The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שכ"ה סעיף ב'-ד'

Overview

Siman 325 Seif 2:

When there is an issue of *darkei shalom* or if it is a powerful gentile, one may hand him the item or send it to him via a gentile. This is also permitted for the sake of a *mitzvah*, e.g., to remove *chometz* from one's home on Pesach.

- This is true even though one's life is not in danger. (M.B. 10)
- When employing a gentile to transport the items one should avoid picking up that item and handing it directly to the gentile, rather he should be the one who picks it up. (M.B. 11)

Siman 325 Seif 3:

It is permitted to exchange an item given as security on Shabbos if that item is a garment so that he wears it out of the house since this is not considered a business transaction and even a Jew may do so if he needed to wear the garment. It is preferred for the gentile to take the item himself and leave behind the replacement and the Jew should refrain from touching either article so that it should not appear as though he is engaged in a business transaction. See above the end of *siman* 307 regarding a gentile who delivers something to a Jew on Shabbos and whether it is permitted to accept it.

- If it is not a garment that he will wear it gives the appearance that the Jew instructed the gentile to remove it from the house. (M.B. 13)
- Sefer Agudah writes that it is also permitted for the gentile to leave behind money and take his article provided that the Jew does not count it or touch it. Elya Rabba maintains that if the gentile leaves behind money it appears as though a business transaction is taking place and one should not be lenient unless the gentile is powerful or if there is a potential risk for a loss. (M.B. 14)
- If it is a Jew it is permitted to touch the security since people will assume he is borrowing the item rather than purchasing it. If a gentile wants to retrieve the item he gave as security a Jew may not serve as his guarantor since doing so violates the prohibition of ממצוא תפצך.(M.B. 15)

Siman 325 Seif 4:

If a gentile baked for himself bread, some authorities prohibit one to eat the bread while others permit it and in a pressing circumstance or for a *mitzvah*, for example a *bris milah* or to be able to recite *hamotzi*, one may rely on the lenient opinion. However, it is prohibited to give him money before Shabbos so that he will give you bread on Shabbos since he would then bake the bread for the benefit of the Jew.

- The raw ingredients were likely muktzah at the outset of Shabbos and the making of bread is considered nolad. (M.B. 16)
- The lenient position contends that the issue of muktzah and nolad do not apply in this case. If a Jew's slave baked bread all opinions agree that a Jew may not eat that bread on Shabbos. (M.B. 17)
- One may not invite him to your house to pay him since that would constitute a business transaction. (M.B. 19)
- This is prohibited according to all opinions even for the sake of a mitzvah. (M.B. 20)

Halacha Highlight

Items that become completed on Shabbos

Shulchan Aruch Siman 325 Seif 4

פת שאפה אינו יהודי לעצמו בשבת

Bread baked by a gentile for himself on Shabbos

Shulchan Aruch (סע' ד') presents a dispute whether bread baked by a gentile for himself is permitted for a Jew. He initially presents the stringent opinion and Mishnah Berurah offers the following explanation for his stringent position. It is possible that during *bein hashemashos* the flour or dough was inedible and once it was inedible and therefore *muktzah* at that time, it remains *muktzah* for the remainder of Shabbos. Even if the gentile had edible grains of wheat at the outset of Shabbos the bread that he subsequently baked is prohibited since it is considered *nolad*. Additionally, it is possible that the prohibition is rooted in the concern that if one may benefit from the bread that the gentile baked for himself it could lead one to directly asking a gentile to bake bread for him. The lenient opinion contends that since the gentile baked it out of his own self-interest there is no concern it will lead to asking a gentile directly to bake bread. Furthermore, since it was within the capacity of the gentile to complete the baking of the bread it is not categorized as *muktzah* or *nolad*.

This last concept is found in the Gemara Beitzah (27a) which teaches that a food that was cooking during *bein hashemashos* is permitted for consumption on Shabbos even though it was inedible during *bein hashemashos*. The reason given is that since during *bein hashemshos* it was on its way to becoming edible a person does not dismiss such a food from his mind and thus it is not *muktzah*. Similarly, with regard to bread baked by a gentile on Shabbos, although the dough may have been inedible during *bein hashemashos*, nevertheless, since it belonged to the gentile who is permitted to bake it on Shabbos the Jew does not dismiss it from his mind and thus it is not *muktzah*.