The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רנ"ג סעיף ה'

Overview

Siman 253 Seif 5 (b):

Regarding all of the activities that are prohibited, one may not even ask a gentile to do them. Therefore, it is prohibited to ask a gentile to heat a pot of food that cooled down, and if he did so the food is prohibited for consumption even if it is cold. However, if the food did not cool off entirely so that it is still fit for consumption and a gentile heated it further the food is permitted for consumption. Therefore, the practice is for gentiles to remove pots of food from the tanur used for insulating and place them next to or on top of the winter stove and when the maidservant later heats up that stove the food heats up again but it is prohibited for a Jew to follow this procedure. If the pots of food are still hot it is permitted to place them next to the winter oven since we explained that our tanurim have the halachic status of a kirah and placing food next to a kirah in which the coals were not removed or covered shares the same halacha of one from which the coals were removed or covered. We already explained that the custom is to be lenient regarding chazarah on Shabbos, even if the food was placed on the ground and the same is true with regards to placing food next to a tanur from which the coals were not removed or covered since the pot of food remains hot and was fully cooked. The simple custom is to be lenient about this and see below siman 318.

- Included are even activities that are only Rabbinically prohibited. (M.B. 94)
- Even if the gentile does not place the food directly on the fire or kirah it is prohibited because of bishul since the food cooled off entirely. Magen Avrohom and others are lenient b'dieved if the food was placed on the tanur rather than directly on the fire since there are Poskim who permit a Jew to do that. (M.B. 95)
- Even though one does not benefit from the melacha done by the gentile Chazal penalized the owner that he may not eat the food until after Shabbos b'k'dei sheya'aseh since melacha was done based on his instructions. If the gentile did this on his own it is permitted to eat the food cold since one does not benefit from his melacha. (M.B. 96)
- Even though one benefits from his action the food is b'dieved permitted. Even if the Jew instructed the gentile directly to place the food on the fire it is not prohibited b'dieved. (M.B. 97)
- If the gentile heated meat and food (תבשיל)together and the food was not fit to eat because it was cold the meat is permitted since it was edible even while cold. (M.B. 98)
- The gentile takes the food that cooled off entirely and places it on the winter oven before the fire is lit. When the winter oven is ignited the intent is to heat the house, which is permitted, rather than heat the food even though the food will inevitably become cooked (פסיק רישא). This ruling is limited to an oven used to produce heat but does not apply to ovens that are used during the week for cooking since his intent will also be to cook the food. (M.B. 99)
- For a Jew to place food next to or on the tanur before it is ignited is prohibited since it is Rabbinically prohibited to do even part of the melacha of cooking. From this it seems that if a gentile added water to the utensil that sits in the tanur and it became heated a Jew is permitted to benefit from that water to wash dishes and it would be permitted even l'chatchila to instruct the gentile to do so. It is even possible that if the gentile added water after the fire was lit it is permitted; however, it would seem that one may not instruct the gentile to add water after the fire was lit. It is prohibited for a Jew to add water even before the gentile lights the fire. When washing dishes with this water one must be mindful that it is prohibited to pour water on congealed fat; rather one should immerse the utensil in the water. (M.B. 100)
- This is true even if the food is not yad soledes bo. (M.B. 101)
- Even a Jew may place the food next to the tanur. (M.B. 102)
- On top of it and inside of it is prohibited. Common practice is to be lenient to place food on it before it is light and there are authorities who support this but after the fire was ignited one should not do so; rather one must place something beneath the pot of food. (M.B. 103)
- Just as it is permitted to return a food to a kirah where the coals were removed or covered even though the food was placed on the ground, one may also place the food next to a tanur in which the coals were not shoveled or covered even if the food was placed on the ground. (M.B. 105)

Halacha Highlight

Asking a gentile to open the refrigerator when the light will go on

Rema Siman 253 Seif 5 (b)

ומושיבין אותן אצל התנור

And they place it on the tanur

Rema writes that it is prohibited to instruct a gentile to warm a food that has cooled down. In the event that a gentile warms food based on a Jew's instruction, the food is prohibited even after it cools down. The reason is that Chazal penalized the person who instructed the gentile to heat the food. If, however, the gentile heated the food on his own volition it is permitted after it cools down since the Jew did not behave improperly and will derive no benefit from the gentile's act (מ"ב סי"ק צ"ו). Rema then notes that due to the prohibition against instructing a gentile to heat up food the following practice developed. Jews instruct gentiles to remove food from the tanur where it was insulated and place it on the winter oven before the winter oven is lit. When the gentile maidservant later lights the winter oven to heat the house the food also becomes warmed. Since the maidservant's intent is to heat the house rather than warm the food, one may derive benefit from it even though the food becoming heated is inevitable (פסקי ריש"א) (מ"ב סי"ק צ"ט).

Poskim debate a particular application of the principle that one may instruct a gentile to do something on Shabbos even though that act will inevitably cause a melacha to be done. In the event that one forgot to remove the light bulb from his refrigerator before Shabbos, Rav Moshe Feinstein (שו"ת אג"מ או"ח ח"ב סי' ס"ח) ruled that it is permitted to ask a gentile to open the refrigerator since the light going on is merely an inevitable consequence of the permitted act of opening the refrigerator door. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פל"א הע' א' ובח"ג שם) disagreed, contending that since the normal manner to turn on the light in a refrigerator is to open the door, it cannot be construed as a mere inevitable consequence of permitted act of opening the door. It is not similar to the case discussed in the Mishnah Berurah, since in that case food does not become heated each time one lights the fire in the winter oven.