The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקי"ח סעיף ח'-ט'

Overview

Siman 518 Seif 8:

One may take wood that is next to the walls of a *sukkah* and use as fuel in a fire. The same is true concerning bundles of *schach* on one's *sukkah* since it did not become subordinate to the *schach* and if one's intent was to use it as fuel it is permitted to take it from there.

- This *seif* refers to a hut but would also be true concerning an actual *sukkah*. (M.B. 38)
- Wood that is part of the structure or *schach* may not be taken since that involves demolition. Shulchan Aruch refers to wood that was next to the structure and is not considered *muktzah* since one had intent before Yom Tov to use it. This assumes that the wood was not placed next to the *sukkah* to thicken the walls. (M.B. 39)
- Since one did not untie the bundle he did not make it subordinate to the *schach* and clearly his intent was to store it there. If one placed non-bundled pieces of wood it would become subordinate to the *schach* and thus prohibited. It is clear from the *Poskim* that if one placed bundled wood on the *sukkah* with the intent to thicken the *schach* the wood may not be removed on Yom Tov since doing so constitutes demolition. (M.B. 41)
- Meaning, if one intends to use it for fuel it is not necessary to have had intent the day before since it is not *muktzah*. If the *sukkah* fell on Yom Tov it is prohibited to move it or even burn the wood in its place since it is *muktzah*. (M.B. 42)

Siman 518 Seif 9:

An enclosed structure that is filled with ready to eat fruit and part of it breaks, it is permitted to take fruit from that opening.

- The structure was closed on all sides. (M.B. 43)
- This is true even if it broke on Yom Tov and the fruit is not considered *muktzah*, instead it is treated as if it was in a place that was difficult to access and then the fruit became accessible. (M.B. 45)
- One may not widen the opening to take out more fruit. (M.B. 46)

Halacha Highlight

Using the contents of a refrigerator when one forgot to turn off the light

Shulchan Aruch Siman 518 Seif 9

נוטל ממקום הפחת

One may take food from the broken area

Shulchan Aruch (סע' ט') discusses an enclosed structure that contained ready to eat fruit. On Yom Tov the top of the structure broke so that one could now reach into the structure to access the fruit. The *halacha* is that the fruit is permitted and we do not say that since the structure was enclosed at the outset of Yom Tov the fruit that it contained is *muktzah*. The reason is that *muktzah* applies to items that one pushed out of his mind as a result of the item being prohibited at the outset of Yom Tov. In this case, the reason he did not think about the fruit was due to the fact that it was inaccessible but now that the top of the structure broke rendering the fruit accessible, the fruit is permitted (מ"ב ס"ק מ"ה).

Another example of this principle mentioned by Mishnah Berurah (שם) is one who has produce that is buried in the ground and a gentile came on Yom Tov and removed the produce. The produce is permitted since the produce was not prohibited; it was just not possible to access it at the outset of Yom Tov. However, once it is made accessible it is permitted. At the end of his comments he directs our attention to Biur Halacha where he writes that other than in a pressing circumstance one should treat items as *muktzah* even when there was an external impediment to accessing it even though the produce itself was permitted. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פ"י הע' מ"ז) wrote that if one opened his refrigerator and it turns out that the light when on, he does not have to treat the contents of the refrigerator as *muktzah* even though it turns out that he was not permitted to open the door. The reason Biur Halacha's stringency does not apply is that it is possible to access the contents of the refrigerator without having to have the light go on, e.g., by inserting a knife to hold down the button when the refrigerator is opened. Since there are permitted ways to access the food in the refrigerator without having to perform a *melacha*, the contents are not *muktzah* according to all opinions.