The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תק"א סעיף ד'-ז'

Overview

Siman 501 Seif 4:

Branches of reeds or grapevines are considered scattered and are prohibited even if they are gathered together since they become easily scattered by the wind. If one placed on the pile a heavy object before Yom Tov the wood is considered prepared for Yom Tov use.

- Even if one found the branches still in a pile they are prohibited as muktzah. (M.B. 18)
- Even if one found the branches scattered they are permitted since they were prepared before Yom Tov. According to the opinion that is concerned with the melacha of מעמר the initial concern is that one will have to gather the wood, therefore if one actually found the wood scattered it is prohibited to gather the pieces together. (M.B. 20)

Siman 501 Seif 5:

Wood that fell off a tree on Yom Tov may not be used as fuel for a fire (See below siman 507:2).

- Since it was attached to tree yesterday it is muktzah. (M.B. 21)

Siman 501 Seif 6:

Utensils that broke on Yom Tov may not be used as fuel for a fire since they are nolad. (If one used utensils as fuel for a fire one may not adjust the flame after it partially catches since at that point it is a broken utensil unless there is a greater quantity of prepared wood). **One may use whole utensils as fuel for a fire or utensils that broke before Yom Tov.**

- The utensil broke to the degree that it can no longer serve its original function but if it is fit to serve its original function they are considered whole and may be used as fuel for a fire. (M.B. 22)
- Even if one does not move it and kindles it where it is, it is prohibited since kindling the utensil is comparable to moving it. (M.B. 23)
- Rema's comment belongs after the word "שלמים—whole." (M.B. 24)
- Muktzah items are permitted for benefit if one does not have to move the muktzah directly. (M.B. 26)
- Utensils may be moved even for purposes that are not their primary designation. Shulchan Aruch refers to where one does not have fuel because otherwise it is bal tashchis to burn a utensil. The wood that is used to poke the fire is a utensil and if it breaks on Yom Tov it may not be used as fuel for a fire. (M.B. 28)
- If the broken utensil can still serve its original function it is considered whole and it may not be moved once the fire catches on it. (M.B. 29)

Siman 501 Seif 7:

The shells of almonds and nuts that were eaten before Yom Tov may be used as fuel for a fire on Yom Tov. If they were eaten on Yom Tov the shells may not be used as fuel for a fire. One should also not use the almonds and nuts as fuel for a fire unless they are still in their shell. Torches that remain from the first day that were extinguished may be rekindled even on the second day of Rosh HaShanah or Yom Tov that follows Shabbos.

- One may also not use date pits from dates eaten on Yom Tov even though they are fit to be eaten by animals because before Yom Tov they were considered food and now they are only fit for animals and are thus considered nolad. (M.B. 30)
- Yerushalmi maintains that one may use food as fuel for a fire and Rashba subscribes to that position. (M.B. 31)
- They are somewhat prepared by virtue of their shell. (M.B. 32)
- The same applies to a leftover wick from Shabbos. (M.B. 33)
- The authority behind this comment maintains that used torches are not the same as an egg that was laid since the torch was already in existence and merely improved. Although Rema follows the lenient opinion, nonetheless it is appropriate to satisfy all opinions and prepare wicks before Yom Tov and if one did not prepare wicks he should at least kindle the second side of the wick on the second day of Yom Tov. (M.B. 34)

Halacha Highlight

Using branches that fall from a tree on Yom Tov

Shulchan Aruch Siman 501 Seif 5

עצים שנשרו מן האילן ביום טוב

Wood that fell from a tree on Yom Tov

Shulchan Aruch (סעי' ה') rules that wood that fell from a tree on Yom Tov may not be used as fuel for a fire on Yom Tov. Mishnah Berurah (ס"ק כ"א) offers two reasons for this restriction. The first explanation is that since the branches were still attached to the tree at the onset of Yom Tov they are muktzah and branches that are muktzah may not even be kindled in the place they are resting (מ"ב ס"ק כ"ג). The second explanation of this halacha is that if halacha permitted the use of wood that falls off by itself there is a concern that a person would climb a tree to pull off branches. Sha'ar HaTziyun (ס"ק כ"ו) takes note that according to the concern for muktzah if one follows the lenient opinion that generally muktzah restrictions do not apply on Yom Tov the branches that fall off by themselves are permitted for use as fuel for a fire. However, if the concern is that one may climb a tree and pull off additional branches the branches that fall off on their own are prohibited even according to the lenient position concerning muktzah on Yom Tov.

Bais Meir (כאן) notes an apparent contradiction. In our halacha Sha'ar HaTziyun indicated that according to the lenient perspective regarding muktzah on Yom Tov branches that fell off on their own are permitted and yet regarding fruit that fell off a tree on its own on Yom Tov Mishnah Berurah ruled (סי' תקט"ו ס"ק כ"ג) that they are muktzah even according to the lenient position concerning muktzah since one dismissed them from one's mind being that he did not pick them before Yom Tov. He answers that it is specifically regarding fruit that we assume that he dismissed them from his mind by not picking them before Yom Tov, since leaving ripened fruit on the tree will allow it to rot. Obviously then, he left it on the tree in order to ripen and he dismissed it from his mind. Since the same rationale does not apply to wood, leaving branches on a tree is not perceived as though he dismissed the branches from his mind.