The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Jul 4 2023 ■ ט"ו תמוז תשפ"ג
סימן רע"ט סעיף ג'-ה'

Overview

Siman 279 Seif 3:

It is not permitted to move a lamp by placing bread on it on Shabbos. If the bread was placed on the lamp before Shabbos there is opinion that permits moving the lamp on Shabbos because of the bread but one should not rely on this opinion.

- The reason is that since the bread was not on the lamp at the outset of Shabbos it was muktzah at that time so it remains muktzah for the remainder of Shabbos. (M.B. 9)
- The reason one should not rely on the lenient opinion is that the lamp is primarily a base for the flame and thus subordinate to it rather than the bread which is placed on it. (M.B. 10)

Siman 279 Seif 4:

If one stipulates on erev Shabbos that he will move this lamp after the flame goes out it is permitted to move it once the flame goes out. Some maintain that this stipulation is ineffective and this is the custom in our countries. The halachos of making this stipulation are below in siman 638. The custom is to permit instructing a gentile to move the lamp and this does not violate the restriction against instructing a gentile to perform a melacha. Since the custom is to permit it, it is as if one stipulated that it should not be muktzah and thus is permitted and this opinion appears correct in my eyes.

- Since the flame in a lamp goes out the stipulation is effective. (M.B. 11)
- It mentions there that the stipulation must be made before bein hashemashos. (M.B. 12)
- This is permitted even to assure that the lamp is not stolen. (M.B. 13)
- If one placed a lamp on the table and the intent was for it to remain lit for the entire Shabbos and then the flame goes out it may not be permitted for a gentile to move it since it cannot be considered as though one made a stipulation. This restriction is limited to moving the lamp so that it should not be stolen but it is still permitted to move it for itself or for its place. (M.B. 14)

Siman 279 Seif 5:

A lamp that was kindled for a woman giving birth or someone ill and the woman gave birth or the ill person became healthy, it is permitted to move the lamp once the flame goes out. The same is true regarding a lamp that was unintentionally kindled on Shabbos.

- Since it was permitted to move the lamp at the outset of Shabbos for the woman giving birth or for the ill person the principle that once it was muktzah at the outset of Shabbos etc. does not apply. Certainly if the lamp was kindled for them on Shabbos it may be moved once the flame goes out. (M.B. 15)
- It may be moved only for itself or for its place. (M.B. 16)
- Even if the lamp was kindled intentionally it may be moved once the flame goes out if one needs it or its place since it was not muktzah at the outset of Shabbos. (M.B. 18)

Halacha Highlight

Asking a gentile to move a lamp

Shulchan Aruch Siman 279 Seif 4

אם התנה מערב שבת

If one stipulated from erev Shabbos

Shulchan Aruch (סעי' ד') rules that one who stipulates on erev Shabbos that he should be able to move a lamp after the flame goes out may indeed move the lamp once the flame goes out. The reason this stipulation is effective is that it is expected that the flame will go out, but in general such a stipulation is not effective for something that serves as the base for a muktzah item at the outset of Shabbos. Rema reports that there are authorities who maintain that a stipulation is ineffective and in these countries the custom is in accordance with the stringent opinion. He does permit instructing a gentile to move a lamp after the flame goes out. The reason this does not violate the injunction against instructing a gentile to perform a melacha is that since the custom is to permit this it is as if they stipulated that it should be permitted. Mishnah Berurah (סק"י י"ד) explains that Rema means that to permit instructing a gentile to move the lamp we take into account the opinion that maintains that even a Jew may make a stipulation to permit moving the lamp once the flame goes out.

Aruch HaShulchan (סעי' א' וע' חזו"א סי' מ"ד ס"ק י"ג) asserts that stipulations were effective in earlier times in which they would actually use the lamp as a utensil for other uses besides using it as a lamp. Nowadays, that people do not use lamps for anything other than kindling a fire, a stipulation is no longer effective. For this as well as additional reasons, one should be stringent and should not instruct a gentile to move a lamp once the fire has gone out unless it meets the standard circumstances that are necessary to instruct a gentile to perform a melacha. However, according to the letter of the law it is permitted to instruct a gentile to move a lamp after the flame went out if one needs to use the lamp or its place (פסקי תשובות אות ד').