

Halacha Highlight

Indirect movement of *muktzah*

Shulchan Aruch Siman 518 Seif 4

אסור בטלטול

It is prohibited to move

Shulchan Aruch (סעי' ד') discusses the permissibility of moving ladders on Yom Tov. He rules that it is permitted to move a dovecote ladder from one dovecote to another even if it has to be transported via the public domain. This allowance applies when it is necessary to move it for some Yom Tov need (מ"ב ס"ק כ"ה), e.g. to take doves designated for consumption before Yom Tov (מ"ב ס"ק כ"ז). There is no concern that carrying the ladder will raise suspicion that the person intends to move the ladder so that he could perform a *melacha* since it is evident from the appearance of the ladder that he is moving it for the purpose of accessing a dovecote.

In contrast, a ladder used to gain access to an upper story may not be moved. The reason is that transporting such a ladder gives the impression that he is moving the ladder in order to perform a *melacha*, e.g. to fix his roof, and consequently is prohibited because of *maris ayin*. Mishnah Berurah (ס"ק כ"ח) notes that it is even prohibited to move such a ladder in one's private domain. The reason is that once something is prohibited because it raises suspicion of wrongdoing, it is prohibited to perform that activity even in the privacy of one's home (אפילו בחדרי חדרים). However, if it is not necessary to move the ladder it is permitted to climb it provided that in the course of climbing he does not move the ladder. In the event that the ladder will move while climbing it, Mishnah Berurah wrote (ס"י ש"ח ס"ק פ"ב) in the name of Magen Avrohom that it is permitted to sit on a rock even if it will move while one is sitting upon it since that movement is categorized as indirect movement of *muktzah* which is permitted. On the other hand, Mishnah Berurah ruled (ס"י ש"ב ס"ק כ"ז ובשעה"צ שם ס"ק ל"ה) that one may not wipe his shoe to remove dirt if the rock will

Overview

Siman 518 Seif 4:

It is permitted to move a dovecote ladder from one dovecote to another even in the public domain but one may not move a ladder used to reach an upper story.

- ❖ There is no concern that people will think that he is moving the ladder to perform a *melacha* since dovecote ladders are discernable and people realize that he intends to access doves. Shulchan Aruch refers to where the doves were designated before Yom Tov. (M.B. 27)
- ❖ Someone who sees him will think that he is on his way to fix his roof. Even to move it in a private domain is prohibited since anything that is prohibited due to *maris ayin* is prohibited even in privacy. Whether it is permitted to move ladders that are used inside of one's home is subject to debate. In a private domain one may adopt the lenient position whereas in the public domain one should adopt the stringent position. (M.B. 28)
- ❖ It is permitted to climb the ladder to access the upper story or dovecote if one does not have to move the ladder. The language of Shulchan Aruch implies that a ladder used to access an upper story is *muktzah* but Vilna Gaon maintains that it is not *muktzah*. (M.B. 29)

Siman 518 Seif 5:

The *halacha* of moving a chamber pot on Yom Tov is the same as it is on Shabbos (See above *siman* 308:35).

- ❖ The discussion in *seifim* 34 and 36 are also relevant to Yom Tov. (M.B. 30)

move even though that also involves indirect movement of *muktzah*. The difference between these cases requires further study.