

Midreshet Rachel v'Chaya

Shabbat Laws - Melachot

SHIUR 1

Rabbi David Sedley

The Value of Work

The Sabbath, I. Grunfeld, pp. 15-16

"Six days shall you labour and do all your work." (Shemos 23). The basis of the Shabbat is thus work - labour dignified by G-d's commandment. Work is not a degradation but man's holy birthright. How many centuries, millennia even, did it take the world to grasp this fundamental truth! It is a long way indeed from the Greek and Roman conception of labour as degrading, with the resultant lack of rights of the labourer, to the present day status of the working man. How much social unrest and misery, how many wars and revolutions, how much bloodshed could mankind have been spared had the Biblical ideal of the dignity of labour been made from the very beginning the basis of the social order!"

Talmud Bavli Nedarim 49b

ר' יהודה כד אזיל לבי מדרשא שקיל גולפא על כתפיה אמר גדולה מלאכה שמכבדת את בעליה רבי שמעון שקיל צנא על כתפיה אמר גדולה מלאכה שמכבדת את בעליה.

When Rabbi Yehuda would go to the Beit Midrash he would carry a pitcher on his shoulders [to use as a seat], saying, "Great is labour, for it honours the workers." Rabbi Shimon used to carry a basket on his shoulders [to sit on], saying, "Great is labour for it honours the worker."

Talmud Bavli Brachot 58a

בן זומא ראה אוכלוסא על גב מעלה בהר הבית אמר ברוך חכם הרזים וברוך שבורא כל אלו לשמשני הוא היה אומר כמה יגיעות יגע אדם הראשון עד שמצא פת לאכול חרש זורע וקצר ועמר ודש וזרה וברר וטחן והרקיד ולש ואפה ואח"כ אכל ואני משכים ומוצא כל אלו מתוקנין לפני וכמה יגיעות יגע אדם הראשון עד שמצא.

Ben Zoma once saw a large crowd of people on the Temple Mount. He said, "Blessed is the Knower of secrets, and blessed is He who has created all these people to serve me." He used to say, "Look how hard Adam had to work until he found a loaf of bread to eat. He ploughed, he sowed, he harvested, he bound sheaves, he threshed, he winnowed, he selected, he ground, he sifted, he kneaded and he baked. Only after all this effort was he able to eat. But I wake up in the morning, and I find all of these things done for me."

Talmud Bavli Sanhedrin 24b

מתני' ואלו הן הפסולין - המשחק בקוביא... גמ' משחק בקוביא מאי קא עביד ... רב ששת אמר ... לפי שאין עסוקין ביישובו של עולם.

Mishna The following are invalid [as witnesses] one who gambles with dice.

Gemara What has a gambler done? ... Rav Sheshet said, "Since he is not involved in building the world."

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Melech Machshevet

Talmud Bavli Pesachim 25a

רבי יהודה, דאמר דבר שאין מתכוין – אסור... רבי שמעון, דאמר דבר שאין מתכוין מותר.

Rabbi Yehuda, who says that an unintentional consequence is forbidden... Rabbi Shimon who says that an unintentional consequence is permitted.

Talmud Bavli Shabbat 120b

תנא: נר שאחורי הדלת - פותח ונועל כדרכו. ואם כבתה - כבתה. לייט עלה רב. אמר ליה רבינא לרב אחא בריה דרבא, ואמרי לה רב אחא בריה דרבא לרב אשי: מאי טעמא לייט עלה רב? אילימא משום דרב סבר לה כרבי יהודה, ותנא קתני לה כרבי שמעון - משום דרב סבר לה כרבי יהודה, כל דתני כרבי שמעון מילט לייט ליה? - אמר ליה: בהא - אפילו רבי שמעון מודה, דהא אביי ורבא דאמרי תרוייהו: מודה רבי שמעון בפסיק רישיה ולא ימות.

It was taught in a baraita: a candle that is behind the door – one may open and close the door in the normal way. If it goes out, it goes out. Rav cursed this opinion. Ravina asked Rav Acha the son of Rava, others say it was Rav Acha the son of Rava who asked Rav Ashi, why did he curse it? Is it because Rav holds like Rabbi Yehuda and the author of the baraita holds like Shmuel? For holding a different opinion he shouldn't curse him! He replied that in this case even Rabbi Shimon agrees with Rabbi Yehuda. Because Abaye and Rava both said: Rabbi Shimon agrees in a case when you cut off the head – won't it die?

B'meizid - במזיד (Deliberately)

B'shogeg - בשוגג (Without Knowledge)

B'oness – באונס (Under Duress)

P'sik Reisha - פסיק רישיה (Necessary consequence)

P'sik Reisha de-nicha lei - פסיק רישיה דניחא ליה - (necessary consequence that is useful for the person)

P'sik Reisha de-lo nicha lei - פסיק רישיה דלא ניחא ליה - (necessary consequence that is useful for the person)

Davar She-Aino Mitkaven - דבר שאינו מתכוין (Unintentional consequence – won't necessarily happen)

Davar She-Aino Tzricha Le-Gufo - דבר שאינו צריכה לגופה (Performed for different purpose)

Mitasek - מתעסק (Inadvertent)

Gramma - גרמא (Indirect)

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Avot and Toledot

Av- אב

An activity that was performed in the process of constructing the Mishkan (tabernacle) in the Sinai Wilderness.

Toleda (toledot)- תולדה (תולדות)

There are two separate kinds of toledot:

A Toleda that accomplishes the same result as the Av

(E.g. removing weeds is a Toleda of ploughing because both actions prepare the ground for planting)

A Toleda that is similar to the Av

(E.g. cutting vegetables into small pieces is the same action as the Av melacha of grinding because both activities break up an item into small pieces)

Transgressing a Melacha on Shabbat

Rambam Mishne Torah Hilchot Shabbat 1:1

שביתה בשביעי ממלאכה מצות עשה שנאמר (שמות כ"ג) וביום השביעי תשבות, וכל העושה בו מלאכה ביטל מצות עשה ועבר על לא תעשה שנאמר (שמות כ') לא תעשה כל מלאכה, ומה הוא חייב על עשיית מלאכה, אם עשה ברצונו בזדון חייב כרת, ואם היו שם עדים והתראה נסקל, ואם עשה בשגגה חייב קרבן חטאת קבועה.

Refraining from melacha on the seventh day is a positive mitzvah, as the verse states "On the seventh day you should rest" (Shemos 23). Anyone who does work on that day nullifies a positive mitzvah and also transgresses a negative mitzvah, as the verse states "Do not do any melacha" (ibid. 20). If a person does melacha on Shabbat for what are they obligated (*chayav*)? If they did it willingly with intention they are obligated (*chayav*) spiritual death. If they did it with warning and witnesses they get put to death by stoning. If they did it unintentionally they are obligated to bring a sin sacrifice (*chatat*).

Rambam Mishne Torah Hilchot Shabbat 1:2

כל מקום שנאמר בהלכות שבת שהעושה דבר זה חייב הרי זה חייב כרת, ואם היו שם עדים והתראה חייב סקילה, ואם היה שוגג חייב חטאת.

Every place in the laws of Shabbat that it says if someone does this action they are *chayav* it means they are *chayav* spiritual death, and if there were warning and witnesses they are *chayav* death by stoning. If they did it unintentionally they are *chayav* to bring a *chatat*.

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Rambam Mishne Torah Hilchot Shabbat 1:3

וכל מקום שנאמר שהעושה דבר זה פטור הרי זה פטור מן הכרת ומן הסקילה ומן הקרבן אבל אסור לעשות אותו דבר בשבת ואיסורו מדברי סופרים הרחקה מן המלאכה, והעושה אותו בזדון מכין אותו מכת מרדות, וכן כל מקום שנאמר אין עושין כך וכך או אסור לעשות כך וכך בשבת העושה אותו דבר בזדון מכין אותו מכת מרדות.

Every place that it says that someone who does this action is exempt (*patur*) it means they are exempt from spiritual death or the death penalty or a sacrifice. However it is forbidden to do that action on Shabbat. The prohibition is a Rabbinic decree to keep a person far from doing a melacha. If someone transgresses it intentionally they get whipped lashes of rebellion. Similarly every place that it says 'one should not do this' or 'it is forbidden to do this on Shabbat' it means that someone who does it intentionally gets lashes of rebellion.

Rambam Mishne Torah Hilchot Shabbat 1:4

וכל מקום שנאמר מותר לעשות כך וכך הרי זה מותר לכתחילה, וכן כל מקום שנאמר אינו חייב כלום או פטור מכלום אין מכין אותו כלל.

And every place that it says that it is permitted (*mutar*) to do a certain thing it means that it is completely permitted (*le-chatichila*). And every place it says that a person is not *chayav* at all, or *patur* from anything it means that they do not get any lashes for transgressing.

Summary

Chayav - חייב (Obligated - B'meizid death penalty and *kares* (spiritual death) B'shogeg to bring a sacrifice) - I.e. forbidden from the Torah

Assur (forbidden - Rabbinically) - אסור

Patur - פטור (Exempt from punishments above, but the action is nevertheless forbidden rabbinically)

Mutar (completely permitted)- מותר

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39 Melachot

Talmud Bavli Shabbos 73a

משנה. אבות מלאכות ארבעים חסר אחת: הזורע, והחורש, והקוצר, והמעמר, והדש, והזורח, הבורר הטוחן והמרקד, והלש, והאופה. הגוזז את הצמר, המלבנו, והמנפצו, והצובעו, והטווה, והמיסך, והעושה שתי בתי נירין, והאורג שני חוטיין, והפוצע שני חוטיין, הקושר, והמתיר, והתופר שתי תפירות, הקורע על מנת לתפור [שתי תפירות]. הצד צבי, השוחטו, והמפשיטו, המולחו, והמעבד את עורו, והממחקו, והמחטכו. הכותב שתי אותיות, והמוחק על מנת לכתוב שתי אותיות. הבונה, והסותר, המכבה, והמבעיר, המכה בפטיש, המוציא מרשות לרשות. הרי אלו אבות מלאכות, ארבעים חסר אחת.

Mishna The Avot of Melacha are forty minus one: Sowing (seeding), Plowing, Reaping (cutting), Gathering (bundling sheaves), Threshing, Winnowing, Sorting (selecting, separating), Grinding, Sifting, Kneading, Baking/cooking, Shearing, Whitening (bleaching), Disentangling, Combing, Dyeing, Spinning, Mounting the warp (stretching threads onto loom), Setting two heddles (preparing to weave), Weaving, Separating (removing) threads (Unweaving), Tying a knot, Untying a knot, Sewing, Tearing (unsewing - ripping), Trapping, Slaughtering (Killing), Skinning, Salting/tanning, Tracing (scratching) lines, Smoothing / scraping, Cutting (to shape), Writing two or more letters, Erasing two or more letters, Building, Demolishing, Extinguishing (putting out a flame), Kindling (making a fire), Striking the final blow (Finishing an object), Transferring (transporting) from domain to domain (carrying). This is the list of the avot melacha which are forty minus one.

The Shabbat Song - Shlock Rock

(To the tune of Tom Lehrer's 'The Elements')

There's plowing, and there's planting, and there's harvesting and gathering, There's threshing, and there's winnowing, and then there is selecting, There is grinding and there's sifting, and there is also kneading, There is baking, and there's shearing, and there is also bleaching. There is combing and there's dyeing, and there's plenty of spinning, Threading loom and threading harness, and there's also weaving, Separating thread, there is tying and untying, (breath)There's sewing and there's tearing, and you know there's also trapping. There's slaughtering, and skinning and there's tanning and there's smoothing, and there's marking, and there's cutting, and there's writing and erasing, you must remember building, and you can't forget demolishing, Or kindling, extinguishing, the final blow or carrying. There's choresh, and zoreah, and there's kotzer and m'amer, There is dash, and there's zoreh, and don't forget borer, There's tochain and meraked, and then there's also lash, There's o'feh, and there's gozez, and then there is melabain. There's minapetz and tzoveah, and plenty of toveh, May-sech, shtay batei nirin, and a little bot of ohreg, then there is poetzayah, and there's koshare and there's mateer, (breath)there's tofer and koreah, and you know there's also tzad. There's shochait, and there's mafshit, there's meabaid and memachaik, there's meshartait, and mechataich, there is kotaiv and there's mochaik, there's boneh and there's soter, there is maveer and mechabeh, Makeh bapatish and finally hotza'ah. These are the many tasks that were used to build the Mishkan. They number thirty nine and on the Sabbath are forbidden.

Talmud Bavli Shabbat 73b

הזורח הבורר והטוחן והמרקד. היינו זורה היינו בורר היינו מרקד! - אביי ורבא דאמרי תרוייהו: כל מילתא דהויא במשכן אף על גב דאיכא דדמיא לה - חשיב לה.

Winnowing, selecting, grinding and sifting. But winnowing is the same as selecting! Abaye and Rava both answered: Everything that was done [to construct] the Mishkan, even though there are other similar Melachot, is included in the list of 39.

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Talmud Bavli Shabbat 96b

הוצאה - אב, הכנסה - תולדה. ומכדי, אהא מיחייב ואהא מיחייב, אמאי קרי לה האי אב ואמאי קרי לה האי תולדה? - נפקא מינה: דאי עביד שתי אבות בהדי הדדי, אי נמי שתי תולדות בהדי הדדי - מיחייב תרתי, ואי עביד אב ותולדה דידיה - לא מיחייב אלא חדא. - ולרבי אליעזר דמחייב אתולדה במקום אב, אמאי קרו לה אב ואמאי קרו לה תולדה? - הך דהואי במשכן חשיבא - קרי לה אב, הך דלא הואי במשכן חשיבא - לא קרי לה אב. אי נמי: הך דכתיבא - קרי אב, והאי דלא כתיבא - קרי תולדה.

'Carrying out' is the Av. 'Bringing in' is the Toleda. Let's examine this. For each of them a person is Chayav, so why is this one called an Av and this one called a Toleda? The difference would be if a person did two Avot at the same time, or two Toledot at the same time, they would be Chayav twice. However if they do an Av and its Toleda at the same time they are only Chayav once. And according to Rabbi Eliezer who says in this case they are also Chayav twice, why is one called an Av and the other a Toleda? Those that were important for the construction of the Mishkan are called Avot, and those that were not are called Toledot. Alternatively, those that are written explicitly are called Avot and those that are not are called Toledot.

Topics we will cover this term

- The laws of each of (most of) the thirty nine Torah melachot (and their subcategories, along with Rabbinic fences around those melachot).
- Rabbinic laws including: muktze, forbidden speech on Shabbat, asking a non Jew to do things on Shabbat, medicine and healing, care of animals, opening containers.

For more source sheets go to www.rabbisedley.com

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