

Rambam Yomi^{b'sd}

5 Strengthening Limud HaRambam Worldwide in the light of Chassidus

Week of Parshas Pinchas 5772

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Common Hotzah Situations: What One Does If He Realizes He is Carrying
(The following is mainly taken from Rabbi Ribiat's 39 melochos. For a direct ruling, consult your rav.)

1. Establish his domain. Is he in areshus harabim (public domain), kermelis (rabbinically public), or reshus hayachid? He should continue walking within 4 amos while determining his domain. This avoids any Rabbinical prohibition (walking back and forth in 4 amos is permitted, Shulchan Aruch 349.1, see Mishna Brurah regarding diagonal walking in 4 amos).
2. He should locate an exempt domain, called a makom patur, which is 10 tefachim (handbreadths) above the ground (i.e. fence, fire hydrant etc.) There he places the object (Gemora Shabbos 6a, see also Rambam Shabbos 14:12, Shulchan Aruch 346.1). This all applies only if the makom patur is within ones 4 amos, He is forbidden to go beyond 4 amos with the item to find a makom patur).
3. If there is no nearby exempt domain, it is best to return the item to the original building he took it from without stopping, preferably running (Shabbos 153b speaks about the need to run to deposit a bundle on one's shoulders; the running is a 'heker' which will remind one not to do a 'akira' and 'hanacho' (see Rashi there, see also Degal Mervava on the Magen Avrohom which paskins to run). When he reaches his original place, he will deposit the item in an abnormal manner (but note there are many details regarding a yard, locked house etc.).
4. If one cannot go back home, etc., he should locate a nearby reshus hayachid and deposit the item there without stopping (Shabbos K'Halachos 18:52).
5. If he already stopped, he should drop the item backhandedly, as he has already done a hanacho by stopping (Rama 267.12).
Note. The Rambam and Alter Rebbe say one should check his pockets before leaving a building, because most of the above situations will in any case involve at least rabbinical prohibitions.

L'i lluy nishmas Bracha bas Zalman and Tova bas Levi

This week's 'perek echad Rambam' completes Hotzah and starts a new sugya:

Ch 20:1 It is forbidden to load an animal on Shabbos (1) with a burden as it says (2, 3): "In order that your ox and donkey, and all your animals... (may rest)". The same law that applies to an ox and a donkey also applies to all animals, beasts, and fowl.

Although one is commanded to allow his animals to rest, he is exempt from lashes if he causes them to work. This is because the prohibition is derived from a positive commandment. Thus, one that directs his animal, which is laden, is exempt.

1. Talmudic Source: Shabbos Bavli 51b, Yerushalmi 5:2.
2. See Bava Kama 54b which states that the listed animals are commonplace, but implied is all animals.
3. Mishpatim 23:12.

Chassidus: Chassidus and mussar are wont to repeat the injunction of "sanctify yourselves in what is permissible to you." Tanya Likutei Amarim Chapter 7 contrasts eating in a gluttonous way with the sake of heaven or for a mitzvah: "... good that is intermingled with it [unclean klipot] is extracted from the evil and overcomes and elevates until included in holiness. Such as when one eats fat beef and drinks tasty wine in order to broaden his mind for G-d's service and his Torah, like Ravah said: 'Wine and scent [open one's mind]' (Yoma 76b), or in order to fulfil the mitzvah of rejoicing on Shabbos and Yomim Tovim (Rambam Shabbos 30:7), hereby the life force of the meat and wine, stemming from klipot nogah [intermediate klipah] is tempered, and elevated like a burnt offering and sacrifice (olah and korban)". This is the concept of elevating the physical.

The idea of elevating the physical can be explained by The Baal Shem Tov's explanation of the verse, "when you see your brother's donkey crouching under its load, help your fellow lift up his fallen "chamor" (donkey). The word "chamor" relates to the words "chumrios" (coarseness). Similarly, just as on Shabbos it is forbidden to laden one's animal in the literal sense, so to in the allegorical sense. One is commanded to elevate his animal soul as described above from the Tanya. This is the avodah of Shabbos. Therefore, while one has the avodah of restraining his pleasure during the week, it is a mitzva on Shabbos and Yom Tov to have pleasure. Nevertheless, "one who loads his animal is exempt." This implies that it is alright to work with the animal soul on Shabbos, such as was heard from the Friderker Rebbe: "If sleep on Shabbos is taanug and a mitzva, how much more so limud haTorah!" (Heard from Mashpi'im in Morristown NJ).

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