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

Overview

Siman 338 Seif 6:

It is prohibited to draw water with a wheel out of concern that it will lead to drawing water for his garden, broken down building or flax vat. Therefore, if there is no garden, broken down building or flax vat it is permitted. Some maintain that they only prohibited the use of a large wheel that draws a large quantity of water at once without effort and they are the wheels that have buckets attached all around but our wheels which only draw a small amount of water are permitted since there is no concern that it will lead to wrongdoing.

- This is a concern since it requires no effort. (M.B. 23)
- Elya Rabba writes that *halacha* follows this opinion. (M.B. 24)

Siman 338 Seif 7:

If one has fruit on his roof drying and notices that it is about to rain it is prohibited to lower the fruit through a skylight on Shabbos but it is permitted to cover it. It is even permitted to cover bricks which are *muktzah* to prevent the rain from dripping on them.

- It is considered effort that does not serve a Shabbos need but if the fruit were fit for consumption it would be permitted so that it does not become soiled by the rain. (M.B. 25)
- Although Yam Shel Shlomo was stringent about this, other authorities prove from the Gemara that it is permitted. (M.B. 26)

Siman 338 Seif 8:

It is permitted to place a utensil where the roof is dripping on Shabbos and if the utensil becomes full it may be poured out and put back in place. This applies when the water is fit for washing but if it is not even fit for washing it is prohibited since it is not permitted to create a גרף של רעי. If one did place a utensil to catch water that is not fit for washing it is permitted to move it due to the repulsive water it contains.

- Rain is not *muktzah* or *nolad* and one may drink or wash with it. (M.B. 30)
- One may not cause something to become repulsive with the intent that he will then remove it as a גרף של רעי and it is prohibited even if one intends to leave it there. (M.B. 31)
- This allowance is limited to where it is placed in the area where he would regularly sit which may be removed as a גרף של רעי. (M.B. 33)

Halacha Highlight

Rain and snow

Shulchan Aruch Siman 338 Seif 8
והוא שיהא הדלף ראוי לרחיצה
Provided that the drops are fit for washing

Shulchan Aruch (סע' ח') writes that it is permitted to place a utensil in the spot where water is dripping from the roof and it is also permitted to pour out that water and replace the utensil to catch additional water provided that the water is fit for washing so that it is not considered repulsive. If the water that is dripping is not fit for washing, one may not place a utensil there to catch the drops since one may not intentionally make a גרף של רעי. In other words, it is prohibited to place a utensil in a location where one knows that it will become filled with repulsive material that one will then be able to remove relying on the allowance to move a גרף של רעי. Furthermore, even if one intends to just leave the utensil there with the repulsive material it is prohibited (מ"ב ס"ק ל"א).

Mishnah Berurah (סק"ל) also notes that the rain that falls is not categorized as *muktzah* or *nolad* and one may make use of that water. Although Pri Megadim (פתיחה כוללת בדיני מוקצה אות כ"ט) writes that rain that falls on Shabbos and Yom Tov is prohibited due to its *nolad* status, nevertheless, other authorities cite many Rishonim who clearly rule that rain that is fit for washing is not *muktzah*. Eshel Avrohom (בוטשאטש מהדו"ת סי' ש"ב) rules that snow is similar to rain and is not prohibited due to *nolad*. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פט"ז הע' קי"ח) also maintains that snow does not present an issue of *nolad*. He then acknowledges that although it is known that the precipitation does not become snow until shortly before it reaches the ground so that it is clear that the snow that is falling on Shabbos did not exist before Shabbos, nevertheless, it is not subject to the restriction of *nolad*. On the other hand Rav Moshe Feinstein (אג"מ או"ח ח"ה סי' כ"ב אות ל"ז) ruled that snow is subject to the restriction of *nolad* and does not consider snow to be the same as rain.