The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ט"ש סעיף ג'-ד'

Overview

Siman 309 Seif 3:

Concerning a basket of fruit that also contains a stone, if the fruit is wet, e.g., figs and grapes, one may move the basket as is, since if one were to pour out the fruit it would become ruined. If the fruit would not become ruined one should pour out the fruit and stone rather than take the basket containing the stone. This is true when one needs the fruit or the basket but if one needs the place where the basket sits it is permitted to move the basket with the stone inside.

- The basket is a base for a permitted and prohibited item and since the permitted item is more important the prohibited item is nullified and it is unnecessary to remove all the fruit from the basket to avoid moving the stone out of concern that the fruit will fall on the ground. (M.B. 9)
- Since there is an option to avoid moving the stone that option must be exercised. Similarly, if it is possible to tip the basket so that the fruit falls out, one must do so. (M.B. 10)
- One must be careful that the fruit should not spread out too far since that would constitute a weekday activity as explained below in *siman* 335. (M.B. 11)
- Pouring out the contents is not an option since the stone may fall on the place that is needed. (M.B. 12)

Siman 309 Seif 4 (a):

If one forgot a stone on the mouth of a barrel or money on a pillow, one must tip the barrel so that the stone falls off or shake the pillow so that the money falls off. If the barrel was amongst other barrels so that it is not possible to tip the barrel with the stone it may be lifted together with the stone and brought to another location to tip it there so that it should fall off on its own.

- Shulchan Aruch refers to where one wants the wine or the pillow because if one was merely concerned that the *muktzah* item might get stolen, one would not be permitted to follow this course of action. If one tips the barrel or pillow with his body instead of his hand it would be permitted. (M.B. 14)
- One is concerned that it will fall on a barrel and break it. (M.B. 16)
- One is moving the *muktzah* item indirectly since he is not making direct contact with the *muktzah* and although this is permitted when one could tip it, one should do so. (M.B. 17)

Halacha Highlight

A base for *muktzah* and non-*muktzah*

Shulchan Aruch Siman 309 Seif 3

ינערם וינער גם האבן עמהם

He should shake them out and should also shake out the stone

Shulchan Aruch (סע' ג') addresses the issue of moving a basket that contains fruit and a stone. He explains that if the fruit in the basket is moist so that if it is poured out of the basket it would become ruined, it is permitted to move the basket containing the fruit. If, however, the fruit would not become ruined by being poured out of the basket, one must pour out the fruit and stone and then place the fruit back into the basket rather than move the basket containing the stone. Shulchan Aruch then adds that this procedure must be followed when one wants the fruit or the basket, but if one wants the place where the basket is resting, one may take the basket with the stone rather than pour out the contents. The reason is that if one pours out the contents the stone may come to rest on the place that is needed.

Mishnah Berurah (סק"י) explains that when the fruit will not become ruined one must pour out the contents of the basket, one must take that step to avoid moving the *muktzah* even though the basket is a base to permitted and prohibited items. Chazon Ish explains that when the fruit would become ruined, when one carries the basket that also contains the stone it is not evident that he intends to move the rock since he has no choice. In contrast, when he can pour out the rock without ruining the fruit and he does not take that step he demonstrates that he is interested in moving the stone and thus it is prohibited.

Rav Yosef Shalom Elyashiv (שבות יצחק מוקצה פי"ב אות א') maintains that that when one can remove a *muktzah* item from a permitted item before Shabbos in order to avoid having to move the *muktzah* item on Shabbos it is necessary to do so. Therefore, if one has *muktzah* in a drawer that he wishes to open on Shabbos or if one has *muktzah* hanging on the door of his refrigerator, he is obligated to remove it before Shabbos. Rav Shlomo Zalman Auerbach (שלחן שלמה סי' ש"ח בשולי הגליון הע' י"ג) disagrees and maintains that it is unnecessary for one to remove the *muktzah* item before Shabbos.