of ashes. If he lights a fire because he needs the ashes, he needs the fire, he is liable. For us it seems like such a rare thing, I don't know, it's done on the eve of Tisha B'Av there, to have fire. But in ancient times they used to do it, they used to heat with wood, and there they had some system where they needed to have ashes. As we see, for example, we learned earlier about a metal to make coals, we also see in the picture that they cover the wood with covered coals, meaning covered with ashes. It seems that ashes had an important need, a person had in his house also a bucket of ashes. So it makes sense that, granted, this is the way of mav'ir that is liable, that one lights the fire for a positive reason, because he wants to have ashes. You say? Yes yes, very good.

### Mav'ir B'derech Mekalkel – Exempt

But if one does it in a destructive manner, he burns a table because he wants to get rid of the table, or he wants to spite someone, he is exempt. Melacha she'eina tzricha l'gufa (labor not needed for its own sake) he is exempt, because he didn't do any labor that is constructive but rather destructive. Just as with all melachos we know that all melachos mean when one does something because he wants the result from it, because he needs to have it, it's part of preparation. But anything that one does in a manner of destruction, he is perhaps a destroyer, a mekalkel, but it's not a melacha.

### Question of the Maggid Mishneh – Wood is Worth More Than Ashes

The Maggid Mishneh brings an interesting question, when one burns a good piece of wood and ashes remain, in practice he has made a lot of destruction. Wood is more, even when they used to use ashes, it's worth much more the wood than the ashes. It has apparently also made a destruction. So he takes on, he says that it's a dispute in the Gemara, but he says that the Rambam, the Maggid Mishneh says that the Rambam is correct, that even so this is called constructive. Although ashes against wood is a weak matter. But he wants now the ashes. It doesn't matter. He says that a living animal is worth more than a dead one, but there is a permission to slaughter. What is the hava amina (initial assumption)?

Okay. We don't look at what is better, we look at what he needs. He says that "**hatzarich lo efer**", when he needs ashes. But as we said at the beginning, that it seems strange to us, mav'ir tzarich lo efer. It was actually strange in the Gemara also, for a slightly different reason, but it's not so simple.

### Distinction Between Mav'ir and Mevashel

What is the difference between mav'ir and mevashel (cooking)? Mevashel means, one makes a fire, he is engaged in making the fire also. We learn clearly, this is in order to cook. Even if he takes wood in order to do this, he transgresses on cutting the wood according to the measure of cooking. Now we're talking but not that he cooks something with it, we're talking he burns the thing.

The Rambam says, mav'ir after that he cooks, he can be transgressing on both. Mav'ir, in the end he's going to say the Ra'avad. Yes.

### Mav'ir Gadisho Shel Chaveiro – Revenge as Repair

The Ra'avad says like this, what's happening? We just discussed that burning something is generally a destruction, so he is a mekalkel. But this is when it's actually a destruction. But if the person himself is a destroyer, if the person is wicked and he does want the fire, he wants the destruction, then so, mav'ir gadisho shel chaveiro (one who burns his friend's grain pile), he makes a fire to burn his friend's produce or to burn his dwelling, liable, he is indeed liable, this is called a mav'ir. Why? "**Af al pi she'hu mashchit**" (even though he is destroying), even though he is a destroyer, he is a mekalkel, but "**mitoch she'kavanto l'hinakem mi'son'o**" (since his intention is to take revenge on his enemy), he does it because he has a desire for revenge on his enemy, and once he does it, "**v'nitkarerah da'ato v'shachcha chamato**" (and his mind is cooled and his anger subsides), through doing it he has calmed down, "**harei ha'be'era k'shem ha'be'era**" (behold the burning is like burning). Yes, it fits with this, I think you learn this Ra'avad on other things.

As long as revenge burns in him, it still burns, and when does he calm down? When he has released his revenge, when he has actualized it, he has brought it from potential to actual, so he is not a mekalkel. What's the practical difference? It reminds of another halacha, we learned by kore'a al meito b'chamato (one who tears over his dead in anger), if someone tears a good garment he is a mekalkel, but if there is a mitzva to tear kri'a, or it's a way of expressing the pain, I think the word is not the mitzva, perhaps the word is because of the pain, the Torah said that when a person is in pain he tears the garment. Perhaps I should say that it's nitkarerah da'ato, because he has released his pain, he calms down. If b'chamato, he is in anger, and he

calms down through tearing over his dead, we see the same thing, that in this way it's indeed called constructive. Or another case, chovel b'chaveiro b'sha'at meriva (one who injures his friend during a quarrel), all these would have been able to be viewed as a mekalkel, but once we know the fact that through this one calms the evil inclination, this means **"metaken hu etzel yitzro hara"** (he is fixing his evil inclination), so he is fixing his evil inclination, so automatically he is indeed liable, it's not called a simple mekalkel.

#### **The Ra'avad's Position – We Look at What the Person Wants**

And I think this fits very well with the Ra'avad's position also with the ovid tzorech l'efer, the Ra'avad looks at it simply, what became less valuable? From wood became ashes, a person who has now entered into a sin is it a destruction, but the Ra'avad doesn't look at what is objectively better, wood or ashes, I look at what the person wants. The person needed ashes, the person wanted now to release. It wasn't a destruction. Unlike when he does it for nothing, someone doesn't think, he takes it as a destruction. But when he wants to release, he wants. I think both things, you see both, the Rambam and the Ra'avad. The Ra'avad wasn't, he repeated from the Rambam, he looked at it in the Maggid Mishneh. Someone else asked the question. I don't know exactly what was the conclusion, I only mentioned it to say that it's not so normal the need, I shouldn't build on this a whole structure.

#### **Discussion: "Hevel V'reik" – The Ra'avad's Protest**

**R' Yitzchak:** No, it's true that the Ra'avad disagrees. Here the Ra'avad says, **"Amar Avraham, kol zeh hevel v'reik"** (Abraham said, all this is vanity and emptiness). You're not strong with the knowledge. I am happy, because he has much jealousy of his inclination, because he releases what he needs to release according to the Rambam.

**The Maggid Shiur:** No, the Ra'avad holds that the words of the Rambam are hevel v'reik. He doesn't hold like "Amar Avraham, perhaps to explain differently with the Gemara." He holds that it's hevel v'reik. You need to know, it's a definition of how wrong the Rambam is according to the Ra'avad's position. Simply, the Ra'avad was a baal zaam (angry person), he got upset, he boiled in learning, he wasn't such a nice guy. True.

The whole thing I wanted to say is that this is a dispute between Rambam and Ra'avad. What the Ra'avad argues, the Ra'avad already said by chovel b'chaveiro, the Ra'avad said, he's serving idolatry, how can you call him a mekalkel? According to the Ra'avad, for example kri'a al meito will indeed remain, or one who asks like the Most High in order to cast fear on his household, which is the conclusion of the Gemara there regarding that one, will indeed be liable. Anger is serving idolatry is indeed a mekalkel.

**R' Yitzchak:** No, if it's a proper anger, if it's an anger that is to cast fear, ah, if it's an anger that is permitted, ah.

**The Maggid Shiur:** Yes, the Ra'avad only argues that then, according to his understanding in the Gemara also, that then when the anger is a... it's the evil inclination, not purity of heart. I want to be precise in the Rambam. The Rambam who says that all these are metaken et yitzro hara, even one who controls himself and he does a mitzva that stands today in the Torah, I don't know exactly from the Torah, but it stands in

halacha, a mitzva of kri'a, also, what does he do? Also the evil inclination. He doesn't mean specifically evil.

**R' Yitzchak:** No, not specifically, one doesn't need connection to this. There he is fixing because he does the mitzva.

**The Maggid Shiur:** No, he doesn't do the mitzva. The Rambam says **"she'kol elu"** (that all these), you're right, on this you ask the question?

**R' Yitzchak:** No, "she'kol elu" goes up to... no, "she'kol elu" on all these transgressions.

**The Maggid Shiur:** The Rambam is here, he puts together three cases together here explicitly. He says, all these are metaken et yitzro hara. Let me tell you like this, perhaps the Rambam thought, the evil inclination is not specifically bad. Bad or good, he has a desire for something, it's a matter, he is suffering. Perhaps someone who has a desire for kri'a al meito is correct. He calms the person.

Let's think when is a chovel b'chaveiro that the Ra'avad would indeed hold that it's a good chovel b'chaveiro. A child has a list with him, and he comes and hits him, and he hits him back. According to the Ra'avad this is also kosher, just as one who saves from panic in a true manner. So indeed every thing is turn from evil and do good. It's only a case when one must turn from evil and do good. It could be that one said such a bad interpretation, such a teacher. You have a wicked neighbor who beats and kills his children, do you go burn half of his house?

**R' Yitzchak:** I think not. I don't recommend that one who goes to pray in the nursing home should burn his house.

**The Maggid Shiur:** But it's a bit interesting the Ra'avad, because once the Ra'avad understands that anger in a true manner... the fact that the Ra'avad himself, the Ra'avad used to get upset all the time at the Rambam. It can't be that he should release himself that one must break that one's house. It seems that not. He wrote hasagot (critical notes) is one thing, but to get upset to burn that one's house... the Ra'avad didn't say to burn the Rambam's books.

I can understand the distinction, that anger in the proper measure is normal that a person should judge a minority about anger once a month. From where I speak is indeed a reality of once in a lifetime that one must burn that one's house. It's not something a... okay. But the Rambam looked at everything the same. According to how you understand the Gemara, so this stands in the Gemara.

**R' Yitzchak:** On the contrary, this is regarding Shabbat. A Gemara is regarding ethics is not correct, but regarding Shabbat this means constructive. The evil inclination is very important for the laws of Shabbat. If there wouldn't be an evil inclination, there wouldn't be the halacha.

**The Maggid Shiur:** Okay. We already considered last time that the word "mekalkel", every time when a person desecrates Shabbat he is indeed a mekalkel, especially according to the Ra'avad's way of the scribes.

**R' Yitzchak:** Yes, it's not the simple meaning.

**The Maggid Shiur:** Okay.

#### **Toladot of Mav'ir**

What are the toladot? Ah, and liable. And what else is mav'ir? We discussed burning a good thing. The question is if one needs the ashes as a way of destruction. But let's take here the

burning that is day-to-day. **If someone lights a fire, or a candle, or wood, in order to warm himself or to make light, behold this is liable, this is mav'ir, this is from mav'ir.**

And what is the tolada of mav'ir? **"Hamechamem et habarzel" (one who heats the iron), if someone heats iron in order to temper it in water,** so this is afterwards... I mean, need... a matter of manufacturing. There is such a thing as tempering, a matter of tempering, worked metal, afterwards they went through some process that makes them very strong. So iron, the way how to make iron that is hard enough or what, is one makes it hot and afterwards gives it a throw into water and makes it quickly cold.

So this is a tolada of mav'ir and liable. This lighting. It's interesting, because we're talking here, the fire is already there, he puts in iron. Ah, the iron itself becomes lit apparently. The iron becomes red and it becomes lit. But this is not the topic now. But it must be a mav'ir, I say, that if not it would have been just some poor thing. He doesn't make here the fire. There is a fire and he throws in a piece of iron into it. It's not called mevashel, it's called a mav'ir. Very good, because it itself becomes part of the fire, it becomes burned. It means it becomes red, yes, it means it becomes burning.

The Meiri actually asks a question, that it's mevashel. Okay. And the Ra'avad doesn't agree afterwards.

#### Laws of Mechabeh (Extinguishing)

Until here laws of mav'ir, making a fire. We will extinguish a fire. Very good. Just as a few melachos that come with such a thing and its opposite, writing and erasing, there is mechabeh with mav'ir, extinguishing and lighting. First lighting and afterwards extinguishing, because one cannot extinguish what one hasn't lit.

So thus, **"Hamechabe kol shehu chayav" (one who extinguishes any amount is liable).** The measure of mechabeh is also any amount, just as mav'ir, the smallest fire that one extinguished. Extinguished what? He says, **"Echad hamechabe et haner" (whether one extinguished the candle), whether one extinguished a coal of wood,** all these things. **"Aval hamechabe gachelet shel matechet" (but one who extinguishes a coal of metal),** and we discussed earlier that when one lights metal it burns, it becomes very hot and it becomes like a fire, it begins to become red and burn, so it was mav'ir, but our Rabbis, extinguishing a coal of metal is exempt.

#### Discussion: Why is Extinguishing a Coal of Metal Exempt?

What exactly is the word? How does one extinguish it at all? Does one just take it off the fire? There is still something, like one blows it out, like extinguishing fire? One puts it in water, what? And why by mav'ir is it called mav'ir and by mechabeh is it not called mechabeh?

Mav'ir is in order to temper it, this is not in order to temper it, this is just a... isn't the extinguishing part of the process of tempering? I don't think so. He's not talking about that.

Here the Ra'avad is actually in disagreement. Okay, the Ra'avad disagrees further here. He says that if he is mechabeh... he is liable as mav'ir, he must also be liable as mechabeh. So he argues, I think.

#### Fire on Shabbat: Extinguishing Metal Coals and the Laws of Fire

Ah, now he says, there's no need for tziruf (tempering). As I told you, I thought there was a distinction. The Ra'avad holds that it's still tzorech legufo (a need for the object itself), so it's still prohibited.

And what's the difference from gachelet shel etz (a coal of wood)? Regarding gachelet shel etz, the Ra'avad said yes, it's... extinguishing a coal of wood. The Ra'avad said it, that one is liable. They are examples, and I can say tzorech legufah that he's liable. I go, we don't need it. I don't know. What do the other commentators on the Rambam say? It's a problem, there's a problem here. There's a problem here.

#### The Rambam's Language Regarding Extinguishing Metal Coals

The Rambam says, if you look at the Rambam, if he didn't know it, yes, says the Rambam, the Rambam makes the distinction clear. Extinguishing just like that is exempt, if one didn't intend letzaref (to temper). Just as one didn't intend letzaref lehav'ir (to ignite), it's the same thing here with mav'ir (igniting). **Like one who melts iron does,** right? He brings both of them. **And heats the iron, they heat, yes, the iron until it becomes a coal, one heats the iron, the metal, until it becomes a coal, and afterwards places it in water and extinguishes it in order to harden it and make it sharp,** and afterwards one gives it a throw into water, one extinguishes it this way in order to harden it, to make it sharp. **And this is the tzoruf (tempering),** this is what we discussed earlier that there's a process of tziruf, **one who does this is liable,** for mav'ir. And the same thing, he's also liable, the metzaref from before is also liable when he does the same thing for mechaveh (extinguishing).

It's a different language, he completely switched it. He didn't say before that hamav'ir barzel (one who ignites iron) is exempt but if letzaref he's liable. Why should one apparently say the same case there? If someone ignites a random piece of iron that he doesn't want to do tziruf now, he'll also be exempt. Okay, he already said only kedei lechasma (in order to harden it). No, there he also said the positive, the obligation, and here he discusses the exemption more than the obligation. Perhaps someone here wanted to exclude from some law or what, one needs to look at what he's dealing with.

And if one is mechaveh not al menat letzaref (with intent to temper), on this the Ra'avad asks that even if he didn't intend letzaref, but in practice he is metzaref, he is mechaveh, it's a melacha she'einah tzricha legufa (a labor not needed for its own sake), he should still be liable. That's his question. Ah, if someone intends, wait, perhaps it's a psik reisha (inevitable consequence). Psik reisha, ah, perhaps we're speaking in a manner that it's not psik reisha? Doesn't make sense, because it will always happen. Doesn't make sense.

#### Extinguishing Metal Coals in the Public Domain

Now the Ra'avad says, **a gachelet shel matechet bireshut harabim (a metal coal in the public domain), it's permitted to extinguish, one may extinguish a gachelet shel matechet that's lying in the public domain, kedei shelo yaziku bah rabim (so that the public won't be harmed by it), so that a person won't be harmed.** Why is he exempt? Because when he extinguishes it in the public domain, it's not for a need, it's only shelo yaziku bah rabim, so he's exempt. And something that's exempt is only prohibited rabbinically, and the Rambam told us earlier when the rules from there were "lo amran ela

lachim" (we only said for you), he didn't say about rabbinic prohibitions. But I think that other Rambams also very often have the definition, also earlier by Rambams that aren't from the Rambams that are an av melacha (primary category of labor), something that's rabbinic may be done because of danger or because of public need.

### Placing Oil and Removing Oil

So the Rambam goes to what else, what else is mechaveh. **Hanoten shemen** (one who places oil), here the Rambam speaks of both, mav'ir and mechaveh. **Hanoten shemen letoch haner hadolek (one who places oil into a burning lamp), one who adds oil to a burning lamp, is liable for mav'ir. And one who removes from the oil that's in the lamp is liable for mechaveh.** We already had this when the Rambam discussed the excess oil, when it was the law that he would be liable when one removes from the oil.

Yes, it's interesting, because placing oil, he doesn't make a fire, but he makes the existing fire continue longer. And the same thing in reverse, yes. It's interesting, for example, if one removes from the oil in the lamp, but it will still burn at least until motzaei Shabbat for example, is he still a mechaveh? Or are we speaking when he removes enough that it will immediately extinguish?

No, it's a question. Tosafot says that we'll learn that grama kivui (indirect extinguishing) is permitted, so it can't be that we're speaking about it extinguishing faster. It must be that now it becomes somewhat weaker somehow. Ah, it would be so, he wrote a responsum on this matter. Okay. So it comes out here. Yes.

### A Fire That Fell on Shabbat

The Rama says so: A fire happened. So, **dleika shenafla beShabbat** (a fire that fell on Shabbat), we're now going to learn an interesting law. Dleika shenafla, we already had that a fire that ignites by mistake, like when a tragedy happened and a fire ignited, is called "nefila" (falling). It fell, different from what we said earlier "hamadlik gedisho shel chavero" (one who ignites his fellow's stack).

A dleika shenafla beShabbat, and obviously the person wants to extinguish it because he wants to save his house. Says the Mechaber, **"oseh min ibud mamon, harei zeh mechaveh veholech"** (one who does to prevent monetary loss, behold he extinguishes and goes). He extinguishes it because he's saving his money. Liable. He's liable, because he's doing a melacha. Obviously, we'll see, he doesn't want fire here or anything, but this is a melacha she'einah tzricha legufa. But still he's liable. **"She'ein ibud mamon docheh Shabbat ela ibud nefashot"** (for monetary loss doesn't override Shabbat, only loss of life).

Therefore, if there's a fire in a house, if however there aren't any people there, **"yatzu bnei adam kedei shelo yamutu"** (people should leave so they won't die), if the people have already left, then **"yanichu ha'esh tochal"** (let the fire consume), one should let the fire burn. His language is somewhat an interesting language, it's a language from a verse or what. One should let the fire blaze, **"va'afilu tochal kol hakehila"** (even if it will consume the entire community), even if it can burn down the entire city. But this is still only a concern of monetary loss, because at most it will spread to next door, there too one must do the law that the people

should leave. Therefore, as long as there's no concern of pikuach nefesh (danger to life), for money one doesn't extinguish the fire.

### The Rama's Distinction: In Our Time Every Fire is a Danger to Life

Yes, that's the law. It's a mitzvah, the Mishna Berura says it's a mitzvah to say this law. But the Rama says that this was only in the time of the Sages. Today, when we live among non-Jews, every fire is a danger to life. For some reason it's not clear exactly what danger he's speaking about. And also because this is one of the three things that the Rama wrote. And the Mishna Berura and the later poskim say, since today always, if it can spread to next door, there can always be an elderly person, a sick person, or a child who can't run away properly, and the Mishna Berura says, just as pikuach nefesh is anyway, it's a mitzvah to say to everyone that if a fire falls on Shabbat it's a mitzvah to extinguish it. So the Rambam himself says this, **"yotzi'u bnei adam kedei shelo yamutu"** (people should leave so they won't die).

### Fire on Shabbat: Danger to Life, Indirect Extinguishing, and Laws of Partitions

#### Danger to Life in Fire in Our Time

**Speaker 1:** Today when we live among non-Jews, every fire is a danger to life. For some reason it's not clear what exactly the danger speaks about, and also because this is the only thing that stands in the Rambam, and the Mishna Berura and the later poskim say since today it's always if it can spread to the next house, there can always be some elderly person, a sick person, or a child who can't run away properly, therefore it's a doubt of a doubt of life, therefore it's a mitzvah to say to everyone, that if a fire falls on Shabbat, it's a mitzvah to extinguish it.

The Rambam himself says this, **"yotzi'u bnei adam kedei shelo yamutu"**, he says this however in a manner when it's certain that there's no concern for people. The Mishna Berura is right that if we let fires burn, somewhere someone will get burned? Pikuach nefesh isn't so certainly right. He discusses the law though, he discusses on the... what isn't? There's no such question.

#### Law: Partition from Vessels — Indirect Extinguishing

**Speaker 1:** Okay. It's permitted, but what may we do? It's permitted, to make a partition, what one can do is so, one can bring water, and not pour, but somehow cause the water to extinguish the fire in this manner. One makes a partition, one takes many vessels, one may take vessels and make with them a partition that will stop the fire. **Bein mele'im** (whether full), either vessels that are full of water or if one has vessels that are empty, that are fire resistant, that will stand against the fire, **kedei shelo ta'avur hadleika** (so the fire won't pass), so the fire won't continue.

#### Innovation: New Clay Vessels Filled with Water

**Speaker 1:** **Afilu klei cheres chadashim mele'im mayim** (even new clay vessels filled with water), not only may one take vessels that perhaps will spill on the fire, but even if one knows for certain, it's made so, that when the fire comes near the water, the water should spill, one may, because this is already... One may take clay vessels that will certainly be mevake'a (split), they'll split and spill the water and extinguish the fire, one may do it. Not that indirect extinguishing is permitted, because this is indirect extinguishing, but yes, it

was permitted to do something that's indirect, meaning you don't do it with your hands. And one must understand precisely present. This is established. In essence it would have been prohibited apparently, as you're bringing. Why was it permitted? Because there's a concern of loss.

Rabbinically it's certainly prohibited to make an indirect melacha, but because there's a concern of loss the Sages permitted it.

**Speaker 2:** Yes. This is all rabbinic. This is all rabbinic. What we see that one may do other rabbinic things, we'll learn in another chapter. But now one learns the law.

#### **Law: Overturning a Bowl Over a Lamp**

**Speaker 1:** Overturning a bowl we already learned also?

**Speaker 2:** Yes. Overturning, another thing, if a person has a lamp and he's afraid it will ignite the ceiling, one may overturn a bowl over the lamp so it will protect so it won't ignite. Even if perhaps it will extinguish, or the issue is mevatal kli mehechano (nullifying a vessel from its function).

**Speaker 1:** It won't extinguish. If it would extinguish it's prohibited, one may not extinguish. Here the issue is, it's indirect, it will cause it to become smaller, or when the lamp will arrive there it will extinguish.

If you mean to say that even an outcome, what we learned earlier that one may not place to take the oil that drips because of mevatal kli mehechano, here he says that one may.

#### **Discussion: How Does the Bowl Work?**

**Speaker 2:** This is over the lamp. I understand that there's a lamp, above it there's a beam, and there's a danger that the lamp will touch the beam, so one places a bowl between them. So one is going to make a partition, basically.

**Speaker 1:** Right, how exactly one hangs the bowl I don't understand clearly. Somehow one places a bowl, it must be that there's space, otherwise one places a bowl over a lamp.

**Speaker 2:** I think one places a tall bowl that's high enough above the lamp. Here is the lamp, and one places a tall bowl. So there's space for the lamp to burn, not to choke. If one places it on the lamp it's extinguished.

**Speaker 1:** Yes. Okay.

#### **Law: Spreading a Kid's Hide Over the Beam**

**Speaker 1:** And he says further another thing one may do, not to prevent the good, but to prevent the bad. He says so, a garment that's worn, a closet that's already started to burn, one may bring leather or other things, **devarim she'ein ha'or sholedet bahen** (things that fire doesn't consume), things that fire doesn't burn, **uforsin al hakora she'adayin lo nisrefa** (and spread over the beam that hasn't yet burned), one may spread it over the part of the closet that hasn't yet burned, **kedei shelo tochaz bah ha'esh** (so the fire won't catch it), so the fire won't arrive there.

#### **Discussion: Is This Indirect Extinguishing?**

**Speaker 1:** I think all these things are a bit of an interesting thing. The place where you put the towel, it's not yet burning. You're not extinguishing anything. You're making that when the fire wants to come here, it won't ignite.

**Speaker 2:** Yes, it's indirect extinguishing. This is indirect extinguishing. Even less than indirect extinguishing, because indirect extinguishing would be when you extinguish there where it's already burning. But you're making that it should

stop, a new fire shouldn't happen. I mean to say, one can look at it like the second half of the closet will now start burning, that's a new fire. It's not that I stopped the same fire. I made that the fire should continue, but no new fires should happen. Because the half piece of tallit and tefillin ignites from that half piece of tallit and tefillin.

**Speaker 1:** If you can say that the fire is a living thing and it goes to the new place, why should one speak about this at all then? I really don't know. I don't know. Why should one speak about it? What does it mean, one may on Shabbat just place something so a fire won't burn? I think it's simple. He certainly means to extinguish the fire. When it will arrive there, he'll extinguish the fire.

**Speaker 2:** A short line, the permission is, he says clearly, it's true that the fire will arrive there, but the entire fire is one thing. No, I don't know if the entire... It will remain burning. The first half will remain burning until it's finished. So in total you didn't let a new fire happen.

Every time it arrives at a new place, that's a new fire. You're not speaking about that. You stopped that... You choked the fire, but if it's burning here, you pour water here, it will burn until it arrives here, and here it will try to fight, and it won't go further. A new fire won't ignite.

**Speaker 1:** All this indirect extinguishing, the whole thing with the vessels that were placed, that they'll burst, is also essentially this, right? He's already extinguishing the fire.

**Speaker 2:** No, there, yes, because it will burst, it will spill, and it will burst, and it will perhaps extinguish the entire fire, or also extinguish the places where it's already burning. But the kid can't extinguish, it makes a barrier that it shouldn't go further.

**Speaker 1:** Apparently, I don't know. He says, he doesn't call it in order to extinguish, but in order that it shouldn't arrive there.

#### **Law: A Garment That Fire Caught — Spread It and Cover Yourself With It**

**Speaker 1:** He says further, "**tallit she'achaz bah ha'or**" (a garment that fire caught), a sheet that caught fire, what may one do? One may take it and spread it and put it on oneself and, I don't know, dance around. A whole fire won't hold so well when a person puts it on and shakes it, it can extinguish. Since you're not catching, you're not extinguishing directly, it's also such an indirect extinguishing.

#### **Law: A Torah Scroll That Fire Caught — Spread It and Read From It**

**Speaker 1:** And here it says, **sefer Torah she'achaz bo ha'or** (a Torah scroll that fire caught), a Torah scroll that caught fire. Only a Torah scroll or any book?

**Speaker 2:** No, a Torah scroll.

**Speaker 1:** Perhaps one may not read Torah on Shabbat? I don't know. Perhaps it's like everything, indirect extinguishing is only permitted for a mitzvah need, there for loss and distress.

Does tallit also mean a tallit of tzitzit? Or does he mean just a piece of clothing?

**Speaker 2:** **Sefer Torah she'achaz bo ha'or, o foshto vekore bo** (a Torah scroll that fire caught, or spread it and read from it). No, the Mishna speaks of a Torah scroll, which can mean any book. He tells you that they did permit indirect

extinguishing. **Sefer Torah she'achaz bo ha'or, o foshto vekore bo, ve'im kava kava** (and if it extinguished, it extinguished). Okay. Does anyone speak about this? Whether he means specifically a Torah scroll?

**Speaker 1:** A Torah scroll, he doesn't say. He already asks the question, by the way, the righteous one here from below has the original explanation, he doesn't do anything, not even indirect extinguishing apparently. He asks your question. Aha, not clear. He says there's an answer, but it's not... doesn't impress me very much.

He doesn't say about, perhaps he actually means any book. Or perhaps only a book that one may read on Shabbat.

**Speaker 2:** Aha, I also thought that. There are books that one may not read. It must have an explanation, the light must have an explanation, it's something that one reads. If it's an account book...

**Speaker 1:** I don't understand exactly how spreading it will help it extinguish. It can be that it will open, he'll place it on the... he'll place it on the... and first of all the fire will be choked, because he spreads it on the... it's burning from the back, yes? In short, I'm stuck here on details that are eleven. Okay, another solution that one can do.

**Law: Placing Water on the Side That Hasn't Yet Caught Fire**

### English Translation

**Speaker 1:** "**We place water on the side that hasn't yet caught fire**". As we understand, in the past people dealt with fire more than today, because in every house there was a fireplace, and in the kitchen. Heating, that's somewhat [still the case], but you have a large fire for heating, one deals with fire more often. It was used regularly. Today we simply... today we distance ourselves, we make sure fire is somewhat further from us. A child doesn't touch fire. I don't believe that in the past a child, God forbid... a child wakes up in the middle of the night, he needs to light a candle.

In short, fire was once a more common thing, and therefore someone who understands, he understands the tricks of what we're talking about, how one spreads, for example, a sefer Torah. Okay. "**We place water on the side that hasn't yet caught fire**". One may place water on the place where it hasn't yet burned, "**and if it extinguishes, it extinguishes**". Even if perhaps it will extinguish, but if the intention is not to extinguish, but rather to stop the place where it hasn't yet burned out, one may. It's very similar to the case that you said he asks.

**Discussion:** "**And if it extinguishes, it extinguishes**" — **It will practically extinguish**

**Speaker 2:** But he will be placing approximately... he will place the Torah... it's not that I'm giving you, I'm giving you a table.

**Speaker 1:** No, here he says clearly, "**and if it extinguishes, it extinguishes**". Even if it extinguishes on the side that... ah, there is, here he says it.

**Speaker 2:** No, "extinguishes" means to say when it will come there.

**Speaker 1:** No, "extinguishes" means the entire fire extinguishes.

So in short, the whole thing is fake. He pours water and he makes sure more or less...

**Speaker 2:** No, no, no, no. Like him. I don't know if you can calculate it exactly. There are times when the fire has already burned enough. You don't know, the fire sometimes moves after half the table is already completely burned, and then when you touch water it extinguishes.

But in short, he pours, it goes into the water. It's a grama. One pours the water one step ahead, and it all pours out. In short, it's such a grama like all these... like the electric... the Shabbos car, whatever. One presses it, and the other says it's a mistake. It's such an answer.

**Speaker 1:** You see the bottom line, there's no doubt that it will extinguish. "**And if it extinguishes, it extinguishes**" is what the halacha says, more or less it will extinguish in all cases, okay? He's not doing it in order to extinguish. He's just not doing it directly, he's doing it somewhat indirectly.

Because if we go back to the house that's burning, it's still not simple that one may not extinguish, the house is burning. The Rambam says it's rabbinically forbidden. Yes, but that's also in a manner when he doesn't have the house.

### Laws of Shabbos: Kindling and Extinguishing — Laws of Fire on Shabbos

#### Halacha: Forgot a Lit Candle on a Board

**Speaker 1:** The question arises, the simple understanding is that it's Biblically forbidden. The sound is no.

No, there's no problem of "if possible, if possible". There's no doubt that it will extinguish. "If possible, if possible" is what the halacha says. More or less it will extinguish in all cases, okay? He's clearly doing it to extinguish. He's just not doing it directly, he's doing it indirectly.

But we go back to the house that's burning, it's still not simple that one may not... the Rama says one may not extinguish what's burning. The Rama says it's rabbinically forbidden. Yes, but that's also in situations when there is... if half a house is burning, he can now pour water on the half house. Because that's half of what a firefighter does is also that the place that's not yet burning shouldn't start burning. So even when he says one may not extinguish a fire because one may not save an object, he also means there that it's certainly extinguishing when he pours water on a fire. But anything that's half grama...

And I say, here he goes more into the details. "**Forgot a lit candle on a board**" — someone left a lit candle on a board, a board is a tablecloth. So, but the board is only made of reeds, a lit candle is muktzeh and also a grama of extinguishing, he may however give a shake to the board in order to fall, like extinguishing will extinguish, because he knows he's not going to make a fire.

**Discussion:** What does "board" mean?

**Speaker 2:** Yes, I'm plum I land in making a connection that one goes... and I don't forget that the board is black, and if the candle will have come to the hands, it will be out, the board means black. I thought he means something is a... a tablecloth I, I don't know, what does a board translate to?

**Speaker 1:** I don't know, I don't know what it translates to. He says, I thought a plank, the table.

**Speaker 2:** Table?

**Speaker 1:** Okay, let's say a piece of the table. Usually one only places on a pot, on a stone. One knows that this says concerns. And for us we are is muktzeh?

**Speaker 2:** He doesn't say, he doesn't say, he says forgot a lit candle.

**Speaker 1:** Yes, but why? Will it burn? Why will it burn?

**Speaker 2:** He's good, he doesn't want a candle, I won't catch. Forgot a lit candle.

**Speaker 1:** Yes, from the context, he says he sees that there's a concern that it can make a fire, one may give it a shake down. Also with this extinguishing extinguishing, that it's not a certain extinguishing, when it's a grama of extinguishing or it's not a certain extinguishing one may.

**Distinction between "forgot it" and "placed it on erev"**

**Speaker 1:** This is if he left over a lit candle. **But if he placed it on erev**, but if he placed it erev Shabbos, what does that mean? What does "forgot it" mean? "Forgot it" means forgot it from erev Shabbos. On Shabbos one may not place a candle.

**Speaker 2:** Yes, but how are you speaking? But if he placed it on erev, that means he placed it before Shabbos. On Shabbos one may not place a candle, he wasn't allowed to place it.

**Speaker 1:** No, "on erev" means before Shabbos.

**Speaker 2:** What does the previous one mean?

**Speaker 1:** I'll tell you, because then the board becomes muktzeh.

**Speaker 2:** Ah, you want to say that the distinction is "forgot it" or "placed it"?

**Speaker 1:** When he didn't intend to place it there, he for example walked around with a candle and looked for something, and he put it down on the table erev Shabbos, and he had in mind to take it away and he forgot, one may, because he didn't make the place into a basis. But if he put it away there specifically, then it becomes a basis for a forbidden object, one may not shake it.

**Question: If there's fear of a fire**

**Speaker 2:** I believe that if one has fear of a fire, one will be able even in the case of "placed it", because if one may do grama of extinguishing one will also presumably be able to do muktzeh because of a fire, right?

**Speaker 1:** Why I tell you, it doesn't look for some reason that the lit candle is talking about there's danger. Does it look like something that there's danger?

**Speaker 2:** That's what I say, yes. I tell you, if it's not danger, I'm speaking when one has fear of a fire, not danger. Danger we've already discussed, one saves from all these things. When do you buy? You buy that he goes a sefer Torah, because he wants to save the sefer Torah.

**Speaker 1:** So if so I would have said that the lit candle also speaks of such a case, but then one would be able even "placed it on erev", because it would also there have been muktzeh. That's what I say.

**Speaker 2:** Ah, yes, I don't know. It looks like not, it's not talking about any smaller problem. Further.

**Halacha: A Non-Jew Who Comes to Extinguish**

**Speaker 1: A non-Jew who comes to extinguish**, a gentile who came to extinguish. I don't know why he says it so early, he should have spoken a bit more halacha. A gentile sees that there's a fire and he extinguishes, one doesn't need to protest to him and tell him that he shouldn't extinguish. One doesn't call a gentile to extinguish, but when he comes on his

own to extinguish, one doesn't need to stop him. One doesn't need to tell him not yes and not no. One doesn't need to stop him.

Once he comes, one doesn't need to say extinguish. We're not talking about when one calls a gentile to extinguish, we're talking when a gentile comes on his own to extinguish. He comes to extinguish, one needs to let him extinguish. One doesn't have any mitzvah to make him rest, because one can tell him that it's not a mitzvah.

**Halacha: A Minor Who Comes to Extinguish**

**Speaker 1:** But that's a non-Jew. **But a minor who comes to extinguish**, a Jewish minor comes to extinguish, **we don't listen to him**. We don't let him. The language "we don't listen to him" is an interesting language. He comes asking permission. Like "we don't listen to him", he doesn't ask permission. Yes, he comes. The same case, a fire comes, the crowd comes running to extinguish. The gentile who comes, we are silent, he understands himself what to do, we make an accounting with him after Shabbos. The minor who comes, we tell him no, you may not.

**Speaker 2:** No, we don't tell him anything. "We don't listen to him", let's see.

**Speaker 1: "And if he does it for his father"**, if he does it for the father, so that the father shouldn't say yes, go extinguish. That means, one needs to tell him an old friend. One needs to tell him an old friend. Let's see. He tells him "we don't listen to him", we tell him don't extinguish. But we don't let him, in short. We push him away, whatever it is. We don't give him permission to do this.

But **"and if he does it for his father"**, he does it for his father, he waits for the father's agreement, he will only do it if the father tells him. **"But on his own"**, if he does it from his own mind, **"the court is not commanded to separate him"**, the court is not commanded to separate him, rather we let him extinguish.

**Innovation: A Minor Who Acts on His Own — One Doesn't Need to Stop Him**

**Speaker 1:** This is a halacha that fewer people know. No, it's properly the halacha. The minor who does it for the father, one needs to stop him, the father needs to stop him, or the court needs to stop him. But a minor alone, a minor who does it simply, there's no concept to stop him. Only on Shabbos when he does it for the father, then, for his father, then there's a problem. But a minor who eats pork, like the halacha, a minor who does transgressions, there's a mitzvah to educate minors to do a mitzvah. The education is not any compulsion to force a minor not to do a transgression. So if he does it alone, one doesn't protest. One doesn't have a mitzvah to stop him.

**Discussion: What does "we don't listen to him" mean?**

**Speaker 2:** One needs to know, I didn't learn this way in the commentators, but I would have said that "we don't listen to him" doesn't mean that one stops him, rather "we don't listen to him" means that when he comes and asks "Daddy, should I?", the father doesn't tell him "yes".

**Speaker 1:** No, no, no, it's not different. He tells him "I'm telling you nothing".

**Speaker 2:** No, let's go let's go let's go, no, no, no, it's not so. Because that's the distinction between a gentile and a minor. That's clearly stated here. That's the distinction between a

gentile and a minor. To a gentile one doesn't say "don't extinguish", and to a minor one says yes.

**Speaker 1:** But this not saying "yes" to what you're saying is correct, because you're reading the continuation. But what the Rambam says as an argument, what we may not let him, that's specifically when he acts for him, and then we let him as if he's doing it himself. But otherwise one needs to protest to him. We see that this is the halacha. "We don't listen to him" is not "we don't let him".

**Speaker 2:** It is the meaning, it is the meaning, please, there's no doubt. I told you, there's no doubt. It's not written this way in the commentators. It's not written this way in the commentators. There are no commentators. There are no commentators. It's the meaning, "we don't listen to him" means we don't let him extinguish the fire. That's the meaning.

**As opposed to a non-Jew**, that's the distinction. A non-Jew is "we don't listen to him" meaning, "we don't listen to him", but we don't tell him anything. To a minor we say yes. There's no other interpretation. There's no other interpretation.

**Speaker 1:** I actually said back another interpretation, but you say there's no other interpretation. I simply didn't learn it. What's the distinction between his own mind or he comes asking? I don't understand.

**Speaker 2:** The child himself may, the father may not tell him. That means "we don't listen to him". The father doesn't accept from him.

**Speaker 1:** Ah, are you going to extinguish?

**Speaker 2:** No, he may not. He may not. He may not. We may not let him. We need to tell him "no, you don't extinguish the fire".

"We don't let him to separate him". That's when he comes from his own mind. In other words, if we don't know what the meaning is of "his own mind" and "his father's mind", that's a bit of a problem, that the commentators don't know clearly how to answer. Because the minor, how does it say there? "His negligence is upon him", there is a mitzvah that the father may not let. How does it say there? "His son and daughter who are minors", there's something that the minor is "his negligence is upon him", but that doesn't mean the minor who does it alone. That means the minor who does it for his father.

**Deepening: What does "his father's mind" and "his own mind" mean?**

**Speaker 2:** What's the meaning of "his father's mind"? That's what you're asking, Miriam, how is it that one comes with his own mind. And in other words, if we know that a non-Jew who acts for the Jew's mind, he may. That's also the same that you can say, "so that he shouldn't rest and they place upon him". It's not my job not to let a gentile work for me on Shabbos, it's to let a gentile do labors for me on Shabbos. That means, rabbinically there is. That's discussed regarding a non-Jew, and here there's a leniency from the Sages. But a minor there is such a thing, because one needs to stop him.

**Connection to Rambam Chapter 24**

**Speaker 2:** So it's like this, the Rambam in that chapter 24 says so, that a minor who does on Shabbos something that isn't a shevus, the court is not commanded to separate him. And also if the father lets, we don't obligate him to protest to him. By fire, since the Sages made there various leniencies on fire, we made certain gramas and things, we see more the

interpretation. By fire it's different than by other things, even something that isn't shevus, even Biblical.

If the child doesn't do it for his father, that means, he doesn't get any hint from the father that he should do it, the court is not commanded to separate him, and apparently the father lets him. For his father doesn't mean only he hints to him with his hands. For his father is a ruling. I don't know what the meaning is, he properly for his father, his own mind. It means something that he intends to do to help his father, or he just means, he thinks he's old enough, he holds himself by extinguishing the fire, or something like that. He doesn't bring there the distinction, because he says, he argues that usually he does do it for his father, therefore out of doubt one needs to protest.

**Conclusion: "We don't listen to him" means one needs to protest**

**Speaker 2:** We see that the Rambam, nowhere does he mean one needs to protest. It's not correct, the other is speaking with the rabbis. Nowhere does he mean to protest. Nowhere does he mean, he comes and says, so what shouldn't he tell him? Shouldn't he tell him "yes, go extinguish"? Nowhere does he have with this the conversation, he's talking about listening. He doesn't say "don't let him". Make a good protest. There's nowhere that you say. Nowhere means that one needs to protest, that's the meaning. One needs to protest. It's not written anywhere "one needs to protest by hand". There's no doubt, it means "don't let him".

To the gentile one needs to say "don't do". But you can read, read a sentence. There's no doubt, the institutions go into the grounds. Rabbi Aharon is not away not

**Taking Out from Domain to Domain — Primary Category of Labor, Measure, and Uprooting and Placing**

**Conclusion of Fire Topic: Telling a Non-Jew Regarding Fire**

Einstein wants he means that one needs to protest, that's the meaning. One needs to protest that it's not written God forbid "Torah glimpses by hand". There's no doubt, it means slightly. No, no, it means slightly. The Rambam, we were never in the Gemara. It's written in the Gemara, it's not written so.

Ah, even more, he's talking about a non-Jew, right? Not only that one shouldn't tell the non-Jew, "al tichbeh" (don't extinguish), "bidlikah tira lomar" (regarding a fire you may say), yes? By a fire one may, understand? Normally one may not let even a non-Jew, even when a non-Jew does it, one may not benefit from the whole problem that he does it al da'as Yisrael (on behalf of a Jew). A non-Jew may act al da'as Yisrael, yes? By a fire, normally he may not. This we learned in the whole chapter of amira l'goy (instructing a non-Jew), and one may not benefit even from a non-Jew who acts al da'as Yisrael. And also certainly one may not tell him. But bidlikah tira lomar "kol hamechabeh eino mafsid" (whoever extinguishes does not lose). One may make a general call that says that whoever will extinguish will not lose. That means, one may not tell him clearly.

A very broad hint, yes, it's more than a hint, it's more something like... The whole thing that the Rambam begins, the first halacha about extinguishing a fire he says one may not do. In practice he calculated all kinds of ways that one may indeed do, and one may even hint to non-Jews. Right? It's rabbinic,

what's more, it's still prohibitions, but in his script now, I mean, we're not learning the rabbinic now. It's rabbinic regarding this.

Yes, certainly, one must extinguish a fire, one must extinguish a fire. There are various leniencies. Essentially it's like everything. The whole prohibition of amira l'goy is only rabbinic, and the Rabbis allowed it when there's a need by a fire. That's the principle. Essentially it's not different from others, right? Just like other things that are a need or such a thing.

### **Halacha 8: Hotza'ah Mereshus Lireshus — Av Melacha**

Now we're going to discuss hotza'ah mereshus lireshus (carrying from domain to domain). We've begun to do, yes. The last of the thirty-nine melachos is the melacha of hotza'ah mereshus lireshus. The hotza'ah mereshus lireshus is the halacha that has the most—this is a chiddush (novelty)—that it says here that it's the melacha that a person does the most, he catches on. True, it's a matter, but still, it comes out to carry from one domain to another. On this there are very many halachos. One must make an eruv, because otherwise one would do it. It's very natural, a person has things in his pocket, and he can very easily stumble. There are many details, yes.

I've already asked about this, because everything isn't about practical matters. First of all, there are many details, and one must understand why. It's even apikei d'rabbanan (rabbinic minutiae). There's even an explicit verse on this. Ah, let's learn, let's learn. How many things will he say in this chapter? A lot, I won't be able to finish it now. Okay.

### **Why Does the Rambam Emphasize That It's an Av Melacha?**

The Rambam says, "**Hotza'ah mereshus lireshus melacha me'avos melacha hi**" (Carrying from domain to domain is one of the primary categories of work). It's very strange, he wants to preempt saying that it's not an av melacha. Is there someone who says so? Is there a position that says that hotza'ah is not a melacha? Or does he mean that you will think that it's not an av melacha? Is there anyone who holds that it's not? No, in the Mishnah I mean. What does it say in the Mishnah? Look at what he says further, it will become clear.

Yes, that's what he says, perhaps he means what he says further. It sounds strange to people, to people it sounds strange that it's an av melacha. All other melachos one creates something, does something. Here one has merely moved something from one place to another. We even learned earlier that when things are far from each other it's not called mechusar ma'aseh (lacking action), yes? You learned. It's not an action at all. And it certainly speaks about... Ah, even when there's a partition in between? That's a different matter already.

No, in that case it means that it's not mechusar ma'aseh, everything is already done, it's just in two places. Not relevant. I only mean to say that it's indeed a very weak melacha. It's very different from all other melachos where one creates something, does something, makes some change. Here one doesn't make any change. But it's from the avos hamelachos (primary categories of work).

### **Proof from a Verse: "Ish V'isha Al Ya'asu Od Melacha"**

The Rambam says so, "**Al pi shedavar zeh v'chol gufei Torah mipi Moshe miSinai hen**" (Even though this matter and all the bodies of Torah are from the mouth of Moses from

Sinai), I assume. This thing, from where do we know that hotza'ah is one of the thirty-nine melachos? From where do we know all the other thirty-eight? It's a different body of Torah. The Rambam says, from where? Like all other bodies of Torah that the Sages know is from the mouth of Moses from Sinai. But this thing that it says more in a verse hinted that hotza'ah is forbidden on Shabbos. The Ramban will indeed immediately bring a verse, a whole one, that I don't need it. But you see that here a verse is more explicit, because this is about what we said that it's difficult to say that it's a melacha.

He brings a proof, it says in the Torah, "**Ish v'isha al ya'asu od melacha litrumas hakodesh**" (Let neither man nor woman do any more work for the offering of the sanctuary). Moshe Rabbeinu calls out, that after the Jews were told to bring donations for the Mishkan, after they finished bringing, he says they should not bring more, they should not do melacha litrumas hakodesh, "**vayikala ha'am mehavi**" (and the people were restrained from bringing). What is the melacha? They stopped bringing. What is the melacha that he says "al ya'asu od melacha"? Bringing. We see from here that bringing things is called a melacha. We see that carrying things can be called melacha.

Okay, one sees very well. According to the simple meaning of Scripture one would seemingly have thought that it's not meant literally a melacha, the melacha of bringing, but rather it's meant the vessels to the collectors, to those who go around collecting the donations, they should no longer do the melacha. "Al ya'asu od melacha," what does it mean? Rashi translates, I think that this is the... "Al ya'asu od melacha," the Gemara brings the proof.

### **Dispute Among Rishonim in the Simple Meaning of the Verse**

The Rashbam, yes, others indeed don't want to agree with this simple meaning. The Rashbam wants to say that the women worked on things and brought them, they should no longer make new things for the Beis HaMikdash. The Ramban also will more or less understand so. But yes, the Ramban wants to say both, I can come here to look. But Rashi goes with the proof from here.

The Ramban argues that melacha doesn't always mean work. It's like it says "**asher lo shalach yado bimeleches re'eihu**" (who has not put his hand to his neighbor's property). The thing that you "own" is called your melacha. So "al ya'asu od melacha" means they should not bring more from your possessions, as it were. Because see the regel hamelacha asher lefanav, what does melacha mean? Your work? It doesn't mean your work, it means the belongings that you had, "my belongings."

So, okay, we've seen the Ramban doesn't go with the position of Rashi, it's the Sages who say the exposition. The Rambam brings here the Chazal that from here one learns that carrying can also be called a melacha. Hotza'ah is a melacha, Scripture calls it.

### **Ma'avir Dalet Amos Bireshus Harabim**

**V'chen lamadnu mipi hashemu'ah** (And so we learned from the oral tradition), and also they learned so from the oral tradition, no, another thing, hotza'ah mereshus lireshus, they brought from their house to the... to the... First they learned from reshus hayachid to reshus harabim, or vice versa, I don't remember which way it was there.

Okay. V'chen lamadnu mipi hashemu'ah, that besides from one domain to another, there's another way of transgressing the prohibition of hotza'ah: **Hama'avir bireshus harabim, in reshus harabim, carrying four amos, mitchillas arba lesof arba** (from the beginning of four amos to the end of four amos), from the beginning of four amos until the end of four amos, **harei hu kemetzi mereshus lireshus, v'chayav** (behold he is like one who carries from domain to domain, and is liable).

I think the reason is because four amos is the reshuso shel adam (person's domain), and when you go more than that it has passed from one domain to another. That could be. So the Rambam says, it's kemetzi mereshus lireshus. Perhaps he means another matter in halacha. But yes, the Gemara says "gemara gemiri lah," it's a tradition. And so he brings, because four amos, so says the Ba'al HaMaor, he gives an explanation. Ah, it says in the Gemara "gemara gemiri lah," the Rambam translates "halacha l'Moshe miSinai," but the Ba'al HaMaor says this explanation that it's kemetzi, so literally, because when a person walks in reshus harabim, he walks around with his small reshus hayachid, and when he carries in and out from there he does... It's interesting, because he indeed walks the whole time with the four amos, yes. And in any case, if his current reshus hayachid nullifies the previous place, I don't know. Okay, whatever, that's the halacha.

#### Structure of Av Melacha: Hotza'ah and Hachnasa

The Rambam says so: **"V'zehu av hamelacha"** (And this is the primary category of work), this is the av melacha. Ah, so one can say so, it's like also... I don't know if it's correct, but every melacha they said, there's an av melacha and there are other ways. So for example, the language the av melacha is hotza'ah and hachnasa. The Rambam makes no distinction between hotza'ah and hachnasa. The Gemara speaks simply that hotza'ah and hachnasa is like the same thing, but it has different words, hotza'ah and hachnasa. And the Rambam says "tchillas arba lesof arba" is a way of melacha. What I think, perhaps this is a... Or perhaps one can say more, that hotza'ah is the main melacha, and hachnasa is the same thing. If it matters to him, but ma'avir reshus harabim is also. I don't know which... It's just, it helps me because I like my... I write in here my structures, but it didn't come in anyway.

#### Halacha 9: Shi'ur Hotza'ah — Shi'ur Hamo'il

He says, what is the measure? The Rambam will talk about the measure and so on, in the first melacha. The Rambam says, ah, this is one of the secrets why hotza'ah has so many halachos. Every thing has approximately a measure according to how one uses it normally, like food. By hotza'ah it can be anything, so every thing has its own measure.

The measure of hotza'ah, by making something there's the measure that the thing is considered important regarding the thing. And hotza'ah depends on what you do with it, and many Mishnayos, many halachos of hotza'ah specify all the things what the measure of hotza'ah is. Therefore the Rambam says, **"V'shi'ur hamo'il"** (And the useful measure). **"V'eino motzi mereshus lireshus chayav ad sheyotzi keshi'ur hamo'il"** (And one is not liable for carrying from domain to domain until he carries out a useful measure), until he carries out a measure that is useful for the particular thing. You'll see later, carrying spices is a little bit, carrying other things is stronger, one needs more. When he carries a shi'ur hamo'il, a measure that helps, a measure that is important, **mereshus**

#### harabim lireshus hayachid, or vice versa mereshus hayachid lireshus harabim.

#### Akira and Hanacha — Conditions in the Measure of Hotza'ah

How must the hotza'ah go? He says, it must be **"v'ya'akor mereshus zu v'yaniach bireshus sheniya"** (and he must uproot from this domain and place in the second domain). Right. Ah, this is another condition. It's like another... There are two measures. The measure of hotza'ah means, first of all it must be a shi'ur hamo'il, which means what we don't yet know now, we'll discover in later chapters. Besides that there must be an akira and a hanacha. This is not part of the measure, but it's a condition. Taking from the one domain where it's out and placing in the other domain where it's in. **"Aval im akar v'lo hiniach"** (But if he uprooted but did not place), but he didn't do the whole thing, he was oker from one domain, but in the other domain there was no hanacha, because it remained somewhere above ten tefachim, whatever, we'll see later how there's such a situation, **"o l'heipach hiniach v'lo akar"** (or conversely he placed but did not uproot), or he did indeed do akira and hanacha, but he did it with something that is less than the measure, **he is exempt**.

What's interesting is that the Rambam views this as part of the measure. This is indeed the place where he talks about the measure, so measure there is a measure. In short, I take akira and nesina (giving) as part of the measure of hotza'ah.

#### Chapter 12: Laws of Hotza'ah Mereshus Lireshus — Akira, Hanacha, Shi'ur, and the Way of Carrying Out

#### Halacha 9 — Akira, Hanacha, and Shi'ur as Parts of Hotza'ah

And so... It's interesting that the Rambam views this as part of the measure. This is indeed the place where he puts in the measure. So measure there is a measure, and he adds to this akira and hanacha as if part of the measure in hotza'ah. I always thought that one can call this a measure, but it's as if the laws of hotza'ah mean that one does both parts.

**V'chen hama'avir mitchillas arba lesof arba bireshus harabim** (And so one who carries from the beginning of four to the end of four in the public domain), the same thing, there must be an akira and a hanacha and the measure. **V'eino chayav ad sheya'akor keshi'ur** (And he is not liable until he uproots with a measure), four amos of reshus harabim is also the same thing, that there must be an akira from one four amos and a hanacha on the other side, and there must be a measure, keshi'ur, **ad sheya'akor keshi'ur v'yaniach betzad ha'acheres** (until he uproots with a measure and places on the other side). It's very good.

#### Halacha 10 — Toldos Hamotzi: Zorek and Moshit

And now the Rambam will say the toldos (derivatives) of this. The Rambam says so, throwing, throwing is indeed very similar. Either one can carry something, or one can throw something. If one throws from domain to domain, there's also an akira from one domain and a hanacha in the other domain through the throwing. O hamoshit (or one who extends), or he gives over from one to another, also in a way that there's an akira with a hanacha, **harei zeh toldos hamotzi, v'chayav** (behold this is a derivative of the one who carries out, and is liable). It's not exactly the form is a bit different, but the action is the same thing, that the object comes from one domain to another.

**V'chen hazorek o hamoshit mitchillas arba lesof arba** (And so one who throws or extends from the beginning of four to the end of four), the same thing regarding four amos of reshus harabim is also the same thing, that zorek or moshit are toldos hamotzi and liable.

**Question: Why Kilacher Yad Only by Zorek?**

**Aval hazorek kilacher yad patur** (But one who throws in an unusual manner is exempt). He doesn't tell us this about motzi. Why did this come in here? I don't know why he didn't tell us kilacher yad about... He could have also told us kilacher yad about motzi, right? Why is this only about zorek? I don't know. This is another point on this. In kilacher yad we had by... By kibbui (extinguishing) we had matters of kilacher yad, and by kesiva (writing) also. Kesiva was indeed the prohibition that was kilacher yad.

Not the way, he throws it shelo kederech (not in the usual way). That's the meaning, but why? Some crazy way of throwing, why? He also wrote it by kosev (one who writes), and also by ma'avir he made various, I mean mechaber (one who connects), several types how he writes the halacha of kilacher yad. I would also have thought it should apply by motzi just like by zorek. Indeed strange. I don't know. Okay, we'll see it more later.

Halacha 13 he says, ah, we'll see, he'll say yes that hamotzi kilacher yad is also exempt, by the way. In halacha 13. Why did this go? It's still backwards. It does say, in halacha 13 it says hamotzi kilacher yad is exempt. Why wasn't it said right away? I don't know. Let's read what he says right away kilacher yad, and here he waits. Let's see perhaps here it has a connection in this, there are more details.

**Halacha 11 — Motzi Miktzas Hachefetz: Keli Metzarfán**

Okay. Hamotzi... **Motzi miktzas hachefetz mereshus lireshus** (One who takes out part of an object from domain to domain), one is exempt. It's still like a part of the measure, or from the... One takes it out from one of the two, from reshus harabim to reshus hayachid or vice versa, right, but not the whole, but a part of the object still remained in the previous domain, it's not yet called motzi. Yes, then he is exempt, **ad sheyotzi es kol hachefetz kulo mereshus zu lireshus zu** (until he takes out the entire object from this domain to this domain). He must take the whole.

**Chiddush: Keli Metzarfán Kol Mah Shebesocho**

He gives an example, what is the novelty of the example? **Kupa shemal'ah chafatzim** (A basket that is full of objects), a whole bowl or a container full of things, **afilu mal'ah chardal** (even full of mustard seeds), such small things. Yes, this is very nice what he says, because a thousand pieces you've carried out nothing, you've carried out a thousand pieces of mustard from one to the other, but they're all nullified to the vessel. Ah, this is the novelty of the laws of kupa. Kupa you made from all the smaller ones. When one looks at the kupa, one doesn't look at what lies inside. What one can say is that all those mustard seeds that have already arrived you were indeed motzi. Ah, **hamotzi rov** (one who takes out most), even most, not only that but with most. Food, **patur ad sheyotzi es kol hakupa. V'chen kol adomim zeh, shehakeli metzarfan kol mah shebesocho** (exempt until he takes out the entire basket. And so all similar to this, that the vessel combines all that is within it), the vessel makes everything inside into one object **l'inyan zeh** (regarding this

matter). L'inyan zeh, Shabbos perhaps other matters, but this is the principle of the vessel.

**Halacha 12 — Derech Hamotzi'in: How One Carries Out**

**Hamotzi** (One who carries out) is so, one who is motzi, so now we're going to learn how, how, how, derech hamotzi'in (the way of carrying out). Yes, something like that. He takes out a thing from reshus harabim, **bein bimoto bein bismalo bein besoch cheiko** (whether in his right hand or in his left hand or in his bosom), cheiko means in his pocket or in his, what does cheiko mean? Tachas chaguraso he says something, in his garment. **O sheyotzi bema'os raglin lo befitrin** (Or that he takes out wrapped in his garment), also this is the normal way, he wraps himself a lot of money in his tallis, in his shawl, I don't know what it should be, **chayav, lefi shehutzi kederech hamotzi'in** (liable, because he took out in the way of carrying out), this is the normal way, people do all these things.

**Al Ketefo — Above Ten Tefachim**

**Laws of Shabbat: Carrying on One's Shoulder**

**And likewise one who carries out on his shoulder is liable**, even if he takes it on his shoulder he is also liable for the violation. **Even though the burden is above ten tefachim in the public domain**, although one could argue that the public domain doesn't extend up to ten tefachim, and in fact there is a sugya (Talmudic discussion) that will appear later, right, we don't know yet, but in any case one who carries out on his shoulder is still liable. **And likewise one who carries out on his shoulder is still liable, because we find in the Mishkan that they carried above ten on the shoulder, "and they shall carry"**, on the shoulder they carried the Ark, yes, the important vessels were carried on the shoulder, **and all the labors of the Mishkan** we learn from there, that this is called carrying.

**Discussion: How Did They Carry on the Shoulder?**

But what's the question? What distinction can be made that when it's a heavy object, what is the order of "on the shoulder and they shall carry" is one thing. But what does "on the shoulder and they shall carry" mean? They stood one next to the other, and the Ark was there on top, didn't they also hold it with their hands? It was on the shoulder. What does it mean each one, they didn't stretch out their hands, it lay there, each one bent down one next to the other, and it lay there. Interesting. Why not? If there are several people, give it a little push and it flies. Why shouldn't there be several people also holding with hands? It's easier that way. No, they held it with their hands too, so it shouldn't fall off. That's not the problem.

The Kuzari holds that they carried it on the shoulder. This is a verse. An explicit verse. I mean, the verse apparently means the wagon, right? To transport the vessels. That all the others received wagons, oxen, and they received "and not on the shoulder shall they carry." Yes, but... it means with their body. But it seems that it came out to be the easier way to carry. It's an honorable way. I mean, when you hold an Ark, you always hold it in the... in an honorable manner. You hold it high, at eye level. Good, isn't it nicer that way? It's also easier. It's also much easier, both ways. It's very hard. Yes, true. It's much easier to carry things this way on the shoulder than on the hands. It doesn't mean you don't hold with the hands something so it doesn't fall off.

It doesn't say like the Kesef Mishneh, remove the hands, that it's correct. The verse apparently means with the body, they removed the wagons. But honorably, there's a verse written. This is also the first verse.

### **Law 13 — Not in the Usual Manner of Carrying: Exempt but Prohibited**

**But one who carries out...** or in a basket on his hair, we learned one law by the women giving birth that her friend brings her oil in a basket or like a cup of stuff in her garment. A cup that is tied in his garment, and the cup is below. That is, in a pocket that is made, let's say, for beauty, but you can't put in there, because it's open. And it didn't come in the manner of carrying out. Even if it is indeed made to put things in, but because there's a hole from below. That's not called a normal pocket. In the basket, the basket, the one between two garments he stuck it in. Or **in the opening of his garment, in his mouth and his garment** apparently means in his collar, or in his... what's it called, the cuffs, what's that thing called? **And in his shoe and in his sandal**, in his shoe, what does it mean he should carry something in his shoe? **Exempt. Because he did not carry out in the usual manner of carrying**, this is not the way of carrying things out, so he is exempt. Exempt but prohibited, but he is exempt.

### **Law 14 — One Who Carries Out a Burden on His Head**

Yes? Okay. **One who carries out a burden on his head.** We said that if one carries it out not in the usual manner he is exempt. What is the case of one who carries out a burden on his head, that someone carries out a load on the head? In our current times it's not common, but you see it in Arab places, they carry things on the head, it's a normal thing.

#### **Heavy Burden on the Head — Liable**

So, **if it was a heavy sack, a heavy burden**, a heavy load, **like a full sack, or a basket, a box**, a crate, **that is placed on his head and he holds it with his hand**, you put it on the head and you still grab it to the side with the hands, **liable, for this is the manner of carrying**, it's not a change, rather this is the way to do it. A heavy thing you use the head and the hands to the side. You don't take it like on his shoulder with his hand, it's another way how to carry, just as shoulder with hand, there is on his head.

#### **Light Object on the Head — Exempt**

**But if it was a light object, such as he placed a garment or a knife or a book on his head and carried it out, and he is not holding it with his hand**, he doesn't grab it with his hands, he only holds it on his head, **exempt**. This is the custom of Jerusalem at weddings, yes, he carries the thing on his head. He means to say such a thing that you need to hold with the hands, which is a big thing, it's hard to carry with the hands, you hold it on the head. But a thing, a small thing that you can carry on your head without even holding with your hands, it's simply a crazy thing to put a garment on your head, for this one is exempt, yes.

Why is he exempt? **Because he did not carry out in the usual manner of carrying, for it is not the way of most of the world to carry out objects placed on their heads.** It's not the way of the world to carry heavy large objects on the head. Not heavy large, just to carry objects. Large is indeed the way, but small is not the way. Large is the way, after all they carry huge shtreimels. The question is, is

one exempt? Because you carry it with the hand, it's not the way at all.

**One Who Transfers Four Amot Above His Head — Liable**  
**One who transfers an object from the beginning of four to the end of four in the public domain**, when someone carries an object, and we discussed that the four amot in the public domain must somehow not be above, so **even if he transferred it above his head**, even if he carried it high above his head, he's not talking here about placing on the head, he's talking here about holding with the hands but above the head, **liable**, even if it's higher than, even if it's higher than ten tefachim.

### **Laws of Shabbat: Transferring an Object in the Public Domain and the Laws of Four Amot**

#### **Law: One Who Transfers an Object from the Beginning of Four Over Four in the Public Domain Above His Head**

**Speaker 1:** One who transfers an object from the beginning of four over four in the public domain, a person carries an object. They discussed that if it's in the public domain it must somehow be in the air. So **even if he transferred it above his head**, that is, he carried it high above his head — he's not talking here about placing on the head, he's talking here about holding with the hands but above the head — **liable**. That is, even if it's higher than ten tefachim, than the vessel, yes, there liable.

Why? Because the person is carrying it. Because when we say above ten amot means it's no longer the public domain, above ten tefachim, yes.

Right. So he says, and the Rambam indeed brings other Rishonim who argue about this law. Ah, there are Rishonim who say that only if there was an uprooting with a placement before, and afterwards it was indeed below ten. But the Rambam says that in this manner one is liable even if it's above ten.

I need to see more later about the ten with this carrying. Apparently because the person, the person is within ten. The person carries it, as it were, ah, when we say above ten means when for example the uprooting is in a place that is above ten. But when the person walks with the thing, as it were, it's perhaps connected to the person, yes? That's what I think, but I have no proof.

**Speaker 2:** It says here the Baal HaRosh, here he has the words not the Rosh, here he has the words...

**Speaker 1:** No, no, it has nothing to do with it, it's above his head, it says in, but it's not the same sort of thing as before. But it automatically comes out, because he says that if you carry it on the head in the prohibited manner it's prohibited, he must say that even if you would think there's the issue of above ten tefachim. Could be.

But it does seem like specifically from the public domain, not from domain to domain. Does this law he's saying now have to do specifically with the public domain? And from one domain to another will be different when he carries it above his head?

Yes, this is from the Gemara, I was right that it has to do with the fact that it's a person, but what would be in a private domain? Yes, could be not, because then you look more at the place from where and to where he carries it. Okay, later we'll see more about where is the exempt place, the above ten tefachim, perhaps there it will become a bit clearer.

### **Law: Permitted to Carry Within Four Amot in the Public Domain**

**Speaker 1:** The Rambam says further, "**It is permitted for a person to carry in the public domain within four amot by four amot where he stands beside them**". We discussed that carrying four amot in the public domain, that you carry it more than four amot in the public domain, but where in the four amot where the person stands.

#### **Dispute of the Raavad: The Way Over Him**

We spoke that it was said that the Raavad disputes the previous law, the way over him, the question is what does it mean. The Raavad disputes the Rambam's law.

But what does he say? He learns a different interpretation in the Gemara, but what does he say holds in such a case, that he is exempt?

**Speaker 2:** Yes, presumably.

**Speaker 1:** The Raavad says a novelty from the Gemara that the Rambam speaks about, "even though it passed the way over him", the way of the person, he interprets that even if a person stretches out his hand, from the right hand, and he places it on the left hand in the four amot, the end of four is the beginning of four, he is still liable according to the Gemara, that in between it was on the person, which is as it were an exempt place, so it's not. But if the person travels with the thing, it's the whole time on the exempt place, he should be exempt.

The Raavad's law is indeed also in private domain and public domain. I think that this is also the Rambam's law. Why does he speak of private domain to the beginning of four end of four? Presumably because usually this is not the way, usually he picks it up from somewhere, it's not air in the private domain. It's harder to think of such a case.

**Speaker 2:** No, there can be such a case, but the point is only that the normal case is that it lies somewhere in the private domain and he picks it up. Here he speaks, when a person goes in the public domain it's a normal thing that it already lies on him.

**Speaker 1:** Actually one can read into the Rambam, the Rambam doesn't say here clearly that he doesn't speak like the Raavad. We'll need to see later when he speaks about the exempt place whether it will fit with the law.

#### **Discussion: Transfer Above His Head**

And here one can also learn that a transfer above his head, that in between it was above the head.

**Speaker 2:** No, no.

**Speaker 1:** No? What does it mean breaking? The whole thing is the interpretation of a burden of four amot in Israel.

**Speaker 2:** Ah, aha. Transfer, he carries it. He carries a whole thing on the head.

**Speaker 1:** He doesn't say he carries a whole thing on the head, he carries it with the hands, and in between it lands on the head.

**Speaker 2:** The Rav learned a different interpretation, it has nothing to do with the head.

**Speaker 1:** Okay, let's learn the Gemara, yes. And we come to divide in the middle, etc. Above place, yes.

**Explanation: "Where He Stands Beside Them"**

And in the four amot of the person, even if he is in the public domain, it's like the private domain of the person, like the domain of the person, and this is called a small town, and it's permitted to go from the outset.

**Speaker 2:** Yes, read further.

**Speaker 1:** What does "where he stands beside them" mean? What does that mean?

Now we're going to learn the laws of four amot in the public domain. This is... we finished the topic of... what's it called? Of the topic of... not in the usual manner and so forth, and we're going to learn about the principles of transferring four amot in the public domain. Right?

**Speaker 2:** Yes.

**Speaker 1:** Here will be the next few laws.

What does "where he stands beside them" mean? "**It is permitted for a person to carry in the public domain within four amot by four amot where he stands beside them**". He is within the four amot, that's what he's talking about. He's going to explain, the Rambam is going to give exactly, yes.

**"And how does he carry? In any direction he wishes"**. One may carry in the entire four amot. What does it mean, four times four amot, in the square, or everything together becomes four amot?

**"The amah by which they measure, they measure by the person's amah"**. You measure it with the person's amot. What does it mean, it's the size of his hand, yes. Amah here means amah, his amot, yes, his hand.

**"And if he was a dwarf in his limbs"**, if he has small little hands, **"they give him four average amot of any person"**. You calculate an average for him. What does it mean, in general usually, a person calculates according to his, even if it's a drop bigger, smaller. But a person who is significantly small...

He doesn't say what happens with a person who is very large. It seems that it will indeed be four amot. Very large, it will come out bigger. It doesn't get smaller. It gets bigger, but it doesn't get smaller. Yes.

#### **Discussion: Explanation of "In Any Direction He Wishes" and "Stands Beside Them"**

The meaning of the words is not clear. There are those who learn that it means here that a person can carry four amot from in front and from the right side to the left side, it comes out that you're saying four times four amot actually, in other words sixteen amot square. And the Maggid Mishneh argued that it doesn't mean that, it only means in front of him, and he doesn't have in any direction, only in front of him or beside him. So, "stands beside them" means specifically from the sides, and not from in front and from the back, so that it should come out four times four.

**Speaker 2:** Yes, it's not clear, he says it's not clear from the Rambam.

**Speaker 1:** But even "stands beside them" sounds like at least two times four, four times from his right side and four from his left side.

**Speaker 2:** No, "beside them" can mean like in front of them, in the center of them. Not clear.

**Speaker 1:** "Square", but he speaks about... the Rambam says indeed that it's a square, it must be some kind of square. The

question is where does he speak the square, what is in front of him? Like four by four in front of the person? Do you understand what I'm saying? Or around him in the middle.

But the Rambam doesn't say around the person, he says "four by four in front of him". It's being called... it's called "beside him" because as it were, simply I would have said, in front of a person there is a square four by four, there he may carry. He'll turn around, it will turn with him. But one can also hear that the point is because when a person spreads out his hands, that's a domain, but the domain is "from his side". Not in his side, "from his side" doesn't mean in the side. He stands in the side of the square of four amot. That's how I would understand it.

In any case, the commentators are not clear here how it actually works the... what's it called... the four amot.

#### **Law: Source of the Law of Four Amot – "Sit Each Man in His Place"**

**Speaker 1:** He says so, "**From the tradition the Sages said**", the Sages learned so from the tradition, a law to Moses from Sinai, "**that this which is said in the Torah 'sit each man in his place'**", it says in the Torah "sit each man in his place, let no man go out from his place", from the word "sit each man in his place" we learn "**that he should not carry outside this square**", that a person may not carry outside his four amot, or outside the box of four amot, "**but this square its measure is the length of a person and the stretching of his hands and feet, provided he sits and takes**".

If a person is sitting, it's like he may carry. Sitting, he's talking about a case where he's sitting.

**Speaker 2:** No, I want to interpret the word verse "sit each man in his place". What does "sit each man in his place" mean? Sit and be carrying. "Let no man go out from his place". From this it comes out, that there where you sit you can carry in the actual box from one corner where you can reach with your hand to the other corner where you can reach with your hand, or further. More than that, but not outside of that. That's four amot, outside of that.

**Speaker 1:** But when he says indeed that "like the measure of the length of a person who stretches his hand and feet", that's the measure. Again, the measure of four amot is when a normal person is about three amot, let's say, tall, but when he stretches out his hands he comes to another amah, it comes out four amot. That's how we got the measure of four amot, that's what the Rambam says here. But it doesn't mean he may only carry where he can stretch out his hand. He may carry further than that, because there are four amot that he sits beside. He's not far from the four amot.

**Speaker 2:** It has to be like that, because according to this interpretation one would actually indeed have been able to gather the manna on Shabbat, once you can't because it's further than four amot there's no going out. Because according to this you're telling me that one can sit down and take from the four amot around. That's the verse, yes, one shouldn't go gathering manna.

#### **Carrying in Public Domain: Four Amos, Chain of People, and the Diagonal Measurement**

##### **Law: Carrying Between Neighbors in Public Domain**

**Speaker 1:** Okay, it's just a drash (homiletical interpretation). "Shvu ish tachtav" (let every man remain in his place) means sit where you are and don't go around on Shabbos looking for manna. He says that "shvu ish tachtav," where you sit, where it is "shvu ish tachtav," there a person may move things around and no more. More than that is "al yetzei ish mimkomo" (let no man go out of his place).

**Speaker 2:** Yes. It makes sense, just as back then there was no melacha (forbidden labor), back then when a person sits down in a place, and in the small place it's not called carrying, it's called... But let's say it's more than that. What is reshuv hayachid (private domain)? He may only stretch out his hand? He may also carry four amos. According to his four amos from where he is, basically.

**Speaker 1:** Yes.

##### **Law: Two People Whose Four Amos Overlap**

**Speaker 1:** The Rambam says, therefore, ah, the Rambam says this way, **if there were two people**, there are two people one next to the other, **part of the four amos of this one within the four amos of that one**. They sit one next to the other, or they stand one next to the other, and there aren't four amos between the two. His four amos touches his four amos. **They may bring and eat in the middle**.

**Provided that this one does not take out from his own into his friend's**. Again, it means that one may place like one plate in between them, he eats on his side and the other eats on his side. Wait, but you may not reach from only your place to his side. What is the novelty here? Didn't they make a decree about this or what? Okay. Yes.

##### **Law: Three People – The Middle One (The Middle One Connects Between Them)**

**Speaker 1:** He says further, therefore, **and if there were three, and the middle one connects between them**, and if there are three people, the middle person is between them, there's four, four, four, **he is permitted with them**, the middle person may with both, because he borders with both in his four amos, **and they are permitted with him**, and both may with him. But **the two outer ones are forbidden with each other**, we don't say that it now becomes here like one large adjacent domain, rather, and we also don't say that we forbid the person in the middle, I don't know, because of a decree or what, he may deal with, he may maintain between his two neighbors, and the two people on the outside may not.

##### **Law: Chain of People – Carrying Through Many People (Even a Hundred)**

**Speaker 1:** Therefore, **it is permitted for a person to uproot an object from the public domain**, a person may make an uprooting of an object from the public domain, **and give it to his friend who is with him within four amos**, he has a friend next to him in the four amos, and the friend has next to him another one and another one, many people are standing, **and so his friend to his other friend who is at his side**, the friend may give it to the next person who is next to him, **even if they are a hundred**, even if there are a hundred people, and it turns out that it gets moved four hundred amos. It doesn't concern me, because we don't look at the object, we don't look at the thing that was carried, as it states **even though the object travels several mil on Shabbos**, by the way, that between all the people the object was carried a large amount of space on Shabbos **it is**

**permitted**, because "each and every one only carried within his four amos". Because each one only carried within his four amos.

#### **Discussion: Distinction Between Hotza'ah and Other Melachos – The Subject of Two Who Did It**

**Speaker 2:** It's interesting, yes, because for example in another type of case, when several people do a melacha together, like it was earlier, one transferred fire, it was said that between all the things a complete melacha came out. But by carrying it's something different. Yes, here it happened that the thing was carried four hundred amos. A melacha happened here. One could say that between all the people a melacha happened.

**Speaker 1:** No, no, each person carried what in his domain, he carried in his four amos.

**Speaker 2:** It wasn't so clear in the case of transferring fire, that each one does half a melacha. Each one does a complete melacha there, no? Because each one of them alone would have been a complete melacha. It wasn't so clear that it's a complete melacha.

**Speaker 1:** But here it's two people, it's shnayim she'asuha (two who did it), the classic, one of the classics of shnayim she'asuha is echad oker v'echad maniach (one uproots and one places), which he is not liable. Shnayim she'asuha is exempt.

**Speaker 2:** They learned that two people do half a melacha and two together. They learned that two people...

**Speaker 1:** If one alone could have done the entire melacha, then there is the law of shnayim she'asuha.

**Speaker 2:** No, that's clear. It's a case where two people together combine to one melacha. That's exactly the rule of if two cannot do it, then he is liable, both are liable. Again, if one does the uprooting and one does the placing, what is that? Then it's shnayim she'asuha according to the Rabbanan, and both can do it alone. Uprooting and placing both can do alone. Not like a large beam that two people can carry. I mean that's called zeh yachol v'zeh yachol (this one can and that one can), no?

**Speaker 1:** They learned explicitly by the subject of uprooting with placing, ah, yes, the rule of shnayim she'asuha, what is that in chapter one?

**Speaker 2:** Echad yachol la'asosa (one can do it), yes. For example, yes, very good. Kol melacha she'yachol la'asosa levado (any melacha that he can do alone), a small thing that both can do alone, for example one does an uprooting and one a placing, they are exempt, because each one alone can do the uprooting or the placing together. The only way that one is liable is a heavy thing that he cannot drag alone.

**Speaker 1:** So here it's certainly a thing that he can do alone. So here it has nothing to do with shnayim she'asuha, it's a rule by itself. No, the point here is that this isn't called carrying at all. We don't look if the thing was carried, rather we look if the person carried, and no single person carried. Here it's even less than that, because here it's even less than shnayim she'asuha, because the melacha is that a person should transfer four amos in the public domain, and no single person transferred four amos in the public domain. What does it matter that other people carried? Each one may do extra.

#### **Question from Acharonim: One Person Alone – Why Do You Need Two People?**

**Speaker 2:** The Acharonim ask a question, that if so two people can do the same thing, by sitting down in the next place, he gives it over, and he just moves himself to the next four amos, and he carries it in his four amos. Perhaps the Ra'avad didn't grasp the example, that kol echad metaltel b'toch dalet amos shelo (each one moves within his four amos), because he can say even when one person carried the same, the whole time he only carried within his four amos. But it's difficult, because he can say by every... A person alone, why don't you even need two people? One can alone. Every time a person carries, he carries in his four amos, less than four amos. Only if he makes an uprooting and a placing, if he stops and makes a placing after the end of four amos, before the end of four amos, and afterwards he lifts it up again, it should be the same law. The two people according to this cannot... don't add. Do you understand what I'm asking?

#### **Ra'avad's Dispute: Only in Time of Need**

**Speaker 1:** So first of all like this, the holy Ra'avad disputes the basic law. The Ra'avad says that a person may not move things in four amos in the public domain, only in a manner where he has no permanence there, such as when he sits there, or when he has sides there. Then in time of need the Sages said that he may. But a regular person who stands in four amos, the holy Ra'avad says, no, he may not carry in his four amos. But when the person is stuck, he has nowhere to be, the Sages said that we give him four amos. Ah, that's the language, "we give him four amos". That's what we say by a person who went out from his techum Shabbos (Sabbath boundary), or what? Don't talk nonsense. The Shulchan Aruch rules according to the law like the Rambam. But the Ra'avad doesn't hold with the advice at all. That's first of all one thing.

#### **Rambam – Permitted L'chatchila with Many People**

**Speaker 1:** Now, there is such a subject of... In the Rambam it's implied that one may l'chatchila (from the outset) – it doesn't say, it clearly states "permitted" – that two people, a hundred people, may carry an object, explicitly the Rambam. Yes, the reality he could never have arrived at it. But according to the opinion of the Rambam, the Rambam holds that one may carry l'chatchila as long as one wants, as long as no single person carries more than four amos.

One must know, one must learn later in the Be'er Heitev what will stand in the Rabbis regarding the carrying on the shoulder, that there it's implied that for one person alone the Sages didn't allow doing this except in time of need, like carrying on the shoulder. And the way one does this, that one also learned it, that the person should place less than four amos, which essentially technically is the same from the Torah. Yes, only it's such a decree, that one shouldn't see that you're carrying. Like that. But the Rambam implies that with many people it's permitted l'chatchila. So it's implied here from the holy Rambam.

#### **Distinction Between One Person and Many People**

**Speaker 1:** And the Bi'ur Halacha brings in Rav Blumenfeld, he actually argues that there's a distinction to many people or the same person who goes, walks over and takes it. But the Pri Megadim distinguishes. It's not clear, the Rambam doesn't clearly say the distinction. I tell you yes, that there where he says four amos he's talking about something a greater time of need, if one looks there truly. But according to technically, explain to me, the prohibition is from the Torah, may you, a person alone does it twice, what's the distinction? It can be

rabbinic. I tell you, the Rabbis make it to be such a distinction, but from the Torah truly it's actually the same.

But here where he says "permitted," "permitted" must mean permitted even rabbinically. So, at least in this case it certainly stands in the Rambam permitted even l'chatchila.

### **Distinction Between Hotza'ah and Other Melachos – We Look at the Person, Not at the Object**

**Speaker 2:** You're asking an interesting thing, because seemingly in many other melachos we say yes that the object is the thing. For example... the result happened between them, one looks that the melacha was done. For example where? No, it means, that's the subject of shnayim she'asuha, but for example echad oker v'echad maniach is forbidden rabbinically, it's exempt, but it's forbidden. Here it's permitted, right? There's not even a distinction. If one would say it's exempt, what became the melacha? Perhaps because of the four amos perhaps it's a lesser melacha, it's even less than... than... than a regular melacha of hotza'ah where there's a minor melacha, here literally nothing happened, do you understand?

**Speaker 1:** But it's actually different the melacha than other melachos in the subject. So we say that everyone agrees, that by carrying it has nothing to do, we don't look at the result produced, rather we look at the action, versus other melachos where something happened? It's not exactly ever true, but certainly less happened with the object than other melachos, right? And here it's even less, because he doesn't even carry himself into another domain.

### **Law: Measurement of Four Amos – Diagonal of a Square (Five Amos and Three-Fifths of an Amah)**

**Speaker 1:** The Rambam says an interesting novelty, **since a person has to move**, and the same law that a person has the right and may move in his box of four amos by four amos. He says here very clearly that it's four times four amos, yes? Yes, that's certainly here four times. The question is whether there's four times that from all four sides. It's the two sides around. Okay, **it turns out he moves**, it turns out that not only can one go on one side four amos, but once you have the sixteen amos... sixteen square amos, right? Four square amos on each side, yes? Not on each side, let's say on one side, there's no difference, he doesn't say on all sides. There's a four amos, yes?

Okay, **it turns out**, it turns out that he may carry **along the length of the diagonal of this square**. If he has a square he can also carry. If one walks in a straight way in a square it's actually only four amos, but if one goes diagonally from one corner to the other it comes out more than four amos, **five amos and three-fifths of an amah**, five and three-fifths of an amah, yes? Because what comes out like that in a calculation? Okay. **Therefore**, very interesting, the explanation, not only because it's four amos, but because this is the domain of the person. **Therefore, one who transfers or throws in the public domain is not liable until he transfers beyond five amos and three-fifths of an amah**. The whole time we've been talking about throwing four amos in the public domain, but it's not precise, because when one says that one doesn't mean to say four amos, rather one means to say beyond the measurement of four amos, which is actually more, which is actually five and three-fifths. So only by that, only by transferring and throwing.

## **Chapter 12: Law of Diagonal of Four Amos in Public Domain – Different Laws According to Distance**

### **The Rambam's Three Levels: Permitted, Exempt But Forbidden, and Liable**

Ah, transferring, no, the same. So I don't understand, so then the calculation must start again. No, it doesn't go like that. What does he mean he's asking, so if four means five and three-fifths, so now one must make a diagonal of that, no? No, so the calculation doesn't go like that.

### **The Gra's Condition – Only When One Establishes a Place**

So he notes here something that the **Gra** says that here we're only talking when a person established his four amos, then he may... he established where his four amos is, then he gets the diagonal. This isn't now the Ra'avad, no? What does the Ra'avad say? What did we talk about earlier that the Ra'avad says that the leniency is only... the entire leniency of four amos is only when one establishes the place.

### **The Rambam's Foundation – Four Amos Is More Than Four Amos**

It's very interesting. The Rambam appears that the idea, the thing that's called four amos in the public domain, since in the normal case a person has four amos, it turns out that it's more than not, it's more, it's not true that it's four amos. And if so he's exempt but forbidden he says. Yes, true, it says exempt. He's going to say now, take note, he's going to now explain whether it's exempt but forbidden, or whether it's permitted. Take note, no difference at all. It comes out three other types of different laws, different results that will be from the law.

### **The Rambam's Three Levels**

Also I don't grasp what the Rambam in this place and in another place what is the Rambam. It's like this, **if he passed between two places up to four amos, if it's within four amos, this is permitted l'chatchila. If he passed more than four amos, but still within five amos and three-fifths of an amah, he is exempt but forbidden**. It appears that he says that on this there's a rabbinic enactment that although essentially it should have been five and three-fifths, but one should only hold to four. **If he passed more than five amos and three-fifths of an amah inadvertently, he is liable**. Because that means carrying outside of his four amos, because that's the diagonal of his four amos. **He is liable for a sin offering, outside the diagonal of four**.

### **Question on the Rambam – Why Should the Diagonal Be Permitted?**

It's very funny to me, because I understand how one arrived at the laws, and since he says that one can measure four amos, okay, one may already go the way also. But when you go straight, why should there be the leniency? It's very funny to me how this works. Because then you must measure, perhaps your four amos are arranged like that. Once he has the square, he has the right in the square, can you calculate differently when he walked diagonally. Not clear.

### **The Ra'avad's Dispute – No Distinction Between Four and Five and Three-Fifths**

The holy Ra'avad disputes all these rules, because the Ra'avad holds like we learned that there's no leniency at all l'chatchila to carry in four amos, only in a place of need. The Ra'avad is of the opinion of the Rabbanan's view, it's only with the Rabbis

one may not except in a place of need, that if one is truly impossible on the way, he may carry less than four amos.

#### **The Ra'avad's Question — From Where the New Decree?**

And the Raavad says that if so, he doesn't agree at all with the Rambam. How did the Rambam come up with the new decree of carrying between four amos and five amos and three-fifths of an amah? If the boundary of four amos is actually five amos, then one may carry in a time of pressing need five amos. The Rambam held that lechatchilah (ideally) there are four amos, but bedieved (after the fact) there is a prohibition. Yes, this new prohibition is not clear how the Rambam derived it.

#### **Difficulty with the Division of D'oraisa/D'rabanan**

Actually, this is already d'rabanan (rabbinic). Right, all d'rabanan. In general, the division of d'oraisa (biblical) and d'rabanan is very strange, because everyone wants to understand patur (exempt), the simple meaning that here there is a rabbinic prohibition. So they learned that the Rambam divided d'oraisa from d'rabanan, which is never... It's very difficult to do in the laws of Shabbos, because patur means but it's rabbinically forbidden. They understood this. It's a difficulty on the Rambam's division.

#### **The Shulchan Aruch**

He brings that the Shulchan Aruch actually says that... lechatchilah, it's very strange, it doesn't look that way in many places that one may do it lechatchilah.

#### **Summary of the Dispute**

So the Raavad holds that the five... there's no difference between four or five and three-fifths, yes? Both are only permitted in a time of pressing need. Unlike the Rambam who says that within the four one may do it lechatchilah, and the five and three-fifths one may also not do even in a time of pressing need, it's only patur but forbidden.

#### **A Possible Resolution**

So one can perhaps say the difference is when one may do something rabbinic, for a great need, not a time of pressing need. I know that a time of pressing need automatically means a great need, right, but the time of pressing need, why should both rabbinics be permitted? As if, can't you carry the four amos? After all, the language states, **less than four amos**, it doesn't say less than five amos. You can only say that this actually means, as if four amos we calculate the diameter of four amos which comes out to more. Perhaps one can learn this way.

Okay, that's chapter twelve.