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

Halacha Highlight

Mistaken *muktzah*

Shulchan Aruch Siman 310 Seif 4

אף על פי שלא ידעו הבעלים באותה שעה שנתיבשו

Even though the owner was unaware of the fact that they had dried

Shulchan Aruch (סע' ד') discusses dates and grapes that one put out to dry and presents the following case. The owner had placed out figs or grapes to dry and was unaware of the fact that they had sufficiently dried and were edible during *bein hashemashos*. When the owner finds out on Shabbos that, in fact, they were edible during *bein hashemashos* he may then eat the fruit. Mishnah Berurah (ס"ק י"ז) explains that one may have thought that since he thought the fruit was inedible and consequently, *muktzah* they should indeed be *muktzah* despite the fact that they were edible during *bein hashemashos*. Therefore, Shulchan Aruch teaches that since he only put them out of his mind so that they could dry and once it turns out that they were dry as Shabbos began they were never *muktzah*. In other words, Shulchan Aruch is teaching that a mistaken designation of *muktzah* does not make that item *muktzah*.

Poskim include in the principle of mistaken designation of *muktzah* any item that one mistakenly thought was prohibited only to discover that it was not prohibited altogether. For example, if someone thought that some fruit was prohibited as *orlah* and on Shabbos found out that his understanding of the *halacha* was in error, he is permitted to eat that fruit. Once again the reason is that he only pushed it out of his mind because he thought that it was prohibited but once it is revealed that it is not prohibited, it turns out that it was never actually *muktzah* in the first place. Certainly in a case in which some prohibited food become intermingled with permitted food and on Shabbos one receives a ruling that the mixture is permitted, he may eat it even on that Shabbos since his impression that the mixture is prohibited was found to be in error. In the event that one thought an item was not *muktzah* on Shabbos and then on Shabbos discovers that it is *muktzah*, it may not be moved for the remainder of Shabbos even though at the outset of Shabbos he did not push that item out of his mind (פסקי תשובות אות ד').

Overview

Siman 310 Seif 3:

Something that was fit for use as Shabbos began and then became ruined, whether it is prohibited for consumption or whether it is prohibited to move, and then it becomes repaired, it reverts back to its permitted state. Something that was prohibited during *bein hashemashos* is prohibited for the entire Shabbos.

- The bigger novelty is that the one may even eat the food that was "broken." (M.B. 14)
- An example would be if rain falls on raisins rendering them inedible and then the sun dries them. Taz writes that after a *milah* the *milah* knife may no longer be handled since it is *muktzah machmas chisaron kis* which is not in accordance with those who contend that that it may be moved since items cannot be *muktzah* for part of Shabbos. Therefore, one should put it away in the room where the *milah* occurred. Magen Avrohom agrees but maintains that one should be stringent and should not put down the knife until he can place it in a safe location since one may move *muktzah* once it is in his hand. If he will do *periah* and must place down the knife, someone else should take the knife and place it in a safe location. *B'dieved* if he placed it down and there is concern that it may be stolen, one may rely on the lenient opinions that permit moving it. (M.B. 15)

Siman 310 Seif 4:

Dried figs and raisins that were *muktzah* and when *bein hashemashos* arrived they were dry and fit for consumption, even though the owner was unaware that they dried and subsequently finds out that they were dry during *bein hashemashos*, they are permitted.

- He put them out of his mind only because he thought they were unfit but since they were already dry they were prepared for use. (M.B. 17)