



# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS

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Parshas Devarim 5762

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*Is fruit sold as merchandise muktze or not?*

The *Shulchan Aruch*<sup>1</sup> tells us that all edible food items, even food sold as merchandise, may be handled and eaten on Shabbos. The *Tosefos Shabbos*<sup>2</sup> explains that although the food is up for sale, nevertheless one has it in mind to eat them whenever he wishes. This is probably based on the assumption that a person will always eat whatever he can and therefore he does not take his mind off food.<sup>3</sup> There are exceptions to this rule, for example fruit that was still attached to the tree at the commencement of Shabbos; even though it fell off the tree on Shabbos, it remains *muktze*. Therefore, if your supply of soft drinks depleted on Shabbos, you may borrow more drinks from your shopkeeper neighbor and pay him after Shabbos. If your shul members decided (a bit late) that they would like to make a kiddush after shul, they may obtain cake, drink, herring etc from a local store<sup>4</sup> and bring it to shul (where there is a kosher *eiruv*).

<sup>1</sup> *Simon* 310:2.

<sup>2</sup> This is not the *Tosefos* on *Maseches Shabbos* which are *Rishonim*, rather this is an *achron* – a latter commentator who lived approximately 200 hundred years ago. He is often quoted by the *M”B* and other *poskim*.

<sup>3</sup> See the *SS”K* 20 footnote 63 who brings the *Ohr Sameach* saying that a person will give whatever necessary for food, and therefore one never takes his mind off food.

<sup>4</sup> Obviously we are referring to a case where no payment, writing etc will be done on Shabbos.

*Is there a difference between food products and other merchandise? I.e. if I can obtain paper and plastic plates from a local storeowner on Shabbos are they muktze?*

Merchandise is not usually used by a merchant because he knows that if he uses his plates or cups etc he will have a problem selling them, and therefore he takes his mind off using them, and hence they are *muktze*.<sup>5</sup> If however, he uses his merchandise they would not be *muktze*. Therefore obtaining paper plates and cups from a local Jewish merchant on Shabbos would largely depend on his habitual conduct with regards to his merchandise.

*If I placed pieces of apple on my porch to dry before Shabbos, may I eat them on Shabbos?*

The source of this question is rooted in the *gemora* (and *halacha*),<sup>6</sup> which says that figs and raisins placed on one’s roof to dry are *muktze* on Shabbos. The *poskim* explain that food will be *muktze* when two factors are present, namely inedible and physically rejected.

The *gemora* says that figs and raisins are inedible during their drying process, which is reason for their rejection, and putting them on the roof to dry is a physical rejection. Whenever one of these two factors is absent,

<sup>5</sup> *Rama* in *Simon* 308:1. See also the *Shulchan Aruch HaRav* 308:3 and the *SS”K* 20:21.

<sup>6</sup> *Simon* 310:2.

the food will not be *muktze*. Pieces of apple do not become inedible during their drying process and as such only one factor is present – setting aside, accordingly they would not be *muktze*.

We find though, that the *poskim* debate as to whether matzos for the *Seder* night are *muktze* on the Shabbos before Pesach, because they are set aside and will definitely not be eaten before Pesach. Some say that they are *muktze machmas chisaron kis* – *muktze* due to their extreme value and the care one takes of such an item.<sup>7</sup>

*If one erroneously believed that a certain item was muktze and subsequently learned that it is not, may he handle that item on Shabbos?*

Let us revert to the figs and raisins. As stated they are *muktze* partly because they are inedible. If when Shabbos began one thought that they were not yet edible and subsequently learned that they were edible when Shabbos began, they are not *muktze* and may be eaten. This is based on a rule that says that items cannot become *muktze* through erroneous belief.<sup>8</sup>

If one mistakenly thought that a certain item was *muktze* and he was subsequently put right, the item may be handled, despite the fact that he thought it was *muktze*.

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### **Vort on the Parsha**

The *possuk* says (2:5) that *Hashem* bequeathed mount *Se'ir* as a heritage to Eisav, and the *Possuk* in *Yehoshua* (24:4) says *Hashem* bequeathed mount *Se'ir* as a heritage to Eisav and *Ya'akov* and his sons went down to Egypt. Why is it that Eisav received his heritage on a silver platter when *B'nei Yisroel*

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<sup>7</sup> See the *SS"K* 20:22 and footnote 65.

<sup>8</sup> *Simon* 310:4.

only received theirs after the hardships of Egypt and the desert?

Rav Aharon Bakst Ztz"l explained that we find an interesting phenomenon in nature where a newborn calf will be walking and feeding himself within a few days of birth, whereas a human takes months of careful nurturing and care before he is capable of the same. This is because the higher the expectancy, the greater the work and effort needs to be instilled in the product – a polished diamond is produced only after much sweat and toil.

Not much was expected of Eisav and therefore he was handed his heritage on a platter, whereas of *B'nei Yisroel* perfection was expected and refinement of the highest nature. This could only be produced through the melting pot of Egypt.

Our gollus is a long and terrible one. Our only consolation and hope is that labor pains bring forth a beautiful baby. We too are awaiting a speedy and extraordinary redemption.

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### **Food For Thought**

*If an item was usable when Shabbos began and during Shabbos became unusable and hence muktze, if it becomes usable again does it remain muktze?*

*Is one permitted to cover a newly laid egg on Shabbos? What about placing a plate beneath it to catch it?*

*Under which muktze-status do you classify a wallet – with money inside and without?*

*Does money in a jacket pocket render the entire jacket muktze?*

Answers coming next week.

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Dedicated in memory of HaKadosh R' Shimshon of Ostropol was murdered wearing Tallis and Tefillin on 3rd of Av  
Rav Moshe Stern, the rav of Debrezin. 2nd of Av.

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If you would like to send a question to Rav Ostroff, you can write to him at [shabbosweekly@shemayisrael.com](mailto:shabbosweekly@shemayisrael.com).

**Note:** The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.