

In Hilchos Shabbos

Taking out the Garbage

You've heard the shaylos . . .

Now learn the issues & the opinions

A summary of the weekly Wednesday night In Hilchos Shabbos shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel. To receive it weekly email InHilchosShabbos@gmail.com

Although taking out the garbage on Shabbos may seem like an insignificant task, there are actually a number of halachic issues that may be involved. In the following paragraphs we will discuss the following issues:

- 1) Opening garbage bags that are attached
- 2) *Bitul kli m'heichano*
- 3) Is garbage *muktze*?
- 4) Tying a garbage bag

1) Opening Garbage Bags that Are Attached

Some garbage bags are made in a way that one bag is attached to another. In order to use the garbage bags, they must first be detached from one another. Detaching the bags on Shabbos involves the *melacha* of *Makeh b'patish* (the final hammer blow).



The *melacha* of *Makeh b'patish*

Makeh b'patish is one of the thirty-nine *melachos* of Shabbos.¹ During the construction of the Mishkan, vessels were formed by craftsman who, upon finishing a vessel, would apply the final hammer blow which would complete it and make it fit for use in the Mishkan. This was the *melacha* of *Makeh b'patish*.² Therefore, any act of completion on Shabbos that makes an object usable violates the *melacha* of *Makeh b'patish*.³

As an example, the Gemara⁴ tells us that it is prohibited to pull off a piece of wood in order to create a toothpick. Since pulling off the piece of wood completes the toothpick and makes it usable, doing so violates the *melacha* of *Makeh b'patish*. The Mishna Berura⁵ writes that one may not detach pages of a new book that were not properly cut at the corners, since doing so completes the book and makes it functional.⁶

Accordingly, detaching one garbage bag from another violates the *melacha* of *Makeh b'patish* because detaching the bag makes it complete and functional as a garbage bag. One must be careful to detach the garbage bags from one another before Shabbos begins.

Tearing a garbage bag that is attached to itself

Some garbage bags are manufactured in a way that the edges of each bag are attached to itself and must be detached before it can be used. Opening these bags may also involve the *melacha* of *Makeh b'patish* depending on how the bag is manufactured.

Some brands of garbage bags are completely detached from themselves at the time of manufacturing, but the edges of the bags are *unintentionally* reattached due to the heat involved in the manufacturing process. These bags may be opened on Shabbos because the edges were once detached and were only inadvertently connected. Halachically, they are still considered complete, and may therefore be opened on Shabbos.

Other brands of garbage bags are not completely detached from themselves at the time of manufacturing; rather, the edges are intentionally left attached to one another so that the bags can be easily folded. Opening these bags on Shabbos is problematic, as doing so completes the unfinished bag, violating the *melacha* of *Makeh b'patish*.⁷ One must be careful to detach these bags before Shabbos begins.

2) *Bitul Kli m'Heichano*

There is a relatively unknown rabbinical Shabbos prohibition called *Bitul kli m'heichano* – nullifying a vessel from its intended purpose.⁸ As an example, the Shulchan Aruch⁹ writes that one may not place a bowl underneath a lantern that is dripping oil. The dripping oil is *muktze*, and when it falls into the bowl it limits moving the bowl on Shabbos.¹⁰ Causing this limitation to the movement of the bowl nullifies the usage of the bowl to some degree, and violates the prohibition of *Bitul kli m'heichano*. The Mishna Berura¹¹ explains that nullifying a vessel from its intended purpose is on some level equivalent to destroying it and is therefore rabbinically prohibited because it resembles the *melacha* of *Soser* (destroying). Another example of *Bitul kli m'heichano* is peeling egg shells into a plate. Since the shells are *muktze*, they limit moving the plate that they are resting on, and therefore placing them on the plate violates the prohibition of *Bitul kli m'heichano*.^{10a}

Does throwing garbage into an empty garbage bag violate the prohibition of *Bitul kli m'heichano*?

Some *poskim*¹¹ rule that throwing garbage into an empty garbage bag on Shabbos involves the prohibition of *Bitul kli m'heichano*, as the garbage, which is *muktze* (as we will later discuss), limits the permissible usage of the garbage bag (and garbage can). However, the majority of *poskim*¹² rule that throwing the garbage into an empty garbage bag does not involve the prohibition of *Bitul kli m'heichano*. They argue that since the purpose of a garbage bag (and garbage can) is to hold garbage, we cannot say that throwing garbage into the bag nullifies the bag from its *intended* use.

Disposable bags and plates

The *poskim*^{12a} write that the prohibition of *Bitul kli m'heichano* does not apply to disposable items for the same reason that it does not apply to garbage bags. Since a disposable item is intended to be used only once, placing a *muktze* object on it is not viewed as nullifying its intended use. Therefore:

- One may put a dirty diaper in a plastic shopping bag.^{12b}
- One may peel egg shells onto a disposable plastic plate.

3) Is Garbage *Muktze*?

Taking out the garbage on Shabbos may involve the prohibition of moving a *muktze* object. To understand whether moving garbage on Shabbos is problematic, let us review some of the *halachos* of *muktze*.

The rabbinical prohibition of *muktze*

Perhaps the largest subject in Hilchos Shabbos is the rabbinical prohibition of *Muktza*, items that are set apart from use. Chazal instituted that only objects that are *muchan* (prepared for Shabbos use) may be moved on Shabbos. Objects that are *muktze* may not be moved on Shabbos. One of the reasons for the prohibition of *muktze* is given by the Rambam:¹³

"Chazal prohibited moving certain objects on Shabbos the way they are normally moved during the week. What brought them to make this prohibition? They reasoned that just as the Prophets commanded us that the way one speaks, and walks must be different on Shabbos than the rest of the week, one should certainly not handle objects on Shabbos as he does during the week. This distinction will cause a person to treat Shabbos differently from the other days of the week as a "day of rest". Otherwise, one may regard Shabbos as a weekday, spending his time the same way he would during the week. For example, he may spend his free time on Shabbos rearranging and organizing his home. He will not utilize Shabbos as a "day of rest", as the Torah states that it is intended to be."

There are several categories of *muktze*, and in the following paragraphs we will discuss two which are relevant to moving garbage on Shabbos.

1. ***Muktze machmas gufo* – an object that has no function.** Any object that has no function is set apart from use, and is therefore considered *muktze* and may not be handled on Shabbos. Such objects are called *muktze machmas gufo*, an object that inherently has no function. To give an example, the Shulchan Aruch¹⁴ rules that a stone is *muktze machmas gufo* and may not be handled on Shabbos. Likewise, eggshells, nutshells, and fruit pits are considered *muktze machmas gufo* because they no longer have a use.¹⁵
2. ***Basis* – a base for a *muktze* item.** The Gemara¹⁶ writes that any object that supports a *muktze* item receives the halachic status of a *basis* (a base for the *muktze* object) and has the same halachic status as the *muktze* item that it is supporting.¹⁷ For example, if money was left in a bowl, the bowl is turned into a *basis* and is considered *muktze*. Furthermore, if at the onset of Shabbos (i.e., during *bein hashemashos*) an object was a *basis* for a *muktze* item, the base remains a *basis* for the entire Shabbos even if the *muktze* item was subsequently removed from the base during Shabbos.¹⁸ For example, if a non-Jew removed the money from the bowl during Shabbos the bowl is still considered *muktze* and may not be moved the entire Shabbos.

1 Mishnah Shabbos 73a 2 Tosfos Shabbos 102b d'h *Makeh b'patish* [see Rashi Shabbos 73a d'h *ha'makeh* for a different explanation] 3 Gemarah Shabbos 75b. See 39 Melachos pg. 1111 4 Gemarah Beitza 33b, Rashi d'h *vlo* and Mishna Berura 322:13 5 340:44 6 The Biur Halacha (end of 340 d'h *d'chayiv*) explains that tearing the book involves both the *melachos* of *Koreya* (tearing) and *Makeh b'patish*. 7 Rav Yosef Veiner in Contemporary Questions in Halacha and Hashkafa pgs. 140-141. Rav Viener writes "I learned from company representatives that as part of the manufacturing process, the bags are left connected at the side seam... so that the bag can be easily folded. Based on this information, it seems that it is prohibited to open these bags on Shabbos. It is indeed a mitzvah to make others aware of this potential *chillul* Shabbos. Although it is not an issue with many brands, those using the problematic brands (Costco brand, Glad Forceflex) might not even notice the problem had it not been pointed out." 8 Gemarah Shabbos 43a 8a Although the bowl cannot become a *basis* once Shabbos has begun, nevertheless, the fact that the *muktze* item is resting on the bowl limits the way that one may move the bowl as it is now restricted to the rules of *tiltul min hatzad* (which may be moved only *tzorech dovar ha'mutar*. (Shulchan Aruch 311:8) 9 310:6 10 310:20 10a See *hagoas Chasam Sofer* (on Magen Avraham 308:51) 11 See sefer 39 Melachos pg. 1104 12 Rav Elyashiv (Shvus Yitzchak Muktze perek 20) Orchos Shabbos 19:326 12a Rav Simcha Bunim Cohen pg. 53 (quoting Shmiras Shabbos k'hilchaso) 12b Rav Simcha Bunim Cohen pg. 53 13 Rambam Shabbos end of perek 24 (cited in Mishna Berura's introduction to siman 308) 14 308:7 15 Shulchan Aruch 308:27 (Orchos Shabbos 19:145) 16 Shabbos 142b 17 Mishna Berura 310:24 18 Shulchan Aruch 310:7

Determining whether garbage is *muktze*

The *poskim* discuss whether garbage in a garbage can is considered *muktze machmas gufo*. As we mentioned above, shells, pits, and objects that no longer have a use are certainly categorized as *muktze machmas gufo*, but what about other items commonly found in a garbage can, such as used disposable goods (e.g., plastic plates or cups), empty soda bottles, or leftover food? Although they have been thrown into the garbage, perhaps, since they are technically still usable they should not be categorized as *muktze machmas gufo*. In order to determine this the *poskim* turn to a similar *halacha* cited in the *Shulchan Aruch*¹⁹ regarding broken vessels:

Broken vessels that are still usable are not considered to be *muktze*. Since they are still functional they retain their status of a “vessel.” However, if these vessels were thrown into the garbage before Shabbos began they lose their status of a vessel and become *muktze*.^{19a} Throwing the vessel into the garbage shows that the owner no longer considers it to be a “vessel” but rather a useless item, and it is therefore *muktze*.

Accordingly, many *poskim*²⁰ rule that items that were thrown into the garbage before Shabbos began lose their status of a “vessel” and are categorized as *muktze machmas gufo*. Moreover, the garbage bag and garbage can, both of which serve as a base for the garbage, are each considered a *basis* and may not be moved on Shabbos.

This would seem to present an issue with taking out a garbage bag on Shabbos: since at the onset of Shabbos the garbage bag was *muktze*, it remains *muktze* the entire Shabbos and may not be moved. Indeed, some *poskim*²¹ rule that a garbage bag that had garbage in it at the onset of Shabbos may not be moved the entire Shabbos. Accordingly, when a garbage bag becomes full one may not remove it from the garbage can in order to make room for the new one; rather, the new bag must be hung or placed outside of the garbage can. The only way to prevent the bag from becoming a *basis* is by ensuring that the garbage bag is empty at the onset of Shabbos, thereby allowing the garbage bag to be removed after it is filled up on Shabbos.^{21a}

Other *poskim*²² permit removing a full garbage bag, even one that had garbage in it on the onset of Shabbos. They base this leniency on the principle of *graf shel re'i*, as we will explain.

The principle of *graf shel re'i* – repulsive objects

The Gemara²³ writes that there are certain instances where Chazal allowed a *muktze* item to be moved. One instance is if a *muktze* item is repulsive and disturbing. This leniency is referred to as *graf shel re'i*, an object which was used for repulsive purposes. As an example, the *Mishna Berura*²⁴ writes that one may remove a pile of eggshells, nutshells, or chicken bones from a table if they are bothersome. Likewise, one may remove a dirty diaper from a room on Shabbos, even though it is *muktze*, if its presence is disturbing.^{24a}

The *poskim* debate whether the principle of *graf shel re'i* can be utilized to permit removing a full bag of garbage. Some²⁵ argue that ordinarily, once garbage is placed in a garbage can it is no longer bothersome, especially if the garbage can has a cover; therefore, according to these *poskim*, the leniency of *graf shel re'i* cannot be applied to removing a full garbage bag. Other *poskim*²⁶ rule that although the full garbage bag is not bothersome and cannot be considered *graf shel re'i*, it may still be removed in order to make room for a new garbage bag. If the new garbage bag cannot be placed in the garbage can it would certainly lead to a situation of *graf shel re'i*, as a new garbage bag would have to be placed outside the garbage can, presenting an unpleasant appearance giving off a disturbing smell. These *poskim* conclude that one may remove a garbage bag on Shabbos in order to prevent a situation of *graf shel re'i*.

Bringing a garbage bag to the table

When cleaning up after a meal it may seem more convenient to bring a garbage bag to the table rather than to make several trips to the kitchen. However, based on what we have discussed, moving a garbage bag very often involves the prohibition of *muktze*. If, at the onset of Shabbos, the garbage bag had garbage inside it, it becomes a *basis* to the *muktze* items. Therefore, bringing the bag to the table involves the prohibition of *muktze*.^{26a} If the garbage bag is in a garbage can, the latter also becomes a *basis*, since it too is holding *muktze* objects (i.e., the garbage and the garbage bag). The principle of *graf shel re'i* does not apply in this case according to all opinions, as moving the garbage bag is not necessary to prevent an unpleasant appearance or smell; one can easily clean up the table by making several trips to the garbage can.

A garbage can in a cabinet

As we have determined, if garbage is in the garbage bag before the onset of Shabbos, both the garbage bag and the garbage can become a *basis* because they hold the garbage

which is *muktze*. If the garbage can rests in a drawer that is in a cabinet, the drawer also becomes a *basis*, since it too holds a *muktze* object (i.e., the garbage can). Accordingly, opening the drawer is problematic on Shabbos, as doing so moves the *muktze* drawer. In order to avoid this issue, the *poskim* give a few suggestions which ensure that the garbage can does not become a *basis* and thus allow the drawer to be opened on Shabbos:

- If one ensures that the garbage can is empty at the onset of Shabbos, it and the drawer do not become a *basis* and the drawer may be opened.^{26b}
- If one places a roll or box of unused garbage bags on the bottom of the garbage can (between the can and the bag), this will prevent it from becoming a *basis*. In addition to the *muktze* item (the garbage bag), the can now holds non-*muktze* items (the unused garbage bags), and therefore the can does not become a *basis* to the *muktze* items because in this case the non-*muktze* items are more valuable than the *muktze* items. Accordingly, one may open the drawer on Shabbos.^{26c}
- If none of the above was done, one may use his foot to open and close the drawer holding the garbage can. Chazal only prohibited moving *muktze* in a normal manner; moving a *muktze* object in an abnormal manner is permissible.^{26d} This leniency is referred to as *titul k'lachar yad* – moving in a backhanded manner. The *Shulchan Aruch*^{26e} writes that moving an object with one's body (other than his hands) is included in this category of *titul k'lachar yad* and is permitted. As an example of *titul k'lachar yad*, the *Mishna Berura* writes that one may use his foot to kick coins that were left on the floor to a safe place.^{26f}

4) Tying a Garbage Bag

Tying a garbage bag may involve the *melacha* of *Kosheir* (tying). *Kosheir* is one of the thirty-nine *melachos* of Shabbos.²⁷ It was performed in the Mishkan when making the nets which were needed to catch the *chilazon*, a fish whose blood was used to produce blue dye (*techeiles*).²⁸ Accordingly, making certain knots on Shabbos is prohibited under the *melacha* of *Kosheir*.

There are two types of knots that may not be made on Shabbos:

- *Ma'aseh uman* – a very durable knot
- *Kesher shel kayama* – a long-lasting knot

Ma'aseh uman

Included in the *melacha* of *Kosheir* is making a knot which is very durable. Such a knot is called a *ma'aseh uman*, a professional knot.²⁹ There are two common examples of knots that fall into the category of *ma'aseh uman*:

- 1) **A double knot.** A double knot is considered a durable knot and may not be made on Shabbos.³⁰ Accordingly, one may not use a double knot to tie a garbage bag on Shabbos.³¹
- 2) **A single knot that is tied onto itself.** Tying a single knot onto itself (i.e., using one strand) is also considered a durable knot and may not be made on Shabbos.³² Accordingly, one may not tie a single knot onto itself when tying a garbage bag on Shabbos.³³



Kesher shel kayama

Also included in the *melacha* of *Kosheir* is making a knot intended to last for more than twenty-four hours.³⁴ Even if the knot is not very durable and cannot be considered a *ma'aseh uman*, it may still not be made if one's intention is for it to last for more than twenty-four hours.

A bow knot

A bow knot or “shoelace knot” (a single knot with a bow on top, which is commonly used when tying shoes) is not considered a *ma'aseh uman*, as it is rather easy to undo.³⁵ Nevertheless, if one's intention on Shabbos is to leave it intact for longer than twenty-four hours, it may not be tied because then it would fall into the category of a *kesher shel kayama*. Accordingly, it would be prohibited on Shabbos to tie one's shoes with a bow knot if his intention is to leave it intact for more than a day.³⁶ So too one may not use a bow knot to tie a garbage bag on Shabbos, since it will remain intact for more than twenty-four hours and is therefore considered a *kesher shel kayama*.^{36a}



The permissible way to tie a garbage bag on Shabbos

It is permitted to make a single knot using two strands (i.e., the first stage of tying a shoelace) on Shabbos. This single knot is loose enough that it becomes undone even when a small amount of pressure is applied, and is therefore not even considered a knot.³⁷ Accordingly, when tying a garbage bag one should do so by tying a simple single knot.

19 308:12. The Shulchan Aruch discusses “broken vessels” that are thrown into the garbage. The Mishna Berura (308:51) explains that if a “complete vessel” is thrown into the garbage it still retains the status of a vessel. Since it is a complete vessel the owner does not have the ability to nullify it because “*batul dato etzel kol dam*” – his will is forfeited to the consensus of the general public. Our case of used bottles and food is comparable to a “broken vessel”; since these items are commonly thrown out we do not say “*batul dato etzel kol dam*” and the owner can indeed nullify these objects. (Rav Elyashiv [Shvus Yitzchak Muktze 4:2] Rav Nissim Karelitz [Chut Shani 3:51; end of 1]) 19a It is clear from the ruling of the Shulchan Aruch that only if the broken vessel was thrown into the garbage before Shabbos began does it lose its status of a vessel and become *muktze*. If the object was thrown out on Shabbos itself, it does not lose its status of a vessel. The Mishna Berura [308:32] explains that because the object had a status of a “vessel” on the onset of Shabbos it cannot lose that status by being thrown into the garbage. 20 Orchos Shabbos 19:347, Rav Pesach Eliyahu Falk (Am HaTorah 5776 pg. 83-115) 21 ibid 21a One reason that emptying out the garbage before the onset of Shabbos allows the garbage bag to be removed is because it does not become a *basis* once Shabbos begins, and may therefore be removed on Shabbos. Even though removing the garbage bag indirectly moves the garbage (which is *muktze*) it is permitted because it is only *titul min hatzad* (indirectly moved). *Titul min hatzad* is permissible in situations where one needs the place that the *muktze* is resting (Mishna Berura 311:6). Therefore, the bag may be removed in order to make space for a new one. 23 Beitz 36a 24 Mishna Berura 308:115 (Rabbi Simcha Bunim Cohen, Muktzeh: A practical guide pg. 47) 25 Rav Pesach Eliyahu Falk (Koveitz Am HaTorah 5776 pg. 91), Binyan Shalem 308:34 pg. 307 26 opinions cited in Nishmas Shabbos Vol. 3:217 26a Rav Pesach Eliyahu Falk (Koveitz Am HaTorah 5776 pg. 108). However, he writes that if the need arises to move a garbage can one may move it with foot. 26b 26d Shulchan Aruch 311:8 26e Shulchan Aruch 311:8 26f Mishna Berura 308:30. However, the Chazon Ish (47:12) rules that one may only kick a *muktze* object as he is walking. 27 Mishna Shabbos 73a 28 Shabbos 74b 29 See Rema 317:1 30 Rema 317:1. The Rema writes that it is not clear whether or not a double knot is considered a *maasei uman*, nevertheless, since our knowledge regarding which knots are considered a *maasei uman* has diminished we must consider a double knot to be a *maasei uman*. (Orchos Shabbos 105, The Shabbos Home Vol. 2 pg. 202. See Chazon Ish 52:17) 31 The Shabbos Home Vol. 2 pg. 222 32 See Orchos Shabbos 10:8, The Shabbos Home Vol. 2 pg. 202 33 The Shabbos Home Vol. 2 pg. 222 34 See Mishna Berura beginning of 317 35 Mishna Berura 317:29 36 The Shabbos Home Vol. 2 pg. 205 36a The Shabbos Home Vol. 2 pg. 222 37 Orchos Shabbos 10:10. The Megillas sefer (21:6) explains that a single knot (using two strands) is not considered a *kesher* at all – even if it is made tightly. [He explains that the reason why a knot with a bow on top is considered a *kesher* is because it is a new type of knot consisting of a knot and a bow. This is also clear from the Shulchan Aruch HaRav (317:3)] However, it is evident from the Anei Neizer (179) that he understands that a single knot can be considered a *kesher* if it is made tightly, since he explains that a knot with a bow on top is considered a *kesher* because the bow causes the knot on bottom to be tightened and is therefore a *kesher*.