



Parshas Tzav 5766

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What does "migo d'itkatzai" mean?

Migo d'itkatzai l'bein hashmashos itkatzai l'culei yomah means that an item that was *muktze* during *bein hashmashos* (twilight) remains *muktze* the entire Shabbos, even if the reason that caused the item to be *muktze* is no longer applicable.¹

How is this manifested?

One may not pick an apple from a tree on Shabbos and while attached to the tree it is *muktze*. This *muktze* is called *muktze machmas issur*, (*muktze* on account of an *issur*) - in this case picking, which is the *melacha* of *kotzer*. If the apple were to fall from the tree on Shabbos it would remain *muktze*, as it was forbidden to pick² during *bein hashmashos*.

So if I see an apple beneath a tree on Shabbos may I not eat it?

If you know that it fell off the tree before Shabbos you may eat it. But if it fell on Shabbos or if in doubt whether it fell before Shabbos, it may not be eaten or handled.³

But what about *safeik d'rabanah l'kulah* (see further for the explanation)?

Allow me to explain your question. Handling *muktze* is a rabbinical prohibition and when there is doubt whether it fell before Shabbos we should apply the rule *safeik d'rabanah l'kulah*, which means that when there is a *safeik* (doubt) as to whether something is prohibited or not and it involves an *issur d'rabanah*, it should be permitted.

The answer is that we apply another rule saying that when the item concerned is permitted after

Shabbos we do not say *safeik d'rabanah l'kulah*.

This term is known as *דבר שיש לו מתירין* (as follows). *Muktze* does not apply after Shabbos and Yom Tov and the apple will be totally permitted, as such, it does not warrant the leniency of a *safeik d'rabanah l'kulah*.

May one consume the apple immediately after Shabbos?

Yes. We do not say that one must wait the time of *כדי שיעשו* – the time it takes to prepare, because it was not prohibited on account of performing a prohibited action.

I'll explain: a known halachic concept called *כדי שיעשו* (the time it takes to prepare) is applied – such as when a gentile performs an action for a Jew on Shabbos. If a gentile brings an item for a Jew from outside the *eiruv* on Shabbos, the Jew may not benefit from that item on Shabbos, nor may he benefit from it after Shabbos **until the time period it takes to prepare it – כדי שיעשו**, which in this case means bringing it from outside the *eiruv*.⁴

This *halacha* is applied when a *melacha* or prohibition was performed for the sake of a Jew but when it was prohibited because of lack of preparation, such as in the case of the apple on the tree, the rule does not apply and one may consume the apple right after Shabbos.

Are there more instances of *migo d'itkatzai*?

Olive oil used in a lamp. Olive oil is used for pouring on salad, lighting candles and other uses. When one designates olive oil to light a lamp or candle and the candle is lit before Shabbos, the oil may not be removed from the lamp or candle

¹ Based on *simon* 310:1.

² *Simon* 322:3.

³ *M"B simon* 322:6.

⁴ *Simon* 325:8.

when alight on account of 'extinguishing'.⁵ As a result the oil is also *muktze* during that time. Based on *migo d'itkatsai* the oil remains *muktze* until after Shabbos, even though the candle has gone out and the reason for the *muktze* is no longer applicable. Likewise, oil dripping from the lamp may not be used to pour onto salad, even though 'extinguishing' cannot apply to the escaped oil, because that oil was set aside to burn in the lamp and the rule of *migo d'itkatsai* will render it *muktze* till after Shabbos.

What about wet clothes or washing?

Wet laundry or clothes are *muktze* on account of a *g'zeira* lest one squeezes them, which is a violation of the *melacha* of *melaben* – laundering.⁶ Consequently, wet laundry hanging on a line when Shabbos commences will remain *muktze* even after it has dried, as a result of the *halacha* of *migo d'itkatsai*.⁷

[It is important to note that damp clothes are not *muktze*,⁸ and certain *heterim* apply to wearing wet clothes when others are not accessible].⁹

But what if I know that the clothes will certainly dry?

The answer to this question involves yet another concept called **גמרו בידי אדם** – something that will definitely become usable. We have discussed this in past issues but review can never harm. Take for example raw beans and raw potatoes. They are categorized as *muktze machmas gufo*, a severe *muktze*, as they have no use on Shabbos. In certain cases one may place raw or semi raw food in a pot on a covered fire (such as a *blech* or hotplate) before Shabbos and consume them on Shabbos. The issue is that the beans or potatoes in the pot are inedible when Shabbos begins and

yet one may eat that food on Shabbos. What happened to *migo d'itkatsai*?

The answer is *gomro bidei adam*, which as stated means that since the food will definitely be edible it is not classed as *muktze*.¹⁰

Consequently wet laundry hanging on a line during hot summer seasons should not be *muktze* (at least when dry) because one knows that it will definitely dry.¹¹ It is possible that this last section is not accepted by all and a *rav* should be asked.

Vort for the Chag

The Haggadah relates that the rabbis' disciples came to inform them that it was time for the morning Shema.

Rav Sholom Shwadron *זצ"ל*, the famous Maggid, relates that he once had a difficult *kushiya* and so after *davening* "*neitz*" (at sunrise) he went to the Tchebinner Rov (who lived then in Sha'arei Chessed) to discuss it. He knocked quietly on the door so as not to wake the *ga'on* lest he was sleeping and was told to enter. The table was full of *seforim* and the *ga'on* was totally engrossed in his learning. Rav Sholom posed the question and the Tchebinner Rov responded.

Rav Sholom turned to go when the *ga'on* remarked, indeed you had a question but could it not wait for the morning, why was it necessary to come so late at night?

The *ga'on* was shocked when he heard that it was already daybreak and that Rav Sholom had already *davened shacharis*. He had been so engrossed in learning through the night, he had not realized it was already morning.

Food For Thought

- *Why should oil in a candle be muktze? If I apply the concept of גמרו בידי אדם, I know that eventually the candle will extinguish?*
- *May clothes that became wet on Shabbos and are muktze, be handled after they dry?*
- *If I thought something was muktze and I realized my mistake, may I handle it?*

Answers coming be"H next week.

⁵ It is a *machlokes* between *Tosefos* and *Rosh* as to whether it is *Mechabeib* because one diminishes the light or because the oil is designated for the candle and one is extinguishing the candle before its allotted time.

⁶ *Simon* 301:46.

⁷ *M"B simon* 308:63. *SS"K* 15:17 and see footnote 60, **וע"ע**.

⁸ *M"B simon* 301:171 and *SS"K* 15:15.

⁹ See *simon* 301:45.

¹⁰ See *SS"K* 22:12.

¹¹ See *SS"K* 22:11 and footnote 20.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.