



From the
SOURCE with **SPIRIT**
Hilchot Shabbat
הלכות שבת
מן המקורות אל הנשמה

Promotional
Sample



HES  ER



ABOUT HESBER and the Mercaz HaHalacha

This work is produced by HESBER, an organization committed to providing top-quality Hebrew/English Source Based Educational Resources. HESBER operates as a division of the Mercaz HaHalacha, the Halacha Education Center, and has served as the English language division of the Mercaz for the past few years.

Founded in 2008 by the well-known Rabbi/ author/ educator/ chessed personality Rav Yosef Zvi Rimon, the center produces educational materials and leads educational initiatives in four languages, servicing tens of thousands of students and adults throughout the world.

HESBER's materials are used by more than two thousand students each year throughout the English-speaking world, in more than 30 different high schools on 5 continents.

One of HESBER's primary goals is to develop a completely integrated, homogeneous and comprehensive curricular series spanning from elementary/middle school all the way through high school. After producing three separate curricula for high schools (on the topics of *Kashrut*, *Shabbat*, and *Tefilla*), HESBER has begun to develop middle school curricula as well, paving the way for an integrated curriculum.

ABOUT *From the Source; With Spirit- Hilchot Shabbat*

From the Source; with Spirit- Hilchot Shabbat is the second work in the "From the Source; With Spirit" series. It was initially prepared as a partnership with the Ida Crown Jewish Academy in Chicago, which under the leadership of Rabbi Dr. Leonard Matanky piloted the curriculum and has emerged as a cherished partner in this educational endeavor. *From the Source; with Spirit Hilchot Shabbat* is currently entering into its third printing and has been studied by thousands of students on five continents.

ABOUT the Promotional Sample

The following Sample provides a complete table of contents for the Shabbat book as well as samples of two sections from both the student and teacher editions of the book. Hopefully this sample will provide at least a glimpse into some aspects of the method and methodology of our work.

- The first is section 1 of the chapter, *Zemanei HaYom* and *Tosefet Shabbat*. This chapter deals with the Jewish approach to the divisions between night and day, and their implications for the commencement and conclusion of Shabbat.
- The second is a chapter on *Melechet Choresh* which provides a sample of a chapter discussing one of the *melachot* of Shabbat.

Both chapters begin with an "at a glance" section listing some of the primary sources used in the learning of the chapter. The chapters contain a number of icons which are used throughout the book. The icons are especially useful in the *melacha* chapters, as they assist in appreciating the nature of each *melacha* (by tracing it from *Mishkan* to modern day). The chapters conclude with a review chart which the student takes part in completing, and can be used in conjunction with the "at a glance" section as a quick yet comprehensive review of the material. The teacher is provided with a short introduction to the chapter objectives and an outline of the chapter. The answers to student questions are provided on the side of the teacher edition (with the page numbers identical to the student edition).

For questions and ordering information please contact:

HESBER 972-50-572-9700 | hesber.org@gmail.com

Or HESBER Director, Rav Binyamin Zimmerman, zimbiny@gmail.com

The Color Key For Identifying the Source of The Sources

In order to be able to quickly identify the nature of the various sources that appear in this work, the sources are color coded based on the time period in which they were written. This colorful codification system will hopefully help us trace the halachic process from the source in the Torah to the practical halachic rulings of contemporary *Poskim*.

מקור בתורה שבכתב (תנ"ך)
Sources from the Written Torah
מקור בתורה שבעל פה
Sources from the Oral Law (Mishna and Gemara)
מקור ממפרשי התלמוד הראשונים, ופסקי השלחן ערוך
Sources From The Rishonim (Early Commentaries on the Gemara) and the Rulings of the Shulchan Aruch
מקור ממפרשי השלחן ערוך ומהאחרונים
Sources From the Commentaries on the Shulchan Aruch and the Later Commentators
מקור מפוסקי זמנינו
Sources From the Contemporary Poskim (Halachic Decisors)



At a Glance
Provides a glimpse of the primary mekorot used in the chapter for easy reference and seeing the big picture.



Important Terms
Important Halachic and Hebrew terms are noted so students can improve their vocabulary and remember primary terms.



Halacha LeMa'aseh
Important halachic sources, as well as halachic conclusions after long sources are noted with this icon.



Av Melacha
This icon denotes the action which was performed in the Mishkan which serves as the Av Melacha.



Melechet Machshevet
This refers to the purpose behind the performance of a particular Av Melacha in the Mishkan. It serves as the basis for Toladot.



Toladot
This icon refers to acts which share the same purpose (i.e., melechet machshevet) as an Av Melacha, but accomplish the goal through a different act.



Shevut
This icon refers to acts which are prohibited rabbinically, yet mandated by the Torah's insistence that Shabbat be a day of שבתון.



What would you think?
Think independently about the question before seeing the sources



Straight to the Sources:
Study the sources inside in their original language.



Food for Thought:
Additional questions or thoughts to contemplate before proceeding

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בראשית א:ב,ח

ויהי ערב ויהי בקר יום אחד... ויהי ערב ויהי בקר יום שני...

ישעיהו פרק מה, ז

יוצר אור ובורא חושך, עושה שלום ובורא רע; אני ה', עושה כל-אלה.

תהלים פרק צב, א-ג

מזמור שיר, ליום השבת. טוב, להודות לה' ולזמר לשמך עליון. להגיד בבוקר חסדך; ואמונתך, בלילות.

תלמוד בבלי מסכת שבת דף לה עמוד ב

תניא נמי הכי: כוכב אחד - יום, שנים - בין השמשות, שלשה - לילה. אמר רבי יוסי: לא כוכבים גדולים הנראין ביום, ולא כוכבים קטנים שאין נראין אלא בלילה, אלא בינונים.

תלמוד בבלי מסכת שבת דף לד

תנו רבנן: בין השמשות - ספק מן היום ספק מן הלילה... מטילין אותו לחומר שני ימים

רמב"ם הלכות שבת פרק ה הלכה ד

משתשקע החמה עד שיראו שלשה כוכבים בינוניים הוא הזמן הנקרא בין השמשות בכל מקום, והוא ספק מן היום ספק מן הלילה ודנין בו להחמיר בכל מקום, ולפיכך אין מדליקין בו, והעושה מלאכה בין השמשות בערב שבת ובמוצאי שבת בשוגג חייב חטאת מכל מקום,

תלמוד בבלי מסכת שבת דף לד:

שיעור בין השמשות בכמה? אמר רבה [משתשקע החמה]... תלתא רבעי מיל

תלמוד בבלי מסכת עירובין דף לב עמוד ב

רבי היא, דאמר: כל דבר שהוא משום שבות לא גזרו עליו בין השמשות.

שולחן ערוך, אורח חיים, הלכות שבת, סימן שז, סעיף כב

כל שבות דרבנן מותר בין השמשות לצורך מצוה, כגון לומר לאינו יהודי להדליק לו נר בין השמשות; או אם היה טרוד והוצרך לעשר בין השמשות.



זמני היום ותוספת שבת

Commencement of Shabbat and Tosefet Shabbat

Part I Zemani Hayom and the Commencement of Shabbat

Introduction

Learning about *Shabbat* provides us with a little glimpse into the *Torah's* fascinating perspective regarding time. Not all moments are identical; there is not only "quality time" but there is also "qualitative time," i.e., moments or periods that are qualitatively different than others. In this chapter we will learn a little about the different periods of the day, and hopefully in the process begin to recognize time for what it really is, and what it can be if its potential is unlocked.

The *Torah* describes *Shabbat's* unique sanctity and holiness in its description of the creation of the world. Through this the *Torah* indicates that *Shabbat* is sanctified by *Hashem* and made holy. With that in mind, it is clear that the seventh day of the week is special. In fact, it would seem that there is something magical that happens every week when the sixth day ends and the seventh day begins; and twenty four hours later, another magical (though far less exciting) thing happens as *Shabbat* concludes and the next week begins.

For us to gain a better understanding of this majestic transformation, we first have to know when the seventh day actually begins and ends. After we know that, we can try to make some sense of the *Kedusha* that transforms the seventh day.

We might also wonder: Can we, human beings, choose to add on to the day of *Shabbat* and extend certain parts of its holy nature? Or does the fact that the seventh day is set in stone, arriving at fixed intervals, mean that it is untouchable and unalterable by us? Let's investigate:

Section I When does the Shabbat begin?

I.1 The Beginning of the Day:



When exactly does the day begin?

According to the secular world? _____

According to Halacha? _____

According to your own intuitive sense? _____

In order for us to be able to explain when the day of *Shabbat* begins, we need to know when the *halachic* day really begins.

The most logical place to check when the day begins is to look at the *Torah's* description of בריאת העולם, when the periods of day and night were actually created. How does the *Torah* describe the completion (and beginning) of each day? (What are the implications for when the new day begins?)

ויהי ערב ויהי בקר יום אחד... ויהי ערב ויהי בקר יום שני...



A Deeper Distinction between Day and Night:

For many of us, the difference between day and night is that during the day it is light outside, and during the night it is dark. However, there is good reason to believe that darkness is not only the absence of light, but it is a reality in its own right. In fact, ישעיהו הנביא notes that חשך, darkness, is actually a creation:

ישעיהו פרק מה, ז

יוצר אור ובורא חושך, עושה שלום ובורא רע; אני ה', עושה כל-אלה.

With this in mind, take a look at the following *pesukim* from the chapter in Tehillim known as מזמור שיר ליום השבת. It distinguishes between the way in which one praises God during the day and during the night. Why might that be? (Do you think the Torah's indication that the "halachic day" begins at nightfall is related to this distinction between day and night? Why?).

תהלים פרק צב, א-ג

מזמור שיר, ליום השבת. טוב, להודות לה' ולזמר לשמך עליון. להגיד בבוקר חסדך; ואמונתך, בלילות.

1.2 Defining "Nightfall" to know when the Halachic Day begins

Now that we know that the Jewish day begins at night, it is important for us to clarify the *halachic* definition of nightfall, so that we can ascertain precisely when Shabbat begins and ends.



There is a period during the day where darkness slowly sets in. If it were up to you, what do you think you would define as nightfall and the start of a new day? Why?

Identifying the stages of "nightfall":

The difficulty in delineating exactly when "nightfall descends" and a new day begins is not a new challenge. In fact, it lies at the heart of a *halakha* known as *bein hashemashot*. Nightfall is a process by which the day transitions into night. Let's take a deeper look to understand a little better:

There are three periods that must be clearly defined: בין השמשות, שקיעת החמה, צאת הכוכבים.



1. שקיעה - Sunset:

The sun rises in the east and sets in the west. The period in which the sun disappears behind the western horizon (due to the rotation of the Earth) is called sundown. The end point (or close to it) of the disappearance is called sunset. The *halachic* term for sunset is שקיעת החמה, the setting of the sun, or simply שקיעה, *shekiya*. However, even after the sun has set and is no longer in view, there is light in the sky. This afterglow still gives the appearance of daylight, and the official term for this period is twilight.

In fact, there are a number of terms used even in the English language that sometimes mean different things for different people. Terms like evening, night, darkness, and dusk all indicate the various times and periods within nightfall.

There is, however, a later period that is certainly classified as nightfall.



2. צאת הכוכבים - The Emergence of Stars:

The Gemara explains that there is also a period that is clearly nightfall. What is it? (How easy is it to determine nightfall by looking at the sky)?

תלמוד בבלי מסכת שבת דף לה עמוד ב

We learned this in a baraita: One star - day, two [stars] - *bein hashemashot*, three [stars] - night. Rabbi Yosei said: This is not [referring to] large stars that can be seen by day, nor [is it referring to] small stars that can only be seen at night, but [it is referring to] the emergence of] mid-sized stars.

תניא נמי הכי: כוכב אחד - יום, שנים - בין השמשות, שלשה - לילה. אמר רבי יוסי: לא כוכבים גדולים הנראין ביום, ולא כוכבים קטנים שאין נראין אלא בלילה, אלא בינונים.

3. בין השמשות - The time between sunset and the emergence of stars

The period in between שקיעה and צאת הכוכבים is known as בין השמשות.

For a quick review, please define these important terms:

שקיעה _____

צאת הכוכבים _____

בין השמשות _____



Section II The Status of Bein HaShemashot



We know that before שקיעה it is day, and after צאת הכוכבים it is night. The question is what should be the status of the intermediate period known as בין השמשות? Should it be considered day, night, or something else? Why?

After sharing your thoughts, let's go straight to the source and see what the Gemara says about it.



The Gemara classifies the status of this period of השמשות בין. What does it say and what is the logic behind the ruling?

תלמוד בבלי מסכת שבת דף לד

we place - מטילין
the stringencies - לחומר

תנו רבנן: בין השמשות – ספק מן היום ספק מן הלילה... מטילין
אותו לחומר שני ימים



Take a look at the ruling of the Rambam who based on this Gemara explains the *halachic* status of בין השמשות. (After explaining the Rambam’s ruling, please explain why even in our day and age, with all our satellites and technology, the status of בין השמשות will remain as it was.)

רמב"ם הלכות שבת פרק ה הלכה ד

The time from sunset until the appearance of three middle-sized stars is universally referred to as *bein hashemashot*, and there is doubt as to whether this time is considered part of the day [and/or] part of the night. [Accordingly,] it is accepted to rule stringently concerning [this time] in all places. Therefore, one should not kindle [a lamp at this time]. A person who performs a [forbidden] labor *bein hashemashot* [both] on the Sabbath eve and on Saturday night is required to bring a sin offering.

משתשקע החמה עד שיראו שלשה כוכבים בינוניים הוא הזמן הנקרא בין השמשות בכל מקום, והוא ספק מן היום ספק מן הלילה ודנין בו להחמיר בכל מקום, ולפיכך אין מדליקין בו, והעושה מלאכה בין השמשות בערב שבת ובמוצאי שבת בשוגג חייב חטאת מכל מקום,



The *halachic* significance of the various times of the day and night can also provide for us a picture of the interface between the natural world in which we live, and its deeper meaning and significance.

Take a look at the following piece from *Halakhic Man* (p. 38) where Rav Yosef Dov HaLevi Soloveitchik describes the lesson he learned in his youth from his father regarding the moments of sunset at the end of Yom Kippur. How do you view the interrelationship between the natural cycles of the day and the deeper significance they convey for those who appreciate “qualitative time?”

I remember how once, on the Day of Atonement, I went outside into the synagogue courtyard with my father [Rav Moses Soloveitchik] just before the Ne’ilah service. It had been a fresh, clear day, one of the fine, almost delicate days of summer’s end, filled with sunshine and light. Evening was fast approaching, and an exquisite autumn sun was sinking in the west, beyond the trees of the cemetery, into a sea of purple and gold. Rav Moses, a halakhic man par excellence, turned to me and said: “This sunset differs from ordinary sunsets for with it forgiveness is bestowed upon us for our sins” (the end of the day atones).

The Day of Atonement and the forgiveness of sins merged and blended here with the splendor and beauty of the world and with the hidden lawfulness of the order of creation and the whole was transformed into one living, holy, cosmic phenomenon.

11.2 The Length of Bein HaShemashot

Understandably, the length of בין השמשות will depend on where one lives. For instance, the twilight period in Israel is far shorter than it is in North America, and therefore, the period of בין השמשות is shorter as well. However, the Gemara explains that there is a minimum period of בין השמשות. How long is it?

[Background: A מייל is a measurement of distance that equals approximately 1 kilometer (between 960 and 1152 meters). Time periods were often described in the Talmud based on how long it would take to walk a specific distance, such as a מייל. According to the Rambam it takes 24 minutes to walk a מייל. According to a number of other opinions, it takes only 18 minutes to do so].

תלמוד בבלי מסכת שבת דף לד:

The time period of *bein hashemashot* is how long? Rabba said: From shekiya until [the period it takes to walk] three quarters of a mil.

שיעור בין השמשות בכמה? אמר רבה [משתשקע החמה]... תלתא רבעי מייל

The period of בין השמשות is, therefore, at a minimum, _____ minutes after sunset.

11.3 The Halachot of Bein HaShemashot

As we have seen, this period of בין השמשות is treated as a period of ספק יום ספק לילה, i.e., it is unclear if it is defined as night or day, and therefore, all the *halachot* of Shabbat begin from Sunset. However, Rabbi Yehuda Hanasi, known as רבי, mentions an exception to this rule. What does he say and why?

תלמוד בבלי מסכת עירובין דף לב עמוד ב

Rabbinic restrictions of Shabbat - שבות

רבי היא, דאמר: כל דבר שהוא משום שבות לא גזרו עליו בין השמשות.

How does the Shulchan Aruch rule on this matter?



טרוד – Busy, occupied
לעשר – To tithe

שולחן ערוך, אורח חיים, הלכות שבת, סימן שז, סעיף כב
כל שבות דרבנן מותר בין השמשות לצורך מצוה, כגון לומר לאינו יהודי להדליק לו נר בין השמשות; או אם היה טרוד והוצרך לעשר בין השמשות.



What do you think is the reason why the *shevutim* do not apply during *Bein HaShemashot*, at least if necessary for a *mitzva*?

Section III Review Chart for זמני היום and the Commencement of Shabbat:

The Halachic day begins _____ based on the pesukim that describe _____.

The Periods of the transition from night to day are:

שקיעת החמה

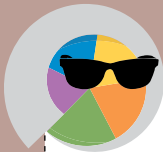
צאת הכוכבים

בין השמשות

Halachically it is treated as _____
It lasts a minimum of: _____ which is between _____ and _____ minutes.

For Shabbat Purposes:

We must begin to observe Shabbat by _____
And must be careful not to end Shabbat before _____
During the general halachot are that _____
However, the Shulchan Aruch rules that _____



זמני היום חלק 2

and the Commencement of Shabbat at-a-glance

ויקרא, פרק כג, פסוק לב

שבת שבתון הוא לכם ועניינתם את נפשתיכם בתשעה לחדש בערב מערב עד ערב תשבתו שבתכם:

תלמוד בבלי, מסכת יומא, דף פא, עמוד ב

"ועניינתם את נפשותיכם בתשעה לחדש", יכול יתחיל ויתענה בתשעה? תלמוד לומר: 'בערב'. אי בערב, יכול משתחשך? תלמוד לומר 'בתשעה'. הא כיצד? מתחיל ומתענה מבעוד יום - מכאן שמוסיפין מחול על הקודש. ואין לי אלא בכניסתו, ביציאתו מניין? תלמוד לומר: 'מערב עד ערב'. ואין לי אלא יום הכיפורים, שבתות מניין? תלמוד לומר: 'תשבתו'. ואין לי אלא שבתות, ימים טובים מניין? תלמוד לומר: 'שבתכם'; הא כיצד, כל מקום שנאמר שבות, מוסיפים מחול על הקודש..."

דברים פרק יג

(א) את כל הדבר אשר אנכי מצוה אתכם אתו תשמרו לעשות לא תסף עליו ולא תגרע ממנו:

דברים פרק ד

(ב) לא תספו על הדבר אשר אנכי מצוה אתכם ולא תגרעו ממנו לשמור את מצות ה' אלהיכם אשר אנכי מצוה אתכם:

רש"י דברים פרק ד

(ב) לא תספו - כגון חמש פרשיות בתפילין חמשת מינין בלולב וחמש ציציות, וכן ולא תגרעו:

בראשית פרק א, לא - ב, ב

(לא) וי'א אלהים את כל אשר עשה והנה טוב מאד ויהי ערב ויהי בקר יום הששי:
(א) ויכלו השמים והארץ וכל צבאם: (ב) ויכל אלהים ביום השביעי מלאכתו אשר עשה:

רש"י, בראשית, פרק ב

(ב) ויכל אלהים ביום השביעי - רבי שמעון אומר בשר ודם שאינו יודע עתיו ורגעיו צריך להוסיף מחול על הקודש, הקדוש ברוך הוא שיוודע עתיו ורגעיו נכנס בו כחוט השערה ונראה כאלו כלה בו ביום....

ר"ן, מסכת ביצה, דף ל, עמוד א

ולי נראה, שכיון שציוותה תורה תוספות, צריך להוסיף מחול על הקודש אי זה זמן, חוץ מן הזמן שהוא נזהר בו מן הספק, שאם לא כן, לא היה צריך להזהיר על תוספות.

בני יששכר, מאמרי השבתות, מאמר ב - תוספת שבת

והנה גם אנחנו עם הקודש בעשייתנו המצות באהבה ובחיבה יתירה, ... ובזה חיבה יתירה נודעת לנו שאין אנחנו עושים המצות דרך משא רק אנחנו עוד מבקשים להוסיף... ולפי זה תשכיל ותדע ג"כ ענין תוספת שבת,

שמות פרק לא, טז

ושמרו בני ישראל את השבת לעשות את השבת לדרתם ברית עולם:



Teacher Objectives

This chapter is divided into two separate sections. The first section deals with the commencement of Shabbat by focusing on when the *halakhic* day begins and its implications for when Shabbat observance must start. We note that the Torah describes in its discussion of העולם that the day begins by night. We then explore how to define night, which we note is not simple (either from a scientific or *halakhic* point of view). There are stages of nightfall, and it is often hard to pinpoint exactly when nightfall begins. The intermediate period known as בין השמשות, which is after sunset and before emergence of three stars, is a period of doubt. Due to this doubt Shabbat must be started beforehand and ended afterwards.

Teacher Outline

Section 1– When does the Shabbat begin?

I.1 – The Beginning of the Day – Pasuk says at night

* FFT – A Deeper Distinction between Day and Night – We relate to Hashem differently.

I.2 Defining “Nightfall” to know when the Halachic Day begins

* Possible Shabbat lab activity – What is the actual current time?

I.3 – Identifying the stages of “nightfall”: שקיעת החמה, צאת הכוכבים, ובין השמשות

בראשית א:ב,ח

ויהי ערב ויהי בקר יום אחד... ויהי ערב ויהי בקר יום שני...

ישעיהו פרק מה, ז

יוצר אור ובורא חושך, עושה שלום ובורא רע; אני ה', עושה כל-אלה.

תהלים פרק צב, א-ג

מזמור שיר, ליום השבת. טוב, להודות לה' ולזמר לשמך עליון. להגיד בבוקר חסדך; ואמונתך, בלילות.

תלמוד בבלי מסכת שבת דף לה עמוד ב

תניא נמי הכי: כוכב אחד - יום, שנים - בין השמשות, שלשה - לילה. אמר רבי יוסי: לא כוכבים גדולים הנראין ביום, ולא כוכבים קטנים שאין נראין אלא בלילה, אלא בינונים.

תלמוד בבלי מסכת שבת דף לד

תנו רבנן: בין השמשות – ספק מן היום ספק מן הלילה... מטילין אותו לחומר שני ימים

רמב"ם הלכות שבת פרק ה הלכה ד

משתשקע החמה עד שיראו שלשה כוכבים בינוניים הוא הזמן הנקרא בין השמשות בכל מקום, והוא ספק מן היום ספק מן הלילה ודנין בו להחמיר בכל מקום, ולפיכך אין מדליקין בו, והעושה מלאכה בין השמשות בערב שבת ובמוצאי שבת בשוגג חייב חטאת מכל מקום,

תלמוד בבלי מסכת שבת דף לד:

שיעור בין השמשות בכמה? אמר רבה [משתשקע החמה]... תלתא רבעי מיל

תלמוד בבלי מסכת עירובין דף לב עמוד ב

רבי היא, דאמר: כל דבר שהוא משום שבות לא גזרו עליו בין השמשות.

שולחן ערוך, אורח חיים, הלכות שבת, סימן שז, סעיף כב

כל שבות דרבנן מותר בין השמשות לצורך מצוה, כגון לומר לאינו יהודי להדליק לו נר בין השמשות; או אם היה טרוד והוצרך לעשר בין השמשות.

Section II -Bein HaShemashot

II 1.The Status of Bein HaShemashot – One of doubt

II.2 The Length of Bein HaShemashot – ¾ of a mil

II.3 The Halachot of Bein HaShemashot – The stringencies do not apply to the rabbinic prohibitions when done for a mitzva.

Section III Review of זמני היום and the Commencement of Shabbat

זמני היום ותוספת שבת

Commencement of Shabbat and Tosefet Shabbat



Part I Zemanei Hayom and the Commencement of Shabbat

Introduction

Learning about Shabbat provides us with a little glimpse into the Torah’s fascinating perspective regarding time. Not all moments are identical; there is not only “quality time” but there is also “qualitative time,” i.e., moments or periods that are qualitatively different than others. In this chapter we will learn a little about the different periods of the day, and hopefully in the process begin to recognize time for what it really is, and what it can be if its potential is unlocked.

The Torah describes Shabbat’s unique sanctity and holiness in its description of the creation of the world. Through this the Torah indicates that Shabbat is sanctified by Hashem and made holy. With that in mind, it is clear that the seventh day of the week is special. In fact, it would seem that there is something magical that happens every week when the sixth day ends and the seventh day begins; and twenty four hours later, another magical (though far less exciting) thing happens as Shabbat concludes and the next week begins.

For us to gain a better understanding of this majestic transformation, we first have to know when the seventh day actually begins and ends. After we know that, we can try to make some sense of the Kedusha that transforms the seventh day.

We might also wonder: Can we, human beings, choose to add on to the day of Shabbat and extend certain parts of its holy nature? Or does the fact that the seventh day is set in stone, arriving at fixed intervals, mean that it is untouchable and unalterable by us? Let’s investigate:

Section I When does the Shabbat begin?

I.1 The Beginning of the Day:



When exactly does the day begin?

According to the secular world? _____
According to Halacha? _____
According to your own intuitive sense? _____

In order for us to be able to explain when the day of Shabbat begins, we need to know when the halachic day really begins. 1

The most logical place to check when the day begins is to look at the Torah’s description of בריאת העולם, when the periods of day and night were actually created. How does the Torah describe the completion (and beginning) of each day? (What are the implications for when the new day begins?)

1 You might want to ask the students: If I were to ask you: “When does the day begin”, there is a good chance that you would respond something along the lines: “The day begins during the day” or “when the sun comes out”, or even “at the first rays of dawn”. However, is it really so simple that the day actually begins by day; maybe it starts sometime else? But why and how could that be?

In truth, in certain limited areas of Halacha the night actually does follow the day. One case is with offerings in the Beit HaMikdash, which is derived from the verse where the leftovers of the day’s offerings could continue burning on the mizbe’ach overnight. Another case is with Tefillat HaDerech or Birkat HaTorah where one is required to recite the beracha anew every day, with the day starting in the morning. Nevertheless, for most halachot that are connected to the calendar and Jewish dates, the day does follow the night.

1 The fact that the Torah describes the night occurring before the morning in the recount of creation demonstrates that the night precedes the day on the Jewish calendar. See for further research the section regarding the Rashbam's understanding of this *pasuk*.

2 The *pasuk* describes speaking about God's חסד during the morning and during the night. Seemingly, there is a part of time consciousness expressed here. During the day, when the light allows one to focus on the good, one can easily recognize God and see God's kindness and speak about it. However, in times of darkness and difficulty, one finds God through *Emuna*, through finding God in the midst of difficulty. (This idea is expressed through the well-known parable of the footsteps in the sand. When it seems that God has abandoned one in times of difficulty, in fact it is then that God completely carries the individual.) Relating to

Hashem in both of these moments is essential.

Rav Soloveitchik provides a very vivid portrayal of the two ways God relates to man. In times of joy, man feels מה רבו, and even a bird chirping allows him to recognize the omnipotence of God and the wonder of Creation. However, that is an aspect of man's personality as Cosmic Man, being able to find God everywhere in the cosmic drama. However, another aspect of man's personality, Origin-Conscious Man relates to God differently in times of difficulty. He writes as follows (something one might want to share with the students):

As we have stated above, cosmic man beholds the vision of God in infinity, in the endlessness of the distance that separates him from God, while origin-conscious man experiences God in His

closeness to man. As a rule, in times of joy and elation, one finds God's footsteps in the majesty and grandeur of the cosmos, in its vastness and its stupendous dynamics. When man is drunk with life, when he feels that living is a dignified affair, then man beholds God in infinity. In moments of ecstasy God addresses Himself to man through the twinkling stars and the roar of the endlessly distant heavens: "O Lord my God You are very great, You are clothed with glory and majesty."

In such moments, *majestas Dei*, which not even the vast universe is large enough to accommodate, addresses itself to happy man.

Starting the *halachic* day during the night might be indicative of a number of ideas. Among them, the importance of starting one's day with *Emuna*. Second, an idea of "the sun will come

בראשית א:ב,ח

1 ויהי ערב ויהי בקר יום אחד... ויהי ערב ויהי בקר יום שני...



A Deeper Distinction between Day and Night:

For many of us, the difference between day and night is that during the day it is light outside, and during the night it is dark. However, there is good reason to believe that darkness is not only the absence of light, but it is a reality in its own right. In fact, חשך, darkness, is actually a creation:

ישעיהו פרק מה, ז

יוצר אור ובורא חושך, עושה שלום ובורא רע; אני ה', עושה כל-אלה.

With this in mind, take a look at the following *pesukim* from the chapter in Tehillim known as ליום השבת. מזמור שיר ליום השבת distinguishes between the way in which one praises God during the day and during the night. Why might that be? (Do you think the Torah's indication that the "*halachic* day" begins at nightfall is related to this distinction between day and night? Why?).

תהלים פרק צב, א-ג

מזמור שיר, ליום השבת. טוב, להודות לה' ולזמר לשמך עליון. להגיד בבוקר חסדך; ואמונתך, בלילות.

2

1.2 Defining "Nightfall" to know when the Halachic Day begins

Now that we know that the Jewish day begins at night, it is important for us to clarify the *halachic* definition of nightfall, so that we can ascertain precisely when Shabbat begins and ends.



There is a period during the day where darkness slowly sets in. If it were up to you, what do you think you would define as nightfall and the start of a new day? Why?

3

Identifying the stages of "nightfall":

The difficulty in delineating exactly when "nightfall descends" and a new day begins is not a new challenge. In fact, it lies at the heart of a *halakha* known as *bein hashemashot*. Nightfall is a process by which the day transitions into night. Let's take a deeper look to understand a little better:

There are three periods that must be clearly defined: שקיעת החמה, צאת הכוכבים, and בין השמשות.

1. שקיעה - Sunset:

The sun rises in the east and sets in the west. The period in which the sun disappears behind the western horizon (due to the rotation of the Earth) is called sundown. The end point (or close to it) of the disappearance is called sunset. The *halachic* term for sunset is שקיעת החמה, the setting of the sun, or simply שקיעה, *shekiya*. However, even after the sun has set and is no longer in view, there is light in the sky. This afterglow still gives the appearance of daylight, and the official term for this period is twilight.

In fact, there are a number of terms used even in the English language that sometimes mean different things for different people. Terms like evening, night, darkness, and dusk all indicate the various times and periods within nightfall.

There is, however, a later period that is certainly classified as nightfall.



2. צאת הכוכבים - The Emergence of Stars:

The Gemara explains that there is also a period that is clearly nightfall. What is it? (How easy is it to determine nightfall by looking at the sky?)

We learned this in a baraita: One star - day, two [stars] - *bein hashemashot*, three [stars] - night. Rabbi Yosei said: This is not [referring to] large stars that can be seen by day, nor [is it referring to] small stars that can only be seen at night, but [it is referring to the emergence of] mid-sized stars.

תנא נמי הכי: כוכב אחד - יום, שנים - בין השמשות, שלשה - לילה. אמר רבי יוסי: לא כוכבים גדולים הנראין ביום, ולא כוכבים קטנים שאין נראין אלא בלילה, אלא בינוניים.

4

3. בין השמשות - The time between sunset and the emergence of stars

The period in between שקיעה and צאת הכוכבים is known as *בין השמשות*.

For a quick review, please define these important terms:

שקיעה _____
צאת הכוכבים _____
בין השמשות _____

Section II The Status of Bein HaShemashot



We know that before שקיעה it is day, and after צאת הכוכבים it is night. The question is what should be the status of the intermediate period known as *בין השמשות*? Should it be considered day, night, or something else? Why?

After sharing your thoughts, let's go straight to the source and see what the Gemara says about it.

Shabbat Lab Activity:

You might want to ask the students what time it is. Chances are you will get different answers from different students. Then you might ask who is sure their time is correct. If you are lucky you will hear a difference of opinion in the class as to the exact time, with the different students saying that their watches are synced to different radio stations or the like. The purpose of this is to show how time may be more complicated than is initially perceived.



out tomorrow," i.e., even if one starts one day with difficulty, the day will get brighter and brighter.

See the advanced section for a discussion of "the day and night of Shabbat."

3 Students may suggest various times, including sunset, three stars in the sky, or some other measurement. What should be clear is that the question is not a simple one, but is actually quite complex. You may want to have the students look at one or two websites that discuss a secular or scientific perspective on when the night begins, as this is an issue that science must deal with on its terms as well.

4 Nightfall is defined by the emergence of three mid-sized stars. This definition of nightfall is liable to cause confusion. One might wonder if the stars one sees are mid-sized, and on cloudy days it will be very difficult to see.

5 Sunset, the emergence of three mid-sized stars, and twilight (the period between sunset and full nightfall)..



1 This period of בין השמשות, literally between the suns, is viewed as a period of doubt as to whether it is actually to be considered night or whether it should be halachically viewed as daytime. Due to this doubt, the Gemara states that we treat it with the stringencies of both time periods. The logic behind this ruling is that this period really is unclear as to what status it should be given (especially as we saw earlier it is very hard to tell if three stars have come out)

2 The Rambam rules based on the Gemara we saw that the period of בין השמשות is a doubtful period, and therefore, is treated with stringencies of day and night. It is clear that the doubt doesn't stem from not knowing exactly the time that three stars emerge, but rather because this period is in essence a period of doubt. It is unclear whether this limbo twilight period is to be defined as day or night, and therefore, it is treated with the stringencies of

both periods. Some have suggested the following “*mashal*” to make this period more understandable. The letter one receives in the mail prior to one’s SAT testing date states, “Only students who are in the room at the start of the exam will be allowed to take the test.” It is unclear whether “the start of the exam” means at 9:00 am when the seating process will begin, or at 9:30 when the test itself is supposed to start. In other words, the half hour between 9:00 and 9:30 is an unclear time; it’s not clear whether it is officially part of the exam time. If you really want to make sure to be allowed to take the SATs that day, you’ll be “*machmir*” and make sure to be there by 9:00 am!

The *Halacha LeMa'aseh* of this section should be made clear that due to the doubtful status of בין השמשות, which is the

subject of scientific dispute as well (as to how to categorize it as either day or night) we start Shabbat before sunset and end it at הכוכבים.

Important Note: Starting Shabbat at sunset rather than the later time of הכוכבים is not merely a *chumra*, a stringency. It is NECESSARY because *bein hashemashot* might in fact be part of the next day already – part of Shabbat – and with something as vital as Shabbat, we need to be certain that we are not doing *melacha* at a time that is already Shabbat.

*Advanced Students who want to explore another way of understanding Bein HaShemashot should please see Appendix A at the end of the Chapter.



The Gemara classifies the status of this period of בין השמשות. What does it say and what is the logic behind the ruling?

1



Take a look at the ruling of the Rambam who based on this Gemara explains the *halachic* status of בין השמשות. (After explaining the Rambam’s ruling, please explain why even in our day and age, with all our satellites and technology, the status of בין השמשות will remain as it was.)

רמב"ם הלכות שבת פרק ה הלכה ד

The time from sunset until the appearance of three middle-sized stars is universally referred to as *bein hashemashot*, and there is doubt as to whether this time is considered part of the day [and/or] part of the night. [Accordingly,] it is accepted to rule stringently concerning [this time] in all places. Therefore, one should not kindle [a lamp at this time]. A person who performs a [forbidden] labor *bein hashemashot* [both] on the Sabbath eve and on Saturday night is required to bring a sin offering.

משתשקע החמה עד שיראו שלשה כוכבים בינוניים הוא הזמן הנקרא בין השמשות בכל מקום, והוא ספק מן היום ספק מן הלילה ודנין בו להחמיר בכל מקום, ולפיכך אין מדליקין בו, והעושה מלאכה בין השמשות בערב שבת ובמוצאי שבת בשוגג חייב חטאת מכל מקום,

2



The *halachic* significance of the various times of the day and night can also provide for us a picture of the interface between the natural world in which we live, and its deeper meaning and significance.

Take a look at the following piece from *Halakhic Man* (p. 38) where Rav Yosef Dov HaLevi Soloveitchik describes the lesson he learned in his youth from his father regarding the moments of sunset at the end of Yom Kippur.

How do you view the interrelationship between the natural cycles of the day and the deeper significance they convey for those who appreciate “qualitative time?”

I remember how once, on the Day of Atonement, I went outside into the synagogue courtyard with my father [Rav Moses Soloveitchik] just before the Ne’ilah service. It had been a fresh, clear day, one of the fine, almost delicate days of summer’s end, filled with sunshine and light. Evening was fast approaching, and an exquisite autumn sun was sinking in the west, beyond the trees of the cemetery, into a sea of purple and gold. Rav Moses, a halakhic man par excellence, turned to me and said: “This sunset differs from ordinary sunsets for with it forgiveness is bestowed upon us for our sins” (the end of the day atones).

The Day of Atonement and the forgiveness of sins merged and blended here with the splendor and beauty of the world and with the hidden lawfulness of the order of creation and the whole was transformed into one living, holy, cosmic phenomenon.

3

תלמוד בבלי מסכת שבת דף לד

מטילין - we place
לחומר - the stringencies

תנו רבנן: בין השמשות – ספק מן היום ספק מן הלילה... מטילין אותו לחומר שני ימים

II.2 The Length of Bein HaShemashot

Understandably, the length of בין השמשות will depend on where one lives. For instance, the twilight period in Israel is far shorter than it is in North America, and therefore, the period of בין השמשות is shorter as well. However, the Gemara explains that there is a minimum period of בין השמשות. How long is it?

[Background: A *mil* is a measurement of distance that equals approximately 1 kilometer (between 960 and 1152 meters). Time periods were often described in the Talmud based on how long it would take to walk a specific distance, such as a *mil*. According to the Rambam it takes 24 minutes to walk a *mil*. According to a number of other opinions, it takes only 18 minutes to do so].

תלמוד בבלי מסכת שבת דף לד:

The time period of *bein hashemashot* is how long? Rabba said: From shekiya until [the period it takes to walk] three quarters of a *mil*.

שיעור בין השמשות בכמה? אמר רבה [משתשקע החמה]... תלתא רבעי מיל

4

The period of בין השמשות is, therefore, at a minimum, _____ minutes after sunset.

II.3 The Halachot of Bein HaShemashot

As we have seen, this period of בין השמשות is treated as a period of יום ספק לילה, i.e., it is unclear if it is defined as night or day, and therefore, all the *halachot* of Shabbat begin from Sunset. However, Rabbi Yehuda Hanasi, known as רבי, mentions an exception to this rule. What does he say and why?

תלמוד בבלי מסכת עירובין דף לב עמוד ב

Rabbinic restrictions of Shabbat - שבות

רבי היא, דאמר: כל דבר שהוא משום שבות לא גזרו עליו בין השמשות.

5

How does the Shulchan Aruch rule on this matter?



טרוד - Busy, occupied
לעשר - To tithe

שולחן ערוך, אורח חיים, הלכות שבת, סימן שז, סעיף כב
כל שבות דרבנן מותר בין השמשות לצורך מצוה, כגון לומר לאינו יהודי להדליק לו נר בין השמשות; או אם היה טרוד והוצרך לעשר בין השמשות.

6



What do you think is the reason why the shevutim do not apply during Bein HaShemashot, at least if necessary for a mitzva?

3 This is a good opportunity to discuss with the students how halacha guides us in our interactions with the natural world. Halacha gives added significance to the natural order, especially when the natural occurrences of daylight and nightfall signify the beginning and end of sacred, qualitative time periods.

4 According to the Gemara, the time of בין השמשות lasts from sunset for ¾ of a *mil*.

As mentioned, the *Rishonim* debate how long it takes to walk a *mil*, with opinions ranging from 18 to 24 minutes. Therefore, ¾ of that would be from 13.5 minutes to 18 minutes. We should note that for the beginning of Shabbat, this is not so relevant, since in any case we are stringent that it begins at sunset.

5 Rabbi says that dur-

ing the period of *bein hashemashot*, all the rabbinic restrictions known as a *shevut* do not apply. It is worth noting that the *Chakamim* argue with Rabbi on this issue. The reason behind this opinion is that since this period is only a period of doubt, therefore, when the Sages enacted these rabbinic enactments, known as שבותים, they did not enact these halachot for the period of בין השמשות. נפסל על ידי כך...

6 Therefore, every שבות is permitted during בין השמשות if performed for the purpose of a mitzva or the like.

- 1 at night, based on the pesukim of Creation.
- 2 The setting of the sun
- 3 The emergence of three mid-sized stars.
- 4 Literally- Between the suns. It refers to the period in between sunset and nightfall.

It is treated as a safek, i.e., we give it the stringencies of each time period.

It is 3/4 of a mil which is between 13.5 and 18 minutes.
- 5 For Shabbat purposes we begin Shabbat by that time, and don't end before Sunset. All Shabbat halachot apply at that time, however, the Shulchan Aruch rules that a shevut is permitted at that time for the purpose of a mitzva.

Section III Review Chart for זמני היום and the Commencement of Shabbat:

The Halachic day begins 1 based on the pesukim that describe .

The Periods of the transition from night to day are:

2 שקיעת החמה

3 צאת הכוכבים

4 בין השמשות
Halachically it is treated as
It lasts a minimum of: which is between and minutes.

5 For Shabbat Purposes:
We must begin to observe Shabbat by
And must be careful not to end Shabbat before
During the general halachot are that
However, the Shulchan Aruch rules that

Shabbat Lab Activity:

You can choose to do a little experiment with the students using googlemaps (or a similar program).
Find 2 locations that are approximately a mile apart. Then calculate using googlemaps how long it takes to walk by foot from one to the other. Although it may not be exact, since walking can't always be done in the most direct path, it will give them a rough idea of how long it would take. Which opinion of a mile does this support?



זמני היום חלק 2

and the Commencement of Shabbat at-a-glance

ויקרא, פרק כג, פסוק לב

שבת שבתון הוא לכם וענייתם את נפשתיכם בתשעה לחדש בערב מערב עד ערב תשבתו שבתכם:

תלמוד בבלי, מסכת יומא, דף פא, עמוד ב

”וענייתם את נפשותיכם בתשעה לחדש”, יכול יתחיל ויתענה בתשעה? תלמוד לומר: ‘בערב’. אי בערב, יכול משתחשך? תלמוד לומר ‘בתשעה’. הא כיצד? מתחיל ומתענה מבעוד יום - מכאן מוסיפין מחול על הקודש. ואין לי אלא בכניסתו, ביציאתו מנין? תלמוד לומר: ‘מערב עד ערב’. ואין לי אלא יום הכיפורים, שבתות מנין? תלמוד לומר: ‘תשבתו’. ואין לי אלא שבתות, ימים טובים מנין? תלמוד לומר: ‘שבתכם’; הא כיצד, כל מקום שנאמר שבות, מוסיפים מחול על הקודש...”

דברים פרק יג
(א) את כל הדבר אשר אנכי מצוה אתכם אתו תשמרו לעשות לא תסף עליו ולא תגרע ממנו:

דברים פרק ד
(ב) לא תספו על הדבר אשר אנכי מצוה אתכם ולא תגרעו ממנו לשמר את מצות ה' אלהיכם אשר אנכי מצוה אתכם:

רש"י דברים פרק ד
(ב) לא תספו - כגון חמש פרשיות בתפילין חמשת מינין בלולב וחמש ציציות, וכן ולא תגרעו:

בראשית פרק א, לא - ב, ב
(לא) ויבא אלהים את כל אשר עשה והנה טוב מאד ויהי ערב ויהי בקר יום הששי:
(א) ויכלו השמים והארץ וכל צבאם: (ב) ויכל אלהים ביום השביעי מלאכתו אשר עשה וישבת ביום השביעי מכל מלאכתו אשר עשה:

רש"י, בראשית, פרק ב
(ב) ויכל אלהים ביום השביעי - רבי שמעון אומר בשר ודם שאינו יודע עתיו ורגעיו צריך להוסיף מחול על הקודש, הקודש ברוך הוא שיודע עתיו ורגעיו נכנס בו כחוט השערה ונראה כאלו כלה בו ביום....

ר"ן, מסכת ביצה, דף ל, עמוד א
ולי נראה, שכיון שציותה תורה תוספות, צריך להוסיף מחול על הקודש אי זה זמן, חוץ מן הזמן שהוא נזהר בו מן הספק, שאם לא כן, לא היה צריך להזהיר על תוספות.

בני יששכר, מאמרי השבתות, מאמר ב - תוספת שבת
והנה גם אנחנו עם הקודש בעשייתנו המצות באהבה ובחיבה יתירה, ... ובזה חיבה יתירה נודעת לנו שאין אנחנו עושים המצות דרך משא רק אנחנו עוד מבקשים להוסיף... ולפי זה תשכיל ותדע ג"כ ענין תוספת שבת,

שמות פרק לא, טז
ושמרו בני ישראל את השבת לעשות את השבת לדרתם ברית עולם:



Teacher Objectives

Now that we have learned about the actual beginning of Shabbat, we will study how Shabbat actually should be begun earlier and should be ended later. This involves study of the mitzva of Tosefet Shabbat. We will identify how Shabbat can be begun earlier (and why Tosefet Shabbat isn't considered an impermissible manner of adding on to the Torah). The chapter will also discuss the rationale behind this mitzva, and whether the period of Tosefet Shabbat is actually an addition to Shabbat or not.

Not For Distribution

Not For Distribution



Chores at-a-glance:

מסכת שבת, דף עג, עמוד ב

הזורע והחורש. מכדי, מכרב כרבי ברישא, ליתני חורש, והדר ליתני זורע?
תנא בארץ ישראל קאי, דזרעי ברישא והדר כרבי.

משנה מסכת שבת, דף עג, עמוד א

אבות מלאכות ארבעים חסר אחת: הזרע, והחורש, והקוצר, והמעמר, והדש...

מסכת שבת, דף עג, עמוד ב

תנא החורש והחופר כולן מלאכה אחת הן

רבינו חננאל למסכת שבת, דף עד

כל שהוא ליפות הקרקע בשדה חייב משום חורש...
וכל דבר שהוא להנאת קרקע חייב משום חורש...

תלמוד בבלי מסכת שבת דף קג עמוד א

אם לייפות את הקרקע - כל שהן.

רש"י, מסכת שבת, דף עג, עמוד ב

מלאכה אחת הן - דכולהו לרפויי ארעא עבידי.

מסכת מועד קטן, דף ב, עמוד ב

אמר רבה: כוונתי ידידי מסתברא, מה דרכו של חורש - לרפויי ארעא, האי נמי מרפויי ארעא.

החידושים המיוחדים לר"ן (שבת עג:)

שהרבה פעמים אדם חורש, שאין דעתו אלא להפך בעפר לתיקון השדה, ולא לזריעה, והלכך כל תיקון השדה חשיב משום חורש.

ספר אור זרוע, הלכות שבת

שכל דבר שהוא להנאת קרקע ובכך יותר טוב לזרע - חייב משום חורש

אגלי טל מלאכת חורש

אחד החורש... ואחד החופר ואחד העושה חריץ בקרקע הראוי לזריעה

רמב"ם, הלכות שבת, פרק ח, הלכה א

החורש כל שהוא חייב, המנכש בעיקרי האילנות... כדי ליפות את הקרקע הרי זה תולדת חורש ומשיעשה כל שהוא חייב, וכן המשוה פני השדה כגון שהשפיל התל ורדדו או מילא הגיא חייב משום חורש....

שלחן ערוך, אורח חיים, סימן שלח, סעיף ה

אין שוחקים באגוזים ולא בתפוחים וכיוצא בהן, משום אשווי גומות.
הגה: ודוקא על גבי קרקע, אבל על גבי שלחן שרי, דליכא למגזר שם משום גומות.

חורש

Chores



Section I Introduction

We are now ready to proceed and study the second *melacha* of the *siddura depat*. The first stage of the process, as we have seen, is *zoreia*. Hopefully, with good care of the soil and a significant amount of help from Above, the crops will grow. What do you feel the next step of the process should be?

Now let's see if we are correct. Take a look at the mishna's list: What is the second *melacha* mentioned?

משנה מסכת שבת, דף עג, עמוד א

אבות מלאכות ארבעים חסר אחת: הזרע, והחורש, והקוצר, והמעמר, והדש...

What is this *melacha* of חורש, and why does it appear on the list in this spot? In order to understand this, let's first define the term.

I.1 Defining the Term

First let's define the literal meaning of the word: The Hebrew term חורש means plowing, and therefore, the *melacha* refers to the act of plowing the ground.

According to Webster's Online Dictionary, the purpose of plowing is "to dig into and turn over soil, especially to prepare the soil for planting."

Based upon our definition of *plowing*, which action would you place first: זורע or חורש?

If you are bothered by the mishna's order, you might be relieved to find out that the Gemara is also bothered by the same question. Let's take a look. What does the Gemara ask and what is its answer?

מסכת שבת, דף עג, עמוד ב

[The mishna states:] One who sows, *zoreia*, and one who plows, *choresh*. Let us see: one [normally] plows first. Let it [first] state plowing and then state sowing? The *tanna* [who authored this mishna] was in Eretz Yisrael, where they [plow,] sow, and then plow [again].

הזורע והחורש. מכדי, מכרב כרבי ברישא, ליתני חורש, והדר ליתני זורע?
תנא בארץ ישראל קאי, דזרעי ברישא והדר כרבי.

The Impact of the Mishna's Order:

Offhand, there are two ways in which we can define the *melechets machshevet* of any act of plowing. It can be either:

1. הכנה לזריעה - Preparing the ground for planting.
2. תיקון הקרקע - Improving the ground (for any purpose, not necessarily planting).

With this in mind; do you think the question of whether placing the *melacha* of חורש in the mishna before or after זורע might be dependent upon the nature of the *melacha* of חורש? (Hint: if חורש is an act of preparing the ground for planting, would it be more logical to place it before or after זורע?) How do you understand the Gemara's conclusion as to why *choresh* is recorded in the mishna after *zoreia*?

Let's take a look at exactly what acts are included in the *melacha* (which as we should already know, will involve identifying the *avot* and *toladot*), and in the process we hope to be able to define the *melechets machshevet*.

Section II מלאכת חורש Understanding

II.1 The Av Melacha

As we did for *zoreia*, we will attempt to divide *choresh* into two parts:

- A) The *av melacha*
- B) The *melechets machshevet* (the basis of the *toladot*).



A) The *av melacha* -

defining the *av melacha* requires us to look at what was done in the *Mishkan*.

As we have learned, טידורא דפת was necessary in the *Mishkan* to plant and ultimately boil the dyes that were used for the covers of the *Mishkan*, as well as to prepare the *Lechem HaPanim*, the showbread.

Thus, plowing was used to prepare the ground for the various crops.

But if plowing simply means turning over the ground in order to soften it up, is it any different than putting a shovel in the ground and digging a hole?

Let's take a look at the following Gemara that seems to group a number of similar actions under the same *av melacha* of *choresh*. What do you think is the common denominator among all these actions?

מסכת שבת, דף עג, עמוד ב

חופר - Digging [a hole] חורץ - Trenching [digging a ditch]

תנא החורש והחופר כולן מלאכה אחת הן



B) The *melechets machshevet*

In order to define the *melechets machshevet*, we would have to identify why the *av melacha* of *choresh* includes all these different forms of digging.

In fact, it seems that Rashi and Rabbeinu Chananel have two slightly different understandings of this

Gemara. Let's go straight to the source to see.



Definition 1 - Rashi:

How does Rashi explain the relationship between the acts of digging and plowing? What does it indicate about his definition of the *melechets machshevet* of *choresh*?



לרפויי ארעא
to loosen the earth

רש"י, מסכת שבת, דף עג, עמוד ב

מלאכה אחת הן - דכולהו לרפויי ארעא עבידי.



Definition 2 - Rabbeinu Chananel:

Rabbeinu Chananel though appears to have a different definition. Based on his comments, cited below, what do you think his understanding of *choresh* would be?

רבינו חננאל למסכת שבת, דף עד

Plowing, trenching and digging are all the same *melacha*... Anything which serves to improve the terrain in the field renders one liable because of *choresh*... And anything which serves to benefit of the terrain renders one liable because of *choresh*, as is explicitly mentioned in the Yerushalmi.

החורש, החורץ, החופר כולם מלאכה אחת הן... כל שהוא ליפות הקרקע בשדה חייב משום חורש... וכל דבר שהוא להנאת קרקע חייב משום חורש, כך הוא מפורש בירושלמי.

Nafka Minot: At first glance, these two opinions have different understandings of the nature of *choresh*. Please fill out the following chart to indicate who would hold one liable for *choresh* in each case (which will also summarize their similarities and differences):

Case	According to Rashi	According to Rabbeinu Chananel
Improving the terrain of one's field for non-Agricultural purposes.		
Leveling the ground to make it easier to plant, when done in a manner that doesn't loosen the soil.		

The Source and the Fusion:

In truth, both explanations would seem to be rooted in earlier sources in the Gemara- Take a look at the following two passages in the Gemara. Which would seem to be the source of Rashi's rule and which seems to be the source of Rabbeinu Chananel?

The Gemara in Mo'ed Katan: One of these opinions seems to be found in a passage we already saw regarding the previous *melacha*, *zoreia*. The Gemara cites three opinions regarding what *melacha* the act of watering the grass or weeding would be subsumed under, either *zoreia*, *choresh* or both. There Rabba explains his rationale for why it should be considered *choresh*:

מסכת מועד קטן, דף ב, עמוד ב

אמר רבה: כוונתי ידידי מסתברא, מה דרכו של חורש - לרפויי ארעא, האי נמי מרפויי ארעא.

The Gemara in Shabbat

The other opinion, however, seems to base his explanation on a different Gemara. What does the Gemara (defining what would be an act of Chores) say? What would the Rishon's choice of citing this explanation seem to indicate regarding his understanding of the melechet machshevet of chores?



לייפות את הקרקע
to improve the terrain

תלמוד בבלי מסכת שבת דף קג עמוד א

אם לייפות את הקרקע - כל שהן.

Opinion	Source in the Gemara	Definition of מלאכת חורש
Rashi		
Rabbenu Chananel		

The Broad Definition:

While we noted that at first glance, Rashi and Rabbenu Chananel's explanations seem to be arguing, after a little thought it might seem otherwise. If both Rashi and Rabbenu Chananel's opinions are rooted in explicit passages in the Gemara, there is good reason to believe that they are not arguing at all, but merely presenting different aspects of the melacha in their explaining how various forms of ditch-digging can all be classified as מלאכת חורש.



What do you think could be a good definition of the melacha that includes both aspects of chores as mentioned by Rashi and Rabbenu Chananel (based on the Gemara's cited above)?

The Or Zarua:

The Or Zarua, Rav Yitzchak of Vienna, seems to provide a concise formulation of the melacha of chores that includes the elements mentioned by both Rashi and Rabbenu Chananel. What does he say?

ספר אור זרוע, הלכות שבת

שכל דבר שהוא להנאת קרקע ובכך יותר טוב ליזרע - חייב משום חורש

The Role of Intention - Must one intend to plant?



We have seen that the purpose of chores, either through plowing or digging holes, is generally in order to prepare the ground for some form of planting. On the other hand, many of the acts of improving the ground are significant in their own right and may be defined as creative and productive acts even for one who has no intention of planting afterwards. The question is: Can one really consider outdoor ground improvements chores if they aren't done for the purpose of planting? What would you think?

The following commentary, attributed to the Ran, provides a very logical insight into our question. Please summarize what he says, and formulate the principle of when an act is considered chores and when it is not:

החידושים המיוחסים לר"ן (שבת עג:)

"If one had a mound... in a field, one is liable for chores" — because many times a person plows with the sole intent of turning over the soil to improve the field, not for sowing. Thus, any improvement (tikkun) of the field is significant because of chores.

היתה לו גבשושית וכו' בשדה חייב משום חורש - שהרבה פעמים אדם חורש, שאין דעתו אלא להפך בעפר לתיקון השדה, ולא לזריעה, והלכך כל תיקון השדה חשיב משום חורש.

Based on this view, what would be the halacha in a case in which one plows the ground in an area that is completely unsuitable for planting?

The Eglei Tal's Definition:

One of the classic works on Hilchot Shabbat, the Eglei Tal (written by the Sochatchever Rebbe, the Avnei Nezer), formulates this necessary condition for chores explicitly. What does he say and how can his definition provide a general definition of the melechet machshevet of chores?

אגלי טל מלאכת חורש

אחד החורש... ואחד החופר ואחד העושה חריץ בקרקע הראוי לזריעה

Based upon this definition of chores, can you think of any other actions that you think fulfill this melechet machshevet and would be prohibited as tolados?

1. _____
2. _____



II.2 Toladot

Based on what we have learned, the *melechet machshevet* of חורש essentially involves: כל תיקון קרקע- בקרקע הראוי לזריעה. Please explain this concept in your own words:

As should be expected, once we know the *melechet machshevet*, we can identify the *toladot of melechet choresh*.

The Rambam's Ruling:

The Rambam, whose opinion is usually adopted by the Shulchan Aruch, defines *melechet choresh* and provides a number of examples, alongside a description of the *melacha*. What does he include in *melechet choresh* and why?

רמב"ם, הלכות שבת, פרק ח, הלכה א

One who plows any amount is liable. One who weeds at the roots of trees... in order to improve the terrain, this is a subcategory of *choresh*, and when he does that in any amount he is liable... Similarly, one who levels the surface of a field by knocking down and smoothing out a hillock or filling up a dell is liable because of *choresh*.

החורש כל שהוא חייב, המנכש בעיקרי האילנות... כדי ליפות את הקרקע הרי זה תולדת חורש ומשיעשה כל שהוא חייב, וכן המשוה פני השדה כגון שהשפיל התל ורדדו או מילא הגיא חייב משום חורש....

- 1. _____
- 2. _____

The שיעור - How much?

The Rambam begins the *halacha* by stating: החורש כל שהוא, indicating that even the smallest amount of fixing the soil is considered *choresh*.

Every *melacha* has a unique שיעור (i.e., a required minimal amount of the action performed). Generally, the שיעור of a *melacha* is the minimal amount significant enough to be considered a *melacha*. Why do you think that *choresh* is considered significant even for such a small amount? [Hint: Think about the size of a seed.]

The Ramifications of this Ruling: This is significant because making even a small improvement in the ground, even without any special tools, will be considered *choresh*.



Section III Halacha LeMa'aseh

Practical applications for the Non-Farmer

Just like *zoreia*, the *melacha* of *choresh*, although agriculturally based, is relevant even for non-farmers. *Choresch* reminds us not to be involved in acts that will improve plant-able terrain. Think about instances in which we perform actions that affect the ground (a number of which apply primarily to children).

1-Leveling the Playing Field (Are all holes created equal? The relationship between *Choresch* and *Boneh*)



אשווי גומות
Even out holes
(to level terrain)

Since חורש involves improving plant-able terrain, one of the *toladot of choresh* is אשווי גומות, evening out holes in the ground in order to level terrain (level terrain can be planted most effectively).

The Gemara states, however, that the location of one's act will determine what *melacha* is involved. What does it say, and what is the logic behind the Gemara's statement?

מסכת שבת, דף עג, עמוד ב

Rav Sheshet said: "If one had a mound (a protrusion of dirt from the surface of the ground) and he removed it [the liability varies]: in a house (i.e., the dirt floor of a dwelling), one is liable for *boneh* (building); in a field, one is liable for *choresh*."

Rava says: "If one had a ditch and he filled it in; in a house, one is liable for *boneh*; in a field, one is liable for *choresh*."

אמר רב ששת: היתה לו גבשושית ונטלה, בבית - חייב משום בונה, בשדה - חייב משום חורש.
אמר רבא: היתה לו גומא וטממה, בבית - חייב משום בונה, בשדה - משום חורש.

As the Gemara states, חורש can be performed in any way one evens out depressions in the terrain, and it is one of the most important *toladot of choresh* when done outside.



שבות

Now that we are familiar with the *Toladot of Choresch*, we are able to identify what should be prohibited due to the principles of *shevut*. After all, there are numerous activities that even non-farmers due that lead one to improve the ground, sometimes purposely, sometimes without thought. The mitzva of *Shabbaton* required that the Sages delineate acts that should be refrained from if there is a strong chance of מלאכה, that performing this initial action, will lead to the performance of a *melacha*.

Let's think about actions that one does outdoors that often lead one to level terrain:

- 1) **Sweeping Outside**- When one sweeps dirt outside, even if their goal is to remove debris, they will almost certainly level the dirt in the process (often purposely), and therefore, there is a שבות that one not do so on Shabbat (there'll be plenty of cleaning time the rest of the week).
- 2) **Cleaning off one's shoes on the dirt**- When cleaning off one's shoes, one should not do so on a plant-able surface that will be leveled in the process.
- 3) **Dragging Heavy Objects Outside**- Dragging a heavy object outside, even with no intention of digging furrows would be prohibited due to the principle we learned known as פסיק רישא.

On the other hand, *halakha* is very realistic, and recognizes that not everything rolled along dirt is going to have the same effect. For instance, take a good look at what happens when a stroller is pushed on a dirt path. It has an impact, but would you consider that beneficial to the ground (either by loosening the ground or creating beneficial furrows)?

For this reason it is permitted to push a stroller on the grass or a dirt or dust path, just as it is permitted to walk on such a path (Mishna Berura 314:11).

5. **Let's Play Ball- INSIDE** – Playing ball requires a level playing field. If it is so natural for one who is playing a game on the ground to try to level out the field, can you imagine a reason why the principle of שבות would tell us that if one will play on Shabbat, they should do so on a surface that can't be leveled? After thinking about it, take a look at the Shulchan Aruch and summarize his ruling.

שלחן ערוך, אורח חיים, סימן שלח, סעיף ה

One may not play with nuts or apples (the early version of playing with marbles), as one may level out holes. Rema: And [this is referring] specifically [to playing with them] on the ground, but on a table it is permitted, as there is no need to decree [against this] due to [leveling out] holes.

אין שוחקים באגוזים ולא בתפוחים וכיוצא בהן, משום אשווי גומות. הגה: ודוקא על גבי קרקע, אבל על גבי שלחן שרי, דליכא למגזר שם משום גומות.

Review Activity:

Please characterize the following actions as either תולדות of chosh or שבותים (think about whether they directly promote growth, or whether they merely are acts that often lead to promoting growth):

- Removing rocks and debris _____
- Weeding and fertilizing (when done to improve the growing surface) _____
- Pouring water on the ground to loosen soil _____
- Rubbing spit into the ground with one's shoe _____



After reading the following piece, please state your opinion regarding the creative significance of melechet chosh:

We often view preparation as lacking creativity; at best a necessary prerequisite for planting or something important. After all, what is so significant about digging holes in the ground? Possibly, the order of the mishna is meant to indicate the opposite. As significant as planting is, chosh is actually the creative act that makes planting possible. Planting in unsuitable soil is worthless, as even the most fertile soil requires preparation. Chosh reminds individuals who hope to achieve instant success without performing their due diligence, that one must learn to fly before actually attempting to take off. The study of chosh shows how working the soil and preparing the terrain is as creatively significant as the actual planting, and then some.

Section IV Review



Av Melacha: חורש

- English Translation _____
- According to the mishna, this melacha is number _____ in סידורא דפת in _____
- It was used in the Mishkan for: _____

2 aspects of chosh:

הכנה לזריעה

רש"י: _____

Based on the Gemara מועד קטן that Chosh is _____ which means _____



שבת דף עג ע"ב

תיקון הקרקע

רבינו חננאל _____

Based on the Gemara שבת that Chosh is _____ which means _____

BOTH

provides the definition of the melechet machshevet of chosh that includes both:

תולדות ריפוי ארעא

These acts are considered a תולדות ריפוי ארעא with Chosh:

- _____
- _____

תולדות will then include:

- As the אור זרוע explains: Any act that _____
- and as the מיוחס לר"ן explains: Even if one doesn't actually intend to _____ because: _____

תולדות יפוי קרקע

The רמב"ם lists

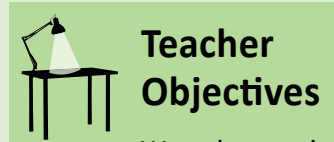
- _____
 - _____
 - _____
- meaning: _____
- But where? _____

Dragging heavy objects, Because _____ But pushing a stroller is allowed _____



שמה יבא לידי מלאכה

Playing Games on the dirt- Because _____ Sweeping outside? _____

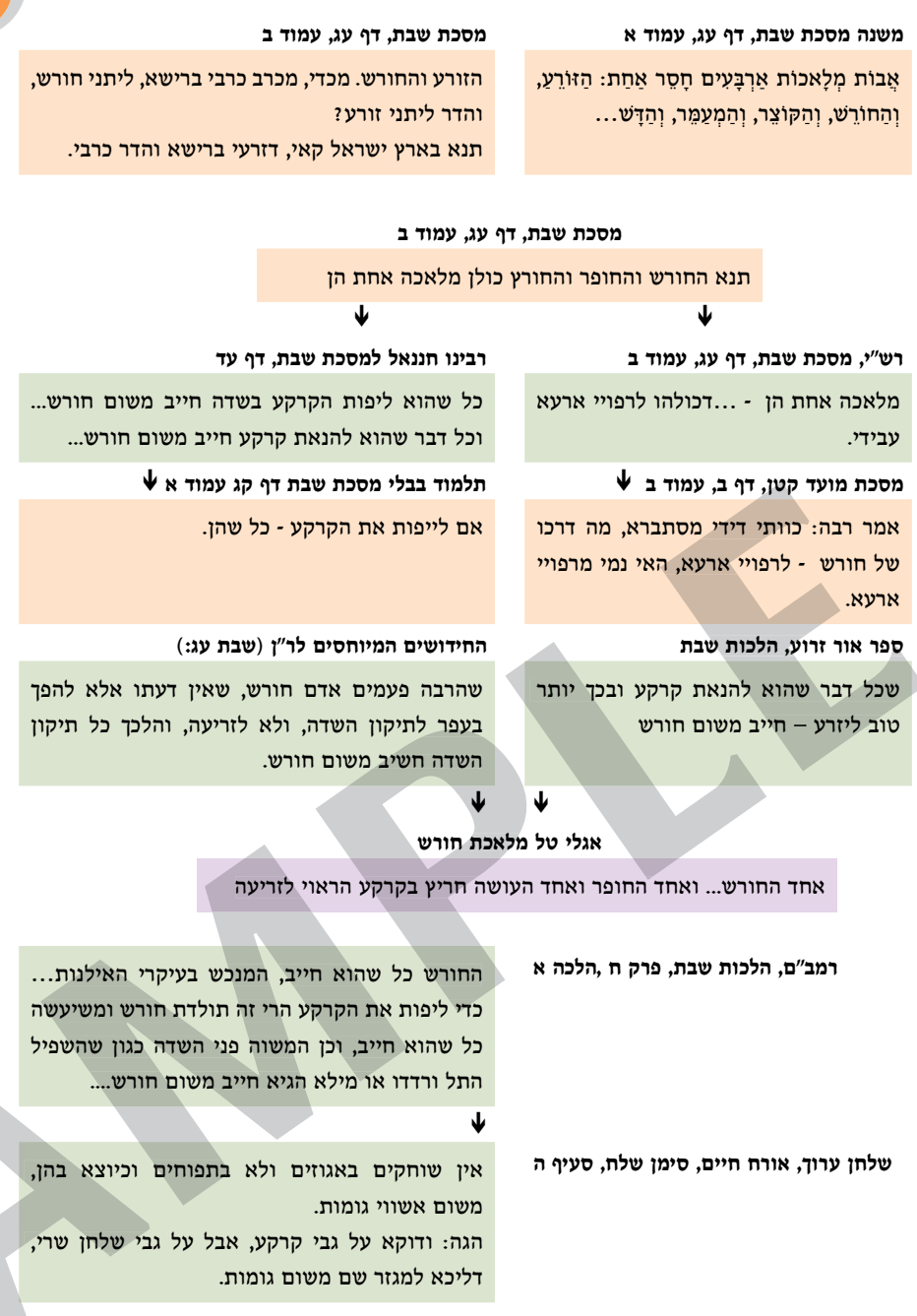


Teacher Objectives

We have already viewed one *mela-cha* and the students are now familiar with the concept of *SiDura Dfat* and have dealt with different views as to the *melechet machshevet* of a *melacha* and how that relates to defining the *av* and *to-lada*. This *melacha* allows them to use those skills again. In addition, this *melacha* facilitates a discussion of appropriate *Shabbat* activities, including whether one may play sports on *Shabbat*.



Chores at-a-glance:



Teacher Outline

- I.1 The literal translation of חורש – Plowing, to prepare the soil for planting
 - * Why *zoreia* appears before *choresh* in the mishna (*Shabbat* 73a)
- II.1 The Av Melacha – In addition to plowing, digging a pit is forbidden (*Shabbat* 73b)
 - Melechet machshevet* – 2 understandings:
 - A. Rashi – Anything that loosens the earth
 - B. Rabbeinu Chananel – Anything that improves the earth
 - * *Nafka min* between the 2 views – Leveling the ground when it doesn't loosen the soil
- II.2 Toladat

- * Gemara *Mo'ed Katan* 2b includes watering the ground as *choresh*
- A. Or Zarua – Different formulation of Rabbeinu Chananel's view – Based on his definition of the *av* we can infer the *toladat*
- B. Rambam – Includes uprooting weeds as *choresh*
- * View attributed to the Ran – Does intent count?
- III Halacha LeMa'aseh
 - A. Location matters; the difference between leveling out a hole in a house and in a field – *Shabbat* 73b
 - B. Playing ball outside – does it matter what surface? Shulchan Aruch OC 338:5



חורש Chores



Section I Introduction

We are now ready to proceed and study the second *melacha* of the *siddura depat*. The first stage of the process, as we have seen, is *zoreia*. Hopefully, with good care of the soil and a significant amount of help from Above, the crops will grow. What do you feel the next step of the process should be?

1 _____

Now let's see if we are correct. Take a look at the mishna's list: What is the second *melacha* mentioned?

2 _____

3 _____

What is this *melacha* of חורש, and why does it appear on the list in this spot? In order to understand this, let's first define the term.

I.1 Defining the Term

First let's define the literal meaning of the word: The Hebrew term חורש means plowing, and therefore, the *melacha* refers to the act of plowing the ground. According to Webster's Online Dictionary, the purpose of plowing is "to dig into and turn over soil, especially to prepare the soil for planting."

Based upon our definition of *plowing*, which action would you place first: זורע or חורש?

4 _____

If you are bothered by the mishna's order, you might be relieved to find out that the Gemara is also bothered by the same question. Let's take a look. What does the Gemara ask and what is its answer?

מסכת שבת, דף עג, עמוד ב

הזורע והחורש. מכדי, מכרב כרבי ברישא, ליתני חורש, והדר ליתני זורע? תנא בארץ ישראל קאי, דורעי ברישא והדר כרבי.

[The mishna states:] One who sows, *zoreia*, and one who plows, *choresh*. Let us see: one [normally] plows first. Let it [first] state plowing and then state sowing? The *tanna* [who authored this mishna] was in Eretz Yisrael, where they [plow,] sow, and then plow [again].

5 _____

- 1 The students may answer that harvesting is the next step after planting. As we shall see, though, that is not actually the next *melacha* on the list. As we saw, the *melacha* of *zoreia* includes watering and all other forms of tending to the needs of the crops. We would think, therefore, that the first thing to do after our plant grows is to cut it down, and some type of harvesting should be the next *melacha* on the mishna's list.

- 2 The second *melacha* in the mishna's list of the 39 *melachot*, following *zoreia*, is חורש, *choresh*.

- 3 Since the purpose of plowing is to prepare the ground for the planting that will take place shortly thereafter, logically, it should be placed before planting in the *mishna*.

- 4 The Gemara explains that the mishna is dealing with the land of Israel, where the ground is hard and therefore the practice is to plow twice: once be-

fore sowing (*zoreia*), and another time after sowing, in order to cover the seeds with dirt. This is necessary in order to ensure that the seeds are actually covered by the ground and take root beneath it. The mishna teaches us that even the act of *choresh* that comes after *zoreia* is forbidden as such.

As an aside, because of the fact that the standard form of *choresh* is performed before *zoreia*, many of the commentaries, including the Rambam, still list *choresh* first prior to *zoreia*, despite the mishna listing them in the reverse order.

1 If *choresh* is specifically before planting, then the *melacha* might be limited to cases where the plowing actually prepares the ground for planting. If *choresh* includes the act of plowing after planting, then it might include even acts which improve the ground, without preparing them for planting. These are essentially two ways of reading the conclusion of the Gemara.

At the very least, the mishna's order indicates that any plowing act that will improve the ground by aiding plant growth, will be defined as *חורש*. We will have to see if the mishna's order indicates that any act of improving the land, even if unrelated to planting is also prohibited (and therefore, *חורש* was placed in the mishna after *זורע*).

2 The Gemara says: "Plowing, digging, and trenching are all the same *melacha*." Digging a ditch or a pit in the earth is also included in the *melacha* of *choresh*, in addition to

plowing. From the language of the Gemara it would seem that these are all included in the *av melacha* (similar to the example in *zoreia* mentioned in the last unit, as in both it says *כולן מלאכה אחת הן*, which indicates they are all part of the *av*). Therefore, the *av* would appear to be defined as turning over the ground either through plowing or digging to prepare the soil for planting, as all the examples seem to be forming different indentations in the ground.

3 Rashi explains that these actions are designed to loosen the earth. This is a necessary step for planting afterwards, as if the ground is too hard, the seeds can't be placed inside the ground successfully and the soil will not be conducive to further growth. It would seem that according to Rashi, the *me-*

The Impact of the Mishna's Order:

Offhand, there are two ways in which we can define the *melechet machshevet* of any act of plowing. It can be either:

- 1. הכנה לזריעה - Preparing the ground for planting.
- 2. תיקון הקרקע - Improving the ground (for any purpose, not necessarily planting).

With this in mind; do you think the question of whether placing the *melacha* of *חורש* in the mishna before or after *זורע* might be dependent upon the nature of the *melacha* of *חורש*? (Hint: if *חורש* is an act of preparing the ground for planting, would it be more logical to place it before or after *זורע*?) How do you understand the Gemara's conclusion as to why *choresh* is recorded in the mishna after *zoreia*?

1

Let's take a look at exactly what acts are included in the *melacha* (which as we should already know, will involve identifying the *avot* and *toladot*), and in the process we hope to be able to define the *melechet machshevet*.

Section II מלאכת חורש Understanding

II.1 The Av Melacha

As we did for *zoreia*, we will attempt to divide *choresh* into two parts:

A) The av melacha

B) The melechet machshevet (the basis of the toladat).



A) The av melacha -

defining the *av melacha* requires us to look at what was done in the *Mishkan*. As we have learned, *סידורא דפת* was necessary in the *Mishkan* to plant and ultimately boil the dyes that were used for the covers of the *Mishkan*, as well as to prepare the *Lechem HaPanim*, the showbread.

Thus, plowing was used to prepare the ground for the various crops. But if plowing simply means turning over the ground in order to soften it up, is it any different than putting a shovel in the ground and digging a hole? Let's take a look at the following Gemara that seems to group a number of similar actions under the same *av melacha* of *choresh*. What do you think is the common denominator among all these actions?

מסכת שבת, דף עג, עמוד ב

חופר - Digging [a hole] חורץ - Trenching [digging a ditch]

תנא החורש והחופר והחורץ כולן מלאכה אחת הן

2



B) The melechet machshevet

In order to define the *melechet machshevet*, we would have to identify why the *av melacha* of *choresh* includes all these different forms of digging.

In fact, it seems that Rashi and Rabbeinu Chananel have two slightly different understandings of this Gemara. Let's go straight to the source to see.

lechet machshevet of *choresh* is any action that, like plowing, loosens the ground for the purpose of planting, i.e., *choresh* is a *melacha* of *הכנה לזריעה*, preparing the ground for planting.

4 Rabbeinu Chananel defines *choresh*, based on the Yerushalmi (7:2), as any action that improves the ground or makes it look nicer. Thus, the aim of plowing or digging is to improve and enhance the ground. In contrast to Rashi, he apparently does not require the action to soften the ground if it is improved in some other manner. Rather, any action that improves the ground will be included in *choresh*, even if it does not involve planting and digging.

One might want to ask the students whose explanation, Rashi or Rabbeinu Chananel's, is more expansive (Rabbeinu Chana-

nel's), as a preparation for the next question.

5 In the first case, both Rashi and Rabbeinu Chananel, would exempt the individual from *choresh*, as both require improving the terrain for agricultural purposes. However, despite their similarities, the second case expresses their differences. Unlike Rashi, who requires loosening the soil, filling in a hole does not soften the ground, but it does cause the surface to be level, and this improves the terrain, as can be seen from the verses from *Yeshayahu* (28:24 - 25) quoted by Rabbeinu Chananel: "When a farmer plows for planting, does he plow continually?... When he has leveled the surface, does he not sow caraway and scatter cumin?" (Although Rashi also may hold one liable in similar cases, that is only when the ground is loosened in the process.)



Definition 1 - Rashi:

How does Rashi explain the relationship between the acts of digging and plowing? What does it indicate about his definition of the *melechet machshevet* of *choresh*?

3

רש"י, מסכת שבת, דף עג, עמוד ב

מלאכה אחת הן - ...דכולהו לרפויי ארעא עבידי.



-לרפויי ארעא
to loosen the earth



Definition 2 - Rabbeinu Chananel:

Rabbeinu Chananel though appears to have a different definition. Based on his comments, cited below, what do you think his understanding of *choresh* would be?

רבינו חננאל למסכת שבת, דף עד

Plowing, trenching and digging are all the same *melacha*... Anything which serves to improve the terrain in the field renders one liable because of *choresh*... And anything which serves to benefit of the terrain renders one liable because of *choresh*, as is explicitly mentioned in the Yerushalmi.

החורש, החורץ, החופר כולם מלאכה אחת הן... כל שהוא ליפות הקרקע בשדה חייב משום חורש... וכל דבר שהוא להנאת קרקע חייב משום חורש, כך הוא מפורש בירושלמי.

4

Nafka Minot: At first glance, these two opinions have different understandings of the nature of *choresh*.

Please fill out the following chart to indicate who would hold one liable for *choresh* in each case (which will also summarize their similarities and differences):

Case	According to Rashi	According to Rabbeinu Chananel
Improving the terrain of one's field for non-Agricultural purposes.	5	
Leveling the ground to make it easier to plant, when done in a manner that doesn't loosen the soil.		

The Source and the Fusion:

In truth, both explanations would seem to be rooted in earlier sources in the Gemara- Take a look at the following two passages in the Gemara. Which would seem to be the source of Rashi's rule and which seems to be the source of Rabbeinu Chananel?

The Gemara in Mo'ed Katan: One of these opinions seems to be found in a passage we already saw regarding the previous *melacha*, *zoreia*. The Gemara cites three opinions regarding what *melacha* the act of watering the grass or weeding would be subsumed under, either *zoreia*, *choresh* or both. There Rabba explains his rationale for why it should be considered *choresh*:

1 If the students have trouble with the words they can look back at the last lesson. It means: “Rabba said, ‘My view makes sense: just as the way of *choresh* is to soften the ground, here too one softens the ground.’”

Loosening the ground is the goal of plowing before planting. Therefore, Rashi defining all the forms of ditches as being a significant melacha because they are מרפה ארעא would seem to indicate that he views the *melechet machshevet* of *Chores* as: הכנה לזריעה

2 The Gemara considers any act of improving the ground is classified as *חורש*. Rabbenu Chananel uses the term of this Gemara, that any act done *ליפות את הקרקע*, to beautify the land, is liable even for the smallest amount. This understanding of *choresh* as a form of *קרקע*, improving the ground, also seems to be backed up by the Yersuhalmi cited by Rabbenu Chananel that any act done *להנאת קרקע* is prohibited,

3 Seemingly one needs an act of improving the ground (not only making it plantable) that has some relationship to planting; *תיקון הקרקע- הקשור לזריעה*. We will define this more precisely in a moment.

4 The Or Zarua presents the definition of *choresh* as being any action (performed on the ground) that benefits the ground and enables planting to occur more effectively. This definition clearly expresses the idea that the purpose of *choresh* must be to improve the ground for planting in some way. Evidently they understood that it is not necessary to actually loosen the earth, but any improvement of the soil for planting is *choresh*.

מסכת מועד קטן, דף ב, עמוד ב

אמר רבה: כוונתי ידידי מסתברא, מה דרכו של חורש - לרפויי ארעא, האי נמי מרפויי ארעא.

1

The Gemara in Shabbat

The other opinion, however, seems to base his explanation on a different Gemara. What does the Gemara (defining what would be an act of *Chores*) say? What would the *Rishon's* choice of citing this explanation seem to indicate regarding his understanding of the *melechet machshevet* of *choresh*?



ליפות את הקרקע
to improve the terrain

תלמוד בבלי מסכת שבת דף קג עמוד א

אם לייפות את הקרקע - כל שהן.

2

Opinion	Source in the Gemara	Definition of מלאכת חורש
Rashi		
Rabbenu Chananel		

The Broad Definition:

While we noted that at first glance, Rashi and Rabbenu Chananel's explanations seem to be arguing, after a little thought it might seem otherwise. If both Rashi and Rabbenu Chananel's opinions are rooted in explicit passages in the Gemara, there is good reason to believe that they are not arguing at all, but merely presenting different aspects of the *melacha* in their explaining how various forms of ditch-digging can all be classified as *מלאכת חורש*.



What do you think could be a good definition of the *melacha* that includes both aspects of *choresh* as mentioned by Rashi and Rabbenu Chananel (based on the Gemara's cited above)?

3

The Or Zarua:

The Or Zarua, Rav Yitzchak of Vienna, seems to provide a concise formulation of the *melacha* of *choresh* that includes the elements mentioned by both Rashi and Rabbenu Chananel. What does he say?

ספר אור זרוע, הלכות שבת

שכל דבר שהוא להנאת קרקע ובכך יותר טוב ליזרע - חייב משום חורש

4

5 As we will see, Halacha makes a very important distinction between two cases: cases in which there cannot possibly be any benefit for planting and cases in which the outdoor activity is beneficial for planting but that isn't necessarily its purpose.

6 This view explains that any action of *choresh* performed to improve the ground for a purpose other than planting is still included in the *melacha* of *choresh*, as that is normally the intention of those who plow (not every act of plowing is meant to improve the land directly for agriculture, but it is for the purpose of improving agricultural land).

According to this, it would seem that any time one plows,

The Role of Intention - Must one intend to plant?



We have seen that the purpose of *choresh*, either through plowing or digging holes, is generally in order to prepare the ground for some form of planting. On the other hand, many of the acts of improving the ground are significant in their own right and may be defined as creative and productive acts even for one who has no intention of planting afterwards. The question is: Can one really consider outdoor ground improvements *choresh* if they aren't done for the purpose of planting? What would you think?

5

The following commentary, attributed to the Ran, provides a very logical insight into our question. Please summarize what he says, and formulate the principle of when an act is considered *choresh* and when it is not:

החידושים המיוחסים לר"ן (שבת עג):

"If one had a mound... in a field, one is liable for *choresh*" — because many times a person plows with the sole intent of turning over the soil to improve the field, not for sowing. Thus, any improvement (*tikkun*) of the field is significant because of *choresh*.

היתה לו גבשושית וכו' בשדה חייב משום חורש - שהרבה פעמים אדם חורש, שאין דעתו אלא להפך בעפר לתיקון השדה, ולא לזריעה, והלכך כל תיקון השדה חשיב משום חורש.

6

Based on this view, what would be the halacha in a case in which one plows the ground in an area that is completely unsuitable for planting?

7

The Eglei Tal's Definition:

One of the classic works on *Hilchot Shabbat*, the *Eglei Tal* (written by the Sochatchever Rebbe, the Avnei Nezer), formulates this necessary condition for *choresh* explicitly. What does he say and how can his definition provide a general definition of the *melechet machshevet* of *choresh*?

אגלי טל מלאכת חורש

אחד החורש... ואחד החופר ואחד העושה חריץ בקרקע הראוי לזריעה

8

Based upon this definition of *choresh*, can you think of any other actions that you think fulfill this *melechet machshevet* and would be prohibited as *toladot*?

9

- 1.
- 2.

8 The definition seems to be a compilation of everything we have seen. *Chores* is a *melacha* that prohibits any form of *חורש* as long as the ground is *ראוי לזריעה*, even if that is not the intention of the improvement. The fact that improving the terrain of an area that cannot be planted will not be defined as *choresh* is seemingly explicit in the Gemara *Pesachim* 47: which asks: *אונמא בר זרעיה*. Rashi also seems to say this explicitly *רש"י שבת דף עג: "...ולזריעה נמי לא חזיא* This is also mentioned explicitly in the *Pnei Yehoshua* (73b *michdei*).

9 Students may answer flattening the ground, removing weeds, stray twigs or roots, etc.

digs, or performs any action with the intention to improve or enhance the ground, even not for planting, it is still *choresh*. It is important to note that this differs from a *melacha she'eina tzericha legufa*, which is performing the same action but with an intention that has nothing to do with the field, e.g., when you need the dirt from a hole instead of desiring to improve the field itself. The halacha in that case is subject to a dispute as to whether it is biblically or rabbinically prohibited. In contrast, here this view is claiming that all will hold one is liable for this case. This is because the goal of the action is still focused on the ground, not other purposes.

7 In such a case, the improvement of the land is viewed as insignificant, and therefore, there is no *melacha*. The sources can be found in the “advanced” section at the end of the chapter.

Not For Distribution

1 *Chores* is any act of improving the ground on terrain that can be planted (i.e., improving the terrain of the desert which cannot be planted is permitted). This includes within it Rashi's definition of רפויי - Loosening the earth's soil for agricultural purposes (Rashi), and Rabbeinu Chananel's improving the terrain [which we saw must be in a way that is beneficial for planting, even if that is not one's intention]

2 The Rambam quotes the Gemara (Shabbat 103) that we saw earlier, and includes within *choresh* the following actions:

- 1. Pulling out weeds around the trees
- 2. Pulling out weeds in other areas of a field
- 3. Leveling a field by smoothing out a hill or a valley

According to the Rambam, they are included because the purpose of *choresh* is to improve the ground (in an area fit for planting). Therefore, smoothing a field qualifies, as it facilitates planting afterwards, and pulling out weeds also improves the ground and makes planting more effective. Although neither of these actions involve any sort of plowing or digging, and neither loosens the ground at all, nevertheless they all involve some sort of work performed upon the ground in order to make it nicer as well as more suitable for planting.

Interestingly, Rav Asher Weiss, Minchat Asher, Masechet Shabbat, understands the Rambam that any form of תקון קרקע, even if no planting can be done there, would be *choresh* (evidently even in implantable land). See there in Siman 59). However, we explained *choresh* based upon the more popular understanding that it includes any form of ground improvement on plant-able terrain.



II.2 Toladot

Based on what we have learned, the *melechet machshevet* of חורש essentially involves: כל תיקון קרקע - בקרקע הראוי לזריעה. Please explain this concept in your own words:

1

As should be expected, once we know the *melechet machshevet*, we can identify the *toladot* of *melechet choresh*.

The Rambam's Ruling:

The Rambam, whose opinion is usually adopted by the Shulchan Aruch, defines *melechet choresh* and provides a number of examples, alongside a description of the *melacha*. What does he include in *melechet choresh* and why?

רמב"ם, הלכות שבת, פרק ח, הלכה א

One who plows any amount is liable. One who weeds at the roots of trees... in order to improve the terrain, this is a subcategory of *choresh*, and when he does that in any amount he is liable... Similarly, one who levels the surface of a field by knocking down and smoothing out a hillock or filling up a dell is liable because of *choresh*.

החורש כל שהוא חייב, המנכש בעיקרי האילנות... כדי ליפות את הקרקע הרי זה תולדת חורש ומשיעשה כל שהוא חייב, וכן המשוה פני השדה כגון שהשפיל התל ורדדו או מילא הגיא חייב משום חורש....

- 1.
- 2.

2

The שיעור - How much?

The Rambam begins the *halacha* by stating: החורש כל שהוא, indicating that even the smallest amount of fixing the soil is considered *choresh*.

Every *melacha* has a unique שיעור (i.e., a required minimal amount of the action performed). Generally, the שיעור of a *melacha* is the minimal amount significant enough to be considered a *melacha*. Why do you think that *choresh* is considered significant even for such a small amount? [Hint: Think about the size of a seed.]

3

The Ramifications of this Ruling: This is significant because making even a small improvement in the ground, even without any special tools, will be considered *choresh*.



Section III Halacha LeMa'aseh

Practical applications for the Non-Farmer

Just like *zoreia*, the *melacha* of *choresh*, although agriculturally based, is relevant even for non-farmers. *Chores* reminds us not to be involved in acts that will improve plant-able terrain. Think about instances in which we perform actions that affect the ground (a number of which apply primarily to children).

1-Leveling the Playing Field (Are all holes created equal? The relationship between *Chores* and *Boneh*)

3 Since seeds are so small, any minor improvement in the land, however minute, can be considered a significant improvement to allow at least one seed to grow (as explained in Shabbat 103a).

4 The Gemara states that one is liable for *choresh* if he levels holes or dirt outside in the field. However, if one does so inside, in his house (in earlier times, most houses had dirt floors), he is liable for *boneh* since he has improved the floor somewhat.

It is interesting that Rashi explains these two cases based upon his opinion that *choresh* entails softening the ground. Rashi explains that removing a ditch will make the ground



אשווי גומות
Even out holes
(to level terrain)

Since *choresh* involves improving plant-able terrain, one of the *toladot* of *choresh* is אשווי גומות, evening out holes in the ground in order to level terrain (level terrain can be planted most effectively).

The Gemara states, however, that the location of one's act will determine what *melacha* is involved. What does it say, and what is the logic behind the Gemara's statement?

מסכת שבת, דף עג, עמוד ב

Rav Sheshet said: "If one had a mound (a protrusion of dirt from the surface of the ground) and he removed it [the liability varies]: in a house (i.e., the dirt floor of a dwelling), one is liable for *boneh* (building); in a field, one is liable for *choresh*."

Rava says: "If one had a ditch and he filled it in; in a house, one is liable for *boneh*; in a field, one is liable for *choresh*."

אמר רב ששת: היתה לו גבשושית ונטלה, בבית - חייב משום בונה, בשדה - חייב משום חורש.
אמר רבא: היתה לו גומא וטממה, בבית - חייב משום בונה, בשדה - משום חורש.

4

As the Gemara states, *choresh* can be performed in any way one evens out depressions in the terrain, and it is one of the most important *toladot* of *choresh* when done outside.



שבות

Now that we are familiar with the *Toladot* of *Chores*, we are able to identify what should be prohibited due to the principles of *shevut*. After all, there are numerous activities that even non-farmers due that lead one to improve the ground, sometimes purposely, sometimes without thought. The mitzva of *Shabbaton* required that the Sages delineate acts that should be refrained from if there is a strong chance of לידי מלאכה; that performing this initial action, will lead to the performance of a *melacha*.

Let's think about actions that one does outdoors that often lead one to level terrain:

- 1) **Sweeping Outside**- When one sweeps dirt outside, even if their goal is to remove debris, they will almost certainly level the dirt in the process (often purposely), and therefore, there is a שבות that one not do so on Shabbat (there'll be plenty of cleaning time the rest of the week).
- 2) **Cleaning off one's shoes on the dirt**- When cleaning off one's shoes, one should not do so on a plant-able surface that will be leveled in the process.
- 3) **Dragging Heavy Objects Outside**- Dragging a heavy object outside, even with no intention of digging furrows would be prohibited due to the principle we learned known as פסיק רישא.

On the other hand, *halakha* is very realistic, and recognizes that not everything rolled along dirt is going to have the same effect. For instance, take a good look at what happens when a stroller is pushed on a dirt path. It has an impact, but would you consider that beneficial to the ground (either by loosening the ground or creating beneficial furrows)?

6

6 Even weeding and fertilizing, when done to improve the growing surface, might be *choresh*.

Pushing a stroller across the dirt or grass - This is permitted according to many *Posekim*, even if it definitely causes a hole to be created, since it is a case of pushing the ground down. Even Rabbi Yehuda, who forbids *davar she'eino mitkaven*, allows this (*Beitza* 23a), since the dirt is not moved around like it is for plowing and other *choresh* activities. Rather, it is simply pushed down farther, which is not a violation of *choresh* on its own. This is the ruling of the Kaf HaChayim (337:4) and many other contemporary *Posekim*. The same rationale would apply to permit a woman to wear high heels, even if it will cause a hole in the ground; it is merely pushing the ground down and not moving dirt around.

Additionally, one shouldn't purposely rub spit into the ground, though one can walk on it without that intention.

שולחן ערוך אורח חיים הלכות שבת סימן שטז סעיף יא

לא ישפשף ברגליו רוק על גבי קרקע, משום משוה גומות, אבל מותר לדרכו לפי תומו שאינו מתכוין למרח ולהשוות גומות; ואף על גב דממילא ממרח הוא, כי לא מכין שרי, משום מאיסותא

One should not rub spittle into the ground with his foot, as he will be leveling out holes. But it is permitted to trample it as part of his normal walk as he does not intend to rub it in and level out holes. Even though he will inevitably thereby be rubbing it in, since that is not his intention [which is to merely walk] it is allowed, due to the disgusting nature [of the spittle].

5 Sweeping the floor (house or patio) - discussed in the supplemental section.

1 The *Shulchan Aruch* rules that one may not play with nuts or apples (their equivalent of marbles) on the ground (because one may level the terrain). The Rema rules that it is permitted to do so on the table, since there is no concern for smoothing holes there. The implications of this halacha will impact one's ability to play certain games outside (which might involve spirit of Shabbat issues as well). It is recommended that one think about what the class is ready for before explicating all the halachot.

Concerning playing games such as jacks or marbles on a tiled floor inside the house, there is debate among the Posekim whether one must be stringent since they are sometimes played on a dirt floor as well. Rav Rimon rules that one may be lenient in cases where that particular game is usually played in the house nowadays, as there is no concern for smoothing dirt floors (similar to the case of sweeping today). However, any

game that is sometimes played outside on the grass would be forbidden inside as well.

Most Posekim agree that playing games with a ball on the grass are forbidden, and many hold that this applies when playing on a concrete field outside as well (*Shemirat Shabbat KeHilchata* 16:6). This applies to baseball, football, soccer, and many other games as well.

Playing in a sandbox - this is permitted because the ground is already soft. Thus, moving around the sand does not loosen it any more than it already was beforehand. Since that is a critical component of *choresh*, playing in the sand should be permitted.

Unlike normal rocks, twigs or dirt which would have the sta-

For this reason it is permitted to push a stroller on the grass or a dirt or dust path, just as it is permitted to walk on such a path (*Mishna Berura* 314:11).

5. Let's Play Ball- INSIDE – Playing ball requires a level playing field. If it is so natural for one who is playing a game on the ground to try to level out the field, can you imagine a reason why the principle of שבות would tell us that if one will play on Shabbat, they should do so on a surface that can't be leveled? After thinking about it, take a look at the *Shulchan Aruch* and summarize his ruling.

One may not play with nuts or apples (the early version of playing with marbles), as one may level out holes. Rema: And [this is referring] specifically [to playing with them] on the ground, but on a table it is permitted, as there is no need to decree [against this] due to [leveling out] holes.

אין שוחקים באגוזים ולא בתפוחים וכיוצא בהן, משום אשווי גומות. הגה: ודוקא על גבי קרקע, אבל על גבי שלחן שרי, דליכא למגזר שם משום גומות.

1 _____

Review Activity:

Please characterize the following actions as either תולדות of *choresh* or שבותים (think about whether they directly promote growth, or whether they merely are acts that often lead to promoting growth):

- Removing rocks and debris _____
- Weeding and fertilizing (when done to improve the growing surface) _____
- Pouring water on the ground to loosen soil _____
- Rubbing spit into the ground with one's shoe _____



After reading the following piece, please state your opinion regarding the creative significance of melechet *choresh*:

We often view preparation as lacking creativity; at best a necessary prerequisite for planting or something important. After all, what is so significant about digging holes in the ground? Possibly, the order of the *mishna* is meant to indicate the opposite. As significant as planting is, *choresh* is actually the creative act that makes planting possible. Planting in unsuitable soil is worthless, as even the most fertile soil requires preparation. *Chores* reminds individuals who hope to achieve instant success without performing their due diligence, that one must learn to fly before actually attempting to take off. The study of *choresh* shows how working the soil and preparing the terrain is as creatively significant as the actual planting, and then some.

tus of *muktzeh* and a rabbinic ban against moving them on Shabbat, the sand in a sandbox is not *muktzeh*, as it is designated for child's play. (Nevertheless, beach sand or construction sand and the like are forbidden because of *muktzeh*.) However, one should warn children not to build or dig in the sand, as this would fall under *boneh* or *choresh* respectively.

If the sand is very soft, so much so that if one digs a hole, the sand falls back into it and fills it, there is no prohibition to build in it (*Mishna Berura* 308:143, following *Tosafot* 39a, s.v. *Ikka*). In any case, one should warn children not to pour water in the sandbox, since there may then be a problem of kneading. Moreover, this will help stabilize the sand and prevent it from collapsing, and as such playing with it would then be forbidden because of *boneh* or *choresh*.

Section IV Review

2

Av Melacha: חורש

- English Translation _____
- According to the *mishna*, this *melacha* is number _____ in סידורא דפת.
- It was used in the *Mishkan* for: _____



2 aspects of chores:

הכנה לזריעה

רש"י: _____

Based on the *Gemara* מועד קטן that *Chores* is _____ which means _____



תיקון הקרקע

רבינו חננאל _____

Based on the *Gemara* שבת that *Chores* is _____ which means _____

BOTH

_____ provides the definition of the *melechet machshevet* of *choresh* that includes both: _____

תולדות ריפוי ארעא

These acts are considered a תולדות מלאכה אחרת with *Chores*:

- _____
- _____

תולדות

will then include:

- As the *אור זרוע* explains: Any act that _____
- and as the *מיוחס לר"ן* explains: Even if one doesn't actually intend to _____ because: _____

תולדות יפוי קרקע

The רמב"ם lists

- _____
- _____
- _____

אשווי גומות meaning: _____ But where? _____

Dragging heavy objects, Because _____ But pushing a stroller is allowed _____



Playing Games on the dirt- Because _____ Sweeping outside? _____

שמה יבא לידי מלאכה

The Melachot: Group 1 - The Making of the Dyes and the Lechem HaPanim

ever, focuses on *Chores* as being תיקון קרקע, for the purpose of improving the terrain, which is expressed best in the *Gemara* Shabbat who defines *toladot* of *Chores* as such.

The Eglai Tal points out that both are important, as any act of improving plant-able terrain is prohibited.

are the *Toladot* that also allow for ditches that will improve vegetation.

involve the acts that will improve the terrain, such as leveling the ground outside- גומות אשווי.

Each category also contains *shevutim* such as dragging heavy objects that may soften the ground for planting (on plant-able terrain), or playing games on dirt which might lead one to level the ground.

These laws apply equally to a sandbox that has a solid bottom and is thus not attached to the ground, since the prohibition of making a depression applies equally to dirt detached from the ground and in a vessel (*Mishna Berura* 498:91). See, however, the *Orechot Shabbat* (18:38), who warns about playing in sand that is not particularly soft (such as when water mixes with it, as it sometimes does on the beach), especially when digging deeply. This appears to be less of a problem in a children's sandbox, which usually consists of soft, fine sand.

2 The chart indicates the two aspects of *Chores* that we find in the *Rishonim*, and the practical halacha which identifies both aspects as *Chores*. Rashi discuss *Chores* as anything that prepares the ground for planting, based on the *Gemara* Mo'ed Katan that defines *choresh* are רפויי ארעא, anything which softens the ground. Rabbenu Chananel, how-

