



Parshas Ki Sisa 5766

March 17, '06  
Volume V Issue 18

*So what are the conditions needed to make something a basis l'davar ha'assur? (base for a forbidden Shabbos item).*

I have had feedback saying that the previous *shiurim* were too complicated and will therefore try and simplify matters discussed in the last shiur.

First we will define a *basis l'davar ha'assur*.

Placing *muktze* on top of a non-*muktze* item (we will call it *heter* for short) before Shabbos will render it *muktze*, provided that certain conditions are met, as we will now see.

**Rule #1** – the *muktze* is placed on the *heter* with consent of the *heter's* owner.<sup>1</sup>

This is accomplished either by –

- the *heter's* owner places the *muktze* on the *heter*.
- another person places the *muktze* on the *heter* with the owner's consent.
- another person places the *muktze* on the *heter* **without** the owner's consent but is placed there for the benefit of the owner who will agree retrospectively.<sup>2</sup>

This example will simplify the issue:

Reuven's candle is about to fall onto the tablecloth and set the house on fire so Shimon placed a plate beneath it. Indeed the candle fell into the plate before Shabbos and remained there for the entire *bein hashmashos* (twilight). Seeing that Reuven would have wanted Shimon to place the plate beneath the candle, the plate will be a *basis l'davar ha'assur* and is *assur* to move until after Shabbos.

<sup>1</sup> Simon 309:4 in the Rama.

<sup>2</sup> M"B simon 309:27.

*What is considered without the owner's consent?*

Children were tidying the house before Shabbos and they placed pens and pencils on their father's *shtender* (learning lectern). Since the father did not want those items there on Shabbos, the *shtender* does not become a *basis l'davar ha'assur* and may be moved freely, after tilting the *muktze* from it.

*What is the next rule?*

**Rule #2** – *Muktze* was intentionally placed on the *heter*.<sup>3</sup> If *muktze* was unintentionally placed on the *heter* or fell onto the *heter*, it will not be a *basis l'davar ha'assur*.

If money slipped out of one's pocket onto a bed before Shabbos, since one did not intend the money to be on the bed it will not be a *basis l'davar ha'assur*.

*What if one intended to remove the muktze but forgot before Shabbos?*

One knew that money is inside a jacket pocket, which renders it a *basis l'davar ha'assur*, and intended to remove the money before Shabbos from the pocket in order to use the pocket on Shabbos. In the rush to prepare for Shabbos removing the money was forgotten. Rav Shlomo Zalman Auerbach זצ"ל learns that the pocket is not a *basis l'davar ha'assur*, because one did not intend for the pocket to contain the money over Shabbos.<sup>4</sup>

*What is the next rule?*

**Rule #3** – the *heter* must serve the *muktze*.

<sup>3</sup> Simon 309:4.

<sup>4</sup> SS"K 20:51 footnote 178.

A drawer into which a camera is placed will be a *basis l'davar ha'assur* on Shabbos because the drawer serves the camera. A stone turned paperweight placed on papers will not render the papers a *basis l'davar ha'assur* because the stone serves the papers and not the papers the stone.<sup>5</sup> (The stone will remain *muktzeh* unless permanently set aside as a paperweight).<sup>6</sup> The *Mishna Shabbos* 142b relates the story of a stone placed on top of a barrel and says that one may tilt the barrel to move the stone, i.e. the barrel was not a *basis l'davar ha'assur*. Rav Huna subsequently states that the barrel is not a *basis l'davar ha'assur* because the stone was placed there unintentionally. However, if purposely placed there, the barrel would be a *basis l'davar ha'assur*.

The problem is that this seems to contradict the above rule, because the stone was obviously placed to hold the barrel's lid in place, i.e. the stone serves the barrel not the barrel the stone and hence it should not be a *basis l'davar ha'assur* even when purposely placed there.

The *Me'iri* answers this saying that the stone was valuable and was placed there for safekeeping. In other words the barrel serves the stone and not vice versa.

#### *How does this rule affect candles on a table?*

We see that the table is a *basis l'davar ha'assur* because the candles are placed thereon. It is clear that the table upholds the candles and serves them and not vice versa. However, the candles are *muktzeh* mainly due to the flame, which is *muktzeh machmas gufo* (a severe type of *muktzeh*, on par with sticks and stones), which renders the candle itself a *basis l'davar ha'assur* (even if it would not be *muktzeh*), which in turn renders the candlesticks *muktzeh* as a *basis l'davar ha'assur*, which in turn renders the tray a *basis l'davar ha'assur*.

Consequently the table is a basis to the tray > to the candlesticks > to the candles > to the flame.

#### *Who does the tablecloth serve?*

<sup>5</sup> See *SS"K* 20 footnote 181 for the relevant sources.

<sup>6</sup> *Simon* 308:22.

The tablecloth seems to serve a double purpose. On one hand it decorates the table and not the tray>candlesticks>candles, and yet the candles are purposely placed on the tablecloth.

We find a famous *machlokes* in the following case: *muktzeh* is placed in a drawer for safekeeping but for lack of space it was placed on a *beter*. For example, a camera was placed in a drawer for safekeeping onto a *beter* notebook. One does need the notebook to serve the *muktzeh* but for lack of space it was neatly placed on the notebook.

The *Magen Avraham* (*simon* 309:6) learns that the notebook is not a *basis l'davar ha'assur* and the *Taz* (*simon* 309:1) holds that it is.

The *Mishna Berura* rules<sup>7</sup> that when necessary one may be lenient, in accordance with the *Magen Avraham*, and remove the notebook.

---

#### **Vort on the Parsha**

The *posuke* says the children of Israel shall keep the Shabbos, to observe the shabbos throughout their generations (31:16). Rav Sternbuch explains that 'keeping' the Shabbos means placing fences (*g'zeiros d'rabanan*) around the *mitzvos* of Shabbos in order not to violate the Shabbos. He cites a *gadol b'torah* saying that because *B'nei Yisroel* erected fences around the Shabbos the *Shulchan Aruch* was not violated.

---

#### **Food For Thought**

*What is the halacha with regards to a tablecloth with candlesticks on it?*

*Is there a distinction made between the section beneath the candles and the rest of the tablecloth?*

*What are the remaining rules of basis l'davar ha'assur?*

Answers coming be"H next week.

---

<sup>7</sup> *M"B simon* 309:18.

---

Dedicated for a refua sheleima for Shoshana Leah bas Yehudis.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim, Phone Numbers: U.S. and Canada 732-370-3344 Israel 972-3-616-6340

South Africa 078 1655 242 UK 44-020-8731-6666 Australia 61-296835626 Switzerland 0114143 333 0288

• e-mail: [shabbosweekly@shemayisrael.com](mailto:shabbosweekly@shemayisrael.com), or [www.shemayisrael.com](http://www.shemayisrael.com),

weekly sponsorships are available as well.

If you would like to send a question to Rav Ostroff, you can write to him at [shabbosweekly@shemayisrael.com](mailto:shabbosweekly@shemayisrael.com).

**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.