

THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS



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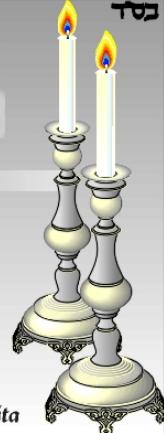


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based on the shiurim given by

RABBI DOVID
OSTROFF shlita

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

Parshas Bo 5768

May one bring an expensive camera in from the porch?

In the previous shiur we learned that one may not bring a hammer in from the rain. Are there any leniencies when a substantial loss is involved?

Assuming that the expensive camera is *muktze machmas chisaron kis*, it may not be moved or handled even when a loss is involved. In this case it will not help to “invent” a need for the *k’li*, because a *k’li* that is *muktze machmas chisaron kis* is forbidden to handle under all circumstances.¹

However, one is permitted to cover the camera with a plastic sheet, box etc. to prevent it from getting wet, as the *halacha* is that one may move or carry an item for the sake of a *muktze*.²

A mezuza fell out of its case, may it be picked up? Put back into the case?

A *gett* (divorce certificate) may be handled on Shabbos, because one can learn the *halachos* of a *gett*.³ We can learn from this that a *mezuzah* lying in one’s drawer may be handled as well, because one can learn from it or read the *Sh’mma*.

However, if one was particular not to handle it, it would be *muktze*.⁴

As for a *mezuzah* on one’s doorpost: Some authorities pointed out that it is *muktze* similar to a door that came off its hinges. Others argue saying that a door is part of the house and as such it is not an article that may be moved around, unlike a *mezuzah*, which is not part of

¹ *Simon* 308:1.

² *Simon* 310:6.

³ *Rama Even Ha’ezer simon* 136. *M”B simon* 307:63.

⁴ *Sha’ar Ha’tsiun* 307:70.

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the house. Whatever the case, one may pick it up off the floor to prevent its dishonor, but should avoid fixing it to the doorpost on Shabbos.⁵

Am I permitted to lean onto something muktze? Touch it?

The *Rama* tells us that *muktze* may be touched but not moved. This, however seems to contradict another *halacha*,⁶ which says that one may cover a *muktze* as long as one does not touch it while doing so. The *Mishna Berura*⁷ reconciles the two by saying that the latter *halacha* is referring to covering an egg or something round. Since an egg is oval shaped, touching it will definitely move it, and therefore it **may not be touched**. Other *muktze* items that will not move when touched may be touched. As for **leaning** on *muktze*: we find in the *Mishna Berura*⁸ that one may sit on something *muktze*, and leaning, of course, would be the same. However, using *muktze* (even without handling it with one’s hand) is forbidden, see the *Sh’miras Shabbos Ke’hilchasa*.⁹

May a broken k’li be handled/moved?

If a *k’li* breaks on Shabbos, it will not be *muktze* if it is used to fulfill a certain function. This applies even if the *k’li* cannot operate in the same manner as it did before. For example, a jug that was used for storing liquids and cracked

⁵ See the *Sh’miras Shabbos Kehilchasa* 20 footnote 33

⁶ *Simon* 310:6.

⁷ *Simon* 310:22.

⁸ See *M”B simon* 308:82 & 88.

⁹ Chapter 20 footnote 6&7.

(even on Shabbos), if from now on it will be used as an ornament it is not *muktze*.¹⁰ However, if it broke in such a way that it is useless and such a *k'li* is usually discarded, it is *muktze*.¹¹ Therefore, if a plate broke in half on Shabbos it is *muktze*, because nowadays a broken plate serves no purpose. In the time of *Chazal*, broken items were utilized for covering bottles, bowls etc, and therefore broken items were far from becoming *muktze* on Shabbos. In contemporary times, however, we are fortunate to have aluminum foil, plastic wrap etc. that perform those functions, and hence we have no use for most broken items.

What if the broken *k'li* can perform a certain function, but the owner discarded it on Shabbos, does it become muktze?

A broken *k'li* that can perform a certain function, as mentioned, is not *muktze*. However, if the owner discarded it before Shabbos it becomes *muktze* and may not be moved. This is because a certain consensus exists as far as broken items are concerned, and therefore even though it still has some use, if it was discarded before Shabbos it is *muktze*. Accordingly, if one walks by a communal garbage on Shabbos and sees a broken chair, even though he has use for such a chair it is *muktze*.

If however, it was discarded on Shabbos, since it was considered a *k'li* at the onset of Shabbos, it does not lose its status.¹² The above-mentioned chair would not be *muktze* in this case. See footnote.¹³

What if the *k'li* has a use but one does not know whether it was discarded before Shabbos – and is *muktze*, or discarded on Shabbos and is not *muktze*?

¹⁰ *Simon* 308:6.

¹¹ *M" B simon* 308:58.

¹² *M" B* 308:32.

¹³ Certain stipulations apply to broken *keilim*, namely if they can be easily repaired, they would be *muktze* as a *g'zeira* (Rabbinical decree) lest one repairs them. If, for example, a leg of a chair disjoined a rav should be consulted, because the chair itself (in certain cases) becomes *muktze*. This belongs to *se'if* 16.

The *Bi'ur Halacha*¹⁴ quotes R' Akiva Eiger who is indecisive in this matter, but adds that if the item was found in the street it is not *muktze*. This is because a) it may have broken on this very spot and not been discarded at all (we are referring to a *k'li* that is used even in its broken state), b) it may have been discarded on Shabbos (which does not become *muktze*).

Vort on the Parsha

A certain Rav Frenkel lived through the camps and managed to lay *tefillin* every single day, except for two days. The first was when he was caught by a Nazi *ym*'s when getting his *tefillin*, and the Nazi tore them from his hand, and holding them by the straps, banged him repeatedly over his head till he fainted. The Nazi left him for dead and ripped up the *tefillin*. Rav Frenkel awoke and broken-hearted gathered the torn *tefillin* and buried them. He discovered that another inmate had *tefillin* in another part of the camp and would climb over a barbed-wire fence each day to lay *tefillin*. He was in danger of being shot to death whenever he climbed that fence. The second time he missed *tefillin* was immediately after liberation. Utterly exhausted, he slept for 30 hours straight, missing a day and missing *tefillin*.

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If you would like to send a question to Rav Ostroff, you can write to him at 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*.

¹⁴ *Simon* 308:7 “*mib'od yom*”.