

Basic concepts of Muktzeh

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Muktzeh I:

Basic idea of muktzeh:

1. Basic idea of מוקצה: Whatever we handle on Shabbos has to be prepared for Shabbos use - מוכן, ready. The opposite of מוכן is מוקצה - set aside, not ready at hand to be used on Shabbos.

According to Rashi, מדאורייתא, from: והיה ביום הששי והכינו את אשר יביאו. Most Rishonim disagree and maintain it is only מדרבנן.

Reasons: Rambam: 1) To enhance מנוחת שבת. 2) Lest, by handling objects that are used for non-shabbos types of activities, they violate מלאכות. 3) So that the idle classes, who don't work anyway, would be able to demonstrate their מנוחת שבת in some way.

Ra'avad: As a safeguard against הוצאה.

2. How prepared does it have to be? Fundamental מחלוקת. R' Yehudah: There must be intent to use it for Shabbos. Things that were put away for storage in an attic are מוקצה. R' Shimon: There doesn't have to be active intent. Even items in an attic aren't מוקצה. It's only מוקצה if there's some objective reason or factor that made it unprepared for Shabbos use.

Later we will learn of various objective factors that make something muktzeh according to R' Shimon.

The halachah on Shabbos follows R' Shimon. According to some Rishonim, on Yom Tov we pasken like R' Yehudah. Other Rishonim disagree. מעיקר הדין we pasken לקולא but להלכה. Later we'll see one way in which יום טוב is more חמור even תבוא תבוא עליו ברכה.

3. Another rule: In order to be considered מוכן (not מוקצה) must be מוכן at onset of Shabbos.

So, for example, if a lamp was burning at the beginning of Shabbos, and then went out. it remains muktzeh. (We're talking about an Aladin's lamp that has various uses, and would ordinarily not be muktzeh, but because it's burning at the beginning of Shabbos and could not be used then it remains muktzeh for the remainder of Shabbos.)

Muktzeh II

Various types of muktzeh:

Last week we learned the basic concept of מוקצה: מוקצה means an item that was not prepared for Shabbos use. The הלכה follows R' Shimon that there must be some objective factor that renders it unprepared.

Some objective factors that might render something מוקצה: (Note: This is not an exhaustive list.)

1. An object that is neither food (edible) nor a utensil is by definition not prepared for use, much less for Shabbos use. This is called מוקצה מחמת גופו. Example: Sticks, stones. Also: money.

One can render these כלים prepared by making some physical change in them, or by designating them for permanent use. For example: He designated a stone as a paperweight (before Shabbos!).

Inedible food is מוקצה. Examples: Raw meat. Raw oatmeal.

2. An item that cannot be used without violating some איסור. This is called מוקצה מחמת איסור. Example: חמץ on Pesach.

3. A utensil that has no plausible Shabbos use at all. Example: Blank paper. (Nowadays when we don't use it לצור על פי צלוחית.) Computer. Camera.

4. Items that might have a plausible Shabbos use, but are too valuable to be used that way. Example: A *chalaq*. A scalpel. They have conceivable Shabbos uses, but are too valuable for that use to be considered plausible. This is called מוקצה מחמת חסרון כיס.

What makes this מוקצה is that its value limits its plausible use to the non-Shabbos function (shechting, surgery). Expensive crystal is not מוקצה מחמת חסרון כיס since the use that it is limited to (drinking) is a Shabbos use.

Important rule: The determining time is בין השמשות, the advent of Shabbos. Anything not מוכן then is מוקצה. For example: Oatmeal was raw בין השמשות and then a גוי cooked it (even assuming there is not poble of בישול עכו"ם) it remains מוקצה. Fragile utnsil become broken (but still usable) so there's no longer חסרון כיס nonetheless it remains מוקצה.

Idea behind this: מוקצה by definition means not prepared for Shabbos use. Since at the beginning of Shabbos it wasn't prepared (because of the objective factor that existed then) it is מוקצה.

Please note: True מוקצה cannot be moved even גופו ומקומו! לצורך גופו! If there's raw oatmeal in the cupboard it cannot be moved with one's hands in order to get to the cereal behind it. (We'll talk about other ways of moving muktzeh - without one's hands - next time.)

כלי שמלאכתו לאיסור:

There are many items that have plausible Shabbos uses, but their *primary* use is a non-Shabbos use. Example: A screwdriver. A hammer. A pot that is used primarily for cooking, not serving. A pencil. Since they have plausible Shabbos uses they are not true מוקצה - although they are colloquially called מוקצה, they really belong to a different category: כלי שמלאכתו לאיסור. These have more lenient rules; they can be moved לצורך גופו ומקומו. We will address this more fully a different time.

Muktzeh III

How can one move muktzeh?

1. לצורך הדבר המותר ולא לצורך המוקצה permitted טלטול מן הצד.

This is based on a Gemara: If there was a stone left on a barrel of wine, he may tip the barrel over so the stone will fall or even - if that is not possible - lift up the barrel and move it to someplace where he can tip it and allow the stone to fall. This is permitted because a) he's not handling the muktzeh directly and b) he's not doing it for the sake of the stone but, rather, for the sake of the barrel. Note that even when these criteria are met, where *tilting* is possible that is the proper procedure; only where it isn't feasible then he can actually lift the barrel and move it.

2. Practical example: Nut shells and egg shells on a tablecloth. They are מוקצה, but he can pick up the tablecloth and shake them off, since he's not handling them directly and his primary purpose is to clear the table.

The ט"ז says that in the case of shell on the table he can even take a knife and scrape them off the table. Since he's not handling them directly it's טלטול מן הצד and his purpose is for the sake of the table.

The איש disagrees. He reasons that the basis for the היתר of הצד מן הצד is that the act of טלטול relates the דבר המותר and not to the מוקצה. Thus, in the Gemara's case, since he only touches the barrel and his intent is for the barrel's sake the act of טלטול relates to the barrel, and the motion of the אבן is merely a by-product. (That's what הצד מן הצד means in this context.) But in the ט"ז's case the טלטול is not directed at the knife but at the shells.

3. The Gemara says that if there's straw on his bed he can move it with his body to make it more comfortable and fluffy since it is טלטול מן הצד. This seems difficult; why is this טלטול מן הצד since he's doing it for the sake of the straw (i.e. his motive is to arrange the straw)?

The רא"ש answers that since its בגופו כלאחר יד its permissible even for the sake of the מוקצה.

The מג"א and משני"ב understand this to mean that since he's doing it with his body its permissible even for the sake of the מוקצה itself.

The חזו"א disagrees. He says the רא"ש means that he's not deliberately moving the מוקצה; he's moving his body and the מוקצה's movement is merely a by-product.

נפק"מ: According to the מג"א and ברורה משנה ברורה one can move מוקצה deliberately with one's body, even for the sake of protecting the מוקצה. According to the חזו"א one may not; only if in the natural course of one's walking one brushes מוקצה to the side its permissible.

4. לכאורה the חזו"א is correct in סברא. The גמרא explicitly compares the case of moving straw with one's body to the cases of טלטול מן הצד. But if this is just a blanket היתר to move מוקצה with one's body what is the comparison?

But according to the איש חזון the comparison is this: Just as טלטול מן הצד is permissible because the עיקר טלטול is directed at the היתר, and the מוקצה's motion is just a by-product, so too when he moves the straw the עיקר טלטול is the motion of his body to accommodate itself in bed, and the movement of the קש is a by-product.

According to the מג"א we have to say that *whenever* he moves something with his body the עיקר טלטול is the motion of his body and the object's movement is a by-product.

Important: All of the above applies only where the מוקצה just happened to be lying on the חבית. We can then say that the עיקר טלטול is directed at the חבית. But if he deliberately left the מוקצה on top of the חבית then the חבית becomes a בסיס, a *base* for the מוקצה. In that case the עיקר טלטול is directed at the מוקצה itself, and טלטול מן הצד becomes forbidden. (זהו דרך אי להבין ענין בסיס, לא שהוא סוג מוקצה בפני"ע אלא שהוא הפקעת). (ההיתר דטלטול מן הצד, אלא דממילא נעשה מוקצה מחמת איסור. ואכ"מ.) This will be explained more fully next week.

Muktzeh IV

בסיס לדבר האסור

What creates a בסיס?

1. If מוקצה was left intentionally. (If he intended to remove it before שבת and forgot its considered unintentional.)

2. If item was בסיס during השמשות and then מוקצה was somehow removed it remains אסור for whole שבת. The שולחן ערוך הרב explains: Since at the beginning of שבת there was an objective factor - the fact that it was a בסיס - that prevented one from being allowed to move it, it becomes מוקצה מחמת איסור.

3. בסיס can only be rendered with consent of owner.

4. If there is both איסור and היתר together on the בסיס, then if the מוקצה is equal to or greater than the היתר in חשיבות the base becomes a בסיס. Presumably חשיבות is determined by value.

The חיי אדם rules that if he needs the היתר on שבת that gives it greater חשיבות. That is the basis for relying on the חלות preventing the table from becoming a בסיס to the candlesticks.

5. The פוסקים dispute the following issues:

a. דרך אקראי. If מוקצה was left intentionally but not deliberately - i.e. he just happened to put it there for lack of a different place - e.g. items in a drawer - it is a מחלוקת whether or not it becomes a בסיס. (התה"ד אוסר והמג"א מתיר) The משנה ברורה says that where necessary one can rely on lenient view.

b. אמצע השבת. If the muktzeh item was placed on Shabbos itself: מחלוקת if it becomes a בסיס. However, if another (equally valuable) item was then placed along with it - or if the מוקצה fell off - it certainly reverts to being מותר. There is no מיגו דאתקצאי in this case.

c. Is there a concept of בסיס for a שמלאכתו לאיסור? A ספק in פרמ"ג.

Muktzeh V

אין מוקצה לחצי שבת

1. If an item was mukzeh at the onset of Shabbos it remains muktzeh even if the underlying factor that made it muktzeh is no longer in force.

Example: Something was a בסיס at the beginning of Shabbos. Even if a non-Jew removes it, it remains מוקצה.

2. If an item became מוקצה in the middle of Shabbos then we apply the rule: אין מוקצה לחצי שבת. This means that if the factor that causes it to be מוקצה is removed then it can revert to being permissible. Example: Something became a בסיס on Shabbos. If it is removed it reverts to being permitted.

The Gemara has the following case: Something became inedible on Shabbos and then became edible again. Since אין מוקצה לחצי שבת it reverts to being permissible.

3. Note, however, that while it was inedible it is מוקצה (this is explicit in the Gemara). Likewise, while the מוקצה item is on the בסיס it may not be moved, even though it became a בסיס on Shabbos.

Similarly, if something breaks on Shabbos, and is now not usable, it becomes מוקצה. (However, if it poses a danger - or even if it is disturbing - it can be moved as a גרף של רעי; this is a special dispensation we will discuss later.)

4. רמ"א: A מוהל's knife after the מילה does not revert to being מוקצה since אין מוקצה לחצי שבת. This seems difficult: After all - it is מוקצה מחמת חסרון כיס right now; it should be like food that is inedible right now.

Explanation: אין מוקצה לחצי שבת means that הקצאה in דעת cannot take place on שבת. Something inedible is מוקצה not because of his דעת but because it is objectively unfit. (Likewise בסיס is an objective rule that the בסיס is בטל to the מוקצה.) But a knife is objectively fit; the הקצאה comes from his דעת not to use an expensive מוהל's knife for other purposes. הקצאה in דעת cannot be חל on Shabbos.

Muktzeh VI

1. Another category of muktzeh is *nolad* which is not prepared for Shabbos use since it didn't exist at the beginning of Shabbos.
2. There are two types of *nolad*: נולד גמור and ordinary נולד. On Shabbos only נולד גמור is muktzeh. On Yom Tov even ordinary נולד is muktzeh.

(The rationale is this: There are some opinions in Rishonim that even ordinary נולד is אסור on Shabbos, even though we generally pasken like R' Shimon. Furthermore, there are opinions that on Yom Tov we pasken like ר' יהודה, in which case נולד is certainly אסור. So these two possibilities are מצטרף.)

3. נולד גמור is something that came into existence on Shabbos/Yom Tov. Ordinary נולד is something that took on a new form on Shabbos/Yom Tov.
4. Examples of נולד גמור: a) Ashes that were burned on Shabbos. b) Mil that came from a cow on Shabbos. c) Eggs that were laid on Shabbos.
5. Examples of ordinary נולד: a) Items manufactured by a non-Jew on Yom Tov. (בזה יש) b) Bones left over from food which are fit for animals. Since they're fit for animals on Shabbos they're not מוקצה (if he has animals around) but on Yom Tov they're מוקצה since they are נולד (since they were originally in the form of human food and now they became animal food.)