The Chicago Center
Mishna Berura Digest
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Jun 28 2023 ■ ט' תמוז תשפ"ג
סימן רע"ו סעיף ג'

Halacha Highlight

Asking a gentile to move a lamp

Shulchan Aruch Siman 276 Seif 3

אם אומר אדם לעבדו וכו'

If a man instructs his slave etc.

Shulchan Aruch rules that if a Jew instructs his slave or maidservant to accompany him and he/she kindled a light, it is prohibited for the Jew to benefit from that light. Although the gentile kindled that light so that he/she would be able to see, nevertheless, since the trip is for the Jew, the Jew may not benefit from that light. Rema adds that if the Jew instructs the slave or maidservant to accompany him it is permitted to ask the gentile to take a lamp that was already kindled since such an act merely involves moving muktzah. Mishnah Berurah (ס"ק ל"א) explains that carrying the lamp involves moving a muktzah item and it is permitted for even a Jew to move a muktzah item indirectly (מן הצד). Accordingly, since the Jew could move it himself it is permitted to even ask the gentile to move it, even if he will move it directly.

Mishnah Berurah (סק"ל) rules that if the lamp is fueled with oil it is best to adopt a stringent approach and refrain from asking the gentile to move the lamp. In the course of carrying it is impossible that the oil won't be drawn to or from the wick which if done by a Jew would violate the Biblical prohibition of kindling or extinguishing a fire. Therefore, a Jew should not instruct a gentile to perform that act. Magen Avrohom and others adopt a lenient position even regarding a lamp that is fueled with oil since Rema above (סי' רנ"ז סע' ה') rules that it is permitted to ask a gentile to perform an act that will inevitably (פסיק רישא) involve a melacha. The reason Mishnah Berurah wrote that it is preferred that one adopt a stringent position is that one is instructing the gentile to move a muktzah item in a manner in which it would not be possible for a Jew to move it even indirectly (פסקי תשובות אות ט"ו).

Overview

Siman 276 Seif 3:

If a man instructs his slave or maidservant to walk with him and they kindle a light, even though they also need the light, it is not considered as though it was kindled for the needs of the gentile since he is walking to accompany the Jew. It is permitted to instruct a gentile to walk with him and to take a lamp that was already kindled since he would just be moving the lamp.

- If one sends them on a mission and they decide to kindle a light for themselves, it is not considered to be fulfilling the Jew's need even though the journey is for the Jew since the Jew will not benefit directly from the light. The Jew may subsequently benefit from that light. (M.B. 27)
- This should only be permitted for b'nai Torah out of concerns that others will improperly extend the leniency. (M.B. 29)
- In other words it is only a violation of muktzah and muktzah may be moved indirectly. Since the Jew has the ability to move the lamp in a permitted manner, e.g. the back of his hands or his elbow, if the gentile decides to move it directly, it is no concern to the Jew. (M.B. 31)