



**DELVING DEEPER** GUEST CONTRIBUTOR RABBI BINYOMIN TRAVIS

## A Less-Defined Form of Labor

Moshe gave the order, and they proclaimed throughout the camp: "Man and woman should do no more labor (*m'lacha*) for the contributions for the Sanctuary." So the people stopped bringing [gifts]. (36:6)

THE TALMUD (SHABBOS 96B) DERIVES FROM this verse that one may not move objects from a *r'shus hayachid* (a private domain) to *r'shus harabbim* (a large public thoroughfare) on Shabbos, because that action, called *hotza'a* in Hebrew, is *m'lacha*—an act of constructive labor, just like kindling a fire.

In Eruvin 17b, however, the Talmud seems to tell us the source for the *m'lacha* of *hotza'a* is a different verse:

See, Hashem has given you the Sabbath... Every man should stay in his place; a man shouldn't leave his place on the seventh day. (16:29)

Why the discrepancy?

Tosafos (commentary to Shabbos 2a—"Pashat..."), in answering the question above, explain that *hotza'a* is different from other *m'lachos*. It is a *m'lacha g'ru'ah*, a lower-level, "less-defined" form of labor, because its rationale is more difficult to understand—why should it be okay to carry from one private domain to another on Shabbos, while it is prohibited to carry from a public thoroughfare to a private space?

Given this reality, say Tosafos, two verses are necessary, for two different types of *hotza'a*. One verse teaches us that it is a *m'lacha* when a person in a thoroughfare extends his empty hand into a private space, picks up an object, and brings it into the thoroughfare, while the second verse teaches us that it is also a *m'lacha* to do the opposite.

The very fact that *hotza'a* is prohibited on Shabbos is novel for another reason. In the act of *hotza'a*, one doesn't affect any physical change on the object being moved, and

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## A TIMELY HALACHA

RABBI CHAIM HEINEMANN

One often finds *pushkas*—*tzedaka* (charity) collection boxes, in support of schools and charitable organizations—in homes and synagogues. May a person borrow money from a *pushka*, and put a note inside the box as a reminder the he must reimburse it? Is it permissible to get change for a dollar using this money?

These questions revolve around the issue of who owns money placed in a *pushka*. *Shulchan Aruch* (Y.D. 259:1) rules that money pledged for *tzedaka* but not yet given to the *gabbai* (a representative of the charity) may be borrowed for other purposes; once it reaches the *gabbai*, it may not be borrowed.

What is the status of money in a *pushka* in shul—is it comparable to pledged money, or is it considered to be in the *gabbai's* custody?

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## TIDBITS OF CINCINNATI JEWISH HISTORY

RABBI MOSHE TZVI CRYSTAL

On 20 Adar, 5577 (1817), Cincinnati's first permanent Jewish resident, Joseph Jonas, arrived in the city. Originally from Plymouth, England, Jonas had stopped in New York and Philadelphia on his way to Cincinnati. He had read about the Ohio River and was determined to settle alongside it. His friends from Philadelphia were concerned that he would drop his Jewish observance, living alone among non-Jews, and they made him promise never to forsake his religion. Jonas would keep his promise, even though it was more than two years before another Jew moved to Cincinnati. Jonas hoped to build a community, and he played a central role in establishing the first cemetery and synagogue, and in hiring a *shochet*. He was also civically active, and was elected to the Ohio legislature in 1860. As the first Jew they had ever seen, Jonas was somewhat of a curiosity to many gentiles. The story is told of one woman who, upon affirming that he was truly a Jew, exclaimed heavenward: "How can I thank thee, O L-rd, that I have lived to see one of the descendants of Abraham before my death!"

## COMING UP

- Pre-Pesach Yarchei Kallah—  
next Sunday, March 18

## A RIDDLE FOR YOU

When Moshe counted the Levi'im, who was not included?

*The answer will appear in two weeks.*

PREVIOUS RIDDLE:

- Q Who committed a transgression that carried the death penalty when he was only one day old?
- A Adam, when he ate the fruit of the Tree of Knowledge.

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## A TIMELY HALACHA

CONTINUED

In Jewish law, one of the ways to acquire something is *kinyan chatzer* (literally, “the acquisition of a courtyard”), whereby someone’s property (land or portable objects) can acquire items on his behalf (see C.M. 200:3). Some authorities consider a *pushka* that belongs to a *tzedaka* organization to constitute a *chatzer*—and, as such, once money is placed inside it, it’s as if the *gabbai* has taken possession of the the money, and it may not be used for other purposes. (*Divrei Chaim*, C.M. II:68; *Ma’amar Mordechai* 15)

However, *kinyan chatzer* works only if the “courtyard’s” contents are secure (it’s a *chatzer mishtameres*, in Hebrew), and it is debatable whether or not the money in a *pushka* is considered secure (see *Nesivos* 200:3, *Avnei Choshen* *ibid.* 6). In the past, it was customary to lock up *tzedaka* boxes, and the *gabbai* was the only one with the key. That might have qualified a *pushka* as a secure place, that could acquire its contents on behalf of an institution. (*Beis Yitzchak*, O.C. 21)

This would obviously not apply to *pushkas*, such as those in in one’s home, that are not locked. Since the status of such *pushkas* is questionable, it is preferable that you stipulate, when putting money into them, that you don’t intend to directly transfer the money to the organization. This will allow you to borrow money from it. (Rabbi Yaakov Blau, *Tzedaka U’mishpat* 8:[25])

Nowadays, when institutions send out hundreds of *pushkas*, a *pushka* likely serves only as a reminder to give money to that institution, and there is no intent that its contents be immediately acquired by the organization. It is therefore permissible to borrow money from such *tzedaka* boxes.

However, an open *pushka* in a shul may be considered a *chatzer mishtameres* which acquires the monies within it for *tzedaka*. Although borrowing money from such a *tzedakah* box should be prohibited, it may be assumed that the organization is willing to let its contents be used to make change. 🕊

Packed up to the rafters!  
Purim night learning at the Kollel

## GREAT ACTS OF ORDINARY PEOPLE

One night in Chevron (Hebron), a soldier on patrol heard what sounded like a gunshot several blocks over. He ran over and saw another soldier down on the ground, bleeding profusely. He called for backup and staunched the bleeding. Asking the wounded soldier his name, the soldier responded, “Yagil.”

“Yagil, stay with me.”

Yagil survived, and he and his family wanted to thank the soldier who had saved him. However, they had no name and no information about his savior.

Yagil’s parents owned a small convenience store in Yerushalayim, where they posted a sign requesting information about how their son had been saved. Several days later, a woman from the neighborhood walked into the store and, seeing the sign,

said, “My son recently told me he saved someone’s life. Maybe it was him. Let me call and find out.”

She picked up her phone. “Ohad, do you remember the name of the soldier whom you saved?”

“Sure I do, Ima. He was partly conscious, but he said his name was Yagil.”

“This is the one, Ohad!”

Everyone was thrilled, but then Ohad’s mother dropped the real bombshell. She said to Yagil’s parents, “Do you remember that twenty years ago, I walked into this store and asked if you had anything to cause an abortion? I was newly pregnant, and my husband had just left me. You sat down with me and talked me out of it.

“My son Ohad is the baby you saved!” 🕊

### A Less-Defined Form... CONT'D

thus it isn’t a “creative” act. We know that, generally, only creative acts are forbidden on Shabbos.

Rabbi Samson Raphael Hirsch, in his commentary on the Torah, comments on this difference. He tells us that of the 39 *m'lachos* prohibited on Shabbos, 38 bar activities that demonstrate Man’s mastery over his physical surroundings. On Shabbos, we give up our creative ability to show mastery over physical substance and, despite our own talents and abilities, we proclaim that Hashem is the true Creator—not ourselves.

In contrast, the ban of *hotza’a* on Shabbos, says Rav Hirsch, subordinates our creative powers as applied to the *social* universe.

An individual can bring of his own to the public good. This corresponds, metaphorically, to transporting a physical object from the private domain to the public domain, and it is therefore forbidden on Shabbos,

when we subordinate the call of the community to our primary obligation to focus on the larger picture: our service to Hashem.

An individual also takes from society. Thus, carrying from the public domain to a private one is similarly forbidden.

Finally, the most elevated form of community life is an individual’s ability to further the cause of the greater population, to move the community agenda ahead. This is represented by the prohibition against moving objects four *amos* (cubits), i.e. a significant distance, within the public domain. On Shabbos we must remind ourselves that G-d’s blessing, His presence—not ours—is the single most important factor in advancing the greater good of the community.

Between these two groups of *m'lachos*, the thirty-eight on one hand, and *hotza’a* on the other, we perceive the overarching message of Shabbos: Man must subordinate himself—his intelligence, talents, and creativity—to Hashem. He must look to Hashem for all direction in his manipulation of the physical world, while he yields his social life to G-d’s dictates as well.

*Hotza’a*, then, concludes Rav Hirsch, is both similar and dissimilar to the other *m'lachos*. It completely fits within the paradigm of activity suspended on Shabbos in the interest of proclaiming Hashem as true Creator. On the other hand, it differs from the other *m'lachos* by highlighting Man’s capacity for social organization and living, rather than as master of the physical universe. 🕊



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