The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, May 27, 2023 ■ ז' סיון, תשפ"ג
סימן תק"ז סעיף ב'-ג'

Overview

Siman 507 Seif 2:

Even though it is prohibited to burn wood that fell from a palm tree on Yom Tov or on Shabbos immediately preceding Yom Tov, if the wood fell on Yom Tov into the oven, it is permitted to add prepared wood (so that the prohibited wood is not discernable) **and nullify it provided that one does not touch it before it becomes nullified in the majority. If the wood fell into the oven on Shabbos it is prohibited to burn it on Yom Tov that follows, even if it was nullified in the majority.**

- The wood is *muktzah* and there is also concern that if it were permitted to move it would lead one to pick wood from a tree directly. (M.B. 5)
- Shabbos may not prepare for Yom Tov. (M.B. 6)
- The same is true if a gentile placed the wood in a Jew's oven. Shulchan Aruch refers to where there was already wood in the oven but was not the majority when compared to the wood that fell into the oven and in such a circumstance it is permitted to add wood to nullify the Rabbinically prohibited wood. Even Rema who adopts a stringent position agrees in this case since the prohibited item is burned. (M.B. 7)
- It is permitted to place a pot of food near the fire or to sit near the fire to heat one's body since it is permitted to benefit from *muktzah* provided that one does not touch it or use it and in this case since it is permitted to cook with the fire, other benefits are also permitted. Some authorities adopt a lenient position and permit kindling the fire even *l'chatchila* in order to place nearby a pot of food since the benefit of eating the cooked food is removed from the actual burning of the *muktzah* food. One may not kindle the wood in order to generate light since that involves direct benefit from the fire. (M.B. 8)
- If the wood is discernable it cannot be nullified. (M.B. 9)
- The implication is that as soon as the wood becomes nullified, it may be moved, even though the wood was not yet kindled. Some *Poskim* are lenient even if the oven did not previously contain wood and even if the prohibited wood remains discernable in the majority of permitted wood, provided that one does not move the prohibited wood. (M.B. 11)
- Since the prohibition of הכנה is Biblical it cannot be nullified. (M.B. 13)

Siman 507 Seif 3:

It is forbidden to take wood from one's collection of wood to stoke the fire in the oven since that would involve forming a utensil (מתקן מנא).

- This restriction applies whether the wood is moist or dry provided that it was not prepared before Yom Tov. (M.B. 14)
- Even though one does not physically alter the wood it is prohibited since one designates it to be a utensil. Similarly, it is prohibited to take wood and use it as a beam for one's door. (M.B. 15)

Halacha Highlight

Making a utensil

Shulchan Aruch Siman 507 Seif 3

דהוי לה מתקן מנא

Because it is considered making a utensil

Shulchan Aruch (סע' ג') rules that it is prohibited for one to take wood from his collection of wood to stoke a fire in an oven since doing so constitutes a violation of making a utensil (מתקן מנא). Mishnah Berurah (ס"ק י"ד) explains that it doesn't matter whether the wood is moist and not even usable to fuel a fire, or whether it is dry and could have otherwise been used on Yom Tov to fuel a fire, it is prohibited since the issue is not *muktzah* but making a new utensil. Mishnah Berurah (ס"ק ט"ו) also emphasizes that this prohibition is violated even if one does not do anything to physically change the wood. The very fact that he is designating that piece of wood to be used as a poker assigns it utensil status and thus is prohibited.

Rav Shlomo Zalman Auerbach (שולחן שלמה סק"ז) notes that this ruling is seemingly contradicted by another *halacha* recorded in Shulchan Aruch. Below (סי' תק"ח סע' א' ובמ"ב שם סק"ג) Shulchan Aruch rules that preparing a piece of earthenware or paper to use while baking does not violate the prohibition of making a utensil unless he physically alters the earthenware or paper but mere designation for that purpose does not violate the prohibition. Rav Auerbach explains that normally it is necessary to physically alter the object to violate the prohibition against making a new utensil. However, in the case of a piece of wood that one designates as a poker, since one will hold it and perform actions with that piece of wood, i.e., to stoke the coals, that future action is significant enough that designating it for that important purpose already constitutes an act of making a new utensil. Interestingly, regarding the use of straw to clean one's teeth, Shulchan Aruch ruled (סי' שכ"ב סע' ד') that cutting it does not violate the prohibition against making a utensil. Mishnah Berurah (שם סק"ט) explained that since the straw is animal food, it cannot be categorized as a utensil and thus the prohibition against making a utensil does not apply.