The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, May 13 2023 ■ כ"ב אייר תשפ"ג
סימן ת"ק סעיף ו'

Overview

Siman 501 Seif 1:

It is prohibited to chop wood from beams which are set aside for construction or from beams that broke on Yom Tov even if it was weak before Yom Tov and was about to break. If it broke before Yom Tov and cannot be used as fuel for a fire without chopping it one may chop large pieces. One may not use an ax, sickle, or a saw; rather one should use a chopper (A butcher's knife and some make it with two heads resembling an ax) **but one should use the narrow head rather than the wide head. Some prohibit even the use of a chopper since we are not experts to identify what is a chopper and only permit the use of a knife.**

- Such beams are muktzah since they are important and one designates a place for them and everyone recognizes muktah machmas chisaron kis. (M.B. 1)
- It is prohibited since when Yom Tov began it was not yet broken and still part of a structure and therefore cannot become permitted on Yom Tov. Additionally it is nolad since it was a beam and is now wood. (M.B. 2)
- Although this is a preliminary act that could have been done before Yom Tov since it is impossible to cook or bake without wood it is permitted with deviation. However, even when permitted only large pieces may be chopped since that does not involve melacha it is merely a weekday activity. (M.B. 4)

Siman 501 Seif 2:

Large pieces of wood that may be used for fuel without any chopping may not be chopped at all and there is an opinion that prohibits even breaking it by hand.

- Since the wood could be used as is chopping the wood involves unnecessary exertion and therefore prohibited. Those who are meticulous are careful even during Chol HaMoed and prepare all the small wood that will be needed for cooking fish before Yom Tov. They also chop large pieces of wood before Yom Tov for the cooking they will do during Chol HaMoed unless wood was not available at that time. When wood is expensive and one will suffer a financial loss by burning wood as is, it is permitted to cut the wood into smaller pieces. (M.B. 8)
- Later authorities agree with the stringent position. (M.B. 10)

Siman 501 Seif 3:

One may not bring wood from a field even if it was gathered there before Yom Tov but it is permitted to gather wood from a field that is in front of him (as well as from a yard in front of him) **and kindle it there. Wood that was gathered may be brought from a pile resting in a private domain even if it was not enclosed for the sake of residence provided the private domain has a lock and is within the techum of Shabbos but if one of these prerequisites is missing the wood is muktzah.**

- According to one opinion gathering wood is a weekday activity and some contend that one may think that he gathered scattered wood which may appear as though he is doing so for the following day, which is prohibited by the melacha of מעמר. (M.B. 11)
- This is near the place where he will cook so that it is not a weekday activity. Many authorities prohibit gathering wood even in this circumstance since it appears as though one is gathering wood where it grew and violates the prohibition of מעמר. (M.B. 12)
- Only what is needed for cooking may be gathered but not all the wood in the yard regardless of whether the pieces are large or small. (M.B. 13)
- The implication is that even if the field is near the town a lock is necessary. Many Poskim disagree and maintain that fields within 71 and 1/3 amos of the city do not require a lock. It is the area beyond that point that requires a lock. (M.B. 15)
- Meaning if, 1) the wood was not gathered, 2) there was no lock or 3) it was beyond the techum, the wood may not be gathered. (M.B. 16)
- Even those authorities who normally do not prohibit muktzah on Yom Tov agree that wood in this instance is prohibited. Others maintain that those who do not prohibit muktzah on Yom Tov would not categorize this wood as muktzah but one should be stringent. (M.B. 17)

Halacha Highlight

Muktzah machmas chisaron kis

Shulchan Aruch Siman 501 Seif 1

אין מבקעין עצים מן הקורות שעומדין לבנין

It is prohibited to chop wood from beams that were designated for construction

Shulchan Aruch (סע' א') rules that it is prohibited to chop beams that were designated for use for construction on Yom Tov. Mishnah Berurah (סק"א) explains that such beams are muktzah due to the fact that people are particular about them due to their importance and designate for them a place. Although there are authorities who are generally lenient with regards to muktzah on Yom Tov and severely restrict its application, when it comes to items that are muktzah due to their value (muktzah machmas chisaron kis) all opinions agree that muktzah restrictions apply. Since they are muktzah due to their value they may not even be moved if one needs to use them (גופו) or needs the place where they are resting (מקומו).

The source for Mishnah Berurah's prerequisite that an item that is muktzah due to its value must have a designated place is the Gemara Shabbos (123a) that mentions that characteristic as a trait to qualify as muktzah machmas chisaron kis. Elsewhere (מ"ב סי' ש"י ס"ק כ"ז ושעה"צ שם ס"ק י"ט), he wrote that according to Bais Meir this prerequisite is essential and an item that does not have a designated place does not qualify as muktzah machmas chisaron kis regardless of how expensive an item is. Other authorities, however, do not see this as an essential prerequisite. Rav Nissim Karelitz (חוט השני שבת ח"ג פמ"ב סק"א) contends that Shulchan Aruch and Mishnah Berurah reject Bais Meir's position and consider an object that is expensive enough that one would not use it for anything but its designated purpose as muktzah machmas chisaron kis even though the object does not have a designated place. Rav Shlomo Zalman Auerbach (הסכמתו לספר שבות יצחק ח"א דיני מוקצה) questions whether Shulchan Aruch, in fact, rejects Bais Meir's position. Rav Moshe Feinstein (או"ח ח"ה סי' כ"ב אות י"ב) explains that the Gemara's reference to designating a place was not to establish that as a prerequisite, it was merely a means by which one could ascertain that an object is expensive enough that it qualifies as muktzah machmas chisaron kis.