The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תצ"ט סעיף ה'-סימן ת"ק סעיף א'

Overview

Siman 499 Seif 5:

A pounding board that is thick and heavy but is a utensil that is primarily used for prohibited activities, i.e. pounding grits, may be moved to chop meat. Once one is finished chopping the meat it may not be moved from the sun to the shade (but it may be moved if one intends to use it or if one needs its space).

- Magen Avrohom maintains that even if one would not use the pounding board for another purpose which normally renders it muktzah machmas chisaron kis in this circumstance it is permitted to promote simchas Yom Tov. (M.B. 19)
- This is the same as any other utensil that is primarily used for a prohibited activity. A butcher's block may even be moved from the sun to the shade since it is a utensil whose primary purpose is for permitted activities. (M.B. 21)

Siman 500 Seif 1:

One may not purchase meat by setting a price by saying give me meat worth a sela or two. Similarly, one may not ask to become a partner by purchasing a sela's worth of meat. Instead the butcher should divide the meat into thirds or quarters as is commonly done without setting a price and then bring two animals that are similar and after Yom Tov they can calculate how much the customer owes based on the size of the remaining animal. Some maintain that this is permitted only between Jews but a Jew may not make such an arrangement with a gentile.

- The meat may not even be bought on credit. (M.B. 1)
- Even though one is becoming a partner in the animal it is prohibited if one mentions money. (M.B. 2)
- This is true only if they do not use a lottery to determine how to divide the meat but if the partners are particular and have to use a lottery it is prohibited. (M.B. 4)
- If the customers trust the butcher regarding how much they owe it is unnecessary to bring a second animal. (M.B. 5)
- It is prohibited to say that what you will take tomorrow for the second animal is the amount that I will pay for today's animal since that is comparable to mentioning a sum of money. (M.B. 6)
- Since it is uncommon for Jews to become partners with gentiles in an animal it more resemble commerce. Although there are authorities who maintain a lenient position one should be stringent. This discussion is limited to items that do not have a fixed price but items that have a fixed price, e.g. eggs, nuts, etc. may be purchased as long as one does not mention a price. (M.B. 7)

Halacha Highlight

Business transactions on Shabbos

Shulchan Aruch Siman 500 Seif 1

אין קונים בשר בפיסוק קמים

One may not purchase meat by setting a price

Shulchan Aruch (סי' תק"ק סע' א') introduces the restriction against purchasing meat if included in the conversation is setting a price. Rema (סי' שכ"ד סע' ד') explains that the restriction applies to only those items that do not have a fixed value such as pieces of meat. In such a case setting a price violates the prohibition against engaging in commerce on Yom Tov. However, one does not violate a prohibition by mentioning the price of items that have a fixed price, eggs and nuts. Although there are authorities who adopt a stringent approach, the custom is in accordance with the lenient position. Biur Halacha (שם ד"ה מתר) explains that when an item has a set price the mention of the price is perceived as a means of expressing the quantity that one is interested in purchasing.

The source for the prohibition against engaging in commerce on Shabbos and Yom Tov according to Mishnah Berurah (סי' ש"ו ס"ק ל"ג) is a Rabbinic injunction out of concern that one will record the transaction. Another source identified by the Poskim is the pasuk in Yishayahu (58:13) that warns against speaking on Shabbos and Yom Tov in a manner that is similar to the way one speaks during the week. Interestingly, however, there is a source that indicates that engaging in business on Shabbos or Yom Tov violates a Biblical command. Ramban (ויקרא כ"ג:כד) writes that the word שבתון teaches that Shabbos and Yom Tov must be a day of rest and one is obligated to abstain even from activities that are not technically a melacha. Chasam Sofer (שו"ת חת"ס או"ח סי' קצ"ח וראה אה"ע סי' קע"ג) writes based on this comment that one who spends Shabbos or Yom Tov in his office or store is categorized as one who transgresses one of the prohibitions that are recorded in the Torah. Aruch HaShulchan (יו"ד סי' פ"ז סע' ט"ז), however, maintains that Ramban did not mean to say that one is in violation of a Biblical prohibition; rather his intent was to say that regarding hilchos Shabbos Rabbinic prohibitions are treated as stringently as Biblical prohibitions.