The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"ח סעיף ט"ז-י"ז

Overview

Siman 308 Seif 16:

If a shirt was laundered and a reed was inserted so that it could be hung to dry, it is permitted to remove the shirt from the reed but it is prohibited to take the reed from inside the shirt since it is not a utensil. If one inserted a utensil it is permitted to remove it from the shirt even if the utensil is a kli shemelachto l'issur. If a stove lost one of its legs it is prohibited to move it. Similarly, if a long couch lost a leg and certainly if it lost two legs, it is prohibited to move it or place it on another couch to sit upon it. This is true even if the couch broke before Shabbos unless one sat upon it one time before Shabbos. It is also prohibited to insert the leg in place since it constitutes construction.

- The garment must have dried somewhat before Shabbos because if it was still wet it would be muktzah and then remain muktzah for all of Shabbos. (M.B. 63)
- Shulchan Aruch refers to where it is possible to remove the shirt without moving the reed. (M.B. 64)
- Since it was unusual to use a reed for this purpose it did not become a utensil but when it is common to use a reed for such a purpose it becomes a utensil and may be moved. (M.B. 65)
- The concern is that one will insert it firmly back in place and thereby violate the Biblical prohibition of makeh b'patish or construction. (M.B. 68)
- If the leg broke and cannot be reinserted it is permitted to move the couch. When Rema mentions that the leg broke he means that it came out of its place. Also, if the leg is missing altogether so there is no concern that he will reinsert it firmly in place the couch may be leaned against another couch. (M.B. 69)
- It is permitted to sit on it if it does not move. (M.B. 70)
- The leg may not be reinserted loosely out of concern that one will insert it firmly. These restrictions apply even if one sat on the couch before Shabbos since otherwise the couch would be muktzah. Magen Avrohom writes that if the leg is always inserted loosely it may be reinserted on Shabbos but Biur Halacha emphasizes that it must truly be inserted loosely. (M.B. 72)

Siman 308 Seif 17:

Leftover bricks from a structure may be moved since at this point they will be used for leaning (and sitting) **rather than for construction. If one arranged them neatly he demonstrates intent to use them for construction and they may not be moved.**

- Something fit for use and designated for that purpose is a utensil and may even be moved from the sun to the shade like any kli shemelachto l'heter but some authorities adopt a stringent position about this. (M.B. 73)

Halacha Highlight

A wet garment

Shulchan Aruch Siman 303 Seif 16
חלוק שכבסו טותו
A garment that was laundered

Shulchan Aruch (סע' ט"ז) discusses a garment that was laundered before Shabbos and one used a reed to hang the garment so that it could dry and the circumstances in which it is permissible to remove the garment. Mishnah Berurah (ס"ק ס"ג) notes that Shulchan Aruch must be referring to a circumstance in which the garment was already dry enough before Shabbos that it could not wet one's finger to the degree that one would be able to wet another surface with that finger (טופח על מנת להטפיח). His reasoning is that if the garment was that wet as Shabbos began it would remain muktzah for the duration of Shabbos in accordance with the principle that states that items that are muktzah at the outset of Shabbos remain muktzah for the remainder of Shabbos. Poskim note that this explanation seems at odds with Mishnah Berurah's ruling elsewhere (סי' ש"י ס"ק י"ט) that something that is prohibited at the outset of Shabbos but one anticipates will be fit for use at some point on Shabbos (גמרו בידי אדם) is not muktzah for the entire Shabbos. Accordingly, when one anticipates that the garment will dry on Shabbos it should not be muktzah.

Minchas Yitzchok (ח"א סי' פ"א) suggests that Mishnah Berurah refers to a circumstance in which it is not certain that the garment will dry on Shabbos and thus it is subject to the principle that once it is muktzah at the outset of Shabbos it remains muktzah for the entirety of Shabbos. Shevet HaLevi (ח"א סי' ס"ב אות ג' וח"ג סי' ל"ג) maintains that a wet garment is not muktzah altogether. There is a prohibition against handling it out of concern that one will squeeze out the water. Since it is not muktzah the principle that since it was muktzah at the outset of Shabbos is not applicable and once the concern that one will squeeze out the water is alleviated, one may handle the garment.