

THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS



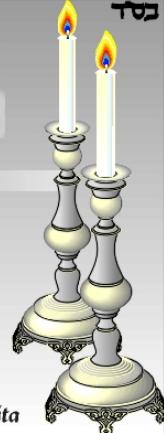
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These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

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Melacha she'eina tzricha l'gufah

What does *l'gufah* mean?

As often stated, the 39 prohibited *melachos* of Shabbos are taken from the *melachos* used to construct the *Mishkan*. An important criterion is that a *melacha* must be performed in the same manner and with the same intention as it was performed in the *Mishkan*. Performing a *melacha* with the same intention as in the *Mishkan* is called *l'gufah* – for the purpose of the *melacha*. When performed for a different purpose, it is *eina tzricha l'gufah* or not *l'gufah*.

Can you present such a case?

In the *Mishkan*, a pit was dug for the sake of the pit - not for the sand. Consequently, if one digs a pit for the sake of the pit, one is liable to bring a *korban chatas* (when *b'shogeig*) for violating a biblical prohibition. Conversely, if one digs a pit to obtain sand, one has performed the *melacha* for a different purpose than intended in the *Mishkan* and is *eina tzricha l'gufah*.

Is it a violation of a biblical prohibition?

The *gemora* cites a *machlokes* between R' Yehuda and R' Shimon, where R' Yehuda holds that a *melacha she'eina tzricha l'gufah* is **biblically** prohibited and R' Shimon holds that a *melacha she'eina tzricha l'gufah* is **rabbinically** prohibited. Consequently, one who digs a pit for the sand, according to R' Shimon, has violated a *d'rabanan* not a *d'oraisso*.

Which opinion is the halacha?

The *Shulchan Aruch*¹ presents the following scenario:- one finds a burning hot coal in the street on Shabbos and it is possible that someone might not realize it is there and might burn himself. The *Shulchan Aruch* says that one may extinguish it, whether it is metal or wood, and the *Rambam* prohibits extinguishing a wooden coal.

This is a case of *melacha she'eina tzricha l'gufah*, where most *Rishonim* learn that it is only an *issur d'rabanan* but the *Rambam* holds that it is an *issur d'oraisso*.

The *Elya Raba*, cited by the *Mishna Berura*, rules according to the first and major opinion, that it is an *issur d'rabanan*.

Why is extinguishing a wooden coal a *melacha she'eina tzricha l'gufah*?

Wood or wicks were extinguished in the *Mishkan* for one purpose only - they were lit and extinguished soon thereafter, either to make coals or to singe the wick to enable easier igniting at a later time. This unique extinguishing is for the sake of the wick and coal and not for any other purpose. Extinguishing for a different purpose, such as to prevent harm or because the light disturbs, is not for the same purpose done in the *Mishkan* and is *eina tzricha l'gufah*.

Is it an *issur d'rabanan*?

Indeed it is an *issur d'rabanan* but the *poskim* do not treat it as a regular *d'rabanan*; it is more

¹ *Simon* 334:27 and *M"B* 85.

severe. The *Mishna Berura* writes ² that a *melacha she'eina tzricha l'gufah* is more severe than a regular *d'rabanan* because the same action can involve an *issur d'oraissa* according to all opinions.

What is the difference between a *davar sheino miskavein* and *eina tzricha l'gufah*?

We will *b'ezras Hashem* learn about *davar sheino miskavein* in future shiurim, but in brief, a *davar sheino miskavein* is a deed that arises as a result of another action. One of the most famous examples is dragging a bench in a field and the bench plows a groove in the field - a *melacha* of plowing - *choresh*. One needs the bench and unintentionally it plows the field. This is a *davar sheino miskavein*.

The difference between this and a *melacha she'eina tzricha l'gufah* is that in the former one does not intend doing the *melacha* at all, whereas in the latter, one intends doing the actual *melacha* albeit for a different purpose.³

Are there other examples of *eina tzricha l'gufah*?

In the *Mishkan*, people donated items towards its construction and (during the week) they brought items from their homes (a *reshus hayachid*) to the center (a *reshus harabim*). This action on Shabbos is called *hotza'ah* - carrying from a *reshus hayachid* to a *reshus harabim*. The purpose was to transfer an item and place it in the *reshus harabim* because one needed the item in the intended place. Emptying the garbage from one's house (a *reshus hayachid*) into the garbage can (dustbin) in the street is a *melacha she'eina tzricha l'gufah* because one removes garbage for the sake of removing it from one's home and not in order to fill the garbage can. Obviously it is *osur* to take out garbage when there is no *eiruv* (and handling garbage is also an issue on account of *muktze*) nevertheless we are discussing this to appreciate the difference between the two types of carrying.

A candle is burning in an ill person's room, what can be done?

Even when *pikuach nefesh* is involved, it is far preferable to carry the candle out of the room rather than extinguishing it. Carrying the candle is merely handling *muktze* as opposed to extinguishing, which is a *melacha she'eina tzricha l'gufah*. Although carrying *muktze* is a *d'rabanan* and extinguishing in this case is also a *d'rabanan*, nevertheless we observed that *eina tzricha l'gufah* is not a regular *d'rabanan* but is treated far stricter. Consequently carrying is a far better solution.⁴

Vort on the Parsha

And when you come to land... (23:10). The *Meshch Chochmah* explains that *Hashem* did not want His people to lose sight of spirituality when working the land and thus invested *mitzvos* at every stage.

At the onset of the harvest we are commanded to bring *korban ha'omer*. During the harvest we are commanded to leave *leket* for the poor. At the conclusion we are commanded not to totally harvest the field and leave the *pe'ah* for the poor. This ensures that throughout the harvest our sights are focused heavenwards at all times. These *mitzvos* were particularly chosen to instill mercy and charity, which will bring the Jew to complete happiness and the ultimate closeness to *Hashem*.

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² *Simon* 278:3.

³ *Kesef Mishne* on *Rambam* 1:7.

⁴ See *M"b simon* 278:1.

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If you would like to send a question to Rav Ostroff, you can write to him at shabbosweekly@shemayisrael.com.

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*.