The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ו סעיף ט'-י"א

Overview

Siman 336 Seif 9:

If a downspout which carries water from the roof becomes clogged with wood chips and grass which prevent the water from flowing so the water gathers on the roof and drips into the house, it is permitted, privately, to push it down with one's feet. Since the repair is performed in an unusual manner by using his feet, it was not prohibited due to the potential loss that he would otherwise suffer.

- Meiri writes that it is prohibited to push the material this way and that, even with one's feet. (M.B. 47)

Siman 336 Seif 10:

It is permitted to smell a myrtle that is attached to the ground. However, it is prohibited to smell an *esrog*, apple or anything else that is fit for consumption while it is yet attached out of concern that he will detach it and eat it.

- Although some authorities are stringent about this Elya Rabba contends that *halacha* follows Shulchan Aruch. Whether it may be moved is subject to the debate above in *seif* 1. (M.B. 48)
- We're not concerned that he will eat the fruit from the tree since that is certainly an act of detaching. (M.B. 49)

Siman 336 Seif 11:

One who soaks wheat, barley or similar item in water is liable since it is a subset of sowing and he is liable for the smallest amount. It is permitted to place branches in water provided that they do not have flowers or lilies that will open from the moisture (See below *siman* 654).

- One is liable as soon as he places the kernels in water even though it will not sprout for a few days. However, it is permitted to soak grain for one's animal since the intent is to soften the grain rather than cause it to sprout and it will not sprout since it will be consumed by the animal. If the seeds will combine with one another to create a large mass it is prohibited since it is considered kneading. (M.B. 51)
- It must have been prepared for this for otherwise it would be *muktzah*. (M.B. 53)
- It is explained there that it is only permitted to return a branch that was in water before Shabbos but one may not add cold water or change the water altogether. Some authorities maintain that one may place the branch in water that was prepared before Shabbos and the restriction is limited to drawing water for the branch since that involves unnecessary exertion. If the flowers will open it is prohibited according to all opinions, even to return the flower to water from which it was taken. (M.B. 54)

Halacha Highlight

Clearing a clogged drain

Shulchan Aruch Siman 336 Seif 9
צנור המקלח מים מן הגג
A downspout that takes water from the roof

Shulchan Aruch (סע' ט') addresses a downspout that became clogged and as a result the water collects on the roof and then drips into the house. He rules that privately it is permitted for one to push down the wood and grass that is clogging it with one's foot. The rationale is that the repair is done in an unusual manner, since he is using his foot, and when faced with a potential loss it is permitted. Minchas Yitzchok (ח"ו סי' כ"ט) further explains that opening the clog in the normal manner is not Biblically prohibited as an act of construction since he is not repairing the downspout; he is merely removing the clog. Thus when he uses his foot to clear the clog it is considered a *shvus d'shvus* and when faced with a potential loss, it is permitted.

Poskim debate whether it is permitted to clear a drain that became clogged on Shabbos. Rav Yosef Shalom Elyashiv (ארחות שבת ח"א פ"ח סע' ל"א) maintains that a clogged drain is parallel to Shulchan Aruch's case of a clogged downspout and thus one may not use a plunger to clear the clog since that is the normal manner of clearing the clog. In the event that the clog will cause a lossת one must clear the clog in an unusual manner. In contrast, Rav Moshe Feinstein (אג"מ או"ח ח"ד סי' מ' אות ט') writes that if the drain regularly becomes clogged, the drain is not considered broken when it becomes clogged. Consequently, when one clears the clog it is not considered as though he is repairing anything; it is considered as though he is merely cleaning the drain and thus one may even use a plunger for that purpose. If the drain does not become clogged regularly but water is dripping through slowly, clearing the partial clog is considered a minor repair and one must do it in an unusual manner. If it is clogged completely, clearing the clog is considered a full repair and may not be done in any circumstance.