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

Overview

<u>Siman 309 Seif 4(b):</u>

If one placed it there intentionally with the intent that it would remain there through the beginning of Shabbos, it is prohibited to tilt it or shake it off. Some maintain that even if one placed it there with the intent that it would remain there at the outset of Shabbos but with the intent that he will take it on Shabbos, it is permitted to tilt or shake off the *muktzah* and it is prohibited only when one intended for the *muktzah* to remain for all of Shabbos. In such a case even if the *muktzah* item is removed it is prohibited to move the utensil because once it became a base for something that is prohibited on Shabbos it is prohibited for the duration of Shabbos. The same is true for all *muktzah* items and this is discussed in *siman* 310. If someone placed a *muktzah* item on his friend's object we do not say that the friend's object became a base for the prohibited item since a person cannot prohibit his friend's objects without his knowledge.

- If one placed it there intentionally but did not specifically intend that it should remain there for Shabbos and then forgot that it was there, it is considered as though he forgot it there and Bais Yosef maintains that this is true even if he placed it there on *erev* Shabbos. Magen Avrohom asserts that something does not become a base unless one intended that it should be there but if someone randomly placed something down, as one does in a chest where he places all sorts of objects, it is not considered as though he placed it there intentionally and is considered as though he forgot it there and one may use the non-*muktzah* item after shaking off the *muktzah* item. The box would be *muktzah* if the *muktzah* item is more important than the non-*muktzah*. Accordingly, it is acceptable to remove the upper tablecloth once a gentile took away the lamp since the lamp did not have to rest specifically on the tablecloth. Others are stringent about this and in a circumstance of need one may follow the lenient position. If a nest contains an egg that has a chick inside the nest is *muktzah* even if one did not know the egg was there before Shabbos since it is common for there to be *muktzah* eggs in a nest. (M.B. 18)
- This opinion maintains that it is not *muktzah* since one intended to move the *muktzah* item and when facing a loss one may rely on this opinion. If one had in mind that it would be there for Shabbos it is *muktzah* even if one did not intend that it should be there for all of Shabbos. (M.B. 21)
- If one thought to remove it during *bein hashemashos* on Shabbos afternoon it is as if one had in mind it would be there for all of Shabbos. (M.B. 22)
- Rema's comment refers to the first opinion as well. (M.B. 23)
- In other words, it is permitted to move the utensil if it is needed once the *muktzah* was removed. (M.B. 26)
- If one did this for his friend's benefit it is assumed that he is happy with what was done. For example, if Reuven placed a dish under Shimon's lamp to prevent a fire, even after the lamp is removed Shimon's dish remains *muktzah*. Derech Chaim suggests that if one had in mind to remove it on Shabbos one can also combine the earlier opinion that maintains it would anyways not be *muktzah* since it never qualified as a base. (M.B. 27)

<u>Siman 309 Seif 5:</u>

One may not do any more than tilt or shake the non-*muktzah* item when he needs the barrel or the pillow but if he needs the place of the barrel or pillow and tilting or shaking the non-*muktzah* item will not suffice, it is permitted to carry the non-*muktzah* item with the stone or money in place in order to clear the space (And this is mentioned in *siman* 310).

Halacha Highlight

<u>Storing paper in a *sefer*</u>

Shulchan Aruch Siman 309 Seif 4 (b)

ואם הניחם עליה מדעתו

And if he placed it there intentionally

Shulchan Aruch (סעי' ד') presents two opinions when a utensil becomes a base for a *muktzah* item for the entire Shabbos. According to the first opinion, as long as one places down the *muktzah* item with the intent that it should remain on the utensil for *bein hashemashos* the utensil becomes a base for *muktzah* and even if the *muktzah* is removed, the utensil remains a base for *muktzah* for the rest of Shabbos. According to the second opinion, a utensil becomes a base only if the owner's intent is for it to remain there for the entirety of Shabbos. If one intended to have the *muktzah* item removed some time on Shabbos, the utensil is not a base for *muktzah* and once the *muktzah* item is removed the utensil may be handled. Mishnah Berurah (ס"ק כ"א) writes that in a circumstance of loss one may rely on the lenient opinion.

Rav Moshe Feinstein (אג"מ או"ח ח"ד סי' ע"ב) writes that if one intentionally places a *muktzah* item on a *sefer* Torah, even if his intent was for it to remain there for the entire Shabbos, the *sefer* Torah does not become a base for that *muktzah* item. Since it is disrespectful to the Torah and runs counter to its sanctity, it is as if someone placed a *muktzah* object on his friend's utensil (See Rema at the end of this *seif*). However, if someone places down a *muktzah* object on a *sefer*, the *sefer* does become a base for the *muktzah* item even though it is prohibited to place things on *sefarim*. If one intended to remove the *muktzah* item, e.g., by shaking it off on Shabbos, one may be lenient and then use the *sefer* since this is no different than the allowance to be lenient in the face of a potential financial loss. Accordingly, since Rav Feinstein maintains that blank paper is *muktzah* (See Mishnah Berurah Yomis 308 Seif 1 where this issue is discussed) one should not store that paper in his *sefer* since he thereby makes the *sefer* into a base for the *muktzah* paper.