



## Muktzeh Machmat Issur

The *Mishnah* (4:3) discusses a case involving a house that was full of produce and bricked up with no entrance. On *Yom Tov* itself, some of the brick work collapsed. The *Mishnah* explains that one can take some of the produce via that opening. *R' Meir* however maintains one can even remove the bricks to access the food. What is the subject of debate?

The *Bartenura* explains that the case in our *Mishnah* is where the bricks have not been cemented together, they are simple resting one upon the other. That being the case, removing the brick would not constitute the biblical prohibition of demolishing on *Yom Tov*. This explains why once the bricks fall away, one can take the food. If the bricks had been cemented, then all the food would be *muktzeh machmat issur*, they would not be considered prepared for *Yom Tov* due to the biblical prohibition involved in accessing the food. Since in our case, the prohibition is rabbinic, the contents are not *muktzeh*. This position is shared by *Rashi* who cites *tevel* (untithed produce) as another example that shares the same law. Separating *terumot* and *maaserot* is rabbinically prohibited. Yet, the *Gemara* (34b) explains that if they were separated, the food is not *muktzeh*.

The *Tosfot* however find it difficult to differentiate between whether the prohibition is rabbinic or biblical with respect to *muktzeh machmat issur*. Furthermore, they cite other examples where the prohibition is rabbinic, yet *muktzeh* still applies. For example, the case where coins were left on pillow on the onset of *Shabbat*. In that case, the pillow remains *muktzeh* even if the coins are removed. How do we explain the case of *tevel*? They cite *R"R Moshe*, who explains that in the case of *tevel*, after the separation, the item of *muktzeh* no longer exists. In the case of the coins, and in our case too, the item of *muktzeh* is still there. How then does the *Tosfot* explain our

*Mishnah*? They suggest that our *Mishnah* is according to *R' Shimon* that does not maintain the concept of *muktzeh*.

The *Ran* (17b) also raises this difficulty but suggests a different solution. He cites the *Ramban* who explains that this case is not one of *muktzeh machmat issur*. The only two cases where an *issur* affects *muktzeh* is either if the object itself is *assur* or if the object acts as a base for something that is *assur* (as in the case of the pillow). Neither of these apply in our case. Here, there is nothing wrong with the produce in the house. Instead there is some external issue preventing access to the produce. Based on this understanding, the same would be true even if the bricks were cemented prior to *Yom Tov*; even if the prohibition of removing the bricks was biblical. Indeed, the *Ramban* (*Milchamot Hashem* 19b) notes that the *Rif* does not differentiate regarding the brickwork for the opinion of the *Chachamim*. It is only when discussing the opinion of *R' Meir*, who allows removing the bricks on *Yom Tov le'chatchila*, that the case is framed as being rabbinically prohibited.

The *Shulchan Aruch* (518:9) rules in line with this reason, and does not differentiate between whether the bricks were cemented or simply resting on one another. The *Be'ur Halacha* writes that *Shulchan Aruch* is ruling according to the *Rif* and *Rambam* based on the logic of the *Ramban* we cited above. The *Be'ur Halacha* however explains that many *Rishonim* maintain like *Rashi*, that our case is where the prohibition involved is rabbinic – *Rosh*, *Raza*, *Ohr Zarua* and *Meira*. Furthermore, the *Tosfot* cited above is even more strict and according to another answer found in the *Ramban* that the case is only where the bricks fell away prior to *Yom Tov*. That being the case, the *Be'ur Halacha* maintains that ideally one should not rely on the leniency of the *Rif* and *Rambam*.

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**Revision Questions**

ביצה ג' - ה' - ד'

- How should a group divide shares in an animal that was slaughtered on *Yom Tov*? (ג': ה')
- In what manner is one allowed to sharpen a knife on *Yom Tov*? (ג': ה')
- In what manner does one ask for food from a storekeeper on *Yom Tov* and why? (Provide two options) (ח': ה')
- What are the restrictions on *Yom Tov*, placed on the manner one can carry:
  - Wine?
  - Produce? (א': ה')
  - Fire wood? (ב': ה')
- Explain the debate regarding a *karpaf* from which it is suitable to collect firewood. (ד': ה')
- In what manner can one chop firewood on *Yom Tov*? (ג': ה')
- Can one remove fruit from a store room that was sealed before *Yom Tov*, yet on *Yom Tov* was breached? (ג': ה')
- What does *R' Meir* add regarding the previous question? (ג': ה')
- Can one produce coals on *Yom Tov*? (ד': ה')
- Explain the debate regarding splitting a wick on *Yom Tov*? (ד': ה')
- What restrictions are placed on the manner in which one can clean out an oven on *Yom Tov*? (ה': ה')
- Can one prop up a pot over a fire using two barrels and why? (ה': ה')
- Can one direct an animal using a staff on *Yom Tov* and why? (ה': ה')
- Explain the debate regarding taking a twig to use as a toothpick. (ו': ה')
- Can one take twigs to use as kindling from his *chatzer*? (ו': ה')
- Is one allowed to light a fire on *Yom Tov*? (ז': ה')
- Explain the debate regarding how direct one must be when setting aside food placed in the *muktzeh* for use on *Yom Tov*. (ז': ה')
- Can one place a utensil to catch water leaking from the roof? (ח': ה')
- Which of the following categories that are prohibited on *Shabbat* are prohibited on *Yom Tov*: (ב': ה')
  - *Shvut*?
  - *Reshut*?
  - *Mitzvah*?
- What activities are prohibited on *Shabbat* that are listed in the *Mishnah* as fitting into the following categories: (ב': ה')
  - *Shvut*?
  - *Reshut*?
  - *Mitzvah*?
- Complete the following phrase:
 

" \_\_\_\_\_ אלא \_\_\_\_\_ "
- How does one determine the how far an object can be carried (with respect to the laws of *techumim*):
  - In general?
  - If it is an object belonging to a household as apposed to an individual? (ג': ה')
  - If the object is borrowed? (Give two scenarios)
  - Regarding a cooked food where some of the ingredients have been borrowed on *Yom Tov*? (ד': ה')

**Melbourne, Australia**

**Sunday -Thursday**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Friday & Shabbat**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 November כ"ג חשוון	13 November כ"ד חשוון	14 November כ"ה חשוון	15 November כ"ו חשוון	16 November כ"ז חשוון	17 November כ"ח חשוון	18 November כ"ט חשוון
Beitzah 5:5-6	Beitzah 5:7 - Rosh Hashanah 1:1	Rosh Hashanah 1:2-3	Rosh Hashanah 1:4-5	Rosh Hashanah 1:6-7	Rosh Hashanah 1:8-9	Rosh Hashanah 2:1-2

