The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שי"א סעיף ט'-סימן שי"ב סעיף א'

Overview

Siman 311 Seif 9:

If fruit is buried in straw or stubble that is *muktzah* it is permitted to insert a needle or other similar device to take the fruit even though the straw will end up moving. See *siman* 308:38 for the *halacha* if it is buried in sand or dirt.

- This is a case of indirect movement of *muktzah* for the sake of something permitted. In the event that one specifically took the straw to cover the fruit it would no longer be *muktzah* and may then be handled directly. (M.B. 37)
- Rema refers to dirt that is not *muktzah*. Being that it is prohibited to indirectly move *muktzah* for the sake of the *muktzah* item, the practice to move money with an instrument is certainly prohibited besides the fact that one may not engage in commerce on Shabbos. (M.B. 38)

Siman 312 Seif 1:

Out of concerns for human dignity it is permitted to move stones for wiping. It is even permitted to bring them on the roof which involves extra exertion. If someone has a designated place for his bathroom it is permitted to bring in a handful of stones. If one does not have a designated place to relieve himself he may bring in stones in the quantity of a small pestle. If one could tell that he used the stones to wipe himself it is permitted to bring in even a large stone or a quantity greater than a handful since once they were designated they are not *muktzah*. Some maintain that it is only permitted to move them in one's courtyard and some authorities even permit transporting them from a *karmelis* to a private domain since that action involves only a Rabbinic injunction which is suspended for the sake of human dignity.

- The same is true regarding any other *muktzah* item. (M.B. 1)
- Since the place is designated for relieving oneself even if he does not use all of the stones, they will likely be used over the course of Shabbos and thus it is permitted to move a handful of stones and is not considered unnecessary. When one goes to a place that is not designated for relieving oneself one may not take any more than the amount of stones he will need that time which is the quantity of a small pestle because moving more than that would involve unnecessary movement of *muktzah*. Magen Avrohom and Elya Rabba disagree whether it is permitted to move stones when one could have prepared them before Shabbos. (M.B. 2)
- In other words, the head of a small pestle used to pound balsam. (M.B. 4)
- All opinions agree about this and it is introduced with the words ויש אומרים because the ruling is not found in earlier sources. (M.B. 4)
- The wording implies that if it is not discernable it may not be moved even though one knows that they were used but others are lenient if one knows that they were used. (M.B. 5)
- Shulchan Aruch refers to where they were designated before Shabbos for this purpose because if they were it would be permitted to bring in as many stones as he wants. One could also designate unused paper for this purpose but if it was not designated, one may not bring in any more than is necessary. (M.B. 6)
- Although many *Poskim* maintain that our public domain is only a *karmelis* one should not be lenient. (M.B. 8)

Halacha Highlight

Using toilet paper on Shabbos

Shulchan Aruch Siman 312 Seif 1
ואם נכר באבן שקנחו בו
If it is discernable that the stone was used for wiping

Shulchan Aruch (סי' שי"ב סע' א') establishes the principle that out of concern for human dignity it is permitted to move stones that one needs to wipe himself. Mishnah Berurah (סק"ו) points out that this principle is necessary when one did not designate the stone for this use before Shabbos. If one did designate this stone for this use before Shabbos it would be considered a utensil and none of the *muktzah* restrictions would apply. He then notes that the same is true regarding blank paper which is considered *muktzah*. This means that if one designated paper that is *muktzah* because it is reserved for writing to use for wiping on Shabbos, it loses its *muktzah* status and one may bring as much paper into the bathroom with him as he pleases. If one did not designate the paper before Shabbos one may only bring into a temporary bathroom the amount of paper he will need that time.

At the end of his discussion of this topic Mishnah Berurah writes that it is prohibited to rip paper for this purpose and instructs us to read his comments in *siman* 340:13. He writes there that one who cuts paper to use to wipe himself has violated the Biblical prohibition of קורע—tearing, since he is cutting the paper for a constructive purpose. If one finds himself in a bathroom and there is no precut toilet paper or tissues to use, if possible one should use the toilet paper while still attached to the roll and then flush the paper as is and it is of no consequence if the toilet paper rips as it is flushed into the toilet (חוט שני ח"א פי"ח סק"א). If that option is not practical, Rav Karelitz (חוט שני שם) and Rav Elyashiv (ארחות שבת ח"א פי"א הע' ל"ג) permit tearing toilet paper in an unusual manner.