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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ח סעיף ב'-ה'

Overview

Siman 338 Seif 2:

Some authorities permit instructing a gentile to play music at a *chuppah*. It is even permitted to instruct a gentile to repair an instrument to honor the *chosson* and *kallah* but otherwise it is prohibited. However, nowadays we are lenient based on the reason provided in the next *siman* regarding clapping and dancing.

- It is a *shvus d'shvus* for the sake of a *mitzvah* (since the joy of a *chosson* and *kallah* require music). Some places are stringent and require instructing the gentile before Shabbos or to allow them to play if they showed up on their own. (M.B. 8)
- This opinion maintains that providing joy is greater than a regular *mitzvah* and thus one may even instruct a gentile to repair an instrument which is Biblically prohibited. Accordingly, since we are stringent about these matters this would be prohibited. (M.B. 9)
- שו"ת מהריי"א prohibits playing musical instruments in the *bais haknesses* on Shabbos and Chasam Sofer prohibits playing them in the *bais haknesses* even during the week. (M.B. 10)
- Meaning instructing a gentile to play music even at another type of *simcha* but Levush implies that it is only permitted for a *chosson* and *kallah*. (M.B. 11)
- There are authorities who maintain that it should be permitted to play instruments nowadays since we do not know how to repair them but at the very least it is permitted to instruct a gentile to play. Magen Avrohom maintains that it is prohibited to instruct a gentile to repair an instrument even for a *chosson* and *kallah*. (M.B. 12)

Siman 338 Seif 3:

A bell which chimes every hour by weights may be set up before Shabbos so that it should chime on Shabbos.

- There is no concern for *maris ayin* since everyone knows that it is set before Shabbos. (M.B. 14)
- On Shabbos not only may it not be wound up if it stopped but even if it is running it is prohibited to pull the chain so that it should run for a longer period of time. (M.B. 15)

Siman 338 Seif 4:

One guarding fruit and seeds from undomesticated animals and birds may not clap his hands, slap his thigh or dance to chase them away out of concern that he will take a stone and throw it at them.

- Meaning to stomp his foot to frighten the birds. (M.B. 16)
- The stone may fly into the public domain. According to those who maintain we do not have a public domain these activities may be permitted and certainly it is permitted to clap in an unusual manner. (M.B. 17)

Siman 338 Seif 5:

We do not play with nuts or apples out of concern that he will level the holes. This restriction applies when playing on the ground but it is permitted to play on the table since there is no rationale for the decree based on the concern for holes. It is permitted to play with bones called "chess" even though they produce noise since that is not his intent. These rules apply when one plays for fun but if one plays to make money it is prohibited even if he plays "odds and evens" since that involves business transactions. However, one need not protest women and children who play since it is better for them to do this inadvertently than to do it intentionally. See *siman* 305:45 regarding playing ball.

- It is prohibited to play on the ground even if it is paved since people could become confused and may play on ground that is not paved. (M.B. 20)
- We customarily make them out of silver specifically for Shabbos since otherwise it would appear like a weekday activity. (M.B. 21)

Halacha Highlight

Self-winding watch

Shulchan Aruch Siman 338 Seif 3
מתר לערכו ולהכינו מבעוד יום
It is permitted to set and prepare it before Shabbos

Shulchan Aruch (סע' ג') rules that it is permitted to set a clock before Shabbos that will chime hourly. Mishnah Berurah (סי"ק י"ד) explains that we are not concerned that when someone hears the clock chime that he will assume that it was set on Shabbos since everyone knows that such a clock is set before Shabbos. On Shabbos, however, not only when the clock stopped altogether is it prohibited to restart the clock, even if that involves nothing more than pushing the pendulum since according to many *Poskim* restarting the clock is Biblically prohibited under the category of מתקן מנא, but it is prohibited to "pull the weight" of a mechanical clock on Shabbos as well even while the clock is running. Additionally, those clocks that only require a nudge when they stop may not be nudged on Shabbos to restart them (מ"ב ס"ק ט"ו).

Poskim discuss the permissibility of wearing an automatic or self-winding watch on Shabbos. An automatic or self-winding watch is a mechanical watch in which the mainspring is wound automatically as a result of natural motion of the wearer's arm, to provide energy to run the watch, making manual winding unnecessary. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ח הע' נ"ז) ruled that if the watch stopped working it is prohibited to put it on so that it would wind and restart. However, if the watch is running it is permitted to wear it even though in the process one winds the watch. His reasoning is that while it is running it is not considered broken so that wearing it would involve fixing the watch. All he is doing is extending the amount of time the watch will continue to run and construction of a utensil that does not require a craftsman is not categorized as construction. Shevet Halevi (ח"ג סי' צ"ז) adopted a slightly more stringent position and only permitted wearing a self-winding watch if it had enough wind to continue running until after Shabbos even if he did not wear the watch altogether. In such a circumstance the winding is categorized as a *pesik reisha d'lo ichpas lay* and permitted.