The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקט"ו סעיף ד'

Overview

<u>Siman 515 Seif 4:</u>

If a gentile brought a gift of something that may have been attached to the ground on the first day of Rosh HaShanah which fell on Thursday, there are authorities who permit eating it on Shabbos after כדי שיעשו but others prohibit it. According to our position we would also be stringent concerning the two days observed in the Diaspora. Practically, regarding Rosh HaShanah one should be stringent on the Shabbos that follows but on Yom Tov one may be lenient on the Shabbos that follows. This is limited to fruit that does not require preparation on Yom Tov for Shabbos but produce that must be prepared on the 2nd day of Yom Tov for Shabbos is prohibited since we are stringent even regarding moving objects on the 2nd day unless it is for guests or some similar need.

- The same applies to animals that require trapping. (M.B. 33)
- Two days in advance is not considered preparation. (M.B. 35)
- Since the two days of Rosh HaShanah are treated as one day, one must wait בכדי שיעשו after Shabbos is over. According to this opinion it is prohibited even if the produce became detached or the animal became trapped on its own. (M.B. 37)
- Regarding the two days of Rosh HaShanah the item is prohibited on Shabbos even if the produce became detached on its own whereas on Yom Tov it will be permitted immediately after the first day of Yom Tov. (M.B. 38)
- Taz cites Maharshal that it is permitted immediately after Shabbos whereas Rav Akiva Eiger contends that one must wait בכדי שיעשו after Shabbos. (M.B. 39)
- If the two days of Yom Tov fall after Shabbos and the gentile delivered the item on Shabbos it is permitted after כדי שיעשו following the 1st day of Yom Tov. (M.B. 40)
- Even though we are lenient for guests, nevertheless, the item is considered *muktzah* until the guests actually arrive. (M.B. 41)
- A gentile may cook the food on *erev* Shabbos in order to eat it on Shabbos after waiting כדי שיעשו. If one does not have any more of this food in his home and needs it for Shabbos, he may cook it himself for *kavod* Shabbos but may not taste the food until after כדי שיעשו transpired from the beginning of Shabbos. (M.B. 42)

Halacha Highlight

Moving food delivered by a gentile

Shulchan Aruch Siman 515 Seif 4
מדברים שיש במינם במחבר
From items that are attached

Shulchan Aruch presents two opinions concerning a gift of food that may have been attached or food that may have been trapped (מ"ב ס"ק ל"ג) on the 1st day of Rosh HaShanah. According to the first opinion, once כדי שיעשו has transpired at the outset of Shabbos the food is permitted whereas according to the dissenting opinion one must wait until כדי שיעשו transpires on *motzai* Shabbos. The lenient position asserts that the issue of הכנה—preparation does not apply two days in advance of Shabbos even though in many regards the two days of Rosh HaShanah are treated as a single day. The stringent position contends that since we treat the two days of Rosh HaShanah as a single day, what is delivered on Thursday is treated the same as though it was delivered on Friday. Rema rules that on Rosh HaShanah one should follow the stringent position whereas on other Yomim Tovim, one could adopt the lenient position.

Rema also adds that the discussion is relevant to foods that do not require any preparation on Yom Tov to eat them on Shabbos but food that does require preparation, e.g., fish, is prohibited to prepare it on Yom Tov to consume it after כדי שיעשה on Shabbos. The reason the food may not be prepared on Yom Tov is that it is considered *muktzah* (מ"ב ס"ק מ"א). Rav Shlomo Zalman Auerbach (שו"ת מנחת שלמה ח"ב סי' ל"ט אות ד') questioned why it should be prohibited to prepare the food delivered by the gentile on the second day of Yom Tov. Cooking on Yom Tov for Shabbos is permitted (assuming one made an *eruv tavshilin*) and Rema (סי' תק"ט סע' ז') ruled that it is permitted for one to move *muktzah* in order to prepare food. He explained that the allowance to move *muktzah* for food is limited to moving a *muktzah* item in order to access a permitted item, e.g., moving *muktzah* to access food that is resting beneath it. In this circumstance one will move *muktzah* and even after moving and cooking it, the food remains *muktzah*. In such a circumstance it is not permitted to move *muktzah*.