

PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING PROJECT

# Hilchos Shabbos Shiur 62

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## Questions On Shiurim

### Question

I don't remember if we discussed this before but the *Bi'ur Halacha* at the end of *simon* 338 discusses a question of *mevatel k'li* by the case of a *neggel vasser k'li* (a bowl used for washing hands after rising in the morning). But did we not learn that if a *k'li* is set aside for that purpose there is no *issur* of *mevatel k'li* (page 202)?

### Answer

You are correct insofar as a bowl, which is not used for any other purpose, but if a bowl were used for other purposes as well, it would be a question of *bittul k'li*.

### Question

We challenged the chabura in shiur 60 as to whether *muktzeh* must be removed before Shabbos from a refrigerator door. A member of the chabura brought two beautiful proofs that one need not to. 1) We see in *simon* 277 that one may open and shut a door even though a candelabra is hanging from the door, and we do not find that one must *l'chatchila* remove it from the door before Shabbos. (If you know otherwise, let us know). 2) If challa and candles are on the table it is *muter* to move the table, and we do not find that one should not put candles on the table in the event that one knows that he will need to move the table. In any event, it is a *machlokes* amongst the *poskim* whether one should remove the *muktzeh* items before Shabbos.

### Challenge

I once heard a question as follows. At a simcha in a hall Friday night there was no place for some of the women to light Shabbos candles. So a few women lit them on chairs. Later after the meal, non-Jews came in to clean up and folded all the chairs and put them on the side. Shabbos morning the *Baal simcha* (host) had a problem that a few of the chairs were *basis l'davar ha'assur*, and since *muktzeh* is not *batel*<sup>1</sup> he cannot use any of the chairs!

I think that there are 3 solutions to this problem. *B'hatslacha*.

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<sup>1</sup> The *gemora* in *Beitzah* says that if a *muktzeh* egg got mixed up amongst other eggs all the eggs become *muktzeh* until after Shabbos.



## MUKTZE ON SHABBOS

*Simon 310:1-2*  
*Foul, Food Items*

**1 The stick which is used for hanging fish, even though it is extremely foul, is not muktze, because we (1) rule in accordance with R' Shimon who holds that muktze machmas mi'us is permitted.**

**2 No food item which is edible and picked (from a tree before Shabbos) is muktze on Shabbos, because dates, nuts and other fruits that are for sale may be eaten on Shabbos. Even planted 1) wheat seeds that have not yet taken root and eggs beneath a hen, may be handled. Also dates picked when not yet ripe and placed within baskets to ripen may be eaten before ripening.**

**However, figs and raisins placed in a room to dry are muktze on Shabbos because they reek before becoming dry, and because one knows that they will reek, he has taken his mind off of them, and when there are two factors: physically put aside and unfit, they are muktze. RAMA 2) Some say that there is no such thing as (2) preparing what belongs to a non-Jew, and therefore even dates and raisins belonging to him are permitted.**

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SIMON 310:1

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### Muktze Machmas Mi'us

Certain *keilim* become permanently sullied through use, which results in a *machlokes* between R' Shimon (Bar Yochai) and R' Yehuda (Bar Ilai) as to whether such a *ke'li* is *muktze* or not. R' Yehuda holds that since it is repulsive it is *muktze*. R' Shimon holds that in spite of its repulsiveness, since it can be used to cover a *ke'li*, it has a use and is not *muktze*. See the *Shulchan Aruch HaRav simon 308:2*.

The *Mishna Shabbos* 44a says that one may carry a new lamp (that was not lit this Shabbos), but not an old one (*Rashi* – because it is *muktze machmas mi'us*). R' Shimon says that all lamps may be carried except lamps presently lit. An oil lamp is a classical example of a sullied *ke'li*.

### Halacha

The *halacha* is like R' Shimon that it is not *muktze*. This ruling can be found on the gemora *Shabbos* 157a <sup>2</sup> where we find a *machlokes* as to whether the *halacha* is like R' Shimon in all aspects of Shabbos including *muktze machmas mi'us* or excluding *machmas mi'us*. The *Bais Yosef* brings *Rishonim* who say that whenever those particular *Amora'im* have a dispute, the *halacha* is according to the lenient one. Therefore the *halacha* is like R' Shimon even with regards to *muktze machmas mi'us*.

### Hanging stick

The *gemora Shabbos* 140b <sup>3</sup> says that a *talia d'bisra* may be moved and a *talia d'cavri* may not be. Various explanations were offered (see the *Bais Yosef*), and the one taken as the *halacha* is: a stick used for hanging meat is not *muktze* but the stick used for hanging fish is. The explanation being that since meat can be eaten raw, the stick does not become repulsive and therefore remains a *ke'li*. Fish are not eaten raw and therefore the fish hanging on the stick makes the stick repulsive, which results in it being *muktze machmas mi'us*.

The *Rishonim* say that this *gemora* is said in the name of Rav and Rav holds like R' Yehuda. We who *pasken* like R' Shimon, say that even the fish stick is not *muktze*.

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## SIMON 310:2

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## Food Items

As mentioned in the previous *se'if*, the *gemora* on *Shabbos* 157a says that with respect to Hilchos Shabbos, the *halacha* is like R' Shimon. There is yet another famous statement on *Shabbos* 45a <sup>4</sup> which says that R' Shimon holds that nothing is *muktze* except for (drying) figs and raisins. The *Bais Yosef* says that this seems to contradict many a *gemora* where we see that he does hold of *muktze*. The *Bais Yosef* deals in length with this issue, and says that one of the answers is to read that statement as follows:

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<sup>2</sup> 12 lines down.

<sup>3</sup> 6 lines down.

<sup>4</sup> 14 lines up.

R' Shimon holds that no **food item** is *muktzeh* except for figs and raisins. (*Rambam* 26:14). The *G'ra* also uses this form. In other words, R' Shimon agrees that there are other areas of *muktzeh* (*chisaron kis*, *machmas gufo* and others); it is only with food where he says that all foods are *muter* except for drying figs and raisins. We will soon explain why.

## Two Factors

Shabbos 45a

The *gemora Shabbos* 45a relates that *Reish Lakish* asked R' Yochanan whether R' Shimon would agree that wheat seeds planted in the ground would be *muktzeh*. The reason being that wheat seeds were *dachyei b'yadayim* – pushed away with one's hands, meaning that one has physically done an action to further them away from one's use as opposed to mental resignation from using something.

R' Yochanan replied that R' Shimon's categorization of *muktzeh* only includes items similar to a burning oil lamp.<sup>5</sup> The *gemora* then says in the name of Shmuel that R' Shimon holds that only figs and raisins are *muktzeh*. *Tosefos "Ela"* points out that R' Yochanan agrees to this last statement as well, because *Rebbi* also agrees with it.

### Two factors

*Rashi* on 45b "*ela*" says that figs and raisins are unique because two factors are applied:

- 1) Physical rejection
- 2) Inedible/unusable.

A short while after placing figs and grapes on the roof to dry, they become inedible, (*Rashi* 45a "*ela*") and one duly takes his mind off eating them. R' Shimon holds that since these two factors are involved, the item becomes *muktzeh*. Firstly they were physically put aside and secondly, they become inedible.

Wheat seeds, on the other hand, do not become inedible through planting, and although they were "put aside"; one factor is not sufficient to make it *muktzeh*.

### A Lighted Lamp

As mentioned above, R' Shimon in the *Mishna* 44a holds that only a lamp **while it is alight** is *muktzeh*. In other words, after it has extinguished it may be moved (like any other *ke'li she'mlachto l'issur*). The *gemora* there explains that this refers only to a lamp lit with a little amount of oil, but if lit with a large amount of oil, even R' Shimon agrees that it is *muktzeh*.

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<sup>5</sup> This will soon be explained.

The difference being that one knows that the small lamp will extinguish **on** Shabbos, thereby enabling the owner use of it on Shabbos, so in fact he had never taken his mind off it. Whereas the large lamp **was not** expected to extinguish on Shabbos, thereby not enabling its use on Shabbos. In the latter case the owner has incorporated the two factors: 1) physically putting it aside (by lighting it), 2) not being able to use it as long as it is alight. Therefore, even if the large lamp would extinguish prematurely, it would remain *muktze* because of these two factors.

### Migo d'itkatsoi

It is important to know that R' Shimon does not hold of the law of *migo d'itkatsoi l'bein hashmashos – itkatsoi l'kelei yoma*, which means that something that was *muktze* at the beginning of Shabbos remains *muktze* for the entire Shabbos, even after the reason for the *muktze* is non-applicable. Therefore he holds that the small lamp is not *muktze* after it has extinguished, whereas we hold according to the *halacha*, that even after it has gone out it is *muktze* because of *migo d'itkatsoi*.<sup>6</sup>

The *Bais Yosef* brings various cases in the name of R' Shimon, all the while applying the above rule (two factors) to explain why in certain cases items are *muktze* and why in others not. In the *Mechaber* he follows the same pattern, as we will soon see.

## Mechaber

No food item...

The opening words of the *Mechaber* – “no food item etc” are quoted from the *Rambam*, as annotated by the *G'ra*, as a reply to the question mentioned above, that R' Shimon does hold of *muktze* in various areas. See the *G'ra* inside.

The *Mechaber* lists the various food items and the reasons why they are not *muktze*, excluding figs and raisins.

### Merchandise

Merchandise consisting of fruits and vegetables may be eaten on Shabbos even though they are reserved for sale and not for personal use. The *M" B* 4 explains that one always has in mind the option that the food may be eaten, even though it is merchandise. The *M" B* does not even term merchandise as *dichui b'yadayim*.

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<sup>6</sup> In *simon* 279:4 the *Mechaber* says that since one KNOWS that the lamp will eventually go out, one may make a “condition” before Shabbos that after the flame goes out, the lamp will not be *muktze*. The *Rama* says that others say that one cannot make a “condition”, and such is the custom. Even according to the *Mechaber*, this will not help for something that is not about to change on Shabbos, see *M" B* 11.

### Planted Seeds

Seeds that have not yet taken root are not *muktze* and may be eaten. Although one of the two factors is present, namely – *dichui b'yadayim*, as the seeds were physically put aside, but since they are edible, they are not *muktze*.

M<sup>A</sup> The M<sup>A</sup> 1 asks that we see by a lamp in *simon* 279:1 that even after the flame has gone out, nevertheless the lamp remains *muktze* for the entire Shabbos, so why here is it different? He answers that the lamp was *muktze* during *bein hashmashos* and therefore it remains *muktze* for the entire Shabbos. The *P'ri Megadim* (*Eshel Avraham* 1) explains him to mean that the lamp was both put aside and unusable during *bein hashmashos*, thereby rendering itself *muktze* for the rest of Shabbos, whereas the seeds were edible.

Taken Root The M<sup>B</sup> 7 explains that if the seeds had taken root, it would be *ossur* to remove them from the ground because of the *melacha* of Reaping.

Uncovered M<sup>B</sup> 6 mentions a *Me'iri* saying that if the seeds were covered with soil, even if edible, they are *muktze*. This is because in *simon* 311:8 the *Mechaber* says that a turnip may be extracted from the ground if put there with the intention to **store** it and not to **plant** it. Since in our case the seeds were **planted** and not **stored** they should be *muktze*. Therefore the *Me'iri* says that if left uncovered they do not become *muktze*. B<sup>H</sup> we will deal with this again in *simon* 311.

### Hatching Eggs

Although eggs placed beneath a hen to hatch have been set aside, yet they are still edible. Question: what if the eggs were placed to hatch a few days before Shabbos and by the time Shabbos arrives the formation of the chick has begun. One is forbidden to eat the egg in that case. Would we say that the egg is *muktze*?

### Figs And Raisins

The difference between figs and raisins and other fruit (M<sup>B</sup> 9) is the fact that a short while after being put on the roof to dry, they become inedible. In view of the fact that figs and raisins conform to the two factors, they become *muktze*.

The *Shulchan Aruch HaRav* 2 beautifully says that even if the figs and raisins are in the finishing stages of their dehydration and are slightly edible, and one becomes impatient on Shabbos and wants to eat them, nevertheless they remain *muktze*. This is because when they were put out to dry, it was known that they would only be fully edible at the end of the process, and accordingly were mentally put aside until ready. Consequently, when Shabbos came in there was not yet a decision to eat them, and therefore they remain *muktze* until the end of Shabbos.

## Preparation By A Non-Jew

The *Rama* tells us that since a non-Jew does not require preparation, there can be no problem of *muktze*,<sup>7</sup> and since the non-Jew may partake of the food or use the item, so may the Jew. Therefore, a Jew on Shabbos may eat even figs and raisins belonging to a non-Jew, because the non-Jew never “put them aside”.

The *M”B* 13 brings the *Bais Me’ir* and the *G’ra* who disagree with the *Rama* saying that the non-Jew does not intend on eating figs and raisin either because they are inedible, and therefore he does not have any more intention than a Jew does with regards to eating them.

They therefore say that only if the figs are semi edible, which was previously explained that a Jew cannot change his mind on Shabbos and decide to eat them; that obstacle does not stand in front of a non-Jew who may change his mind. In such a case the Jew may partake of the figs and raisins. This subject is dealt with in much greater depth and length in *simon* 325.

## A Candle Lit By A Non-Jew

The *Bi’ur Halacha* “*b’sbel*” brings the *P’ri Megadim* (*Mishbetos Zahav* 2) saying that if a non-Jew lit a lamp before Shabbos and it has gone out (on Shabbos), a Jew is permitted to handle it (like any other *ke’li she’melachto l’issur*). This is because the non-Jew lit it, and is therefore not a *dichui b’yadayim*. However, the *Chazon Ish* (44:12) counters this saying that *dichui b’yadayim* can also be activated through a non-Jew when the *ke’li* is used for its **intended** use. The *Chazon Ish* explains that the term *dichui b’yadayim* means, that an item, which might have several uses, is set aside for a particular use.

Since the candle is unusable *bein hashmashos* and is fulfilling its intended use, it again conforms to the two factors, and would be *muktze* even after the candle has gone out.<sup>8</sup>

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<sup>7</sup> This is a very unclear statement and must be learned with the *M”B* 13 and the *G’ra* 3.

<sup>8</sup> I think that the *machlokes* *P’ri Megadim* and *Chazon Ish* can be explained as the following: The *PM”G* holds that *dichui* must be done by the Jew, and if he did not to the *dichui* it is as if no *dichui* was done to it. The *Chazon Ish* learns that *dichui* is a **fait accompli**— a given state, no matter who does it.

## Review Questions

1. Define *muktze machmas mi'us*.
2. What is the *halacha* with regards to *machmas mi'us*, and give an example.
3. What are the two factors that even R' Shimon would agree that food is *muktze*?
4. Do the two factors apply to a lighted lamp, and if yes, why does R' Shimon say that after it has extinguished, the lamp may be handled?
5. Why is food for sale not *muktze*? Does the same apply to other merchandise (see shiur 42 page 293)?
6. Why are planted seeds not *muktze*, and is there a situation where they are?
7. If the figs and raisins are semi edible, but there was no intention to partake of them before Shabbos, may one change one's mind and decide to eat them?
8. If the raisins and figs belong to a non-Jew and were not edible when Shabbos came in, are they *muktze* if they become edible on Shabbos?
9. If a non-Jew lit a candle before Shabbos and it extinguished on Shabbos, what status does it have?
10. For questions 8 and 9, why is something done by a non-Jew different than being done by a Jew?