



Overview

Halacha Highlight

Siman 518 Seif 6:

If an animal that was deathly ill before Yom Tov dies on Yom tov, one may cut it up to feed to dogs. If the animal was not deathly ill, even though it was ill, it is *muktzah* and it may not be moved.

- ❖ One had the animal in mind since it was about to die. (M.B. 31)
- ❖ If the dogs could eat it without cutting it one may not exert himself to cut the meat. (M.B. 32)
- ❖ According to the opinion that maintains that *muktzah* is permitted on Yom Tov, this is permitted even if the animal was healthy before Yom Tov. According to others an animal that was healthy before Yom Tov would be *muktzah* if it dies on Yom Tov since it is comparable to fruit that one set aside to dry. (M.B. 33)

Siman 518 Seif 7:

One may begin using piles of straw on Yom Tov, if the straw is foul and has thorns so that it would only be used as fuel for a fire.

- ❖ Those who maintain that *muktzah* is prohibited rule that one may not begin to use the pile on Yom Tov unless it was designated before Yom Tov. For example, a pile of grain that one intends to use in the future as food for his animal may not be used on Yom Tov for fuel or to feed one's animals. Shulchan Aruch then states that there are times in which items placed in storage may be used and that is if it became ruined so that it can no longer be used as animal food. The reason is that once it became ruined its only use is fuel and does not require designation to be used for that purpose. (M.B. 34)
- ❖ Straw that was not placed into storage for future use may be used as fuel, even if the straw remains high quality. (M.B. 35)
- ❖ It is so foul that even when crumbled it is not fit for an animal to consume. If the straw is moist it may not be used for fuel even though it could be used if the fire is large. (M.B. 36)
- ❖ If it does not have thorns it could be used to make clay and would not lose its status as *muktzah*. Ac-

Straw that becomes ruined

Shulchan Aruch Siman 518 Seif 7

אם הוא תבנא סריא

If it is foul straw

Mishnah Berurah (ס"יק ל"ד) notes that Shulchan Aruch (סעי' ז') wrote very succinctly so he will explain more fully the *halacha*. According to those authorities that maintain that *muktzah* applies on Yom Tov, one may not take items that were put into storage that were not designated for use on Yom Tov. For example, if one set aside a pile of straw to use as animal food in the future, it is prohibited to take that straw on Yom Tov to feed one's animal. However, there are times that straw which was set aside is permitted even though it was originally put away for future use. In the event that the straw became ruined to the point that it can no longer be used as animal food, it is permitted to use that straw as fuel for a fire even though one did not designate it for use before Yom Tov. Mishnah Berurah (ס"יק ל"ו) emphasizes that it must be completely unfit for use but if it could be crumbled into small pieces and used, it remains animal food that was set aside for future use and retains its *muktzah* designation.

Tosafos (ביצה ל' ד"ה התם) explains that when one initially put aside the straw his intent was to store it for future use as animal food. However, that intent is limited to while the straw remains fit for that purpose. He did not intend to set it aside even when it is no longer usable as animal food. Consequently, if one realizes on Yom Tov that the straw is no longer fit as animal food it is permitted and is not necessary to have designated it as fuel before Yom Tov. Rav Elchanon Wasserman (קובץ שיעורים ביצה אות ס"ג) proves from Tosafos that items are *muktzah* because one did not have in mind to use them rather than because they were not prepared before Yom Tov. Therefore, in this case, even though he did not intend to use the straw before Yom Tov it is not *muktzah* since he never pushed it out of his mind completely, it was pushed out of his mind only while it remains fit for animal food. Once it is no longer fit for that purpose, it is permitted as fuel.

According to Rema's lenient position regarding *muktzah* the straw would be permitted even if it was initially placed into storage for future use. (M.B. 37)