The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Mon, Nov 27 2023 ■ י"ד כסלו תשפ"ד
סימן ש"ח סעיף ט'-י'

Overview

Siman 308 Seif 9:

It is permitted to remove the door from a box, chest or closet but it is prohibited to return it out of concern that he will reinsert it firmly. The door of a chicken coop may not be removed or returned because the coop is attached to the ground and thus subject to the prohibitions of building and demolishing.

- Building and demolishing does not apply to utensils. (M.B. 36)
- Inserting it firmly violates the prohibition of makeh b'patish. Some maintain that the prohibition of building applies to utensils when something is inserted firmly since it represents a craftsman's work. (M.B. 37)
- Shulchan Aruch refers to where the coop was built attached to the ground but Pri Megadim contends that even if it was constructed and then attached to the ground it is treated as though it is a structure since the door has hinges and even if it has a handle one must be stringent. (M.B. 40)

Siman 308 Seif 10:

The cover of a pit or cistern may not be taken on Shabbos unless it has a handle since that indicates that it is a utensil. The cover of a utensil, even if attached with clay may be removed even if it does not have a handle as long as one performed an action to prepare it for the use or if it was used before Shabbos. The cover of a barrel that is affixed to the ground must have a handle.

- A pit is dug in the ground whereas a cistern is a structure that is in the ground but exposed on top. (M.B. 41)
- Since it covers something in the ground it is subject to the prohibition of building when replacing the cover and demolishing when removing the cover. However, when it has a handle it is evident that it is a utensil and thus not subject to the prohibitions of building and demolishing. Magen Avrohom explains that when the covers may not be removed they are, in fact, muktzah. (M.B. 42)
- Although the utensil has clay that attaches it to the ground and normally something attached to the ground is treated as though it is part of the ground, in this case since the cover does not have a hinge attaching it to the utensil and the utensil is exposed on top it does not appear as though one is performing an act of construction as opposed to where the utensil is completely in the ground. (M.B. 43)
- One prepared them to be used as the cover of a utensil or it was designated for that purpose even if one did not do anything to the cover. (M.B. 45)

Halacha Highlight

Moving a drain cover

Shulchan Aruch Siman 308 Seif 10

כסוי בור ודות אין נטלים

The cover of a pit or cistern may not be moved

Shulchan Aruch (סעי' י') discusses the cover of a pit or cistern. He rules that it is prohibited to move it unless it has a handle. Mishnah Berurah (סק"ב מ"ב) explains that this restriction applies even if one made the cover in a manner that indicates that one intends to remove and replace the cover since the issue is not muktzah. The issue is that removing and replacing the cover resembles demolishing and building respectively. However, when there is a handle on the cover it is evident that it is a utensil rather than something that is considered part of the ground and thus it may be moved on Shabbos. He then references Magen Avrohom who explains that when Shulchan Aruch writes that a cover without a handle may not be moved, his intent is that it may not be moved altogether even if it was taken off the pit before Shabbos and certainly it may not be removed from the pit. The reason is that since it was designated to be used as a cover for a pit it is not designated for any other purpose and thus may not be moved even though it is considered a utensil. Biur Halacha (ד"ה אין נטלים) notes that Pri Megadim rejects Magen Avrohom's explanation but he explains the rationale behind Magen Avrohom's position and justifies it.

A practical application of this halacha is whether it is permitted to move the drain cover that people commonly have in their basement. Such a cover is an example of Shulchan Aruch's case of a cover on a pit and is subject to the rules in our seif. One may not move the drain cover unless it has a handle. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ג הע' כ"ח) contends that any time the cover is constructed in a manner in which it is evident that it was meant to be removed and replaced, it is as if it has a handle and may be moved on Shabbos.