The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Apr 12, 2025 ■ י"ד ניסן, תשפ"ה
סימן תקט"ו סעיף א'

Overview

Siman 515 Seif 1 (a):

A gift brought by a gentile to a Jew on Yom Tov and it is something that may have been attached or was not trapped before Yom Tov is prohibited for consumption that day for the one for whom it was imported (even if one put it in his mouth and chewed it, it may not be swallowed) **and it is also prohibited to move it. At night after בכדי שיעשו it is permitted. On the two days of Yom Tov observed in the Diaspora, something imported on the 1st day is permitted on the 2nd day after בכדי שיעשו.**

- The same applies for something that was imported to be sold in a city with a majority of Jewish residents. The prohibition also applies to one who agreed to pay a gentile a set sum and it was delivered on Yom Tov. Although the gentile performed the *melacha* to earn his salary, it is nevertheless, prohibited since the *melacha* was performed for the benefit of a Jew. (M.B. 1)
- This is the *halacha* regarding any *melacha* a gentile performs for the benefit of a Jew in that one must wait בכדי שיעשו. On Yom Tov it is anyway prohibited because it is *muktzah* and even if the Jew detached the fruit or trapped the animal for himself it is prohibited for a Jew since it is *muktzah* but if the only restriction was *muktzah* it would be permitted immediately after Yom Tov. (M.B. 3)
- It is also prohibited for benefit. (M.B. 4)
- *Poskim* indicate that even if one recited the *beracha* it is prohibited to swallow it since *muktzah* is the same as any other prohibited food. (M.B. 5)
- Even though Yom Tov passed, it is prohibited to move as long as it is prohibited for consumption. (M.B. 6)
- Shulchan Aruch addresses the 2nd day of Yom Tov and rules that it is permitted that night even though it is Yom Tov since of the two days only one of the days is actually Yom Tov. (M.B. 8)

Halacha Highlight

Smelling a *hadas* that was detached from the ground

Shulchan Aruch Siman 515 Seif 1 (a)
לאכלו בו ביום
To eat it on that day

Shulchan Aruch rules that if a gentile brings a Jew a present on Yom Tov that could have been attached to the ground or an animal that may have been trapped on Yom Tov, that gift is prohibited for the one who received the gift for consumption and may not even be moved until בכדי שיעשו transpired after Yom Tov. Mishnah Berurah (סק"ד) adds that included in the prohibition is deriving any benefit from the item that was received as a gift. Therefore, if a gentile cut down a *hadas* on Yom Tov it is prohibited to smell it. A difficulty with this ruling is that one is not really benefitting from the *melacha* by smelling the *hadas* since one could have smelled the *hadas* while it was still attached to the ground (שו"ע סי' של"ו סע' י'). Mishnah Berurah (סי' שכ"ה ס"ק נ"ו ושעה"צ שם ס"ק נ"ג-נ"ד) answers that anytime a gentile performed a *melacha* for a Jew it is prohibited to benefit from that *melacha* even though one could have benefitted from the object without the *melacha* having been performed. Ritva (עירובין מ. ד"ה גרש"י ז"ל) writes that the reason one may not benefit from the *hadas* that was detached by the gentile is that one benefits from the ease of availability which was achieved by the gentile detaching it from the ground.

Mishnah Berurah (סי' שכ"ה ס"ק ל"ז) ruled that one may not sell something on Yom Tov (in accordance with the parameters of the allowance to sell items on Shabbos or Yom Tov (סי' שכ"ג סע' ד' וסי' תקי"ז) that one received from a gentile who performed a *melacha* for more than its value so that one does not benefit from the *melacha*. This allowance, however, is limited to benefitting from the object's value before the *melacha* was performed but one may not sell the item for its current value which includes any increase that accrued as a result of the gentile performing the *melacha* (שו"ת מנחת שלמה ח"א סי' ה' אות ג' ד"ה והנה).