The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Fri, Apr 28 2023 ■ ז' אייר, תשפ"ג
סימן רס"ג סעיף ט"ו-י"ז

Overview

Siman 263 Seif 15:

One who delayed and did not recite mincha by the time the tzibbur accepted Shabbos may not daven mincha in that bais haknesses; rather he should go outside and daven the weekday amidah there. This assumes that he did not yet accept upon himself Shabbos with them but if he responded and accepted Shabbos with them he may no longer daven the weekday amidah and should daven ma'ariv twice.

- Once the tzibbur accepted Shabbos he may not treat the day as a weekday in their presence. (M.B. 59)
- The first tefila is for Shabbos and the second is the make-up. If he reversed the order it is possible that he fulfilled his obligation since it is still day and the time for mincha. (M.B. 61)

Siman 263 Seif 16:

If one arrives in the bais haknesses as they are about to accept Shabbos one may daven mincha even though while he is davening mincha they will accept Shabbos. There is no issue with this since he began while it was permitted.

- It is still preferred if he davens outside of the bais haknesses where the tzibbur will be davening. (M.B. 63)

Siman 263 Seif 17:

Some authorities maintain that one who accepted Shabbos before it became dark may ask a fellow Jew to perform melacha on his behalf. It is permitted to benefit from that melacha on Shabbos. Certainly on motzai Shabbos, one who will daven later or whose seudah extends into the night may ask another Jew who already davened and recited havdalah to perform melacha, e.g. to kindle a light or to cook for him and he is permitted to benefit and eat from that melacha. This appears correct to me.

- Since it is permitted for the friend to perform melacha there is no prohibition against asking him to do melacha. (M.B. 64)
- Levush maintains that it is prohibited to benefit from the melacha unless one was masi'ach da'as from Shabbos but other authorities agree with Shulchan Aruch. If one recites המבדיל בין קדש לחול he may certainly benefit from someone else's melacha but it is not clear if he may still recite רצה in birkas hamazon. Pri Megadim writes that on motzai Shabbos an individual is not drawn after the majority and even if most people have not davened or recited havdalah an individual may recite havdalah and perform melacha once Shabbos is over. (M.B. 67)

Halacha Highlight

Asking one's son to perform melacha after accepting Shabbos early

Shulchan Aruch Siman 263 Seif 17

מתר לומר לישראל חברו לעשות לו מלאכה

It is permitted to ask another Jew to perform for him a melacha

Shulchan Aruch (סע' י"ז) rules that one who has accepted upon himself Shabbos before it was dark may instruct another Jew to perform a melacha on his behalf and Rema adds that it is even permitted for the Jew who gave the instructions to benefit from that melacha. Being that this Halacha is not qualified it would seem that it is true even if one accepted Shabbos by davening ma'ariv which is a stronger acceptance of Shabbos. Shulchan Aruch HaRav (קו"א סק"ח) questions why it is permitted for one who accepted Shabbos to instruct someone who did not yet accept Shabbos to perform a melacha. Once one is prohibited to perform melacha it should be prohibited to instruct someone else to do melacha due to the prohibition of דבר ודבר which prohibits a person from discussing on Shabbos prohibited activities. He answers that since the friend, who did not accept Shabbos, is permitted to perform melacha the instruction does not constitute discussing something that is prohibited. The reason why it is prohibited to instruct a gentile to perform a melacha on motzai Shabbos even though for him it will be permitted is that since the gentile may not perform melacha for a Jew it is considered discussing a prohibited activity.

Sefer Mikor Chaim (לבעל חות יאיר בסוף הסימן) writes that once one accepted Shabbos he may not instruct his son to perform melacha since there is an obligation to make sure that one's son rests on Shabbos as well (שבית בנו). Teshuvas Shevet HaLevi (ח"ז סי' ל"ה אות ג') disagrees and contends that in such a situation the obligation to assure that one's son refrains from melacha does not apply. Since it is not yet Shabbos for the son and he is permitted to perform melacha, even as far as the father is concerned it is not considered a prohibited activity that he may not instruct his son to do.