The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Thurs, Nov 30 2023 ■ י"ז כסלו תשפ"ד
סימן ש"ח סעיף י"ח-כ'

Overview

<u>Siman 308 Seif 18:</u>

If a thorn is lying in the public domain it is permitted to move it in increments of less than four amos. In a karmelis it is permitted to move it outright because of the concern that someone from the public will be harmed and when there is a concern for public safety Rabbinic injunctions were not issued.

- Magen Avrohom cites Rivash who maintains that if the thorn is large it is not permitted to move it since one could easily avoid it. Although Magen Avrohom challenges this ruling, Tosefes Shabbos resolves the challenge and rules in accordance with Rivash. (M.B. 75)
- There is a disagreement whether it is permitted to move the thorn on Shabbos if it was already there before Shabbos. (M.B. 76)

<u>Siman 308 Seif 19:</u>

A ladder for an upper story that is large and used to apply clay to the roof may not be moved on Shabbos. If it is used for a dovecote it is permitted to lean it from one place to another but one may not walk it from one dovecote to another so that one does not conduct himself as he does during the week and trap as well.

- Ladders used in one's home may be moved. (M.B. 78)
- According to Rambam it may not be moved even if one needs it or its place. (M.B. 80)

<u>Siman 308 Seif 20:</u>

Palm branches that one detached to burn are muktzah and may not be moved. If one sat on it for a bit before Shabbos it is permitted to sit on it on Shabbos and it is certainly permitted if one bound them together to sit upon or if he intended to use it as a chair during the week.

- The implication is that regular branches would not be muktzah but nowadays branches are primarily used for burning and thus are muktzah. (M.B. 81)
- It is permitted to sit on it if it does not move. Magen Avrohom maintains that it is permitted to sit upon it even if it moves since one is moving it with his body and Meiri agrees although he adds that when it is unnecessary it should be avoided. (M.B. 82)
- Elya Rabba cites authorities who maintain that intent is insufficient unless one intends to sit upon it on Shabbos. (M.B. 86)

Halacha Highlight

<u>Sitting on a car</u>

Shulchan Aruch Siman 308 Seif 20

מקצים הם ואסור לטלטם

They are muktzah and prohibited to move

Shulchan Aruch (סעי' כ') rules that branches that were detached with the intent to use as fuel for a fire are muktzah and may not be moved on Shabbos. However, if one sat upon them before Shabbos it is permitted to sit upon them on Shabbos. Mishnah Berurah (ס"ק פ"ג) explains that although one did not intend to designate them for sitting before Shabbos, the very fact that he sat upon them indicates that they are now to being used for sitting and the muktzah designation is removed.

Regarding the muktzah restriction, all opinions agree that one may sit upon the branches if they will not move since the muktzah restriction does not prohibit touching a muktzah item, only moving it. Mishnah Berurah (ס"ק פ"ב) cites Magen Avrohom who maintains that even if the branches will move when one sits upon them it is permitted since he is moving the muktzah with his body rather than directly with his hands. He then notes that Meiri agrees with that ruling but adds that when it is unnecessary to do so the practice should be avoided. Elsewhere, Mishnah Berurah (שעה"ז סי' ש"ב ס"ק ל"ה ושעה"צ סי' תק"א ס"ק ל"א) subscribes to the stringent position that one may not use a muktzah item when there is a concern that he will thereby move indirectly or with his body. Chazon Ish (או"ח סי' מ"ב ס"ק י"ב וסי' מ"ז ס"ק י"ב) also expresses hesitancy regarding Magen Avrohom's lenient ruling. He explains that the implication of the Rishonim is that it is prohibited to sit upon something that is muktzah if it will move. Even those who adopt a stringent position limit their stringency to something that is muktzah machmas gufo but regarding a kli shemelachto l'issur it is permitted to sit upon it even though it will move. Therefore, someone who is walking and wants to rest may sit upon a car since it is categorized as a kli shemelachto l'issur (פסקי תשובות אות כ')