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Mishna Berura
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סימן שי"א סעיף ג'-ה'

Halacha Highlight

Moving a corpse and other *muktzah* items

Shulchan Aruch Siman 311 Seif 4
אבל לא בשאר דברים האסורים לטלטל
But not other items that may not be moved

Shulchan Aruch continues to discuss moving a corpse and in these three *seifim* presents a progression of leniencies. In *seif* 3 we are taught that if the deceased has on him clothing he was wearing before he died (מ"ב ס"ק ט"ו) it is permitted to move the corpse the same as if bread or a child were placed on the corpse. Although he introduces this ruling with the phrase יש מי שאומר—"There is an authority", Biur Halacha (סע' ג' ד"ה יש מי שאומר) notes that there is no dissenting opinion about this matter and he presents it in this manner because he did not find any other authorities who explicitly ruled in this manner. In *seif* 4 Shulchan Aruch notes that there is an authority (this one is subject to debate, Biur Halacha הנ"ל) who also permits putting garments on the deceased and this is as effective as using bread or a child. In *seif* 5 Shulchan Aruch notes that if one needs the place where the corpse is resting or if one needs something that is beneath the corpse it is permitted to indirectly move the corpse, for example, transferring it from one bed to another without touching it directly. The reason this is allowed is that in such a circumstance one is moving the corpse for something permitted, i.e., the space, and it is permitted to indirectly move *muktzah* for the sake of something permitted.

Shulchan Aruch then notes that the allowance to move a corpse with bread and a child may only be applied to a corpse but this method may not be employed to move other *muktzah* items.

Overview

Siman 311 Seif 3:

There is an authority who maintains that if one placed on the corpse one of the garments that he was wearing, it is comparable to placing bread or a child on the corpse.

- This refers to a garment the deceased had been wearing and certainly if one placed on him another *kli shemelachto l'heter* it is permitted. (M.B. 15)

Siman 311 Seif 4:

There is an authority who maintains that bread or a child is necessary only if the corpse is unclothed but if he is in his garments, bread or a child are unnecessary.

- This *seif* adds that even if the deceased is already wearing clothing it is permitted and we do not consider the clothing subordinate to his body. (M.B. 16)

Siman 311 Seif 5:

If one requires the space where the corpse is resting or something beneath the corpse, it is permitted to move it indirectly by transferring it from one bed to the next since it is for the sake of something permitted. The leniency of utilizing bread or a child is limited to a corpse but may not be employed for other *muktzah* items.

Mishnah Berurah (ס"ק י"ח) instructs us to look in *siman* 308:5 and the Mishnah Berurah 26. Shulchan Aruch there notes that there are authorities who permit moving a *kli shemelachto l'issur* out of the sun by employing the method of using bread or a child. Mishnah Berurah there notes that many authorities disagree but then writes that in a case of significant loss one may rely on the lenient opinion.