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Shabbos Daf 46

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o"n**

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## Muktzeh

[The Gemora had related above: When Rabbi Yitzchak the son of Rabbi Yosef came, he quoted Rabbi Yochanan ruling like Rabbi Yehudah.]

The Gemora asks: But did Rabbi Yochanan rule like this? Surely Rabbi Yochanan said: The *halachah* is always as an anonymous *Mishna*, and we learned in a *Mishna*: If a coach has removable wheel, the coach and the wheel are considered separate entities with regard to the laws of *tumah*. If the coach becomes *tamei*, this does not render the wheel *tamei*. The wheel is not measured with the coach with regard to the volume that renders the item *tamei*. One may not drag the removable wheel on *Shabbos* when there is money on the wheel. This implies that if there was no money on the wheel at *bein hashemashos*, it is permitted to move it. [Evidently, the fact that it served as a basis for *muktzeh* at the onset of *Shabbos* does not render it *muktzeh* the entire *Shabbos*; this reflects the viewpoint of R' Shimon!?!]

Rabbi Zeira said: Interpret our *Mishna* as meaning that there was no money upon it during the entire *bein hashemashos*, so as not to break Rabbi Yochanan's words.

Rabbi Yehoshua ben Levi said: Rebbe once went to Deiospera and gave a practical ruling in respect to a candelabrum as Rabbi Shimon's view in respect to a lamp.

The scholars inquired: Did he give a (single) practical ruling in respect to a candelabrum (that it is permitted to move) as Rabbi Shimon's view in respect to a lamp, i.e., permissively; or perhaps he gave a restrictive ruling in respect to a candelabrum (that it cannot be moved), and as Rabbi Shimon in respect to a lamp, i.e., permissively? The question was left unresolved.

Rav Malkiya visited Rabbi Simlai's home and moved a lamp (whose flame had gone out) to which Rabbi Simlai took exception.

Rabbi Yosi HaGelili visited the town of Rabbi Yosi son of Rabbi Chanina. He moved a lamp, to which Rabbi Yosi son of Rabbi Chanina took exception.

When Rabbi Avahu visited Rabbi Yehoshua ben Levi's town, he would move a lamp (for Rabbi Yehoshua ben Levi ruled according to Rabbi Shimon); when he visited Rabbi Yochanan's town, he would not move a lamp (for Rabbi Yochanan ruled like Rabbi Yehudah).

The Gemora asks: This is difficult whatever possibility you consider!? If he holds as Rabbi Yehudah, let him act accordingly; while if he holds as Rabbi Shimon, let him act accordingly?

The Gemora answers: In truth, he agreed with Rabbi Shimon, but did not act like this out of respect to Rabbi Yochanan (when he was in his town).

Rav Yehudah said: An oil lamp (whose flame had gone out) may be handled (since it is not repulsive; reflecting R' Shimon's viewpoint); a naphtha lamp (which leaves an extremely unpleasant odor) may not be handled (even according to Rabbi Shimon, for it has no other use).

Rabbah and Rav Yosef both maintain: A naphtha lamp too may be handled.

Rav Avya visited Rava's home. Now, his shoes were muddied with mud, yet he put them up on a bed before Rava. Rava was



annoyed and wished to vex him (*with questions*). He said to him: What is the reason that Rabbah and Rav Yosef both maintain that a naphtha lamp too may be handled? Rav Avya answered: It is because it is fit for covering a utensil. Rava retorted: If so, all stones of the yard may be handled, since they are fit to cover a utensil? Rav Avya replied: A naphtha lamp bears the character of a utensil (*and since it has some use, it is not regarded as muktzeh*); the others (stones) do not bear the character of a utensil (*and is regarded as muktzeh even though there is some use from it*).

Rav Avya provides support for this: Was it not taught in a *braisa*: Bracelets, nose rings and rings are like other vessels that may be moved in a courtyard on *Shabbos*. [A woman may not go out in a public domain with these things, for we are concerned that she will take them off to show to her friends, and then continue walking four amos. Some maintain that this decree extended to a courtyard as well. This *braisa* states that even though they cannot be worn, they are not muktzeh, and thus can be handled in a courtyard.] And Ulla said: What is the reason? Since they bear the character of a utensil. So here too (Rav Avya concludes), since it (the naphtha lamp) bears the character of a utensil (it may be handled).

Rav Nachman bar Yitzchak exclaimed: Blessed be the Merciful One, that Rava did not put Rav Avya to shame.

Abaye pointed out a contradiction to Rabbah: It was taught in a *braisa*: It is forbidden to benefit from the leftover oil in the lamp or a bowl (*after the fire has gone out*). Rabbi Shimon permits its use. [This dispute centers on the concept of *migu d'iskatzai l'bein hashemashos, iskatzai lekulei yoma, once an item is considered muktzeh right before the onset of Shabbos, it is rendered muktzeh for the entire Shabbos. Rabbi Yehudah, who reflects the first opinion, maintains that something that is muktzeh bein hashemashos is muktzeh for the whole Shabbos, while Rabbi Shimon holds that oil is only muktzeh while the candle is burning. Once the flame is extinguished, the remaining oil is permitted for use.*] Thus we see that Rabbi Shimon rejects *muktzeh*. But the following (*Mishna*) contradicts it: Rabbi Shimon maintains that if the *bechor* (firstborn) was not determined prior to *Yom Tov* to have a blemish, the animal is not deemed to be *muchan*, prepared, and one cannot slaughter the *bechor* on *Yom Tov*. [Although Rabbi Shimon does not subscribe to the laws of *muktzeh*, he does not allow the animal

to be slaughtered, because according to Rabbi Shimon, when the expert renders a judgment on the *bechor*, it is akin to rendering a ruling in a lawsuit which is prohibited on *Yom Tov* because it is a shevus, a rabbinical injunction.]

Rabbah answers: How can the two cases be compared? There, a man sits and hopes that his lamp will go out; but here, does a man sit and hope, "When will it receive a blemish (*that it will become permitted*)"? For he will say, "Who can say that it will receive a blemish? And even if you say that it will, who can say that it will be a permanent blemish? And even if you say that it will be a permanent blemish, who can say that an expert will oblige him (*to examine it on Yom Tov*)?"

Rami bar Chamah objected (*to this answer from the following Mishna*): Vows can be annulled (*by a husband or a father*) on *Shabbos*, and one may apply for absolution (*from a Sage*) from vows where such is necessary for *Shabbos*. The *Gemora* asks: Yet why? We should argue as follows: Who can say (*at the beginning of Shabbos*) that her husband will oblige her? [When a woman swears that she will not benefit from something, she thrusts it away from herself, and it becomes like *muktzeh*. Even if her husband annuls her vow, she could not have anticipated it, and so it should remain *muktzeh*.]

The *Gemora* answers: There it is as Rav Pinchas said in Rava's name, for Rav Pinchas said in the name of Rava: A woman who makes a *neder* intends that it will be subject to her husband's will (*and therefore she relies that her husband will annul it on the day as he is cognizant of it, and the object was never muktzeh*).

Come and hear (*a question from the next part of the Mishna*): One may apply for absolution from vows on *Shabbos* where it is necessary for *Shabbos*. The *Gemora* asks: Yet why? We should argue as follows: Who can say (*at the beginning of Shabbos*) that a Sage will oblige him? [When a person swears that he will not benefit from something, he thrusts it away from himself, and it becomes like *muktzeh*. Even if a Sage releases him from his vow, he could not have anticipated it, and so it should remain *muktzeh*.]

The *Gemora* answers: There, if a Sage will not oblige, three laymen suffice; but here (*by a bechor*), who can say that a Sage will oblige him?



Abaye pointed out the following contradiction before Rav Yosef: Did then Rabbi Shimon rule: If it (*the lamp*) is extinguished, it may be handled; this implies that (*it is permitted*) only if it is extinguished, but not if it is not extinguished. What is the reason? Presumably, it is because we are concerned that through his handling it, it will go out? But we know Rabbi Shimon rules that whatever is unintentional is permitted!? For it was taught in a *braisa*: Rabbi Shimon said: One may drag a chair, bed, or bench (*across the ground on Shabbos*), providing that he does not intend to make a furrow.?

The *Gemora* answers: Wherever there is a Scriptural prohibition if it is intentional (*such as extinguishing the lamp*), Rabbi Shimon forbids it by Rabbinical law even if unintentional; but wherever there is only a Rabbinical prohibition even if it is intentional (*such as the digging of the furrow, for that is an unusual manner to dig*), Rabbi Shimon permits it at the outset if unintentional.

Rava asked from the following *Mishna*: Garment merchants may sell (*clothing which contain shatnez – a mixture of wool and linen*) in their normal fashion (*by modeling it for the customers*), providing that one does not intend (*to gain protection*) from the sun in the summer or from the rain in the winter (*for R' Shimon maintains that if a prohibition is done without intention, it is permitted*); but the discreet ones sling them on a stick behind their back. Now here, though it is a Scriptural prohibition when done intentionally, yet if it is unintentional, Rabbi Shimon permits it at the outset!?

Rather, said Rava, leave the lamp, oil, and wicks alone, because they become a base for a forbidden thing (*the flame; and that is why they cannot be handled while the flame is burning*).  
(46a – 47a)

## INSIGHTS TO THE DAF

### ***Rendering a Halachic Decision on Yom Tov***

The *Gemora* cites an opinion that maintains that an expert is not permitted to examine blemishes on Yom Tov. One can only

slaughter a bechor, a first-born animal, if it is determined that there is a blemish and it is indeed permanent. There are several different reasons cited for this prohibition.

Rashi explains that it is prohibited to render judgment on Yom Tov and it is the expert's declaration that allows one to eat this animal. This permit would be akin to rendering something usable on Yom Tov, which is generally forbidden. The commentators explain that this would be different than an ordinary decision rendered by a *halachic* authority, because in most cases, the *halachic* authority is only clarifying something that we did not know previously and he is not effecting a change in its status. Regarding a bechor, however, one is prohibited from slaughtering the bechor and he would be forbidden to eat it even if it was subsequently determined that the animal had sustained a blemish. Thus, it is evident that the expert's decision is rendering this animal usable and for this reason he is prohibited from rendering such a decision on Yom Tov.

Tosfos adds that since the *halachah* is that one is not permitted to examine the animal on Yom Tov, the animal becomes muktzeh, as the owner does not intend to use the animal, and this strengthens the prohibition against examining the animal to determine if it has a blemish or not.

The Rambam in Hilchos Yom Tov (2:3) explains that the Chachamim decreed that one cannot examine an animal when it sustained a blemish prior to Yom Tov as this will lead one to examine an animal that sustained a blemish on Yom Tov. If at the onset of Yom Tov there was no apparent blemish, then the animal is deemed to be muktzeh, as it was not prepared from before Yom Tov.

The Maggid Mishneh explains that we are concerned that the expert will rule that the blemish is not permanent and for this reason it cannot be slaughtered. This will result in the fact that the animal was retroactively handled in an unnecessary manner on Yom Tov.

The Taz (O.C. 498:9) asks that according to the Maggid Mishneh, one should never be permitted to render a *halachic* ruling on Yom Tov because the Rav may rule that the item is forbidden and this will result in the subject having been retroactively handled in an unnecessary manner.



The Taz answers that the Maggid Mishneh only refers to a case that is similar to a bechor where the item never had a permitted status and the prohibition was already created at birth, as a bechor is sanctified at birth, which is referred to as *peter rechem*, the opening of the womb.

A comparable case to bechor would be when a prohibited liquid fell into another liquid and the total mixture does not have a sufficient amount that would nullify the prohibited liquid. Subsequently, more permissible liquid fell into the mixture and now there may be a sufficient amount of the permitted liquid that could nullify the prohibited liquid. A *halachic* authority cannot render a decision on this matter because there was a time that the mixture was forbidden to eat.

The Machatzis HaShekel notes that according to Rashi, a *halachic* authority would be able to render a ruling on this matter. It is only regarding a bechor that a *halachic* authority cannot rule on Yom Tov, because the permit is dependent on the expert and not on the facts.

The Meiri states this distinction explicitly. When there is a question if an animal is a tereifah or not, all that is required is a clarification. If one knows that the animal is not a tereifah, the animal is permitted. A rav can rule on a tereifah on Yom Tov because he is merely clarifying the matter. Ruling on a bechor whether it has a blemish or not and if the blemish is permanent or not is not dependent on facts. Rather, it is dependent on the declaration of the expert. One cannot render such a ruling on Yom Tov.

## ***Annulling on Shabbos***

The *Gemora* stated: We do not revoke *nedarim* unless they are necessary for *Shabbos*.

The Ra"n offers two reasons. Either it is because it appears like a court case, since an expert or three people are needed. Or it is because there is an opportunity to annul it after *Shabbos*.

The Ra"n in *Shabbos* adds that this would be regarded as "unnecessary effort," which is forbidden on *Shabbos*.

The Levush writes that it is forbidden based upon the verse: *Mim'tzo cheftzecha v'daber davar*. This teaches us that one should not be occupied with other things on *Shabbos*. This is why it would be permitted if it is necessary for *Shabbos*. (*The Peri Megadim* asks that this prohibition is applicable only to those things that can be construed as labor; however, something that involves no labor will not be forbidden unless it is recognizable that it is a weekday activity!)

The Toras Refoel explains the prohibition because it appears as if one is fixing on *Shabbos*. However, since there is no action involved, they were lenient if the *neder* was necessary for *Shabbos*.

The Acharonim say that the following would be a practical distinction between the reasons: If one would make a *neder* for the purpose of a *mitzvah*, but it would not affect *Shabbos* at all. If the prohibition is based on "unnecessary effort," it would be permitted to annul such a vow on *Shabbos*. However, if the prohibition is because it appears like a court case, it would still be prohibited to annul such a vow.

## **DAILY MASHAL**

### ***Broken, yet Complete***

The *Gemora* discusses examining a bechor for a permanent blemish on Yom Tov. It is noteworthy that just like one has to examine a bechor for a blemish, one is required to examine himself at all times for any blemish that would technically render him unfit for serving HaShem. It is said that HaShem desires the one who is broken-hearted. How can one be broken-hearted yet simultaneously be in a state of perfection that allows him to serve HaShem? The answer is that when one is contrite and recognizes his unworthiness, this is the perfection that HaShem is seeking, and it is truly the broken-hearted person who can serve HaShem with pure faith.