The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Thurs, Nov 16 2023 ■ ג' כסלו תשפ"ד
סימן ש"ז סעיף ג'-ה'

Overview

Siman 307 Seif 3:

It is prohibited to give money to a gentile before Shabbos with the instructions that he should purchase something for you on Shabbos. It is permitted to instruct him to purchase for himself and inform him that if you need that merchandise you will purchase it from him.

- This is prohibited even from the beginning of the week even if one set the amount the gentile will be paid since he was instructed to do this on Shabbos. (M.B. 12)
- It is permitted even if one promises the gentile that he will purchase it from him since on Shabbos he is purchasing it for himself. (M.B. 13)

Siman 307 Seif 4:

It is permitted to give a gentile money before Shabbos for him to purchase merchandise for you as long as he is not instructed to make the purchase on Shabbos. It is also permitted to give him clothing to sell as long as he is not instructed to sell them on Shabbos. If one hired a gentile to transport his merchandise and the gentile arrives on Shabbos to take the merchandise it is prohibited to permit him to do so and they would punish those who did not comply with this halacha.

- His salary must be fixed before Shabbos. (M.B. 14)
- If market day is on Shabbos it is considered as though one specified Shabbos and it is prohibited. If they sell merchandise even to some degree on other days it is permitted unless one specifies Shabbos. There is a disagreement whether one may benefit on Shabbos from what the gentile purchased that day. Sefer Chassidim warns against living in a place where market day is Shabbos. (M.B. 15)
- It is prohibited since he is taking it from the Jew's home and being that it is the Jew's merchandise designating a place for the merchandise will not permit it. (M.B. 16)
- If he took the merchandise before Shabbos it is permitted even if he will travel beyond the techum on Shabbos. (M.B. 17)
- Wealthy people would suffer a monetary penalty whereas those who were poor would receive lashes. If one thought it was permitted he would not be punished and one's claim of ignorance is believed. (M.B. 18)

Siman 307 Seif 5:

If an activity is not a melacha and is only Rabbinically prohibited for a Jew to do, it is permitted to ask a gentile to perform that activity on Shabbos if the person is slightly ill, if there is a compelling need for this to be done or for a mitzvah. For example, it is permitted for a Jew to ask a gentile on Shabbos to climb a tree to bring down a shofar that he will use for the mitzvah or to bring water through a courtyard that does not have an eruv to wash someone who is in distress. Some authorities prohibit this. Below in siman 586 he ruled that it is permitted and see above siman 276 that there are authorities who are lenient even regarding a Biblical melacha.

- If it is Biblically prohibited a gentile may not be instructed to do it even for the sake of a mitzvah. (M.B. 19)
- A shvus d'shvus was not prohibited in such circumstances. (M.B. 20)
- If his whole body is sick or if a limb is at risk according to some authorities even a Jew may violate a Rabbinic prohibition. One should only follow the examples given by Chazal and should not extrapolate principles to be applied elsewhere. (M.B. 21)
- Magen Avrohom permits this even in the face of a major financial loss and Elya Rabba questions whether even that is permitted. (M.B. 22)
- Later authorities follow the first opinion. (M.B. 23)
- Rema ruled above that one should be stringent. There is a disagreement whether it is permitted for one to instruct a gentile to instruct another gentile to perform a melacha and if one will suffer a major financial loss he may be lenient. (M.B. 24)

Halacha Highlight

Asking a gentile to open an electronic door

Shulchan Aruch Siman 307 Seif 5
מתר לומר לאינו יהודי לעשותו בשבת
It is permitted to ask a gentile to do it on Shabbos

Shulchan Aruch (סע' ה') rules that it is permitted for one to ask a gentile to perform something only Rabbinically prohibited for someone who is slightly ill, when there is a great need or for the sake of a mitzvah. Mishnah Berurah (סק"כ) explains that since asking a gentile to perform a melacha is only Rabbinically prohibited (shvus) and the melacha that one is asking him to perform is only Rabbinically prohibited (shvus), in circumstances of necessity like the categories mentioned in Shulchan Aruch, the Rabbinic injunctions do not apply. As an example he writes that it is permitted to ask a gentile to climb a tree to retrieve a shofar so that one will be able to fulfill the mitzvah since climbing a tree is only Rabbinically prohibited. Although Shulchan Aruch mentions that there is an opinion that is stringent about these matters, nevertheless, Levush and Elya Rabba maintain that halacha follows the first, lenient opinion recorded by Shulchan Aruch.

Poskim debate whether it is permitted to ask a gentile to turn on a light for the sake of a mitzvah. Shevet HaLevi (ח"ח סי' מ"ז וח"ט סי' קס"ג) writes that it is prohibited since one must accommodate Chazon Ish's position that turning on a light constitutes a Biblical prohibition and thus it is not a shvus d'shvus. On the other hand, Minchas Yitzchok (ח"ג סי' כ"ג) ruled that it is permitted. Since turning on a light is only Rabbinically prohibited it is permitted for one to ask a gentile to turn on a light for the sake of a mitzvah. Consequently, Minchas Yitzchok (ח"י סי' כ"ט) ruled that when a hotel has electronic doors and there is no alternative place that one could stay for Shabbos, it is permitted to ask a gentile to open the door since one is asking him to use electricity in a circumstance of great need and Shulchan Aruch ruled that such a request is permitted.