



Parshas Naso/Shavuot 5762

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If a rock or a piece of glass pose as a hazard to the public, what may be done to remove it?

Any object that poses a threat to the public may be moved out of harm's way.¹ This is because handling *muktzeh* is a rabbinical prohibition and where public health is at stake, *Chazal* waved aside their restriction. Accordingly, if there is an open pit or manhole in the street one may cover it up, even if it involves handling *muktzeh*. Also, if a rock or piece of metal is lying in the road in such a way that they are likely to cause harm, if there is an *eiruv* or it is in a *carmelis*,² they may be carried to the side; if they are in a *reshus harabim*,³ they may be moved less than four *amos* – put down⁴ – less than four *amos* – put down etc. until moved out of harm's way.

We find though that if a rock is easily noticed and thereby the chance of it causing harm is remote, it may not be moved out of the way – in the normal manner, rather one should move it out of the way with one's foot or any other abnormal manner.⁵

I would like to crack open a nut with a rock on Shabbos, may I?

¹ *Simon* 308:18.

² A public domain, where the prohibition of carrying is only a rabbinical one.

³ A public domain, where carrying is forbidden from the Torah.

⁴ Standing still is equivalent to putting it down. *M"B simon* 266:18.

⁵ *M"B* 308:75. See also the *Bi'ur Halacha* "kotz".

This and the following questions deal with the setting aside of objects which are not a *ke'li*. Sticks and stones are categorized as *muktzeh machmas gufo*, which is a severe *muktzeh* in a way that it may not be moved even *l'tsorech gufo um'komo* – for example, to use a stone as a doorstopper.

However, their status can be altered. If one were to either:⁶

- Set the item aside before Shabbos for permanent use. This can be done either verbally or mentally.
- Use it on a regular basis during the week, even without having mentally set it aside for permanent use.
- Physically modify the item. In such a case it will be sufficient to set it aside even for one Shabbos.

In the above cases a stone or a stick may be used and handled on Shabbos.

As we see, setting aside an item for one Shabbos only is insufficient. However, there is an opinion that holds that setting aside for one Shabbos items **regularly used** for specific purposes is sufficient.

Accordingly, where it is common to use a stone for a nutcracker, it would suffice to prepare it before Shabbos as such.

The *Mishna Berura*⁷ rules that when necessary one may rely on this opinion. Seeing that in developed regions a manufactured nutcracker is used and not

⁶ *Simon* 308:21-22.

⁷ *Simon* 308:97.

stones, if one wished to use a stone as a nutcracker, he would be required to adhere to one of the three points mentioned previously.

What about the using of a rock as a doorstopper?

The same rule applies to the using of a rock or brick as a doorstopper. In today's specialized world a rock is not commonly used as such. Therefore, if one would like to use a rock as a doorstopper, it would be preferable to adhere to one of the above three points.

When walking in the forest, may I plop down onto any stone?

Obviously, the stones in the forest were not prepared by you to be used as benches. Therefore, you may not move them around in order to make them comfortable for sitting on. However, sitting on them does not require you to physically handle them, and therefore you may sit on them,⁸ even though they might move when sat upon. This is permitted because it is called *tiltul b'gufo* – handling *muktzeh* through one's body and not with one's hands.

Vort for Shavuot

We are told that before Hashem approached us to accept the Torah, he first approached the nations and offered them the Torah.

⁸ M"B 308:82,88. In M"B 82 he brings a *Me'iri* which says (in a case when the rock will move when sat upon) that if not necessary, it is preferable to abstain from it. However, in *simon* 308:13 the M"B did not mention this clause. The solution may be that sitting on *muktzeh* is using it, which is more severe than the plain moving of *muktzeh*.

They declined. Yet the question is that part of their refusal came about because they were not prepared to adhere to the commandments – not to kill, not to steal etc. and yet part of the seven *mitzvos* non-Jews must keep are those very *mitzvos*?

The answer briefly is that the “do not steal” of the 613 *mitzvos* is essentially geared for the welfare and well being of others, whereas “do not steal” of the seven *mitzvos* is to prevent anarchy. We are commanded to think about the other person, whether it is helping him load or unload his animal/car, not to embarrass him etc.

We must therefore contemplate, upon the renewed acceptance of the Torah, as to how we can change the other person's life for the good, and as Rabeinu Yonah says, “to constantly work on methods as to how we can benefit the other person”.

Food For Thought

Are bones fit for dogs muktzeh? Does it make a difference if I personally do not own a dog?

If shells and peels – which I understand are muktzeh – are on the table, what is the permitted way for removing them?

I heard that if they are amassed on the table they may be removed, is it only hearsay?

If I own an ostrich, may I handle broken glass?

Answers coming next week.

Dedicated in memory of Rachel bas Shmuel Josephson, a"h formerly of Manchester, England and Eretz Yisrael. She was laid to rest in Netania, Israel and will be sorely missed by one and all who knew her.

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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.