The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Mar 16 2024 ■ ו' אדר ב' תשפ"ד
סימן שכ"ה סעיף ח'

Overview

Siman 325 Seif 8:

Regarding items that were certainly not caught or picked on Shabbos but they were imported from beyond the *techum*, if the gentile imported it for himself, it is permitted for a Jew even on Shabbos. If it was imported for a Jew it may be moved, even by the person for whom it was imported but that person may not eat the food and must wait after Shabbos בכדי שיעשו. Some maintain that nighttime is not included in בכדי שיעשו and one must wait that period of time the next morning. **Others may eat the food on Shabbos. Some maintain that the food is permitted immediately after Shabbos even for the one for whom it was brought. The allowance to move it, even when the gentile imported it from beyond the *techum* for himself is limited to the four *amos* where it is resting or within the city if it is surrounded by a wall, provided that the wall was constructed for residential purposes, meaning that it was inhabited and then the wall was constructed. Normal cities are assumed to have been constructed for residential purposes but forts are not assumed to have been constructed for residential purposes** (See below *siman* 401:1).

- It is even permitted for consumption since techumin is treated more leniently than other prohibitions. (M.B. 35)
- Since it is permitted for others it cannot be muktzah. (M.B. 36)
- If two items were brought for two people they made not trade items. (M.B. 37)
- It is also prohibited for the members of one's household. If it was imported by boat and the article remained more than ten tefachim off the ground it is not subject to the restrictions of items imported from out of the techum. (M.B. 38)
- If it took three days to import the article one need not wait more than one day corresponding to the day it was transported on Shabbos. If its place of departure is unknown it is assumed that it was imported from outside of the techum. (M.B. 39)
- Even according to this opinion items imported from within the techum are permitted at night after בכדי שיעשו since they would be transported at night. Some authorities subscribe to the lenient view and certainly if the item is needed for guests or some other *mitzvah* it is permitted. If a Biblical prohibition was performed in addition to it being imported from beyond the *techum* one should be stringent unless it is needed for a *mitzvah*. (M.B. 40)
- Since the prohibition against techum is only Rabbinc we are lenient for everyone other than the one for whom it was imported. (M.B. 41)
- One should follow the stringent opinion. (M.B. 42)
- Items taken out of their techum may not be moved more than 4 amos. (M.B. 43)
- If a tzuras hapesach was constructed the city is treated as 4 *amos*. (M.B. 44)
- If one person moved it 1 or 2 amos another person may only move it to the end of the object's original 4 amos. (M.B. 45)

Halacha Highlight

Eating food imported by a gentile from outside of the *techum*

Shulchan Aruch Siman 325 Seif 8
אלא שהובא מחוץ לתחום
But it was imported from outside of the *techum*

In this *seif* Shulchan Aruch addresses food that was imported from beyond the *techum* on Shabbos. He rules that if the gentile imported the food for himself it is permitted for a Jew to even that food on Shabbos (מ"ב ס"ק ל"ה). If the gentile imported the food for the sake of a Jew, the food is not *muktzah* and may be moved by anyone, even the person for whom it was imported. However, the one for whom it was imported may not eat the food on Shabbos and after Shabbos he must wait the period of time called בכדי שיעשו. Additionally, the members of the household of the one for whom the food was imported may not eat the food on Shabbos since it is assumed that the gentile had in mind the Jew's entire household rather than him specifically (מ"ב ס"ק ל"ח ומ"ב סי' תקט"ו ס"ק מ"ז).

Teshuvas Shevet HaLevi (ח"ג סי' ל"ה) notes that Biur Halacha (סי' שי"ח סע' א' ד"ה אחת משאר) wrote that when a Jew inadvertently transports food from one domain to another on Shabbos, it is permitted to benefit from that object. His reasoning is that *melacha* was not done with that object and it did not physically change as a result of the transporting that was done to it. Why is the food transported by a gentile prohibited on Shabbos (for the one for whom it was imported) but when a Jew transports something the object is not prohibited? He answers that the reason to prohibit the food imported by the gentile is out of concern that if one could benefit from a *melacha* that he performed for a Jew it could lead the Jew to asking the gentile directly to perform *melacha* for his benefit. That concern does not apply when a Jew inadvertently transported an item, meaning, there is no concern that it would lead to asking another Jew to perform *melacha* on Shabbos and thus there is no reason to prohibit the Jew from benefitting from the *melacha* that was inadvertently performed.