

PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

# Hilchos Shabbos Shiur 44

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Rehov Beit Vegan 99, Yerushalayim 02.644.6376  
164 Village Path, Lakewood NJ 08701 732.370.3344 fax 1.877.Pirchei (732.367.8168)

## Questions On Shiurim

### Question

Is it *muter* for someone for whom an article is only a *ke'li she'mlachto l'issur*, to move it *l'tsorech gufo um'komo*, but it belongs to someone else, for whom it is a *chisaron kis*?

### Answer

We find a *halacha*<sup>1</sup> which says that if an item is *muktzeh* for its owner who is wealthy, it is also *muktzeh* for a poor person, even though if it was his it would not be *muktzeh*.

### Question

I remember seeing somewhere that one may approach a shopkeeper on Shabbos and tell him in a permitted manner to provide one with merchandise on Shabbos. What type of merchandise are we referring to?

### Answer

Your source is *simon* 323:1-4, where we find that one may ask a shopkeeper to give him **food** on Shabbos, in a permitted manner.

### Question

Is it permissible to take mud or dust off shoes on Shabbos – because the dust is not absorbed and embedded into the garment? If so, do we have to do so in a backhanded manner?

### Answer

You are correct; one may remove dust and mud from shoes because it is not absorbed into the shoe, and it does not have to be done in a backhanded manner.

### Question

Is it permissible to remove a “tag” from a garment that went to the cleaners?

### Answer

One may remove it on Shabbos, as the garment is not soiled or dirty because of it. As for handling the tag, it is probably similar to removing a feather from a garment, which according to the *Chazon Ish* is permitted to do, even if the feather is *muktzeh*.

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<sup>1</sup> *Simon* 308:52.



## MUKTZE ON SHABBOS

*Simon 308:4-6*

*A K'li She'mlachto L'heter*

*Broken Items*

**4 It is permitted to move a k'li 9) she'mlachto l'heter even if one is only moving it to prevent it from getting broken or stolen, but to move it for (2) no purpose at all is forbidden. It is permitted to move 10) holy writings and food for no purpose at all. RAMA** *Tefillin should only be moved when necessary. It is forbidden to move a shofar unless for the sake of using it or for using its place.*

**5 There are (4) opinions who permit moving a k'li she'mlachto l'issur even from the sun to shade by placing 13) bread or a baby on top of it.**

**6 It is permitted to move the shards of broken 14) keilim, (5) even if they broke on Shabbos, as long as they are usable, such as the shards of a bowl to 15) cover a barrel, pieces of glass to cover a jar. But if they are of no use they may not be moved.**

*RAMA* *If they broke in a place where they can cause harm, for instance glass that broke on a table or in a place where people walk, it is permitted to move the broken pieces out of the way as to prevent people from getting 16) harmed by them.*

### A K'li She'mlachto L'heter

Based on the *gemora Shabbos* 124a, according to Rava's explanation, it is *muter* to move a *k'li she'mlachto l'heter* even for the sake of the *k'li*, i.e. to prevent it from getting damaged or from getting stolen.

The *Me'iri* explains that preventing damage to a *ke'li* is also a necessity, although not to use the actual *ke'li*, but to prevent a monetary loss. Accordingly, to move a *ke'li* for no reason at all is forbidden.

### A K'li She'mlachto L'issur And Heter

The *M" A* 9 equates a *ke'li she'mlachto l'issur v'heter* to a *ke'li she'mlachto l'heter*, in other words a *ke'li* used for a heter and for an issur has a status of a *ke'li she'mlachto l'heter*. The *P'ri megadim* explains that it means that the major use is for *heter*.

**A Pot** The primary use of a pot is for cooking, and as such it is a *ke'li she'mlachto l'issur*. However, as long as the food is inside the pot, it is *tafel* – subordinate to the food and has the status of the food. Once emptied, it returns to its original status and is only permitted to be moved *l'tsorech gufo um'komo*. The *Bi'ur Halacha* <sup>2</sup> says that it may however, be put away (even when it not needed *l'tsorech m'komo*) because it becomes like a *g'raf shel re'i* – something nauseating, which may be moved. See *M" B* 20.

## Moving For Nothing

The *Bais Yosef* quotes the *Maggid Mishne* (25-3) saying that it seems from the *Rambam* that one may not move a *ke'li* for nothing. Moving the *ke'li* for protection is permitted; moving for no reason is not. See the *Bais Yosef* for other *Rishonim*.

### Mechaber

The *Mechaber paskens* accordingly, and the *M" B* 21 adds (based on *Taz* 2) that moving for use later in the day, is called moving for a need. Accordingly, a person may not fidget with a *ke'li* because he is moving things for no apparent reason. If however, one fidgets to calm one's nerves, it is termed a necessity and is *muter*.

## Holy Writings And Food

Exclusion to this law is holy books and food, which may be moved for no reason at all. Since these items are continuously used on Shabbos, they were not included in the *issur* of moving *keilim*. The *M" B* 23 adds that all the common *keilim* used during a meal: cups, knives (and forks), plates etc. are also permitted to be moved for no reason.

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<sup>2</sup> Words beginning “*ke'li*”

### Tefilin

The *Rama* says that one may move *tefillin* when necessary. We find opposing opinions amongst the *poskim* whether it means that it has a status of a *k'li she'mlacho l'issur* and may only be moved *l'tsorech gufo um'komo*, or of a *k'li she'mlacho l'beter*, and may be moved even for the sake of the *tefillin*. See *M"B* 24.<sup>3</sup>

### A Mezuzah

The *M"B* in *simon* 307:63 says that a *Gett* (divorce certificate) is not *muktze* because one can learn the *halachos* of a *gett* from it; accordingly a *mezuzah* is the same if not better (one can read *k'rias shema* from it). On the other hand, one is *makpid* with a *mezuzah*. See *SS"K* 20 footnote 33. So it is not clear what status a *mezuzah* has.

### A Shofar

The *Rama* says that a *shofar* is a *k'li she'mlacho l'issur* and as such may be moved *l'tsorech gufo um'komo*. However, that is based on the assumption that 1. It had a secondary function as a drinking cup. 2. It was not very well looked after or set aside.

Since today's *shofar* is not used for anything else, in effect we return to the problem of a *k'li she'mlacho l'issur* that has no permitted function. Also, a *shofar* blower does not leave his *shofar* lying around, and therefore the *shofar* might have a status of *muktze machmas chisaron kis*.

## Using Bread Or A Baby

This subject is dealt with in *simon* 311:1. The idea behind it is that by placing a *beter* on top of a *muktze*, [any *beter* counts, not only bread or a baby (*M"B* 26), and it applies to every *muktze*<sup>4</sup> (Rebbi Akiva Eiger)], it appears as if you are carrying the *beter*, not the *muktze*.

*M"B* 26 says that this *beter* is not to be used, as it is a leniency instituted for carrying dead bodies, and nothing else. In the *Sba'ar Ha'tsiun* 24 he says that the *G'raz* holds that when a great loss is involved, this opinion may be relied upon.

<sup>3</sup> I heard of a certain boy before *Bar Mitzva*, who did not have time to come to the *rav* during the week in order to learn how to wear *tefillin*, and the *rav* told him to come on *Shabbos* and put on the *tefillin*. Technically he is correct, because one may handle the *tefillin* *l'tsorech gufo*, but I am not sure that it is politically correct.

<sup>4</sup> Although this point might be a *machlokes*.

## Broken Articles

The *Mishna* in *Shabbos* 124b brings a *machlokes* between Chachamim and R' Yehuda as to whether broken pieces of *keilim* that are fit for use, but different from their previous use, are *muktze* or not. Chachamim hold not and R' Yehuda holds yes.

The *gemora* concludes that their *machlokes* applies to *keilim* which break on Shabbos, but as for *keilim* which broke before Shabbos, R' Yehuda agrees with the *Chachamim* that they are not *muktze*, because they have been prepared for their new role before Shabbos.

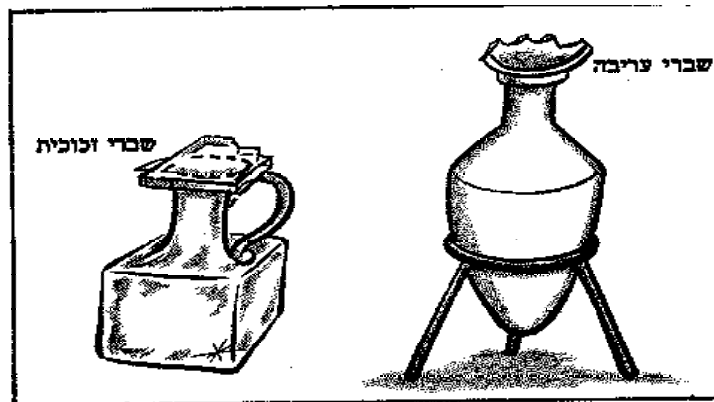
### Nolad

R' Yehuda's reasoning is because of *nolad* – newly born, a new item. Everybody agrees that a perfect *nolad* is *muktze* on Shabbos, similar to water condensing on a window, which is a completely new item and was not in existence in this form beforehand. The argument is about articles that have altered their appearance and therefore are no



longer capable of doing what they did before.

According to Chachamim: used for anything



According to R' Yehuda: must be able to be used in a similar fashion.



### Chachamim

Chachamim say that the broken pieces are not *muktze* because they are 'ready' for their new task. *Rashi*<sup>5</sup> explains that it is not *nolad* because the articles are prepared for all kinds of work. *Rashi* can be understood to mean that one need not view a *k'li* as performing a specific task, rather that a *k'li* can be used per se, therefore even when its primary use changes, it is still in the same category. The *Bais Yosef* brings that the *Rishonim pasken* like Chachamim.

### Two Understandings

The *Mechaber* in *Hilchos Yom Tov*, *simon* 495:4 says that even though *muktze* is permitted on Shabbos (a statement which requires an explanation), on *Yom Tov* it is not. The *Rama* adds to this that nevertheless, *nolad* is *ossur* on Shabbos, (which in itself is a *machlokes*, see *M"B* 495:17); this however is the *Rama's* position.

### Magen Avraham

The *M"A* 14 and 15 brings *nolad* into the picture, and says that he will make a note wherever *nolad* is pertinent. When referring to what the *Mechaber* says: that shards of a bowl can be used to cover a barrel, which obviously is a change in identity, the *M"A* 15

<sup>5</sup> Words beginning "Mar sava"

says that according to the opinion who is *machmir* on *nolad* on Shabbos, this is *nolad*, and as such the *k'li* will only remain *muter* if the shards can be used for work similar to what they did before.

**Taz** The *Taz* 5 says that Chachamim understand that as long as the *k'li* can still be used, even if not in the previous manner, it is not *nolad* at all, and as such has nothing to do with the *machlokes* whether *nolad* is *muter* on Shabbos or not. Many *Achronim* are of this opinion, namely, the *Bach*, *Elya Raba* 15 and *Tosefos Shabbos* 26. The *Bi'ur Halacha* <sup>6</sup> seems to support this position.

<sup>G'raz</sup> The *G'raz* 24 and 25 supports the *M"A* (as often the case), and although he terms the broken pieces as *nolad*, he differentiates between perfect *nolad*, which is *ossur* on Shabbos, and this type of *nolad*, which is *muter* on Shabbos and *ossur* on Yom Tov. <sup>7</sup>

#### SUMMARY

The *M"A* and *Taz* argue as to whether a broken *k'li* which functions differently from its original function, is in the category of *nolad* or not. The difference being whether it falls into what the *Rama* says in *Hilchos Yom Tov* that *nolad* is *ossur* on shabbos.

#### Today

We must not forget that in day's gone by, pot and bowl coverings were hard to come by and people had to make use with all kinds of things. Today that we have cling foil, aluminum wrap etc, when a *k'li* breaks, in most cases it is designated to be thrown in the bin.

Accordingly, the *Sh'miras Shabbos Kehilchasa* 20:21 says that a *k'li* that is normally discarded is *muktze*, even if it could be used for something else.

## In Harm's Way

The *Rama* concludes this *se'if* with a leniency as regards to *muktze*, (others might call it a stringency with regards to one's health), that if the shards are hazardous to one's being, they may be lifted and moved out of harms way.

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<sup>6</sup> "Leshum melacha"

<sup>7</sup> To complement the subject, see *M"B* 501:22, and *Sha'ar Ha'tsiun* 28 and 29.

See *M" B* 30 that if they are clay pieces, they may not be moved as it is rare for clay to be a source of harm. Nevertheless they may be moved out of the way with one's foot.

Accordingly, when something breaks and it is hazardous, it may be moved with one's hands. If one is in doubt as to whether it is indeed harmful, it is a good idea to use a broom and pan, which in most cases is totally permissible even with pure *muktze*. It is a subject which we will *B"H* learn in the future.

## Review Questions

1. Name three reasons for which one may move a *ke'li she'mlachto l'heter*.
2. What status does a *ke'li she'mlachto l'issur* and *beter* have?
3. Is it permitted to handle a *ke'li she'mlachto l'heter* for no reason at all?
4. Is a pot *muktze*?
5. If a pot is on the counter, and I need to use the space it is occupying, may I move it out of the way? If yes, may I put it wherever I want?
6. Is it permitted to move a *sefer*, ice cream, a plate, for nothing?
7. Is *tefillin* *muktze*? Is a *mezuzah* *muktze*?
8. What status of *muktze* does a shofar have?
9. Is it permitted to place a piece of bread on a hammer in order to bring the hammer in from outside?
10. What is the *machlokes* between Chachamim and R' Yehuda?
11. Name two types of *nolad*.
12. Are broken shards that can be used for other functions under the category of *nolad* (*M"A* and *Taz*)?
13. What is the *halacha* with regards to broken *keilim* which are usually discarded?
14. Is one permitted to move broken glass out of harm's way?