The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רע"ו סעיף א'

Overview

Siman 276 Seif 1:

If a gentile kindles a light for a Jew it is prohibited for everyone, even for those for who the light was not kindled. It doesn't matter whether one agreed to pay him a wage or not or whether he was working as a contractor or as an employee. As long as the Jew benefits from the melacha itself it is prohibited in all circumstances. **If the gentile kindles the light for himself or for a Jew who is ill even if not dangerously so** or for a child who is categorized as one who is not dangerously ill **it is permitted for any Jew to use that light. The same is true if a gentile kindles a bonfire for himself or someone who is ill. Some prohibit the use of a bonfire out of concern that he will add more fuel to the fire.** If the gentile does this in a Jew's home on his own, the Jew is not required to exit even though he benefits from the light or the bonfire.

- The same is true regarding any melacha that a gentile does for a Jew. (M.B. 1)
- When a gentile violates a Rabbinic injunction for the benefit of a Jew, others may benefit from that melacha. (M.B. 3)
- This refers to children who need the light. (M.B. 6)
- The stringent opinion is concerned that one will add more wood to the fire since it is common to add more wood as more people sit near the fire. If a non-Jew lights an oven all agree that a Jew may enter that room since there is no difference between heating a room for one person or for many people. (M.B. 9)
- If it is known that the gentile does not know him according to all opinions it is permitted. (M.B. 10)
- One must warn the gentile not to do that anymore and if one sees the gentile about to perform a melacha one must protest. If the gentile insists on doing this one must send him out of the house since it will generate a chillul Hashem by giving people the impression that the gentile is acting as the Jew's agent. (M.B. 11)
- The same is true if one was staying in a hotel for Shabbos. (M.B. 12)
- One may not use the light for activities that he could not have done if the light was not kindled or to specifically warm one's body near the fire. (M.B. 13)
- Other than out of piety it is not necessary for one to turn away from the lamp but Rashba indicates that he maintains a stringent opinion about these matters. (M.B. 14)

Halacha Highlight

Benefitting from a melacha performed by a gentile

Shulchan Aruch Siman 276 Seif 1

אינו יהודי שהדליק את הנר בשביל ישראל

If a gentile kindles a light for a Jew

Shulchan Aruch rules that if a gentile kindles a light for the benefit of a Jew, even if he wasn't instructed to do so, it is prohibited for anyone to benefit from that light. The concern is that if it is permitted to benefit from that light one may come to instruct him to kindle the light (מ"ב סק"ב). Mishnah Berurah (סק"א) writes that this prohibition applies to any melacha that is Biblically prohibited; however, if a gentile performs a melacha that is only Rabbinically prohibited, only the one for whom the melacha was performed is prohibited from benefitting from that melacha but others are permitted to benefit from that melacha. In the event that one sees a gentile about to perform a melacha for the benefit of a Jew, that Jew is obligated to protest. If the gentile is intent on performing that melacha it is necessary to drive him from one's home to prevent the desecration of Hashem's Name which is the impression people will have that the gentile was instructed by the Jew to perform this melacha on his behalf.

Poskim note that this restriction is limited to benefitting directly from the melacha that was performed by the gentile, e.g. using the light from a lamp that was kindled by a gentile. However, if the melacha performed by the gentile removed a disturbance and the benefit that the Jew has is from the absence of that disturbance, it is permitted for a Jew to have that benefit. Moreover, if there is a Shabbos or mitzvah need it is permitted to hint to the gentile to perform that melacha as long as the hint is not considered a command. A common example of this is benefitting from the darkness after a gentile turns off a disturbing light or other electrical appliance.