

# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS

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**How should one discard a muktze item?**  
In the previous shiur we discussed removing an item from one's pocket and the problems of *hanacha* (depositing) in the street. We stated that one must deposit the item *b'shinui*, i.e. in a backhanded manner in order to circumvent direct *hanacha*.

When the item is *muktze* one may not handle it when removing it from one's pocket, rather the pocket must be turned out and the item dropped.

### Does a shirt with money in a pocket become muktze?

ביסיס לדבר האסור – *basis l'davar ha'assur*, (translated as the “base of/for a *muktze* item”) and explained as follows: Several conditions must be met for an item to become a **ביסיס**, which, aside from the significant issues, we will postpone from discussing at this time.

A *muktze* item willingly left in a certain place (with the intention of it remaining there for the entire *bein hashmashos*-twilight) renders the item it is placed in, to be *muktze*.<sup>1</sup> Consequently therefore, money or a purse with money in a pocket will render the pocket *muktze* when one knew and intended for the *muktze* item to be there over Shabbos. (An insignificant amount of money is *batel* to the shirt and does not make it a ‘base’).

This relates to a **weekday** jacket or trousers where one knowingly leaves money there during the week intending it to be there on Shabbos. Money placed during the week in a **Shabbos** jacket that was not removed before Shabbos does not render the pocket *muktze*, because it

was not the intention to leave the money there over Shabbos.

### In other words, a weekday shirt or jacket with money in the pocket can be muktze?

Normally yes, but this depends on the type of pocket.

A shirt pocket is comprised of a piece of cloth sewn onto the front of the shirt where the shirt serves as the backing. Placing a *muktze* item in a shirt pocket, when the ‘base’ conditions are met, will render the shirt a ‘base’, being that the *muktze* item rests on the shirt.<sup>2</sup> Such a shirt adopts the status of the *muktze* item, and if money is in the pocket, the shirt may not be moved for any reason.

This will apply to all garments with a shirt-like pocket when the *muktze* item was intended to be there on Shabbos.

### What is the other type of pocket?

A pocket whose lip is sewn onto a garment when the pocket is a separate entity, such as trouser and jacket pockets, will not render the garment *muktze*.<sup>3</sup> When conforming to the conditions of ‘base’ the pocket will become a ‘base’ and *muktze*, but the garment will not. As a result one may not insert one's hand in the *muktze* pocket but the garment may be moved for whatever is needed. Nevertheless, if possible, one must first shake out the *muktze*.

### May I handle the shirt with the muktze item inside?

When possible, the *muktze* item must be removed from the pocket by turning the garment upside

<sup>1</sup> See *SS"K* 20:50-56.

<sup>2</sup> *M"b simon* 309:29, *SS"K* 20:70-72.

<sup>3</sup> *M"b* and *SS"K* ibid.

down. One may not handle the pocket itself to turn it upside down as it is *muktze*.<sup>4</sup> Even when the garment is not a 'base', such as when the conditions to create a 'base' do not apply (a Shabbos jacket), or when the nature of the pocket will not render the garment *muktze*, one may not handle the garment unnecessarily.<sup>5</sup> If one does not want to shake out the *muktze* for one of the following reasons:

- it will get lost or ruined,<sup>6</sup>
- one is wearing the garment in public and is embarrassed to remove it,
- one is uncomfortable to shake *muktze* in public,

one may continue to a side room and shake the *muktze* from the pocket.

### May I move hazardous items out of harms way?

Obviously if the item is not *muktze* it is permitted. The problem arises when the item is *muktze*, for example, a glass smashed onto the kitchen floor and people are present.

The *Rama* writes<sup>7</sup> that broken glass may be handled and removed from harm's way, because *Chazal* did not introduce restrictions in the face of danger.<sup>8</sup> It is not necessary to use a dustpan in order to avoid handling the *muktze* directly, as the *g'zeira* (edict) of *muktze* does not apply in this instance.

If however the shards are not hazardous, such as clay or earthen shards, one may not handle them directly, but one may move them out of the way with one's body (*tiltul b'gufo*)<sup>9</sup> or with a broom etc.<sup>10</sup>

### What if the hazardous item is outside in the street?

<sup>4</sup> *SS"K* 20:71.

<sup>5</sup>

<sup>6</sup> See *SS"K* 20:47.

<sup>7</sup> *Simon* 308:6.

<sup>8</sup> See *simon* 308:18.

<sup>9</sup> *M"b simon* 308:30.

<sup>10</sup> *Tiltul min hatzad* (the broom) *l'tzorech davar hamutar* (a clean floor).

Even then it may be handled and moved out of harm's way. We still face the problem of carrying something in a *reshus harabim*, which can result in a biblical prohibition. The *Shulchan Aruch* states in such an event<sup>11</sup> that one may carry the item, but must stop every 'less than four *amos*' in order to avoid the *issur d'oraissos*. In a *carmelis* (a domain where carrying is only *osur mid'rabanan* – rabbinically prohibited) one may carry it out of harm's way without stopping every four *amos*. The *heter* is based on the above rule, that *Chazal* do not introduce edicts in the probability of injury, and carrying in a *carmelis* and 'less than four *amos*' is only *osur mid'rabanan*.

### May one move a rock located on the sidewalk?

A rock poses potential damage for anyone who does not notice it and it may be moved out of harm's way. Halachically one may handle the rock directly, as per above, but if one has doubts whether it really poses a threat one should move it with one's foot. Thus nothing has been compromised.

### Vort on the Parsha

The *Keruvim*, whose faces resembled children who had not tasted sin, spread their wings heavenwards as a sign of their great closeness to spirituality. Nevertheless, the *possuk* says they faced each other – *ופניהם איש אל אחיו* – demonstrating that regardless of one's own disassociation to worldly matters, one must be attuned to one's fellowman's needs. (*Ta'am Ve'da'as*).

### Food For Thought

#### What are the conditions to form a basis *l'davar ha'assur*?

Answers coming be" H next week.

<sup>11</sup> *Simon* 308:18.

Dedicated for a refua sheleima for Shoshana Leah bas Yehudis.

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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*.