The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"ו סעיף י"ג-י"ד

Overview

Siman 306 Seif 13:

It is prohibited to announce on Shabbos regarding property that stands to be sold that whoever has a claim to the land should step forward and say so or lose his rights. It is also prohibited to make an announcement concerning wine on Shabbos since it is comparable to a business transaction.

- There are places that permit announcing the availability of real estate for sale or rent but Teshuvas HaGeonim prohibits the practice. (M.B. 53)
- This is comparable to adjudicating a case. It is permitted to announce that anyone who has a claim should step forward but l'chatchila it should not be done since it is weekday talk but one need not protest against those who are lenient. (M.B. 54)
- In other words, to announce that Ploni has wine for sale. If one is not readily available it is permitted since it is needed for the mitzvah of kiddush. It is not permitted to mention the price of the wine. (M.B. 55)

Siman 306 Seif 14:

Someone who was informed that his daughter was taken from his house in order to be converted, it is a mitzvah to begin the journey to try and save her and one may go even beyond three parsa'os and if he is not interested Bais Din will decree that he must go (See below siman 328:10).

- Others may also travel in an attempt to save someone kidnapped to be converted. This applies when she was taken against her will but if she behaved in a manner that caused them to take her, her father may not desecrate Shabbos on her behalf since we do not instruct a person to sin for the benefit of another. Elya Rabba maintains that even in this case it is permitted to violate a Rabbinic prohibition for her benefit. (M.B. 56)
- It is also permitted to violate any of the 39 melachos for her benefit. Magen Avrohom is uncertain whether these rules apply when the girl is yet a minor but Elya Rabba maintains that one should violate Shabbos even for a minor since if she is not returned she will remain this way as an adult as well. (M.B. 57)
- Rema there rules that one may not desecrate Shabbos in order to save someone who is being forced to desecrate Shabbos. The reason is that in that case it will happen only once whereas in our seif the intent is to convert her. Knesses HaGedolah rules that it is permitted for one to take revenge against those who murdered his father but Magen Avrohom expresses surprise that it should be permitted. (M.B. 58)

Halacha Highlight

Violating Shabbos to save someone who was abducted

Shulchan Aruch Siman 306 Seif 14

שהוציאו בתו בשבת להוציאה מכלל ישראל

That they took his daughter on Shabbos to convert her

Shulchan Aruch (סעי' י"ד) writes that if one's daughter was abducted with the intent to convert her it is a mitzvah to run after her to save her even if one has to travel three parsa'os or more on Shabbos. Mishnah Berurah (ס"ק נ"ז) explains that travelling three parsa'os was chosen as an example because according to many Poskim travelling that distance on Shabbos constitutes a Biblical prohibition, but it is permitted for one to violate any Biblical prohibition in order to save her. Teshuvas Shevet HaLevi (ח"ג סי' ל"ז אות ג') notes that the rationale generally cited for violating Shabbos for the sake of one whose life is in physical danger is וחי בהם—and you should live by them; nonetheless, it is permitted to violate Shabbos to save a person abducted and at risk for being converted to another religion. The reason is that there is a second rationale to save someone whose life is in a danger and that is the principle of חלל שבת אחד כדי שישמר שבתות הרבה—desecrate on Shabbos so that one will be able to observe many Shabosos which applies even to one who is in spiritual danger.

Mishnah Berurah (ס"ק נ"ז) records a disagreement between Magen Avrohom and Elya Rabba whether it is permitted to save a girl who was abducted and is younger than the age of bas-mitzvah. Magen Avrohom suggests that perhaps we should apply the principle that bais din is not obligated to prevent a minor from transgressing even Biblical prohibitions and thus there is no permission to violate Shabbos to save her. On the other hand, one could argue that this is no worse than if her life were in physical danger where we would violate Shabbos to save her. Elya Rabba maintains that she should be saved since if she is not saved now she will continue to violate prohibitions when she does reach bas-mitzvah age. Rav Moshe Feinstein (או"ח ח"ה סי' י"ח) contends that the dispute relates to whether someone other than the father may violate Shabbos to save a girl who is yet a minor but all opinions agree that a father is obligated to save his daughter since he has a mitzvah to marry her off and he is not violating Shabbos for her mitzvos; it is so that he could fulfill his mitzvah.