

# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS



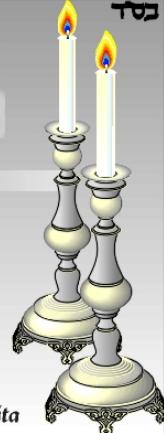
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These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

based on the shiurim given by

RABBI DOVID  
OSTROFF shlita

developed from the Chabura of the  
Shulchan Aruch Project



Parshas Ki Sisa 5768

**If a bowl of fruit has a stone inside it as well,  
am I permitted to lift the bowl?**

The *Shulchan Aruch*<sup>1</sup> continues that one is forbidden to lift a bowl of fruit with a stone inside. The reason is because *Chazal* forbade carrying *muktze* even through another item. This is called *tiltul min hatsad* – indirect handling, and it is also forbidden.

As to the correct handling of the bowl, the *gemora* lays down certain rules, which are true for all handling of *muktze* through *tiltul min hatsad*.

	Hard fruit <sup>2</sup>	Soft or overripe fruit <sup>3</sup>
<b>One only requires the bowl</b>	Must tip out the bowl's contents	May carry the bowl as it is
<b>One requires the bowl and the fruit</b>	Tip out the bowl and gather the fruit	May carry the bowl as it is
<b>One requires the space the bowl is occupying</b>	May carry the bowl with the fruit and the stone inside	May carry the bowl as it is

The *muktze* item, which in this case is the stone, must be tipped whenever feasible. Therefore when there is hard fruit in the bowl, the contents must be tipped out and the fruit gathered back into the bowl.

<sup>1</sup> *Simon* 309:3.

<sup>2</sup> Hard fruit will not spoil if tipped out of the bowl.

<sup>3</sup> Soft fruit will spoil if tipped out of the bowl.

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If the fruit is soft and will spoil if tipped out, one may carry the bowl as it is.

If one needs the space the bowl is occupying and tipping out the contents will not help because the stone will land in the required space, the bowl with its contents may be carried as they are.

The *Shulchan Aruch HaRav*<sup>4</sup> asks why is it that the bowl may be carried with the stone inside (when the fruit is ripe and soft) but a child may not be lifted up if he is holding a stone unless he is yearning terribly for his father?

He answers that *Chazal* permitted carrying *muktze* indirectly when you require the permitted article, provided that you cannot discard the *muktze*, but *Chazal* did not allow carrying the permitted item unnecessarily. Therefore, since the father is not interested in lifting the child at that particular moment, it is forbidden to do so, unless the child is yearning for his father.

**Is fruit sold as merchandise muktze or not?**

The *Shulchan Aruch*<sup>5</sup> tells us that all edible food items, even food sold as merchandise, may be handled and eaten on Shabbos. The *Tosefos Shabbos*<sup>6</sup> explains that although the food is up for sale, nevertheless one has it in mind to eat them whenever he wishes.

This is probably based on the assumption that a person will always eat whatever he can and

<sup>4</sup> *Simon* 309:1.

<sup>5</sup> *Simon* 310:2.

<sup>6</sup> This is not the *Tosefos* on *Maseches Shabbos* which are *Rishonim*, rather this is an *achron* – a latter commentator who lived approximately 200 hundred years ago. He is often quoted by the *M"B* and other *poskim*.

therefore one does not take his mind off food.<sup>7</sup> There are exceptions to this rule, for example fruit that was still attached to the tree at the commencement of Shabbos; even though it fell off the tree on Shabbos, it remains *muktze*. Therefore, if your supply of soft drinks depleted on Shabbos, you may borrow more drinks from your shopkeeper neighbor and pay him after Shabbos. If your shul members decided (a bit late) that they would like to make a kiddush after shul, they may obtain cake, drink, herring etc from a local store<sup>8</sup> and bring it to shul (where there is a kosher *eiruv*).

*Is there a difference between food products and other merchandise? I.e. if I can obtain disposable plates from a local storeowner on Shabbos are they muktze?*

Merchandise is not usually used by a merchant because he knows that if he uses his plates or cups etc. he will have a problem selling them, and therefore he takes his mind off using them, and hence they are *muktze*.<sup>9</sup> If however, he uses his merchandise they would not be *muktze*. Therefore obtaining paper plates and cups from a local Jewish merchant on Shabbos would depend on his normal mode of conduct in relation to his merchandise (do neighbors take disposables at all hours etc.).

*If an item was usable when Shabbos began and during Shabbos became unusable and hence muktze, if it becomes usable again does it remain muktze?*

For example, if a sock lands into a bowl of water (ever removed your sock into the *negel vasser* bowl?). *Chazal* instituted a *g'zeira*<sup>10</sup> not to handle wet clothes (that one is particular about them being wet) lest he wrings them out, and hence

<sup>7</sup> See the *SS"K* 20 footnote 63 who brings the *Ohr Sameach* saying that a person will give whatever necessary for food, and therefore one never takes his mind off food.

<sup>8</sup> Obviously we are referring to a case where no payment, writing etc will be done on Shabbos.

<sup>9</sup> *Rama* in *Simon* 308:1. See also the *Shulchan Aruch HaRav* 308:3 and the *SS"K* 20:21.

<sup>10</sup> *Rama* in *simon* 301:46.

they become *muktze*. If and when the clothes eventually dry they will no longer be *muktze*. This is based on the rule that an item's destiny is decided at the commencement of Shabbos. If for whatever reason an item becomes *muktze* on Shabbos, as soon as that reason is no longer applicable, the item will revert to its original state of not being *muktze*.<sup>11</sup>

On the other hand, when an item began Shabbos in a state of *muktze*, it will remain *muktze* for the entire Shabbos, even though the cause for that *muktze* is no longer present.<sup>12</sup>

## Vort on the Parsha

The *Shem Mishmuel* explains why the Torah prohibited the construction of the *Mishkan* on Shabbos, as follows. Before the Sin of the Golden Calf the *Mishkan* was not needed because the *Shechina* descended on every *Yisrael*. The *Mishkan* was necessary so that *Bnei Yisrael* could once again attain the *Shechina*, which is done by lowering one's haughtiness and realizing that one must serve *Hashem* much more than one is accustomed to, and seeing one's "smallness" in comparison with *Hashem's* greatness. Through שמה לדזהה and מירבת אהבה ורצון one attains the *Shechina*. But on Shabbos one attains *Shechina* though אהבה ורצון, similar to the pre-golden calf era, in which case it is attained without the need of the *Mishkan*. It is direct.

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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*.