The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רנ"ט עקרי העניינים בקיצור

Overview

Siman 259 Seif 7:

Regarding a *tanur* into which one places hot food and closes the opening with a board and then smooths out the surface with clay, it is permitted to break that seal in order to remove the hot food and then close the opening again. If there are burning coals it is permitted for a gentile to remove them. There are authorities who are stringent and do not break the seal of an oven that was made with clay if a gentile is available. Similarly, if a minor is available it should not be done by an adult and if a child cannot do it the adult should do it in an unusual manner and this is the custom. It appears to me that the allowance to close the oven applies during the day when all the food is cooked but at night when one is about to insulate the food it is and it is uncertain whether the food is fully cooked it is prohibited to seal the *tanur* since it will cause the food to cook as explained in *siman* 257:4. It would not even be permitted for a gentile to do this as explained above in *siman* 253. (The other laws of returning a food to a fire are found in *siman* 318.)

- There is no concern for construction even on a Rabbinic level since it is not meant to be permanent at all. (M.B. 19)
- The point is that there is no concern that there are burning coals inside and by closing it one will thereby extinguish those coals. (M.B. 20)
- A Jew may not close the opening since he will inevitably extinguish some of the coals even though this was not his intent. In such a circumstance, however, there is no concern to ask a gentile to close the opening. If the opening is not closed entirely it may even be done by a Jew since he will not extinguish any of the coals. Magen Avrohom asserts that a large portion must be left open because if a small amount is left open it will increase the size of the flame. Elya Rabba asserts that in a pressing circumstance even a Jew may close the opening relying on the authorities who contend that it is not inevitable that the coals will extinguish but if there is a fire burning all authorities agree that one may not close the opening since that will cause the fire to become extinguished faster. This discussion relates to closing the opening but all authorities agree that a Jew may not unseal the opening if one is certain that the coals will ignite from the wind. (M.B. 21)
- This opinion maintains that removing the clay over the opening is a form of destruction. (M.B. 22)
- By closing the opening one increases the heat and causes the food to cook faster and such an act is prohibited even if the coals were removed or covered. If the coals were not removed or covered it is prohibited even if the food was fully cooked before Shabbos out of concern that closing the opening will extinguish some of the flame. (M.B. 24)
- In the event a gentile closed the opening the food, *b'dieved*, is not prohibited since his action did not affect anything since the food would have cooked anyways. (M.B. 26)

Halacha Highlight

Asking a child to do something one is stringent not to do

Shulchan Aruch Siman 259 Seif 7
אם אפשר לעשותו על ידי ישראל קטן
If it is possible for this to be done by a Jewish child

Shulchan Aruch discusses one who placed a board over the opening to a *tanur* and then spread clay over the board to seal it closed. He rules that it is permitted to break the seal to remove the food. Since the seal was not intended to be permanent it is not even Rabbinically considered an act of demolition (מ"ב ס"ק י"ט). Rema cites authorities who maintain that a Jew should not break the seal if a gentile is available who could do the same thing. The rationale for this stringent position is that since one used clay to seal the board in place perhaps it does rise to the level of Rabbinically prohibited demolition (מ"ב ס"ק כ"ב). Rema then adds that if a gentile is not available to break the clay seal it is preferable for a minor to break the seal rather than an adult. If a child is also not available an adult may break the seal but he should do so in an unusual manner.

Poskim see in Rema's ruling an important principle concerning the *halachos* of Shabbos. Whenever a particular act is technically permitted but one adopts a stringent position and refrains from performing that activity it is permitted, for the sake of *kavod* Shabbos, to ask a minor to perform that activity. This is true even if the child reached the age of *chinuch*. The same principle applies when it comes to issues that are debated by *halachic* authorities. When there are two positions and some people take the strict opinion whereas others follow the lenient opinion and one personally follows the stringent position it is permitted for him to ask a minor to perform that act on his behalf. An example of this might be regarding the debate whether it is permitted to open a refrigerator on Shabbos. Even if one conducts himself in accordance with the stringent position it is permitted to ask a child to open a refrigerator for him (פסקי תשובות אות ב' והע' 10).