



שבת דף ב' עמוד א'

עני ובעל הבית

1. Why does the תנא of our משנה discuss an עני and a בעל הבית?

(a) The רמב"ם writes¹ that an עני typically stands outside and a בעל הבית typically stands inside. These words are more concise than the terms האיש העומד ברה"י and האיש העומד ברה"ר. Therefore, the תנא of the משנה prefers these expressions, in order to keep the משנה concise.

[Although the תנא still found it necessary to clarify that the עני is standing outside and the בעל הבית is standing inside ("כיצד העני עומד בחוץ ובעל הבית בפנים"), nevertheless, these terms (עני and בעל הבית) keep the subsequent parts of the משנה concise.]

(b) The מאירי explains that in using the terms עני and בעל הבית, the תנא of our משנה is teaching us the following חידוש:

There is much discussion throughout שבת מסכת about a מלאכה שאינה צריכה לגופה – a מלאכה which was performed not for its defined purpose.

To use the מלאכה of הוצאה as an illustration, a מלאכה הצריכה לגופה refers to a case where one transfers an item into a domain where it is needed. For example, when one transfers construction material from a storeroom (רה"י) to a public construction site (רה"ר). A מלאכה שאינה צריכה לגופה would be a case where one transfers an item into another domain simply because he does not want it. For example, when one transfers trash from his house (רה"י) to a public landfill (רה"ר). In this case, he does not necessarily need or want the trash to be at the landfill. Rather, his primary purpose is merely to rid himself of the trash.

What is the הלכה regarding a מלאכה שאינה צריכה לגופה? There is a famous מחלוקת regarding this. רבי holds that a מלאכה הצריכה לגופה is forbidden, מן התורה, just as a מלאכה שאינה צריכה לגופה is forbidden. However, רבי שמעון maintains that a מלאכה שאינה צריכה לגופה is permissible, מן התורה, and is prohibited only מדרבנן. [The overwhelming consensus of the ראשונים is in accordance with רבי שמעון's view, with the notable exception of the רמב"ם who rules like רבי יהודה. In שולחן ערוך, the Alter Rebbe accepts that a מלאכה שאינה צריכה לגופה is prohibited only מדרבנן, but adds that a בעל נפש should conduct himself in accordance with the stricter opinion of the רמב"ם.]

The מאירי explains that in using the terms עני and בעל הבית, the תנא of our משנה is teaching that one is חייב for the מלאכה of הוצאה only when it is a מלאכה הצריכה לגופה, in accordance with רבי שמעון's view.

¹ In פירוש המשניות.

Therefore, the משנה portrays the מלאכה of הוצאה with the example of an עני and בעל הבית who are both involved in the act of צדקה. The purpose of the הכנסה is to bring the עני's sack or basket into the house for the בעל הבית to put a loaf of bread into it. Similarly, the purpose of the הוצאה is to transfer the loaf of bread out of the house so that the עני can eat it. In both cases, the item is being transferred into the domain where it is needed, and it is therefore a לגופה מצוה.

Had the משנה not used the examples of an עני and בעל הבית, and used the terms האיש העומד ברה"י and האיש העומד ברה"ר instead, it would not have been apparent what type of הוצאה the משנה was referring to, and one could have explained that the משנה was also inclusive of a case of לגופה מצוה (such as when the האיש העומד ברה"י passed a corpse to the האיש העומד ברה"ר for burial).

(c) The מאירי and the רע"ב both explain that in using the terms עני and בעל הבית, the תנא of our משנה is teaching us another חידוש – that הוצאה is forbidden even though the עני and בעל הבית are involved in the מצוה of מצדקה, since it is a מצוה הבאה בעבירה.

There is an obvious difficulty with this approach: It is extremely well-known that a מצוה הבאה בעבירה is forbidden. Why would the תנא have to teach this, even דרך אגב? [This question led some אחרונים to interpret the words of the רע"ב differently – see answer (d) below.]

Nevertheless, in a number of places, the Rebbe accepts the explanation of the מאירי and רע"ב at face value – that the חידוש is that הוצאה is forbidden even when involved in the מצוה of מצדקה. Why does the תנא need to teach this?

In one place³, the Rebbe explains: The מצוה of מצדקה is extremely important, to the extent that is "שקולה כנגד כל המצוות", whereas the מלאכה of הוצאה is a "מלאכה קלה" – "a light", as will be explained in תוספות and in ראשונים. Nevertheless, the תנא teaches that the weighty מצוה of מצדקה does not override the "light" מלאכה of הוצאה – even when the הוצאה is prohibited only מדרבנן, such as in the סיפא of the משנה.

The Rebbe derives from this that it is wrong to "do business" with מצות – one may not perform a "big מצוה" (such as מצות צדקה) at the expense of a "small עבירה" (such as אסור דרבנן).

Elsewhere⁴, the Rebbe notes that some איסורי דרבנן of שבת are in fact permitted for the sake of a מצוה. For example, it is אסור מדרבנן to tie a professional but non-permanent knot on שבת. Nevertheless, it is permitted for the sake of a מצוה⁵. One may have thought that הוצאה דרבנן is likewise permitted for the sake of a מצוה as well. Therefore, our תנא teaches otherwise.

² On דף ג' עמוד א', the ראשונים discuss a certain difficulty. תוספות resolves it by proposing that the עני of our משנה is a נכרי. If this were so, then obviously the משנה would no longer be a case of מצדקה. Nevertheless, the סופר explains that תוספות does not mean that the עני of our משנה is literally a נכרי. Rather, תוספות stated this to resolve a difficulty which arises according to a certain אמיתא of the גמרא. According to the מסקנא of the גמרא however, there is no difficulty in the first place, and there is no longer any reason to say that the עני of our משנה is a נכרי.

³ See שיחות קודש תשל"א ה"ב שיחת ש"פ צו אות ו'.

⁴ See לקו"ש חלק י"ד pages 13-15.

⁵ The end of מסכת שבת discusses an incident in which a corpse lay in an alley directly under a cracked barrel which rested on the walls of the two houses on either side of the alley. The crack needed to be measured in order to determine whether its width was one טפח, which would have significant ramifications with regards to the laws of וטהרה. Since the cracked barrel was out of reach and could not be measured directly, a certain type of pitcher was tied to a reed and lowered down over the barrel to gauge the size of the crack.

[The Rebbe explains the distinction as follows: The הוצאה of איסור דרבנן is stricter because it contains some elements of the מלאכה דאורייתא (e.g. the עקירה but not the הנחה), and the חכמים sought to prevent one from performing the entire מלאכה. However, the איסור דרבנן of tying a knot is more lenient because it does not contain any element of the מלאכה דאורייתא, and the חכמים forbade it merely because it resembles the מלאכה דאורייתא.]

(d) Other אחרונים maintain that it is unnecessary for the משנה to teach – even דרך אגב – that הוצאה is forbidden when it is a מצוה הבאה בעבירה, for this is obvious⁷.

Instead, the סופר asserts that the רע"ב meant not so much to say that הוצאה is forbidden when the participants were involved in the מצוה of צדקה, but furthermore, that they are even חייב a קרבן חטאת⁸. The חידוש here is that we find other precedents where one is פטור from a חטאת when he performs a מצוה along with an עבירה. For example, the גמרא on קל"ז discusses a case involving two children, one who is eight days old (and must therefore have a ברית on שבת) and the other who is nine days old (and must therefore not have a ברית on שבת). The מוהל mixed up the two children, and performed the ברית on the nine-day old child. In that case, although the מוהל performed an איסור, he is nevertheless פטור from a קרבן, since he was preoccupied with performing a מצוה.

One might have thought that the same applies to the עני and the בעל הבית; since they are preoccupied with performing the מצוה of צדקה, they are not חייב for inadvertently violating שבת. Therefore, the תנא teaches that this dispensation does not apply in our case.

The אחרונים put forth many reasons to distinguish between these two cases. Here are just a few:

תוספות יו"ט: One is פטור from a חטאת only with regards to a מצוה which has the potential to override שבת (such as מילה), in which case one is פטור even when he performed it in an instance where it does not override שבת.

מהר"ל מפראג: One is פטור from a חטאת only when preoccupied with an inescapable מצוה. In the case of צדקה however, the מצוה could easily be circumvented by the עני refusing the צדקה.

חמדת שלמה: One is פטור from a חטאת only when preoccupied with a מצוה which requires a specific action, such as מילה. In the case of צדקה however, the focus of the מצוה is the result and not the deed. In other words, one can perform צדקה without any physical action whatsoever, such as by telling the עני to make himself at home in the pantry.

[An interesting difference emerges between answers (c) and (d): According to answer (c), the main חידוש of the משנה lies in the סיפא – that a מצוה may not be performed at the expense of an עבירה, even if it is only an עבירה דרבנן. According to answer (d), the main חידוש of the משנה lies in the רישא – not only is it forbidden to perform a מצוה at the expense of an עבירה, but furthermore, one will be חייב a קרבן for having done so.]

(e) For another approach based on the פני יהושע, see the end of Shiur 7.

⁶ These two general categories of איסורים דרבנן are mentioned by the רמב"ם at the beginning of פרק כ"א.

⁷ Especially as a) the מצוה of צדקה does not occur at exactly the same moment as the הוצאה, b) the הוצאה is not really necessary, as the עני could go indoors to receive the loaf of bread.

⁸ This interpretation of the רע"ב is somewhat forced, and is also completely at odds with the מאירי. Nevertheless, it is still a viable explanation as to why the תנא used the words עני and בעל הבית.