

# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS

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Parshas Tetzaveh 5766

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

In the previous shiurim we dealt with *muktze* items left in a pocket before Shabbos and whether the shirt or jacket became a 'base'. We now wish to learn and discuss the conditions that transform a permitted item into a 'base' and *muktze*.

### General rules:

1. A *muktze* item placed on top of a non-*muktze* item transforms the latter into a *basis l'davar ha'assur* and the non-*muktze* item adopts the *muktze* characteristics of the *muktze* item, provided that all conditions are met.<sup>1</sup> This means that even if the *muktze* falls off the 'base', the 'base' remains *muktze*.
2. Even when the permitted item is not transformed into a *basis l'davar ha'assur* one may not remove the *muktze* with one's hand.<sup>2</sup>
3. Even when the permitted item is not transformed into a *basis l'davar ha'assur* one may not carry or handle the base with the *muktze* and it must first be removed in a permitted manner.<sup>3</sup> We will learn *be''H* what to do when the *muktze* cannot be removed.

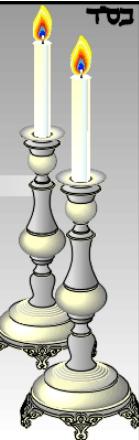
*Please explain and apply these rules?*

1. A *muktze* item imparts its characteristics to a permitted item placed beneath it, even after the

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

<sup>2</sup> Simple, the *muktze* remains *muktze*.

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



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*muktze* is no longer on the permitted item. One may not move *muktze* on Shabbos and as a result it 'nails down' the permitted item that it is placed upon.

Money placed in a drawer before Shabbos (and if all conditions are experienced, e.g. the money is more valuable than the permitted items in the drawer) renders the drawer *muktze* and it may not be opened, because one knows that money is *muktze* and one 'removes one's mind' from handling or moving the drawer as well.

2. The *muktze* retains its status even when it does not transform the permitted item. A stone placed on papers as a paperweight remains *muktze* even though the paper is not transformed into a *basis l'davar ha'assur*. (The stone will lose its *muktze* status when **permanently** set aside as a paperweight).

Money in a pocket remains *muktze* even when the pocket does not become a *basis l'davar ha'assur*.

3. One may not carry a tray with *muktze* on it before tilting the *muktze* or removing it in a permitted manner. When the *muktze* is valuable and might break on tilting or if, for example it is fresh fruit that will be squashed, one need not tilt the tray and the items may be carried on the tray.<sup>4</sup> The *Chazon Ish* explains that failing to tilt the *muktze* demonstrates that one is interested in moving or carrying it. When it cannot be tilted or removed it is unavoidably on the tray and carried through lack of choice.

*What is the difference whether one wants it or not, after all one is moving muktze?*

<sup>4</sup> *Ibid.*

The *halacha* is that *muktze* may be moved or carried indirectly for the sake of a permitted purpose but not for the sake of the *muktze*.<sup>5</sup> For example, an expensive camera was left on the porch before Shabbos and one wishes to bring it inside. Obviously it may not be handled directly but may it be pushed inside with a broom?

Moving it with a broom or spoon is called *tiltul min hatzad* (indirect handling), and when done for the sake for the *muktze* it is *l'tzorech davar ha'assur* (for the *muktze*) and forbidden. Pushing the camera with the broom is *tiltul min hatzad* for the sake of the *muktze* and is forbidden.

Accordingly, explains the *Chazon Ish*, when the *muktze* can be tilted or removed *b'heter* (with the help of a gentile) and is not, it demonstrates that one wishes to move the *muktze* and is similar to *tiltul min hatzad l'tzorech davar ha'assur*, which is forbidden.

### *And when the muktze cannot be removed or tilted?*

When it cannot be tilted and one needs to move or carry the tray (when it is not a *basis l'davar ha'assur*, because the conditions to form a *basis* were not met) it is considered as if one is not carrying the *muktze* for the sake of the *issur* and is permitted. This is very pertinent when moving a table with candlesticks (when the table is not a *basis l'davar ha'assur*, as we will learn *be''H*), and one wishes to move the table to another location. Since the candlesticks cannot be tilted, one may move the table even though the candlesticks are on the table.

### *What if I do not want to tilt the item in its present spot?*

The *gemora* states a case where a stone is located atop a barrel (and the barrel does not become a *basis l'davar ha'assur*) and one wishes to remove wine from the barrel. Seeing that the barrel is

surrounded by other barrels and tilting the stone in its present location would damage the other barrels, one is permitted to lift the barrel with the stone on top and carry the barrel to another location and tilt it there.

Since the stone is not carried for its own sake, it is permitted.

### *Is this the heter to remove peels on a plate?*

Indeed it is. Peels and shells, which are *muktze*, that are placed on a plate or tablecloth may be carried, utilizing the plate or tablecloth, to the garbage can, even though one is able to tilt the *muktze* onto the dining room floor. Here too one is carrying *muktze min hatzad* and it is *muter* because one is not carrying it for the sake of the *muktze* rather because one needs to use the table and one does not wish to shake the dirt onto the dining room floor.

### **Vort on the Parsha**

Moshe Rabbeinu was instructed in *parshas Teruma* to construct all the *keilim* of the *Mishkan* except for the gold altar – the *mi'zbechah k'tores*, which he wrote in this *parsha* – *Tetzaveh*. Why is that? See the *Ramban*, *Malbim* and *Ohr haChaim haKadosh*. The *Seforno* (30:1) explains that the purpose of the *keilim* of the *Mishkan* was to bring *Hashem's shechina* amongst the people, as it is says **וְשָׁכַנְתִּי בְּתוֹכְם**. The purpose of the *korbanos* was to cause *His honor* to appear in the *Beis haMikdash*, as it says **וְנוֹעֹדָתִי שָׁמָה לְבָנֵי יִשְׂרָאֵל**. The purpose of the *mi'zbechah hazahav* was different. It was intended to honor *Hashem Yisborach* for coming down to His people and accepting their worship with the morning and afternoon *korbanos*, as it says **הָבוּ לְהִי כָּבֵד שְׁמָוֹן, שָׁאוּ מִנְחָה וּבְאֹוֹלְפְנֵי**.

### **Food For Thought**

*So what are the famous conditions needed to make something a basis l'davar ha'assur?*

Answers coming *be''H* next week.

<sup>5</sup> This section is according to the *Taz* and the *Mishna Berura*, not according to the *Chazon Ish*.

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*.