The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Nov 25 2023 ■ י"ב כסלו תשפ"ד
סימן ש"ח סעיף ד'-ו'

Overview

Siman 308 Seif 4:

A utensil designated for permitted use may be moved even if only for the good of the utensil, e.g. it may break or become stolen but it may not be moved for no reason whatsoever. Sacred writings and food may be moved for no purpose whatsoever. Tefillin may not be moved unless there is a necessity. A shofar may not be moved unless one needs it or the place where it rests.

- The same is true if the utensil is used for permitted as well as prohibited items. A pot used for cooking but occasionally used for water or fruit it is a kli shemelachto l'issur unless it contains food. (M.B. 20)
- Shulchan Aruch refers to any sefer from which one may study. There is a discussion whether this applies to a megilla. (M.B. 22)
- The same is true concerning dishes used for eating and drinking but some authorities are stringent regarding these items. (M.B. 23)
- Rema permits moving tefillin so that they are not stolen or so that they should not become ruined in the sun. Others are stringent and maintain that tefillin are a kli shemelachto l'issur and may only be used for their own purpose or if one needs their place. In a pressing circumstance one may follow the lenient opinion. (M.B. 24)
- A lulav may not be moved even for itself or for its place since it is not a utensil. (M.B. 25)

Siman 308 Seif 5:

Some permit moving a kli shemelachto l'issur even from the sun to the shade by placing bread or a child on it.

- Many Rishonim disagree and contend that the leniency of using a loaf or child may be utilized to transport a corpse but nothing else and later authorities follow this stringent position. When there is food in a pot all authorities agree that it may be moved together with the food. (M.B. 26)

Siman 308 Seif 6:

If a utensil breaks, even on Shabbos, it is permitted to move the broken pieces as long as they are fit for some melacha, for example, broken pieces of a bowl may be used to cover a barrel and broken pieces of glass may be used to cover a flask but if it is not fit for any melacha it may not be moved. If it broke where it could cause damage, for example glass that breaks on the table or where people walk, it is permitted to move the shards so that no one should be harmed.

- Broken utensils are muktzah machmas gufo but since it is derived from a utensil it does not lose its status as a utensil as long as it still serves a function. (M.B. 28)
- If the shards are earthenware they may not be moved since it is uncommon that someone would become harmed by them. It is permitted to move them with one's foot since moving muktzah with one's body is permitted. (M.B. 30)

Halacha Highlight

Tefillin

Rema Siman 308 Seif 4

ותפילין אין לטלטם כי אם לצורך

Tefillin should not be moved unless it is necesary

Shulchan Aruch (סע' ד') rules that a kli shemelachto l'heter, meaning a utensil whose primary use is for permitted activities, may be moved even if one's intent is to protect it from becoming stolen or broken. However, one may not move a kli shemelachto l'heter for no purpose whatsoever. Sacred writings, food and dishes used for eating (מ"ב ס"ק כ"ג) may be moved even for no purpose whatsoever. Mishnah Berurah (שם) mentions that there are some authorities that are stringent regarding dishes and do not permit moving them for no purpose whatsoever. Rema writes that tefillin may not be moved unless there is a need to move them. Mishnah Berurah (ס"ק כ"ד) explains that Rema only permits moving tefillin if one needs to protect them. However, Taz and Magen Avrohom adopt a more stringent position and contend that since it is prohibited to wear tefillin on Shabbos they are considered a kli shemelachto l'issur and may only be moved for their own purpose (לגופו) or if one needs their place (למקומו). Mishnah Berurah concludes that in a circumstance of need one may rely on Shulchan Aruch's opinion and move them if one fears that they would become damaged. In the event that tefillin fall on the floor, all opinions agree that one must pick them up and place them in a safe place (מ"ב סי' ל"א סק"ה).

Some Poskim maintain that nowadays one should treat tefillin as muktzah machmas chisaron kis since people are particular to not use tefillin for other activities and it would not be permitted to move them even for their own purpose or for its place (פסקי תשובות). Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פ"כ סע' י"ד והע' ל"ג) disagrees and maintains that tefillin do not qualify as muktzah machmas chisaron kis. His reasoning is that tefillin can and sometimes are used for other activities. For example, a person may want to examine his tefillin in the course of studying the halachos of tefillin. One may also wear them for protection which is permitted as long as he does not intend to fulfill the mitzvah. Since tefillin are used occasionally for these purposes, they are not muktzah machmas chisaron kis.