

HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

This week's question:

May children play with a very inaccurate kitchen scale on Shabbos?

What could the problems be?

- (A) *Uvdah Dechol* - doing something that is not in the spirit of Shabbos.
- (B) *Mekach Umemkar* and *Medidah* - commercial activity and measuring on Shabbos.
- (C) Is there a problem of Muktz'a?
- (D) Is there a problem with keeping a faulty measure in one's possession?

(A) Uvdah Dechol

Rabbinical ordinances are usually instituted as a preventive measure to minimize the chances of violating a Scriptural commandment. They are, thus, an extension of the Scriptural commandment. With regard Shabbos these are known as Shvus [See Halochoscope Vol 1 No 4]. There are, however, a few ordinances that were not added to an existing Scriptural commandment, but were instituted for other reasons. *Uvdah Dechol* is one such institution. Based on a verse in Yeshaya (58) "Mimtzo Cheftzecha ..", "[you honor Shabbos...] from seeking your affairs", the Rabbis demand different behavior on Shabbos than on regular weekdays. Since these are not Shvusim, there are some leniencies applied to them, notably that they are permitted for a Mitzvah, especially since the verse limits the restricted behavior to personal, rather than Mitzvah, needs. [See Shabbos 113a-b 150a, etc. Tosafos 126b. Shulchan Aruch Orach Chaim 306. Magen Avraham 16. Pri Megadim etc. Halochoscope Vol 1 No 7.]

(B) Mekach Umemkar, Medidah

Commercial activity is forbidden Rabbinically for two reasons: It could lead to writing and is therefore considered a Shvus. It is also *Uvdah Dechol*, being a mundane activity and not in the Shabbos spirit. Included in the larger ordinance forbidding all *Mekach Umemkar* are many specific activities usually associated with it. One of these is *Medidah*, measuring, since one usually measures or weighs before selling an item. Although in one's home one is not involved in selling one's food, it is nonetheless forbidden as *Uvdah Dechol*, both on Shabbos and YomTov. This means that one may not weigh flour for a recipe on YomTov; one may only approximate. One may, however, use measuring spoons, but should not fill them exactly. Medicines (if permitted on Shabbos) may be measured, because healing the sick is a Mitzvah, and measuring is permitted for a Mitzvah. Likewise, measuring a cup for Kiddush to check on its

Shiur, minimum Halachic volume, is also permitted. It should be noted that *Medidah* is forbidden because it appears to the onlooker like commercial activity. When it is clear that there is no commercial activity and that it is not done the same way as *Uvdah Dechol*, it is permitted. When not in his place of business, a merchant may use measuring receptacles (but not measure exactly) and then pour from them into a client's receptacle provided they do not use any language that indicates a transaction. [See Shabbos 148a-b, 149b, etc., 157a-b. Beitza 39a. Commentaries, Poskim. Rambam Hilchos Shabbos 23:12-13, 24:1, 5. Sh. Ar. O.C. 306:6 323:1-4. commentaries]

There is, however, one case where apparent measuring is not forbidden. This is when one is only measuring for fun with no real purpose in mind. Accordingly, when children are at play, there would be no violation of *Medidah*. [See end of Shabbos.]

(C) *Muktza*

Anything that has no permissible use on Shabbos is *Muktza*- it may not be moved on Shabbos. [See *HalochoScope* Vol 1 No 8.] Although measuring spoons can be used on Shabbos because one can approximate the measurements, a scale cannot be used for approximation. A balance scale does not work without exact weights. A kitchen scale has smaller measurements so that there is always a reading of some sort. Therefore, having no permissible use on Shabbos, scales seem to be *Muktza*. However, there are a few categories of *Muktza* with varying levels of stringency. On category is *Kli Shemelachto Leissur*, something normally used for activity forbidden on Shabbos. This may be moved to make space- *Letzorech Mekomo*. If it has an occasional use that is not forbidden on Shabbos, it may be moved for this purpose, e.g. a hammer may be used to crack nuts. This is known as *Letzorech Gufo*. [See Shabbos 122b Commentaries, Poskim. Sh. Ar. O.C. 308 and commentaries, especially 308:51 and commentaries.]

Since we have shown that it is permissible to measure for fun, if scales are *Muktza* because of *Melachto Leissur*, they may be used for play, a permissible activity, *Letzorech Gufo*. Moreover, the same measuring utensils may be used when one is careful to avoid open commercial activity.

However, there is another category of *Muktza* into which kitchen scales might be classed: *Chisaron Kis*. This includes all delicate and fine instruments that are only used for their original purpose. [We find that, although one may use an ordinary ruler or yardstick as a cane, one may not move a "professional" measuring stick, which a tailor or builder is careful not to use for anything else. The Talmud terms this *Muktza* as *Meyached Lo Makom*, one designates a place where the utensil will remain for the duration of Shabbos. There are two interpretations of this: Because one does not intend to use it for anything other than its usual use, for which it will not be used on Shabbos, it is totally *Muktza*. Or, since it could get damaged, one would not move it unnecessarily. Kitchen scales do not serve any function other than weighing, which is usually forbidden but can be permissible, so one has not necessarily decided not to use them. However, due to the delicacy of their mechanism, one would not move them unnecessarily. According to the second interpretation they are *Muktza* because of *Chisaron Kis*. However, the scales in question are quite inaccurate anyway, which means that they are not the same as the "professional" yardstick, and are, at most, a *Kli Shemelachto Leissur*. Accordingly, children may play with them.

[See Shabbos 123a, etc. Sh. Ar. O.C. 308:1 Shaaray Teshuva 5. *HalochoScope* Vol 1 No 8]

(D) *Keeping a Faulty Measure*

There are a number of general commandments regarding being precise in measuring. [See Parshas Kedoshim 19:35-36. Parshas Ki Seitzei 25:13-15.] There is a specific negative commandment forbidding keeping a faulty measure in one's possession. "*Lo Yihye Lecha Bevaischa Eifa VeEifa Gedola Uketana*". "There shall not be in your house a bigger or smaller Eifa measure." [Parshas Ki Seitzei 25:14] The repetition of these commandments make the violation more serious, besides other comments in the Torah about the wickedness and punishment of the violator of these commandments and the abundant rewards of those who follow these commandments.

All of these really refer to weights and measures used in a commercial setting- the issue is that of deceiving another in a business deal, although one is in violation even if one never even used them. The Talmud says that even one who does not intend to use a faulty measure for selling, must nonetheless get rid of it. If it is a large liquid measure, for example, he may not use it as a garbage can since it is faulty, and at a time when he has no other available, he might forget and use it. There are, however, two exceptions made to this in the Talmud: If there is a board of approval in one's community that will attach a seal, or sticker to measuring implements that meet their standards, and the customers will not buy unless they see the sticker, one may keep the inaccurate measure. Also, if the government sends inspectors to periodically check merchant's measures, then one can assume that the faulty one will not be used. Although this second exception is rejected, the first one is accepted as Halacha by the Poskim. Accordingly, in our case, where the kitchen scale is not being used in a commercial setting, and there is a regulatory board that attaches a sticker to the scale, there would be no problem keeping it. Even if one could still use this scale for a semi-commercial transaction, such as when loaning a neighbor some flour, this is not its usual use. Therefore, at least according to one opinion, it is possible that a kitchen scale that was only intended for personal use may be kept after it loses its accuracy. In our case, the scale had been used in the past for for a semi-commercial application: To weigh a half a case of chickens in order to divide the cost equally between two neighbors. Since it could still be used like this, one must give careful consideration to applying the above leniency. Rather than actually destroy the scale, an alternative suggestion is to permanently and conspicuously mark the faulty scale in a way that no-one will come to use it commercially again. [See Baba Basra 88b-89b commentaries and Poskim., Sh. Ar. Choshen Mishpat 231:3. Kesef Hakodoshim. Kuntres Midos Umishkalos (Chofetz Chaim). Chinuch and Minchas Chinuch Mitzvos 258, 259 and 602.]

ANNOUNCEMENTS

SCHEDULE:

SHABBOS SHACHARIS	9:00 AM
SHABBOS MINCHA	8:15 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUN, WED, THURS	8:30 PM
MINCHA MONDAY	6:30 PM
<u>Tisha B'ay:</u>	
SUNSET MONDAY- finish eating by	8:40 PM
MAARIV MONDAY	9:10 PM
MINCHA TUESDAY	8:10 PM
END OF TAANIS (8.5 degrees)	9:26 PM
CANDLE-LIGHTING VO'ESCHANAN/NACHAMU	8:18 PM
Plag Hamincha-earliest time to light candles	7:07 PM
MINCHA EREV SHABBOS NACHAMU	7:00 PM

SHIURIM:

GEMORO MAKOS	SUNDAY	7:15 AM
HALACHOS OF BUSINESS	THURSDAY	4:30 PM
HILCHOS SHABBOS	SHABBOS	8:15 AM
DAF YOMI:	SHABBOS	6:00 PM
	SUNDAY	8:30 AM
	WED, THURS	7:40 PM

This issue of HALOCHOSCOPE has been sponsored by Mr. Leon Siebziner in memory of his wife, Tobe bas Yehudah Yoel A"H, whose Yorzite is on the 26th of Tamuz.

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