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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"ו סעיף ט'-י"ב

Overview

Siman 306 Seif 9:

It is prohibited to instruct a gentile to walk beyond the techum on Shabbos to contact relatives of the deceased so that they should come to eulogize him. If someone is ill and close to dying and wants his relatives to come, it is permitted for the gentile to be sent.

- He may be instructed to go beyond the techum after Shabbos but may not be instructed to do so on Shabbos. It is also prohibited to instruct him on erev Shabbos to go out on Shabbos. (M.B. 40)
- It is permitted to hire a runner even to run many parsa'os so that the patient's peace of mind is not disturbed. (M.B. 41)

Siman 306 Seif 10:

It is permitted to exchange a pawned article for a gentile if it is an article of clothing and he will wear it out of the house (See below siman 325).

- Since it was pawned in the Jew's possession it is regarded as his and is prohibited because of maris ayin since it appears as though the Jew instructed him to do this. (M.B. 43)
- It says there that the gentile should take the pawned object himself and replace it with another and the Jew should avoid touching it. (M.B. 44)

Siman 306 Seif 11:

It is permitted to purchase a house in Eretz Yisroel from a gentile and have the gentile sign and register the contract in their courts. It must be written in their script since writing in their script is only Rabbinically prohibited and for the sake of settling Eretz Yisroel it is exempted from the injunction.

- He should show the gentile where the bags of money are located and the gentile will take them and sign and register them in their court. (M.B. 45)
- סוריא is treated like Eretz Yisroel for this matter but see what Magen Avrohom writes about this. (M.B. 46)
- This would therefore be considered a shvus d'shvus which is permitted for the sake of settling Eretz Yisroel. Biur Halacha cites Poskim who reject the position that writing in another script is only Rabbinically prohibited and they maintain that it is Biblically prohibited but nevertheless, permitted if done by a gentile in order to settle Eretz Yisroel. (M.B. 47)

Siman 306 Seif 12:

It is permitted to announce on Shabbos that one found a lost object even if the lost object may not be moved on Shabbos. It is permitted to annul communal bans on Shabbos even if it does not serve a Shabbos need since it is a day that the community gathers together and is thus comparable to a community need which may be discussed on Shabbbos. However, it is prohibited to impose a ban on Shabbos unless it is a matter that relates to Shabbos.

- Returning lost objects is a mitzvah and thus permitted. The custom is to announce that one found a lost object that belongs to a gentile out of consideration for darkei shalom and in a circumstance of danger it is certainly permitted. (M.B. 48)
- If one was banned in a dream he may also be released on Shabbos since it is a Shabbos need to not remain in that ban. (M.B. 50)
- There is a disagreement whether we release someone from a ban if it serves only an individual's need and the latter authorities subscribe to the lenient position. (M.B. 51)
- Magen Avrohom maintains that banning someone and releasing someone from a ban are the same and should not be done on Shabbos unless it relates to Shabbos. For the community it does not have to relate to Shabbos whereas Elya Rabba contends that even for the community it is improper to issue a ban on Shabbos. Common custom follow Magen Avrohom. Teshuvas Divrei Rivos rules that a Torah scholar may ban someone on Shabbos to protect his honor. (M.B. 52)

Halacha Highlight

Purchasing land from gentiles on Shabbos

Shulchan Aruch Siman 306 Seif 11

מתר לקנות בית בארץ ישראל מן האינו יהודי בשבת

It is permitted to purchase a house in Eretz Yisroel from a gentile on Shabbos

Shulchan Aruch (סעי' י"א) rules that it is permitted for one to purchase a house in Eretz Yisroel from a gentile on Shabbos and even instruct him to sign the document of sale and register it in their courts. Rema explains that he must sign using their script since writing in their script constitutes only a Rabbinic violation and for the sake of settling Eretz Yisroel it is permitted. Mishnah Berurah (ס"ק מ"ז) explains that according to Rema since writing in another script is only Rabbinically prohibited and instructing a gentile to perform a melacha is only Rabbinically prohibited, registering the document of sale is a shvus d'shvus that is permitted for the sake of fulfilling this mitzvah. Biur Halacha (ד"ה בכתב שלהם) asserts that this position represents a minority view amongst the Poskim since most maintain that writing in any script constitutes a Biblical violation. However, even though instructing a gentile to write in another script is a Biblical violation, it is permitted for the sake of settling Eretz Yisroel.

Poskim discuss the applicability of this halacha in our days where most often one who is purchasing land from gentiles is purchasing from a Moslem who is not considered an idolater. Teshuvas Minchas Yitzchok (ח"ו סי' כ"ד) cites authorities who maintain that the leniency of Chazal regarding this matter is limited to purchasing land from idolaters and thus would not be applicable when purchasing land from a Moslem. Kaf HaChaim (סי' רמ"ד סק"י), however, references authorities who permitted workers to do construction to rebuild a broken down building that had been purchased from Moslems, even though the construction was done publicly. Similarly, Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ט הע' י"ח*) ruled that nowadays it is permitted for one to look at an apartment that one is interested in purchasing from a gentile on Shabbos and seemingly since he does not distinguish between a gentile who is an idolater or not, it is not an issue and the leniency applies in both circumstances.