



Melacha Performed by a Nochri

The *Mishnah* (16:8) teaches that if a *nochri* lights a candle for himself on *Shabbat*, a *yisrael* can benefit from the light. If however the *nochri* lit the candle specifically for the *yisrael*, then it is forbidden for the *yisrael* to benefit from the light. We shall try to understand this ruling.

The *Tosfot* (*Shabbat* 122a) make a number of important points to explain the strict ruling of our *Mishnah*. Firstly, they explain that in this case it would be forbidden for any other *Yisrael* to benefit from this candle also. This is contrast to a ruling regarding the *issur techum*. Recall that one is not allowed to travel beyond two thousand *amot* from his dwelling place on *Shabbat*. The same is true for his property. The *Mishnah* teaches that if a *nochri* brought an object from outside the *techum* on *Shabbat* for one *yisrael*, then it is permitted to another. The *Tosfot* answer that this case is different since kindling is prohibited on a biblical level.

The *Ritva* adds a further distinction. The *issur* of *techumim* itself is one that is different for everyone. Where someone can walk on *Shabbat* is dependent on their the location of their *shevita* (dwelling place).

Consequently, there are two reason why in the case of *techumim* the *Chachamim* differentiated between who the item was brought for and everyone else.

The *Tosfot* also note that *R' Meir* rules leniently to permit food that was cooked by mistake on *Shabbat*. Our case however is treated more severely, and one cannot derive benefit from the candle that was lit for his benefit. The reason it is prohibited is out of concern that one will on another occasion, tell the *nochri* directly to light his lamp – which is rabbinically prohibited. Comparing this case to where one cooked in error on *Shabbat*, *R' Meir* would permit the food. In that case we are not concerned that if

we permit it, one would deliberately cook on *Shabbat* on another occasion, since it is a capital offence.

The *Ritva* notes that telling a *nochri* directly to perform a *melacha* is itself a *shevut* – rabbinically prohibited. The *Ritva* asserts that we must say that prohibiting the product of a *melcha* that a *nochri* performed on their own was part of that original *gezeira*. Otherwise, it would be considered a *geziera le'gezeira* – a rabbinic decree out of a concern that one might violate a rabbinic decree – which the *Chachamim* do not implement. In other words, we must understand that the *Chachamim* forbade the product of any *melacha* performed by a *nochri* for an *yisrael*, whether instructed to do so or not, out of concern that it would lead to *Shabbat* appearing like any other day of the week.

Finally the *Tosfot* notes that we learnt previously (16:6) that if one's house is on fire, and a *nochri* comes to extinguish it, one need not tell them to put it out. Yet in this case, we cannot derive benefit from the lamp even though the *nochri* lit it voluntarily.

The *Tosfot* explains the difference between the two cases as follows. In our case, the *yisrael* is deriving direct benefit from the *melacha* that was performed – he enjoys the light from the fire. The same is not true in the earlier *Mishnah* when the fire was extinguished. As the *Ritva* explains, the *nochri* simple prevented (further) damage from occurring. Consequently, in that case, when the *nochri* acted voluntarily, we can say that he acted independently. In our case, when the *yisrael* derives benefit directly it is considered as if he acted for the *yisrael*.

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Revision Questions

שבת ט"ו – ג' – י"ז: ה'

- Explain the debate between *R' Yishmael* and *R' Akiva* regarding whether one can prepare on *Shabbat* for *Yom Kippur* (that falls on Sunday)? (ט"ו: ג')
- Can one save a *tefillin* bag when saving *tefillin* for a house set on fire? (ט"ו: א')
- How much food is one allowed to save from a fire? (Include both opinions) (ט"ו: ב')
- Regarding the previous question, would it make a difference if all the food was contained in one basket? (ט"ו: ג')
- Can one invite others to also take food for themselves from the fire? (ט"ו: ג')
- How many items of clothing can one save from a burning house? (ט"ו: ד')
- What can one do to prevent the fire from spreading? (Provide two solutions.) (ט"ו: ט')
- Can one ask a non-Jew to put out the fire? (ט"ו: ר')
- If a non-Jew comes to put out the fire, must the owner stop him? (ט"ו: ר')
- What can one do if the flame from their candles is close to the ceiling? (ט"ו: ז')
- What can one do if there is a scorpion in their house? (ט"ו: ז')
- If a non-Jew turns on a light on *Shabbat*, when is an *Yisrael* allowed to benefit from that light? (ט"ו: ח')
- What *melacha* did a non-Jew perform, after which *Rabban Gamliel* and the *Zkeinim* benefited from? (ט"ו: ח')
- What topic is discussed in the seventeenth *perek*?
- What is the difference between doors and doors of utensils? (ט"ו: א')
- One is allowed to use a hammer to crack open nuts on *Shabbat*: (ט"ו: ב')
 - What category of *heter* in the laws of *muktza* is this an example of?
 - Describe five other examples listed in the *Mishnah*.
- When is a reed used for olives susceptible to *tum'ah* and why? (ט"ו: ג')
- According to *R' Yosi* all utensils that are used for a forbidden activity may be used for a permissible activity aside from which two utensils? (ט"ו: ד')
- Explain the debate regarding when broken utensil can be used on *Shabbat*. (ט"ו: ה')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 January ט"ו טבת	9 January ט"ז טבת	10 January י"ז טבת	11 January י"ח טבת	12 January י"ט טבת	13 January כ' טבת	14 January כ"א טבת
Shabbat 17:6-7	Shabbat 17:8-18:1	Shabbat 18:2-3	Shabbat 19:1-2	Shabbat 19:3-4	Shabbat 19:5-6	Shabbat 20:1-2

