

## OVERVIEW of the Daf

### 1) Statements of R' Abba bar Kahana (cont.)

R' Abba bar Kahana ruled: The wagons of Rebbe's household may be moved on Shabbos. When asked by R' Zeira R' Abba explained that he referred specifically to small wagons.

R' Abba bar Kahana reported that R' Chanina permitted Rebbe's household to drink wine covered with only one seal transported in the wagons of non-Jews. It was unclear what R' Chanina's rationale was to be lenient.

**2) MISHNAH:** Rules regarding benefiting from melacha performed by a non-Jew on Shabbos are presented.

### 3) Clarifying the Mishnah

The Gemara explains why three examples of the same principle were presented in the Mishnah.

A Baraisa qualifies the lenient ruling of the Mishnah and rules that a Jew may benefit from melacha performed by a non-Jew only if the non-Jew does not know the Jew.

This qualification is questioned from the story involving R' Gamliel in the Mishnah where the non-Jew clearly knew R' Gamliel and he nonetheless benefited from the melacha.

Abaye answers: The non-Jew built the plank when R' Gamliel was not present. Rava answers: Even if R' Gamliel was present since no additional melacha was done to benefit R' Gamliel it was permitted for him to benefit from the ramp.

A series of unsuccessful challenges to Rava and Abaye are presented.

A story involving Shmuel benefiting from a melacha performed by a non-Jew is presented.

### הדרן עלך כל כתבי

**4) MISHNAH:** The Mishnah discusses the muktza status of utensils. Additionally, the Mishnah lists particular utensils and uses for which they may be moved.

### 5) Clarifying the Mishnah

Abaye explains the first statement of the Mishnah as follows: All utensils may be taken on Shabbos with their doors even if the doors were detached during the week.

### 6) Detachable doors

A Baraisa rules: The door of a carriage, trunk or closet may be removed from its socket on Shabbos but not reattached. The door of a chicken coop may not even be removed.

The reason for these rulings is that the chicken coop, which is attached to the ground, is subject to the prohibitions of building and demolishing. The reason one may not reattach the doors of the other utensils, explains Rava, is a decree out of concern that one may wedge in.

### 7) Taking a hammer to crack open nuts

R' Yehudah asserts that the Mishnah refers to a hammer made for opening nuts, but one would not be permitted to use a blacksmith's hammer. The reason is because R' Yehudah is of the opinion that a utensil normally used for a prohibited purpose may not even be used for a permitted purpose.

Rabbah disagrees and maintains that a utensil used for prohibited Shabbos purpose may be used for a permitted Shabbos use. ■

## Gemara GEM

### One Thing Leads to Another

נכרי שהדליק את הנר משתמש לאורו ישראל, ואם בשביל ישראל אסור

The Baraisa presents a case where a gentile cut down grasses on Shabbos for his own animal, but there was some left over. In this case, a Jew may allow his animal to eat from the food. The Gemara asks that this seems contrary to the teaching of Rav Huna in the name of Rav Chanina, who rules that a Jew cannot direct his animal directly next to fodder that is muktza, because we are afraid that the Jewish owner of the animal might reach over and handle the muktza, which is prohibited. The Gemara then clarifies that, in fact, the animal may not be led up to the fodder by its owner if these grasses are muktza. The Baraisa only allows the owner to stand in front of his animal, effectively blocking it in, so that the animal will then eat the muktza by itself. In this case, we are not afraid that the owner will become forgetful and handle the muktza.

There is a well-known opinion of Rashba, who holds that muktza is not only prohibited to be moved on Shabbos, but it is prohibited to have benefit from muktza, as well. The Pri Megadim asks against Rashba from our Gemara, where the Jew can allow his animal to eat from the grasses which are muktza – a clear case of benefiting from muktza! He answers that we find a clear verse למען ינוח which teaches that we must allow our animals to graze freely on Shabbos and let the animal be comfortable and move about naturally as he eats, even uprooting grasses from the ground. This is why although muktza in general is prohibited from benefit, the sages did not disallow animals to benefit, which is something that the Torah directly permits. It could very well be, therefore, that muktza is not allowed for benefit for people.

It is interesting to note that the Shulchan Aruch Harav (507, Kuntrus Achron, 4) does prove from our Gemara that in general, to benefit from muktza is allowed, as we see that a Jew is allowed to let his animal eat grasses which have been detached on Shabbos itself. Yet Afikei Yam (2:23) shows that the proof is inconclusive, as per the understanding of the Pri Megadim. ■

## REVIEW and Remember

1. Is one permitted to benefit from melacha performed by a non-Jew on Shabbos?
2. What convinced Shmuel to benefit from the lamp lit by the non-Jew?
3. Explain יש בנין בכלים.
4. Explain כלי שמלאכתו לאיסור לצורך גופו.

# HALACHAH Highlight

## The Rule of Amira L' Akum'

ואם בשביל ישראל אסור

Many people mistakenly believe that it is permitted to allow a non-Jew to do melacha on one's behalf if the non-Jew was not directly asked to do so, or if he performed the melacha on his own. Based upon this reasoning, some believe that one may hint to the non-Jew (e.g. commenting that "the room is dark") and have him turn on a light. However, this is a serious error, as shall be explained further.

The general prohibition of Amira L' Akum is comprised of primarily two categories, both of which are forbidden: Instructing and benefiting.

The principles contained within these two categories are the basic guidelines of Amira L' Akum, as shall be seen in the paragraphs ahead.

### A) Instructing "Amirah"

The prohibition of "Amirah" means that one may not instruct a non-Jew to perform a melacha, even if the Jew will not benefit from it.

Example: One may not instruct a non-Jewish janitor to shut the lights in a Shul or Yeshiva, even though no direct benefit is derived from the melacha.

This is forbidden because the non-Jew would then be acting as an agent of the Jew to perform a melacha.

### B) Benefiting "Hana' ah"

One may also not derive Hana' ah (positive benefit) from a melacha done on behalf of a Jew, even if the Jew did not instruct the non-Jew to perform the melacha. The Sages prohibited Hana' ah as a safeguard to prevent abuses of Amira L' Akum from developing.

#### B-1) Defining forbidden benefit ("Positive benefit")

The Hana' ah, i.e. the "Positive benefit" that is forbidden in the context of Amira L' Akum refers to any newly created, substantial benefit resulting from a melacha.

Examples: A kindly non-Jew switched on the light for a Jew eating in a totally dark room: Light in a dark room constitutes a substantial new

benefit. The Jew may therefore not benefit from the new light that was introduced for his sake, even though the non-Jew turned on the light without being asked.

If the flame beneath the blech blew out, one may not ask (or even hint to) a non-Jew to reignite the flame because the rekindled flame brings about a new and significant benefit; warm food.

#### B-2) Indirect benefit

Benefit that is derived indirectly (i.e. by default) of the non-Jew's melacha act is not classified as a Halachic benefit.

Example: If a light was left on in a bedroom (thereby disturbing people's sleep), a non-Jew may be apprised of the problem and is permitted to switch off the light.

In the above example, the benefit being derived is not from the melacha act itself, but rather from conditions evolving indirectly from the melacha. Removal of an annoyance, such as a troublesome light or noise, is merely a kind of "benefit by default". It is not the same as the introduction of a new and direct benefit, and is therefore permitted, provided the non-Jew was not asked to do the melacha.

#### B-3) Additional benefit

Benefit created through the melacha of a non-Jew that merely enhances the ease or comfort of an existing condition, but does not create a new condition is not a forbidden form of positive benefit. Positive benefit is only forbidden when it directly enables one to do or perform something that he could not have otherwise accomplished:

For example: If a non-Jew switches on a light in a dark room at night: The room was previously unsuitable for reading, studying Torah, etc., and now is. One may not use the illuminated room for any of these purposes.

However, "additional benefit" that merely improves an existing condition is permissible:

An example of this is if the room was dimly illuminated (e.g. with a small lamp), but there was nevertheless enough light for one to read or study Torah with strain and difficulty, one is permitted to remain in that room after a non-Jew switched on an additional lamp to brighten the room on behalf of the Jew. ■

1 The 39 Melachos, by Rabbi Dovid Ribiat, p. 64-67. Used with permission of the author.

## Distinctive INSIGHT

### Preserving the Sanctity of Shabbos—Through Speech

דקאים לה באפה ואולא היא ואכלה

The Mishnah discusses the case where a gentile lit a candle on Shabbos. If he lit it for himself, the Jew may sit in that illuminated area and benefit from the light. However, if the gentile lit the light for the sake of the Jew, the Jew may not benefit from the light.

There is a variance among the Rishonim in explaining the reason why it is prohibited

for a Jew to benefit from labor which a gentile performed (on his own) on Shabbos for the sake of the Jew. Tosafos (ד"ה ואם) and Rambam (6:18) explain that if a Jew would be allowed to have this labor done for him, we are concerned that the Jew would then give outright instructions to the gentile to do the labor for him. Rashi and Ran (Beitza 24b) write that it is simply prohibited for the Jew to benefit from labor done on Shabbos.

Ritva writes that according to the understanding of Rambam and Tosafos, it might seem that we have arranged a rabbinic precaution (not to benefit from labor done by a gentile) to safeguard another rabbinic injunc-

tion (lest we come to give instructions to a gentile outright). This seems to be in violation of the general rule that we do not establish a לגזירה גזירה. Nevertheless, the correct explanation is that this is simply a one-staged enactment. The sages set into motion protective measures to ensure that the Shabbos remain special. In order to set it aside and different from the other days of the week, it was necessary to disallow benefiting from the labor performed by a gentile, either when he does it by himself without being asked, or whether he does it when asked to do so. These guidelines are all part of the same approach to preserve the sanctity of Shabbos. ■

