



שבת דף ב' עמוד א'

זה עוקר וזה מניח

Why is an עקירה without a הנחה (or vice-versa) prohibited only מדרבנן?

There is a well-known principle that "חצי שיעור אסור מן התורה". This means that if someone transgressed an איסור, but did so in an amount less than the שיעור, it is still forbidden מן התורה, and he is merely not punished for it.

This raises an obvious question: When one performs an עקירה without a הנחה (or vice-versa), he is seemingly doing the מלאכה of הוצאה, albeit less than the full שיעור. If so, granted that there is no **punishment** מן התורה, nevertheless, it should still be **forbidden** מן התורה! Why is it only forbidden מדרבנן?

(a) There is a מחלוקת whether the rule of "חצי שיעור אסור מן התורה" applies to מלאכת שבת. According to a number of ראשונים (such as רש"י and the מאירי), it does. However, according to the רמב"ם, this rule does not apply to מלאכת שבת, and everything less than the שיעור of the מלאכה is permissible מן התורה. According to the רמב"ם then, there is obviously no question.

The אחרונים suggest a number of reasons why this rule does not apply to מלאכת שבת. Two of the most famous:

- ⌘ The גמרא in יומא derives the principle of "חצי שיעור אסור מן התורה" from the פסוק of כָּל חֶלֶב שֹׁרֵר – וְכִשְׁבַּע וְעַז לֹא תֹאכְלוּ. This פסוק discusses an איסור אכילה – a prohibition involving eating food. Therefore, the principle of "חצי שיעור אסור מן התורה" applies only to איסורי אכילה.
- ⌘ שבת is an exception because the תורה says "בַּעֲשֵׂתָהּ" – "when one does it"; i.e. one must perform the entire מלאכה for it to be אסור מן התורה.

¹ In fact, there are a number of אחרונים (see רש"ש and יעב"ץ) who hold that an עקירה alone is אסור מן התורה due to the principle of "חצי שיעור אסור מן התורה". [Nevertheless, they agree that a הנחה alone is not אסור מן התורה, because the reason for "חצי שיעור אסור מן התורה" is that the חצי שיעור has the potential to become a complete שיעור. The same logic applies to the עקירה – it has the potential of becoming a complete הוצאה if the person only continues to do so. However, a הנחה alone does not have the potential of becoming a complete הוצאה, and is therefore מותר מן התורה.]

² A number of אחרונים infer this from the רמב"ם in הלכה ט' – "ב הלכה ט'". However, see the שפת אמת who infers the exact opposite from this very הלכה.

³ See שפת אמת and חכם צבי סי' פ"ו.

- (b) According to רש"י and the מאירי, we can answer that "חצי שיעור אסור מן התורה" is applicable only when one performed the entire **action** of the איסור, but without the full **measure**. For example, when one picks up half a fig on שבת from the רה"י and places it down in the רה"ר, he has performed the entire **action** of הוצאה with all that it entails, and merely did so with less than the full **measure**, which is why it is אסור מן התורה. On other words, the מלאכה is not lacking qualitatively, and therefore it is forbidden מן התורה. However, in our case, neither the עני nor the בעל הבית are performing the entire **action** of הוצאה – each one did only the עקירה or the הנחה. Since the מלאכה is lacking qualitatively and not just quantitatively, it is permissible מן התורה. [Based on לקו"ש חלק ז' page 110 and לקו"ש חלק י"ד page 13-14.]

The הנחה of an איסור דרבנן (or vice-versa).

When describing the איסור דרבנן of performing an עקירה without a הנחה (or vice-versa), רש"י writes "לכתחילה" – "מדבריהם הוסיפו שנים לאסור לכתחילה". The wording of רש"י implies that this איסור דרבנן has implications only before the fact, and not after the fact. [This is also implicit in the words of רש"י several more times on this עמוד.] This seems puzzling, because an איסור דרבנן has implications even after the fact as well – the punishment for performing an איסור דרבנן is מכת מרדות. If so, why does רש"י write the word "לכתחילה"? Not only is it unnecessary, but it also seems misleading! וצ"ע.