



OVERVIEW of the Daf

1) The muktza status of an item is determined at the beginning of Shabbos (cont.)

The Gemara questions whether Rav really follows the opinion of R' Yehudah and concludes that he does, although he would follow R' Shimon when faced with a dangerous circumstance.

2) Clarifying the extent of R' Shimon's lenient position regarding muktza

Reish Lakish asked R' Yochanan whether R' Shimon is lenient regarding muktza only in cases where the owner did not set the item aside from being used or even where the owner actively set the item aside.

R' Yochanan responded that according to R' Shimon the only items that are muktza are those that are set aside to use in the performance of a mitzvah for the duration of the mitzvah.

R' Yehudah states in the name of Shmuel that according to R' Shimon the only foods that could become muktza by actively setting them aside are figs and grapes.

The Gemara demonstrates from a Baraisa that the same ruling applies to other fruits as well.

The Gemara, however, answers that the Baraisa quoted follows the opinion of R' Yehudah and the novelty is that although the person had been eating the fruit, nonetheless once he placed them on the roof they are considered set aside from use thereby qualifying them as muktza.

R' Shimon bar Rabbi asked Rabbi whether unripe dates placed in a basket to ripen are muktza according to R' Shimon and Rabbi responded that they are not.

The Gemara questions whether Rabbi agrees with R' Shimon and does not recognize the broad definition of muktza.

The Gemara presents three different approaches to resolve Rabbi's statement with the Baraisa leaving the issue, of whether Rabbi subscribes to a broad or narrow definition of muktza, unresolved.

3) Clarifying the opinion of R' Yochanan

Rabbah bar Chanah said in the name of R' Yochanan that "they said" that the halacha follows the opinion of R' Shimon.

The Gemara initially assumed that R' Yochanan follows the opinion of R' Shimon regarding muktza. However, based on a statement of R' Yitzchak bar R' Yosef the Gemara concludes that R' Yochanan follows the opinion of R' Yehudah.

Abaye and R' Yosef have a discussion whether R' Yosef should have known R' Yochanan's position even without the statement of R' Yitzchak the son of R' Yosef.

4) The muktza designation of a candelabrum

The Gemara begins to search for the reason a candelabrum is muktza according to all opinions. ■

Gemara GEM

An Unexpected Gift

אין משקיף ושוחטין את המדבריות וכו' אלו הן מדבריות כל שיוצאות בפסח ונכנסות ברביעה

This Gemara defines the concept of muktza in terms of an item which the Jew has put out of his mind as Shabbos begins. There are various reasons why a particular item may be in this category.

Rema (O. C. 515:9) discusses a case where a Jew sends a gift to his friend in another town via a gentile. The receiver had no idea the item was going to arrive on Shabbos. Rema rules that the item, after it arrives, remains muktza for the receiver. Mishna Berura (ibid. #72) cites many later authorities who argue. They rule that the gift is not muktza, even for the receiver, because the sender never set the item out of his mind. Taz and Magen Avraham explain that Rema holds that because bringing the item beyond the techum is rabbinically prohibited, the sent item is indeed muktza, as we find in our Gemara, where the term muktza applies in reference to the animals who are found beyond the techum as Shabbos begins.

Ran, however, compares the gift to tevel, where accessing the fruit can only be done if a rabbinic law is violated, but if it is done somehow, the item is not muktza. Ran explains that muktza is only a factor if obtaining an item can only be done via a Torah violation, not one that is only rabbinic. Nevertheless, this is a controversial point, as many Rishonim hold that a rabbinic law is enough to determine that muktza does apply.

In Sha'ar Hatziyun, the Chofetz Chaim concludes that the limitation of muktza is not a factor due to techum, and the reason why animals who live far from the settlement are muktza is because there is usually not enough time for them to enter the city while it is still Yom Tov. ■

REVIEW and Remember

1. What was a **שעת הדחק** that compelled Rav to follow the lenient ruling of R' Shimon?

2. What is the difference between drying figs and grapes and all other fruits?

3. What led the Gemara to assume that Rabbi subscribed to the broad definition of muktza?

4. Why did the story of R' Assi have any bearing on identifying the opinion of R' Yochanan?

HALACHAH Highlight

Moving Extinguished Candles due to a State of Emergency

ורב כרבי יהודה סבירא ליה? והא בעו מיניה דרב: מהו לטלטולי שרגא דחנוכתא מקמי חברי בשבתא? ואמר להו: שפיר דמי. שעת הדחק שאני

But does Rav really agree with the view of Rav Yehuda? After all, the question was once asked of Rav: may one move on Shabbat an already extinguished Chanukah menorah so that the Chabaray (a brutal people that for a period of time ruled with the Persians) not see it? Rav responded that it was proper to do so. This would seem to be not like Rav Yehuda. The Gemara answers that a state of crisis is different.

Rashi¹ provides two options for the point of concern here. The first is that the Chabaray prohibited the Jews to light the Chanukah candles. The second explanation is that for their festivals, the only candles that the Chabaray permitted to be lit were in their temples. Rav Nissim Gaon² presents yet another explanation. He writes that the Chabaray would go from house to house, would extinguish the candles, and then take a candle from each home. This was a source of great anguish to the Jews because the stolen candles would be taken for idol worship.

Some earlier authorities³ do rule like this statement of Rav that in a state of emergency, one can rely upon the view of Rabbi Shimon and move an extinguished candle. However, the Magen Avraham⁴ cites one of these authorities, and comments that from Rashi⁵ it would appear that שעת הדחק (state of emergency) refers to a state of true danger. Accordingly, any situation that is not one of life threatening danger would be excluded from this ruling, and it would remain forbidden to move the extinguished candles. The Eliyahu Rabbah⁶ references the Magen Avraham and questions his view based on the fact that in a true state of danger (סכנה) even if the candle is still burning it may be moved, surely then if it is extinguished it would be permitted? In fact, many Poskim⁷ challenged this view of the Magen Avraham and explain that Rashi did not intend a state of actual critical danger because all is permitted to save a life; rather, Rashi meant a state akin to danger, such as⁸ the possibility that the gentile would beat the Jew or monetary loss, or there⁹ remains the remote possibility

that actual danger could come from the matter. In fact, the recently published Ritva addresses this Rashi and explains that the danger is not of a life threatening nature, but rather the potential loss of money or potential physical suffering. This of course supports the view of those who challenged the Magen Avraham. Similarly, according to the interpretation of Rav Nissim Gaon mentioned above, it appears¹⁰ that the issue was a matter of anguish, and not real life threatening danger. In application, the Aruch HaShulchan¹¹ and the Mishnah Berura¹² both rule in accordance with the view that a state of urgency suffices, even if it not be life threatening in nature.

However, mention must be made of the novel approach of Rav Shlomo Kluger¹³ of Brody. He takes Rashi's view literally, and wonders why the reasoning of "worthy is Rabbi Shimon to rely upon in a state of crisis" is necessary, after all, saving a life supersedes all matters? He explains that the person was negligent in lighting the candles and by such endangering himself, therefore if it wasn't for the reasoning that "worthy is Rabbi Shimon to rely upon in a state of crisis", Shabbat would **not** have been pushed off, notwithstanding the state of danger which he brought upon himself. It is not within the scope of this article to address the far reaching ramifications of Rav Kluger's position; however, the matter is exhaustively deliberated¹⁴. ■

1. כאן ד"ה מקמי חברי
2. כאן בגליון
3. כך הוא בהגות אשרי כאן (פ"ג סי' כא) ובריא"ז (הוב"ד בשלטי הגבורים, דף מח ע"א בדפי הרי"ף סוף אות א)
4. מג"א (סי' רעט ס"ק א')
5. כוונתו לדברי רש"י כאן (ד"ה בשעת הדחק) שכתב: "בשעת הדחק. סכנה, אלמא שלא בשעת הדחק אסור."
6. א"ר (סי' רעט ס"ק ד')
7. עיי' בזה בתוספת שבת (סי' רעט ס"ק א) ובמחצית השקל ובפרמ"ג על המג"א שם. ועיי' גם בראש יוסף (כאן ד"ה כדאי הוא). וכן כתב בנהר שלום (סי' רעט ס"ק ב). ועיי' בב"ח (סי' רעח). וכן ראה בכפ"ח (סי' רעט אות ג).
8. פרמ"ג שם. אמנם עיי' במשנ"ב שם (סי' א) ובשער הציון (סי' ג) משי"כ בזה בדעת הפרמ"ג.
9. שו"ת רעק"א קמא (סי' ס' ד"ה ולעני"ד, דף לו ע"ג)
10. כך דייקו בס' בירור הלכה המצורף להלכה ברורה כאן.
11. שם ס"ג
12. שם ס"ק א' (ועיי' בשער הציון ס"ק ג).
13. חכמת שלמה (אוי"ח סי' שכת)
14. עיי' שו"ת אגרות משה (ח"א מחאוי"ח סי' קכז). עיי"ש. ורבות דנו בזה הפוסקים בענין חילול שבת להציל אחד שניסה לאבד עצמו לדעת רח"ל. עיי' שו"ת חלקת יעקב ח"א (סי' עב) ושו"ת אגרי"מ (ח"ג מחי"ד סי' צ) ושו"ת צ"ץ אלעזר ח"ח (סי' טו פ"ד) ושו"ת יביע אומר ח"ח (חאוי"ח סי' לו בהערה, עמ' קסז). ועוד. ואכמ"ל. ■

Distinctive INSIGHT

Carrying the Chanukah Candles

מהו לטלטולי שרגא דחנוכתא מקמי חברי בשבתא

The Gemara discusses whether Rav holds like Rabbi Shimon who allows a candle which burned out to be carried on Shabbos, or like Rabbi Yehudah who forbids carrying such a candle on Shabbos. After stating that Rav holds like Rabbi Yehudah, the Gemara challenges this assumption from an answer Rav gave to the following question. There was a nation called the Chavri, who did not allow candles to be lit on their holidays, aside from in their house of idolatry. Was a person al-

lowed to carry away the Chanukah candles he had lit, in order that he should not be found to have violated this law by the Chavri? Rav answered that this was permitted. The Gemara says that this seems to imply Rav holds like Rabbi Shimon. The Gemara answers that really Rav holds like Rabbi Yehudah, and the case of the Chanukah candles was an exception as it was a pressing situation.

The Chasam Sofer points out that the Gemara's indication that Rav holds like Rabbi Shimon seems to prove the exact opposite - that Rav indeed holds like Rabbi Yehudah! If Rav actually agreed with Rabbi Shimon, this would mean that Rav *always* permitted carrying burned out Shabbos candles on

Shabbos. It would have been unnecessary to ask him about burned out Chanukah candles, as they would obviously have the same halachah! How could the Gemara think this is a proof Rav holds like Rabbi Shimon?

In a novel approach to the Gemara, the Chasam Sofer answers that the question posed to Rav was not regarding muktza, but whether or not they were allowed to carry the candle using the leniency of carrying less than four amos at a time in Reshus Harabim, in order to evade the Chavri. The Gemara assumes from the fact that Rav was asked this question, and not a question about the candles being muktza, that Rav clearly held there was no problem of muktza. ■

