The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Thurs, Jan 2 2025 ■ ב' טבת תשפ"ה
סימן שע"א סעיף ב'

Halacha Highlight

Patients that arrive in a hospital on Shabbos

Shulchan Aruch Siman 371 Seif 2
ואחר כך נמלך בשבת וחזר

And afterwards changed his mind and returned on Shabbos

Shulchan Aruch continues his discussion of a resident of a yard who is away for Shabbos. In this *seif* he writes that if a Jew who is a regular resident of the yard goes away for Shabbos with the intent to remain elsewhere for Shabbos and then changes his mind and returns for Shabbos, he does not prohibit the other residents upon his return. Mishnah Berurah (סק"ח) explains that since when he left his intent was to be away for the entire Shabbos, his return does not generate a prohibition since we apply the principle that once it was permitted as Shabbos began it remains permitted for the duration of Shabbos. He then notes that we do not apply this principle when it is a gentile who intended to be away for Shabbos and then returned since in that case the return of the gentile does prohibit the other residents. The reason for the distinction is that regarding a Jew who intends to reside elsewhere for Shabbos, we assume he intended to carry out his intent since Jews generally remain in the same place for all of Shabbos. Regarding gentiles that is not the case and thus we cannot say that he truly intended to be away for the entire Shabbos and thus if he returns he prohibits the other residents.

Overview

Siman 371 Seif 2:

If a Jewish resident of a yard intended to spend Shabbos in another yard and changed his mind and returned on Shabbos he does not prohibit the other residents.

- It is a circumstance in which when Shabbos began it was permitted so it remains permitted for the remainder of Shabbos. However, when a gentile returns on Shabbos he does prohibit since the gentile never decides not to return. That decision would only be made by a Jew who will likely intend to remain in the same location for all of Shabbos. (M.B. 8)

With regards to patients that arrive in a hospital on Shabbos, Sefer Chochmas HaLev (פ"ט דרכי שלום ס"ק ס"ד) writes that they do not prohibit those who were already in the hospital when Shabbos began based on the principle that once it was permitted at the outset of Shabbos it remains permitted for the duration of Shabbos. Furthermore, even according to Gra who maintains that when a Jew arrives on Shabbos to a yard he prohibits the other residents Chazon Ish (או"ח סי' פ"ח סק"ג) explains that Gra's stringency is based on the fact that the houses are meant for dwelling. However, that is true when the residence has an owner but hospitals are not intended for dwelling nor do the patients have the right to dwell there and if there is not sufficient space they will sent elsewhere. As such when they arrive on Shabbos they do not prohibit the other residents.