

PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

# Hilchos Shabbos Shiur 43

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## Questions On Shiurim

### Question

Is a *g'raf shel re'i* a blanket *heter* to remove any type of *muktzeh*?

### Answer

Yes it is. Once a *muktzeh*, regardless of the type, has been classified as something repulsive, it may be removed under the blanket *heter* of a *g'raf shel re'i*.

### Question

p.270 "Nylon Plastic and Rubber" whether soft or hard these items seemingly are completely nonabsorbent. Even if they are soft why should there be any *chumra* not to wash them? Also further on the same page about pacifiers - -what is the discussion about dirt that penetrated into the pacifier? With leather I understand that soft leather is much more absorbent than hard leather.

### Answer

From the actuality that rubber gets dirty, it is a sign that rubber absorbs, and therefore is comparable to leather. Glass, on the other hand, does not get dirty. (I am just using it as an example, nothing to do with *libun*).

### Question – Challenge

302:10 *Bi'ur Halacha* “*delo amrinan*” - The *M”B* explains that soaking the diaper in water when the whole intention is to have something for the baby to sit on when washing the baby, is in the category of *melacha she'ain tzricha l'gufah* and therefore only an *issur d'rabanan*. *M”B* 55 says that putting water on a cloth that has urine in it is a question of *davar she'eino miskaven* and since it is a *p'sik reisha* it is *ossur*! Why are the two cases different?

### Question

Since one is careful not to do anything other than prayer and learning with *sifrei kodesh*, and they are designated a certain place for safekeeping, why are they not *chisaron kis*?

### Answer

A *heter* item that is used on Shabbos cannot be *muktzeh* from the actual definition of *muktzeh*. *Muktzeh* means to remove the use of an item from one's mind. Since this item is used on Shabbos, it cannot be *muktzeh*.



## MUKTZE ON SHABBOS

*Simon 308:3*

*A K'li She'mlacho L'issur*

**3 It is permitted to move a k'li 5) she'mlacho l'issur, (6) if it was used during twilight for an issur, for example a lamp that was lit, (1) see above simon 279), either in order to use the k'li, for example to use a goldsmith's or blacksmith's hammer to crack open nuts, or an axe to cut dates, or to use its place, i.e. one needs to use the place the k'li is occupying. One is permitted to remove it from there and 7) place it wherever he wants. 8) However from the sun to the shade, i.e. if he is only moving it to prevent it from getting broken or from getting stolen, it is forbidden to move it.**

RAMA It is only forbidden to move muktze, but touching without moving is permitted. Therefore it is permitted to touch the cabinet in shul on which the candles are placed, or the stove with fire within, and it is permitted to remove a non-muktze item that is placed on top of muktze. It is also permitted to move a muktze through blowing it, as it is only moving the muktze *keilachar yad* (backhandedly) and is therefore not called moving.

### A K'li She'mlacho L'issur

This is an article used primarily for doing an activity that is forbidden to do on Shabbos, e.g. using a hammer for hammering nails into a board etc, which is forbidden because of *boneh* or *makeh b'patish*, and only seldom used for cracking open nuts.

Shabbos 124a

The *Mishna* in *Shabbos* 124a says:

*All items may be moved when necessary and when not necessary, Rabbi Nechemiyah says that they may only be moved when necessary.*

The *gemora* brings a *machlokes* between Abayei and Rava as to the explanation of this *Mishna*, and since the *halacha* is in accordance with Rava, we will bring his explanation.

A *k'li she'mlachto l'beter*

*Muter*<sup>1</sup> when necessary – *l'tsorech gufo* and *l'tsorech m'komo*.

*Muter* when not necessary – moving from sun to shade for protection.

A *k'li she'mlachto l'issur*

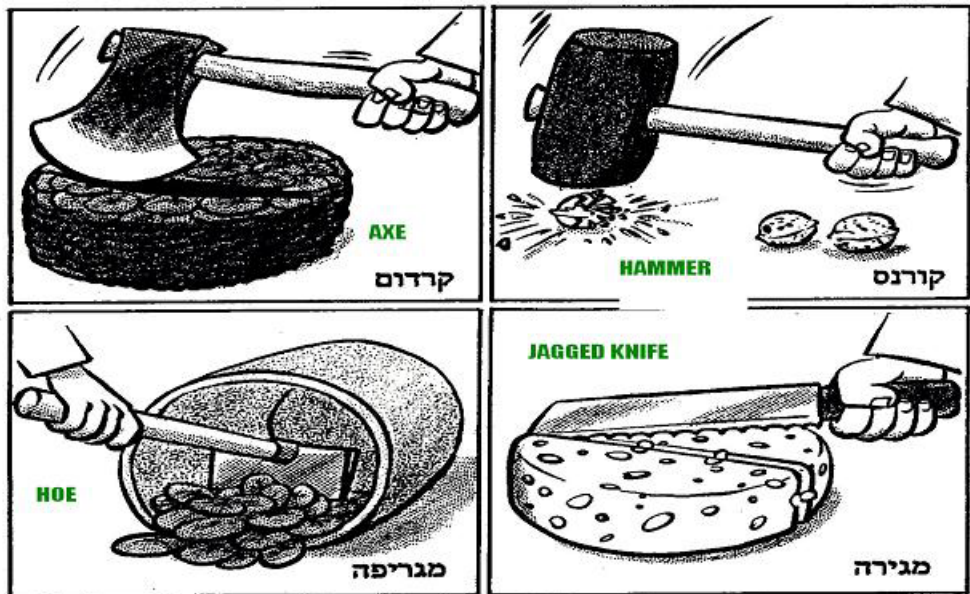
*Muter* when necessary – *l'tsorech gufo* and *l'tsorech m'komo*.

*Ossur* when not necessary – moving from sun to shade for protection.

**Explanation**

*L'tsorech gufo* is obviously considered moving necessarily because the actual *k'li* is used. *L'tsorech m'komo* is considered moving necessarily because one needs to use the place of the *k'li*. Moving from sun to shade is considered moving unnecessarily because there is no beneficial use of the *k'li* or its place on Shabbos; it is moved for the sole protection of the *k'li*.

The *Mishna* in *Shabbos* 122b enumerates various items that are *muktzeh* and may be used *l'tsorech gufo*:



A hammer to crack open nuts; an axe to cut hard dates; a jagged knife to cut cheese; a

<sup>1</sup> To handle and to move.

hoe to scrape the dates from the barrel. All these items may not be used on Shabbos for their intended use; nevertheless they may be used for permitted purposes.

## Topics Mentioned In This Se'if

1. *L'tsorech gufo* – always *muter*?
2. *L'tsorech m'komo* – unpleasant, embarrassing?
3. *A k'li she'mlachto l'issur* with no permitted use.
4. It is already in one's hand.
5. *Titul b'gufo* – moving *muktze* with one's body.
6. From sun to shade.

## L'tsorech Gufo – Always Permitted?

A common scenario is when one wants to use a screwdriver to pry open a jar or tin, or a hammer to crack open some nuts, but one can also do the job by using a knife to pry open the jar, and a (misplaced) nutcracker to crack open the nuts. In such a case, is the hammer *muter* to use *l'tsorech gufo*, or may he only use the nutcracker, which is a *k'li heter*?

The *M'B* 12 stipulates the use of a *k'li she'mlachto l'issur* when no suitable permitted *k'li* is available.

One may then ask, what if the neighbor has a nutcracker, am I obligated to borrow his? Or what if the nutcracker is misplaced and it will take time and effort to find?

The answer is that since the *k'li she'mlachto l'issur* is available and the *heter k'li* is not, one may use the *k'li she'mlachto l'issur*. It is only when both are readily available and accessible is one required to use the *heter* and not the *issur*.

Also, the *Be'er Moshe* (the *Debreziner Rov*) in vol. 8 brings, according to his opinion, ten *poskim* who say that a *k'li she'mlachto l'issur* may be used regardless. One should nevertheless follow the *M'B*.

## L'tsorech M'komo – Unpleasant, Embarrassing?

Moving a *muktze l'tsorech m'komo* means that one needs to use the place the *muktze* is occupying. What is the *halacha* if one does not actually need to use the space, rather the

*muketz* is in the middle of the lounge or on the dining room table and guests are expected? <sup>2</sup>

Imh"o <sup>3</sup> one can bring a proof from the *G'ra* in *Yore Deab simon* 266:2, where he explains the reason for being allowed to place a *k'li she'mlachto l'issur* (after being moved *l'tsorech gufo* or *m'komo*) wherever one wants since that is also called *l'tsorech*. In other words, after one has used a hammer to crack open nuts and the hammer is still in one's hands, it may be placed wherever I want it. The *G'ra* explains the reason I may place it where I want is because it is a *tsorech*, which obviously means similar to *tsorech gufo* and *m'komo*. So too when moving a *k'li* because its present position is bothering me, it is also called *l'tsorech m'komo*.

Rav S.Z. Auerbach, brought down in the *Shulchan Sh'lomo* (308:12), is uncertain as to the *halacha* in this case, but it is written there that the *Rav* had told people that it is classified as *l'tsorech m'komo*, because one **wants the place not to be occupied**. (From sun to shade is *ossur* because it is for the sake of the *k'li*, here I am moving it for **my** sake).

I am pleased to say that I have just come across a *T'shuva* by the name of *Mishnas Ya'akov* who permits it, and you may find a copy of it at the end of the shiur.

## A K'li She'mlachto L'issur That Has No Permitted Use.

We find a *machlokes Rishonim* between the *Ba'al Hama'or*<sup>4</sup> and the *Rashba* as to whether a *k'li* that cannot be used on Shabbos *l'tsorech gufo*, may be moved *l'tsorech m'komo*. In other words, if a *k'li* has no permitted usage on Shabbos, may it be moved *l'tsorech m'komo*, or does it gain a status of a more severe *muketz* that cannot be moved at all.

Some want to bring proof that the *M"B* 34 is *maikel*, because he says that a wax candle is a *k'li she'mlachto l'issur*. Now, a wax candle does not have any permitted use on Shabbos, and nevertheless he termed it a *k'li she'mlachto l'issur*. Rav Shlomo Zalman Auerbach <sup>5</sup> refutes that proof saying that there was a certain use for wax candles other than for its light.

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<sup>2</sup> See also the *Machzeh Elyahu simon* 46.

<sup>3</sup> In my humble opinion

<sup>4</sup> On the *Rif* page 66b-67a, and the *Ramban (milchamos)*.

<sup>5</sup> *Shulchan Shlomo* 9-b

Rebbi Akiva Eiger, at the end of *simon* 266 <sup>6</sup> explains *Tosefos* on the lines of the *Machmirim* in this issue. Rav Auerbach's conclusion is to be *machmir* and not classify such a *k'li* as a *m'lachto l'issur*, but when very necessary, one may consider it a *k'li she'mlachto l'issur*, and even then it is preferable to move it with one's body.

More sources: *Tebila l'dovid* 308:8, *PM"G Eisbel Avraham* 308:12, *SS"K* 20:6, footnote 15, *SS"K* vol. 3 page 32 (in the small print).

## It Is Already In One's Hand.

If one has time (or can make time), this section is a worthwhile investment. We will try and summarize the various opinions, but if possible, open the relevant *seforim* in order to appreciate the different commentaries to their fullest.

Tosefos Beitza 3b

*Tosefos* prove that if a *k'li she'mlachto l'issur* was picked up either to use it or the space it is occupying, it is *muter* to place it wherever one wants.

Maggid Mishne

The *Maggid Mishne* (25-5) says that after the *k'li* has been used, it does not have to be dropped from one's hand, rather it can be placed wherever he fancies. See the *Bais Yosef* for more references.

Placing the *k'li* wherever one wants applies to a *k'li she'mlachto l'issur* that was lifted *b'heter*. What is the *halacha* if a) it was lifted *b'issur*, i.e. not for *gufo* or *m'komo*, b) does this *heter* apply to other types of *muktze*? We find different opinions in this matter:

### Magen Avraham – Even B'shogaig

The *M"A* 7 says that even if one lifted a *k'li she'mlachto l'issur b'shogaig*, one may place it wherever he wants. His *p'sak* is based on the understanding that placing the *k'li* wherever is **not** as a result of carrying it *b'heter*, i.e. since *Chazal* allowed one to carry the *k'li* when necessary, they obviously would not have made him drop it as soon as he is finished with it; rather it is a leniency with all *muktze* items,<sup>7</sup> that once they are in one's hand, they may be placed wherever the person wants. The *M"A* concludes that one should see his annotations on the *Rama* in *simon* 266.

Rama simon 266

The *Rama* (266:12) says:

*If one forgot to untie his wallet before Shabbos; if he is at home, he may walk to his room and let it drop over there.*

<sup>6</sup> Words beginning "elab"

<sup>7</sup> Even though this *M"A* does not address the point of other *muktze* items, we will see from the *poskim* who disagree with him, that the *M"A* understands that it is a blanket leniency for all *muktze* items.

### Mogen Avraham

The *M" A* 266:19 explains that since it is already in his hands, he may place it wherever he wishes. This is a case of carrying *b'issur*, because that person has no right to have his wallet on himself when Shabbos arrives, and nevertheless the *Rama* writes that he may continue walking with the wallet and place it in his room.

### Tosefos Shabbos

The *Tosefos Shabbos* (266:29) argues with the *Rama* and says that the *beter* of continuing with the *muktze* in one's hand only applies to a *ke'li she'mlachto l'issur*, which has a *beter* of *l'tsorech gufo um'komo*, but money, which is *muktze machmas gufo* and does not have the *beter* of *l'tsorech gufo um'komo*, may not be placed wherever one wishes.

### Even Ha'ozar<sup>8</sup>

The *Even Ha'ozar* (266:12) also says that a regular *muktze* must be dropped from one's hand, but offers an explanation as to why the wallet is *muter* to continue with to one's room.

### The Vilna Gaon – B'heter

The *G'ra* (266:12) says that only when the *muktze* is picked up *b'heter* is one permitted to place it elsewhere, but the wallet, which was picked up *b'issur*, one has to drop it and may not continue with it. The *G'ra* understands that if *muktze* is in one's hand from before Shabbos, it is called *b'issur*. Accordingly, any *muktze*, even a *ke'li she'mlachto l'issur*, if was picked up accidentally, is also called *b'issur*.

In *Yore Deab*, apropos the *sugya* of a *Mobel* placing the *Milah* knife in a safe place after the *Bris*, the *G'ra* (*Yore Deab* 266:3) explains this concept thus: “a *ke'li* which may be moved *l'tsorech gufo um'komo*, may also be placed wherever the person wants, because that is also considered *l'tsorech* – a necessity. Other items, which one may not move *l'tsorech gufo um'komo*, may not be carried subsequent to use”. Here he did not mention being lifted *b'heter* as a criterion.

### The G'raz

The *G'raz* in *simon* 308:13 first brings the opinion of the *M" A*, saying that if any *muktze* was lifted unintentionally it may be put wherever the person wants to put it, and then quotes the opposing opinions who only permit it with a *ke'li she'mlachto l'issur* unless a monetary loss is involved.

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<sup>8</sup> Can be found at the back of a regular *Shulchan Oruch* or *Tur Shulchan Oruch*, before the *P'ri Megadim*.

In *simon* 266:19 he explains the *Rama's heter* to continue with the wallet because it is *tiltul b'gufo* – moving the *muktze* with one's body, which is not considered *tiltul* at all. In other words he would hold that one would have drop the *muktze* from one's hands.

### The Mishna Berura

The *M"B* 13 initially brings the *M"A* but then quotes both *chumros*, the opinion that it only applies to a *ke'li she'mlachto l'issur*, and the opinion that only if it was picked up *b'heter*.

#### HALACHA

Since we follow the *M"B*, only an item that was lifted *b'heter* and is a *ke'li she'mlachto l'issur* may be put wherever one wants.

### Tiltul B'gufo

This subject is pertinent to all *muktze* items. When *Chazal* instituted the *issur* of *muktze*, did they include moving *muktze* with one's body, or only moving the article in its appropriate manner? For example: moving *muktze* with one's foot, elbow etc. even for the sake of the *muktze*. Let us view a few cases:

You are walking in the street and you see some money, are you permitted to move the money out of site (where there is an *eiruv*)?

One sees a *muktze* item at home, and to prevent it from getting damaged, you want to push it with your foot under a bed.

### Mishna Berura

The *M"B* 13 says that pushing and moving *muktze* with one's body is not called *tiltul*, and if one sees an item on the ground which is *muktze*, one may push it with one's foot to prevent it from getting damaged.

### Chazon Ish

The *Chazon Ish*<sup>9</sup> disagrees with the *M"B* and forbids it, comparing moving with one's body to moving with one's hands. Their argument is based on a *machlokes Rishonim*, which *B"H* we will explain elsewhere.

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<sup>9</sup> Simon 47-12

For a beautiful discussion on this matter, you are invited to learn what Rav Shlomo Zalman Auerbach wrote about it, printed at the back of the *Sh'miras Shabbos Kehilchasa* (before the index).

## Examples Of A K'li She'mlachto L'issur

There are many examples as to what a *k'li she'mlachto l'issur* is, and plenty to discuss. I suggest the chabura come up with some interesting ideas or questions; we will post them for debate, and see what the *poskim* have to say about them.

See page 300: This *t'shuva* (found on page 18 at the back of the new *Tur Shulachan Oruch*) begins with the words: *Tsarich iyun im einu tsarich...*

להשתמש באותו כלי רק מכוער הבית כמה שאותו הדבר הוא שם אי שרי  
 דהוה בכלל צריך למקומו, או אמרינן דוקא היכי שצריך להשתמש שם שרי  
 אבל היכי שצריך רק שיהא המקום בלי שום כלי שם לא הוי בכלל צריך  
 למקומו. וי"ל דזה גופא שהבית יהא נקי אין לך תשמיש גדול מזה. ועי' רש"י  
 שבת דף קכ"ב סוף ע"ב ד"ה לצורך גופו כתב שם אבל לפנות מקומו אין  
 מטלטלין עכ"ל, הוי דקרי הך דצורך למקומו שצריך לפנות המקום שיהא  
 המקום פנוי ולא כתב להשתמש שם, א"כ מרש"י מוכח בהדיא גם בכה"ג  
 שצריך רק לפנות המקום הוה בכלל צריך למקומו. ונראה מדנקט בסיפא רק  
 מחמה לצל או שמא יגב אסור, משמע דכל שיש איזה הנאת גופו של אדם  
 שרי, וא"כ כשרוצה שיהא נקי הבית הנאת גופו של אדם הוא ושרי. וכן נראה  
 ברמב"ם פכ"ה (סוף ה"ג) דרך בשביל עצמו של כלי אסור הטלטול עיי"ש,  
 וא"כ בכה"ג דהטלטול אינו בשביל עצמו של כלי שרי, וכן כל מיני הנאה  
 שיארע לאדם ע"י טלטול מוקצה ואינו לצורך הכלי שמתלטל כעת שרי  
 כנלע"ד, וכן נראה מתוס' שבת דף ל"ו ע"א ד"ה הא ר"ג שכתבו דקערות אחר  
 שאכלו בהן דדרך להסירן כל שעה חשיב צורך מקומו תשמיש המיוחד לו,  
 נראה יען דצריך להסיר משם הקערות לאחר שאכל הוה צריך למקומו. והה"ג  
 מ' חיים אברהם ר"פ ד"ל העיר ממג"א סימן שי"א סק"ד דטלטול מן הצד  
 במת מותר לצורך כהנים דלצורך מקומו שרי טלטול מן הצד במת עיי"ש, והא  
 א"צ למקומו רק רוצה שיהא המקום פנוי מהמת דזה נקרא צריך למקומו:  
 (משנת יעקב)

## From Sun To Shade

In the *gemora* mentioned at the beginning of the shiur Rava said that a *k'li she'mlachto l'issur* might not be moved from the sun to shade. In other words, a *k'li* may only be moved for the person's sake, whether it is to use the *k'li* or whether it be to use the place of the *k'li*, but to move it for the sake of the *k'li* is *assur*.

The rest of the *Rama* see with *M"B*, and *B"H* we will discuss it elsewhere.

## Review Questions

1. When is one permitted to move a *ke'li she'mlachto l'heter*?
  2. When is one permitted to move a *ke'li she'mlachto l'issur*?
  3. Name a few examples where is a *ke'li she'mlachto l'issur* is used for a *beter*.
  4. If a knife is available, may one use a saw?
  5. Give an example of *l'tsorech m'komo*, and is it *muter* if one wants to move the item to prevent an embarrassment or for the sake of tidying the house?
  6. May one handle a *ke'li she'mlachto l'issur l'tsorech gufo* if it has no permitted use on Shabbos?
  7. After one has used a hammer, where is one permitted to place it?
  8. If a screwdriver was picked up accidentally, is it permitted to put it back into the toolbox?
1. Is it permitted to push *muktze* (stones, money) with one's foot?