

The Order of the Chapters in Hilchos Shabbos in Mishneh Torah

1. The basic feature of Shabbos is that of a day of rest and thus the positive command of rest *שבייתה* and the prohibition against work *מלאכה* are presented and the basic concepts of what constitutes a *מלאכה* are defined. The next six chapters complete the general explanation of what qualifies as *מלאכה*, both as defined by the Torah and as expanded by the Rabbis.
2. Although the Torah prohibited work on Shabbos, this was not so as to make man's life difficult but to enhance his life and thus when life is at stake *מלאכה* must be done.
3. It is not that *מלאכה* may not be produced on Shabbos, but rather a person may not do a *מלאכה* on Shabbos and thus when a process was put in motion before Shabbos, it can continue on Shabbos. This is especially crucial in defining that the Torah's explicit statement prohibiting fire must be interpreted as creating the fire rather than having it burn on Shabbos to cook food and produce light and warmth. Nevertheless, there is a nod to the idea of limiting work from continuing on Shabbos and maintenance of fire is prohibited and thus cooking must be done (Rabbinically) in such a way so that no maintenance would be possible.
4. Even without physical fire, Chazal limited processes that were a maintenance of the cooking process. All this is a nod to *בית שמאי* who prohibited *שבייתה כלים* and did feel that we must remove ourselves completely from the work that is being done.
5. Contrary to the *צדוקים* – who leaned from the prohibition of fire on Shabbos, that the day was a day of withdrawal from the world and of physical *עינוי*, Chazal explain that having fire at night is an obligatory mitzvah, for the day is a day of *עונג*.
6. Although in the Torah only our own work and that of our servants is prohibited, the Rabbis extended the prohibition to benefiting even from the work that a gentile did for us. We have not at all departed from a systematic description of the general concept of what the Torah meant by making Shabbos a day of rest.
7. The 39 *מלאכות* are listed and the concept of *אבות ותולדות* is defined. After having given the general rules of *מלאכה ומלאכה*, the separate types of acts that constitute *מלאכה* are defined.
8. The first grouping of *מלאכות* is the *סדר הפת*. Rambam stops after explaining ten and starts the next chapter with the culmination of *אפייה*. Was it important for him to stop with the round number of ten? Does he wish to integrate the different groupings? Does not *אפייה* have more in common with next group than with the *מאלכות* that lead up to it? The break down of when he stops seems to be driven by numbers, and thus it would seem that conceptually they should all be in one chapter, but so that chapters should not be too long, he divides them symmetrically. The considerations of art (and also so that a chapter be an individual lesson) trumps that of science.
9. The next ten *מאלכות*. Note that some Rabbinic laws are listed amongst the *מלאכות*. This is because they are Rabbinic extensions, very similar to the *מלאכות* themselves.
10. The next eight *מלאכות*.

11. The next eight מלאכות.
12. The last three are those explicit in the Torah and the most crucial to everyday life. הבערה and הוצאה – with מכבה included since it is the counter of הבערה. They are so important to carrying on normal life, that they are permitted on *Yom Tov*. While many chapters will follow with the details of הוצאה, Rambam does not begin the details with a chapter devoted to הוצאה, but rather in this chapter he defines the שם מלאכה as he does for each of the 39 מלאכות.
13. As the Mishna has multiple chapters defining concepts of הוצאה, so does Mishne Torah. In this chapter the unique requirement of an עקירה והנחה are explained.
14. The definition of the four domains רשויות, another unique element in הוצאה is given.
15. The essential element of הוצאה that is explicit in the Torah is carrying from one domain to another and thus the person and object would be moving together from domain to domain. Nevertheless מדברי סופרים when the object is moved by the person, such as in throwing, this is also prohibited.
16. Now we move to greater detail of these fundamentals defined in chapters 13-15. We define the details of what a רה"י is and start with defining מחיצות.
17. After defining מחיצות we explain the various structures that qualify as רה"י – We wish to explain in this chapter when a מבוי qualifies as a רה"י and when not. Then the laws of חצר follow. We mix Rabbinic and Torah law in a chapter dedicated to defining the הוצאה status of various structures..
18. Now we have the Torah principle of what שיעור constitutes a significant quantity to be a הוצאה חשובה.
19. What is a משאוי – a burden? Rabbinic extensions are listed alongside of the Torah qualification.
20. "אסור להוציא משא על בהמה" – We view the prohibition called מהמר as הוצאה via an animal. Conceptually the Torah prohibited not only carrying but causing carrying to be done. This is the last chapter explaining the details of הוצאה.
21. The concept of שבתון שבות creates a דברי סופרים extension to מלאכה of שבות. These prohibitions are דומה למלאכה in some cases, but are only loosely related to the מלאכות in many cases. They are acts that interfere with שביטה – rest, and then are categorized as extensions of the various מלאכות, as they are most similar in structure to these מלאכות. Other cases are acts that are generally done in conjunction with מלאכה and mentally linked to them.
22. As the מלאכות were divided into separate chapters, probably for size considerations, so too the שבותים. This is the second group. The prohibited acts such as גזרת מרחקן go so far a field from the מלאכה they are linked to.
23. The third wave of שבותים here does not conclude with הוצאה – for the Rabbinic prohibitions were extensions of the הוצאה אסור, and detailed together with the מלאכה itself. The area that would qualify as שבותים is the concept of ערוב חצרות and is cataloged in a separate *seder halachos* of *hilchos eruvin*.
24. A new category of Rabbinic prohibitions is based on the prophet's exhortation of עשות הפצין, דבר דבר. These prohibitions are unrelated to מלאכה or מצות שביטה. The אסור טלטול (commonly thought of as מוקצה, but in fact distinct from it) is introduced at the end of the chapter as it is related to דבר דבר, but as it has other

reasons as well, some related to a safeguard from מלאכה, the actual prohibitions will be in the subsequent chapter.

25. All the basic rules of אסורי טלטול.
26. A refinement of the basic rules of אסורי טלטול.
27. We have now finished with all things that are related to rest on שבת. Another concept the Torah refers to in words אל יצא איש ממקומו is leaving one's own proscribed home area. So the new concept of יוצא חוץ לתחום is related here.
28. Details related to leaving תחום – defining the borders of a city. Rules are followed by definitions here as is the case by אסור טלטול.
29. לקדש היום בדברים – The Torah mitzvah was then linked by the Rabbis to wine and the Shabbos meal and hence will lead into the next chapter of the concepts of כבוד ועונג.
30. After having defined the Torah precepts of שמור וזכור, we describe the concepts that the prophets stated and the Rabbis developed of כבוד ועונג. The Torah obviously intended this idea, the prophets spoke of it and the Rabbis mandated specific practices to facilitate it.