The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שי"א סעיף א'

Overview

Siman 311 Seif 1:

If a corpse is lying in a place where there is a concern that it will harmed by a fire and bread or a child are available one may move the corpse by means of the bread or child and if one does not have bread or a child available but has two beds he can move the corpse with the two beds by transferring it from one bed to the next which is indirect movement of the corpse. If neither option is available it is permitted to move the corpse directly and this all assumes that it is not moved from one domain to another. If a corpse is lying in the sun one may move it to the shade that is in the same domain by means of the bread or child but if one does not have bread or a child he may not move it at all, even from one bed to another since indirect movement is still categorized as moving it. (See below in the *siman, seif* 6 for what can be done.)

- One may use any permitted item for this purpose. (M.B. 1)
- One places the permitted item on top of or next to the corpse so that they are moved together. This allowance is limited to moving a corpse to prevent it from shame but not for other *muktzah* items. (M.B. 2)
- Although indirect movement is considered moving it when one's intent is to move the *muktzah* item, in a case involving fire it is permitted since a person is overwhelmed by his dead. Whether the bed may be moved once the corpse was removed depends on whether he died before Shabbos or on Shabbos. (M.B. 3)
- Shulchan Aruch implies that the corpse may never be taken to another domain. Many later authorities disagree and maintain that it is permitted to move the corpse to another domain that does not share an *eruv* or into a karmelis to prevent the corpse from shame. Some suggest that Shulchan Aruch's intent was that when remaining in the same domain one should preferably use bread or a child but when going to another domain some maintain that one should not use the bread/child method in order to minimize the items being transferred. (M.B. 4)
- Presently the corpse does not have a foul odor but the concern is that it will develop a foul odor and that is why Shulchan Aruch adopts a stringent position but Rema maintains that the concern that it will develop a foul odor permits moving it to another domain and Bach also subscribes to that position. (M.B. 5)
- For this reason one may not push *muktzah* with a stick. If one needs the space it is permitted to push *muktzah* with a stick since it is for the sake of the permitted space. (M.B. 6)

Halacha Highlight

Transporting a corpse

Shulchan Aruch Siman 311 Seif 1

אם יש ככר או תינוק מטלטלו על ידיהם

If there is bread or a child it could be transported with them

Shulchan Aruch addresses a circumstance in which there is a corpse which is *muktzah* that one must move out of fear that it will become damaged in a fire. He presents three options in order of preference. If bread, a child or other permitted object can be placed on or next to the corpse, (ע"י גשר החיים ח"א פ"ה אות ה סק"ב שהיכי שאפשר עדיף להניח ההיתר בצד המת מלהניחו על המת משום כבוד המת) it is permitted to move the corpse together with the permitted object. If a permitted object is not available but another bed is available, one could transfer the corpse from one bed to another which is only indirect movement of the corpse. If neither one of these options is available one may transfer the corpse directly. Mishnah Berurah (סק"ב) notes that this allowance is limited to transporting a corpse but may not be used to transport other *muktzah* items.

Chazon Ish (או"ח סי' מ"ז סק"ט וכ"ג) explains the rationale behind this leniency. Being that one could take the permitted item by itself but instead of doing so he takes it together with the corpse, he demonstrates that the corpse is subordinate to the permitted object and his primary intent when transporting these objects is to transport the permitted object. Chazon Ish then notes that this explanation answers Rav Akiva Eiger's question as to why it is not permitted to move the corpse with the bed since the bed is also a permitted object. Chazon Ish explains that the allowance is only when there is another permitted object present so that it is evident that the corpse is subordinate to that permitted object. If one transports that corpse on a bed there is no indication that the bed is more important than the corpse. It seems more likely that the bed is subordinate to the corpse and thus it is necessary to bring another permitted object to place on or next to the corpse.