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

Overview

Siman 515 Seif 6:

In a city whose majority of residents are gentiles, it is assumed that importers have in mind that majority. If the population is split 50/50 or if it known that it was imported for both groups, it is prohibited.

- If it is known that it was imported for the Jews, it is prohibited even though the majority of residents are gentiles. (M.B. 58)
- If the item would not have been attached to the ground it is permitted immediately but is confined by *techum* restrictions. If it would have been attached to the ground or would require trapping, it is permitted that night without having to wait בכדי שיעשו. If it becomes clear that the gentile is importing a greater quantity to provide for the Jews it is prohibited but there is no reason to have such a suspicion. However, regarding fish there is grounds to have such a suspicion since Jews purchase fish to honor Yom Tov. (M.B. 59)
- Authorities explain that this applies when the gentile lives in town and went out of the *techum* to obtain the produce but if he is from another town we assumed he had in mind the world's population which is a majority gentile and the produce is prohibited only on the first day since it is *muktzah*. Sefer Mor U'Ketziah questions this leniency and when it is known that this gentile regularly imports produce to this city the leniency does not apply. (M.B. 60)
- In such a case one must wait בכדי שישעה. Some authorities assert that the matter remains in doubt whether it was imported for the Jews or gentiles. (M.B. 61)

Siman 515 Seif 7:

If it is uncertain whether the food came from beyond the *techum*, if the gentile lives in town and the produce grows in town, it is permitted but otherwise it is prohibited.

- In such a circumstance we are not concerned that it was imported from beyond the *techum*. If either he or the produce is from outside of the *techum* one must adopt a stringent approach. (M.B. 64)
- Even though it is a matter of doubt concerning a Rabbinic prohibition, since it is a דבר שיש לו מתירין it is prohibited. Some authorities adopt a lenient position when there is a doubt whether something was imported from beyond the *techum* and permit the item on Yom Tov. One should be stringent in accordance with the stringent position. Some are lenient on the 2nd day of Yom Tov. (M.B. 65)

Siman 515 Seif 8:

If something that wasn't attached was delivered to a Jew on the 1st day of Rosh HaShanah, it is permitted on the 2nd day and the same is true concerning Shabbos and Yom Tov that run consecutively.

- One must wait בכדי שיעשו. (M.B. 66)

Halacha Highlight

Using an elevator with a gentile

Shulchan Aruch Siman 515 Seif 6
לצרך הרב מביא
It is brought for the gentile majority

Shulchan Aruch (סעי' ו') writes that when a gentile imports items into a city whose citizens are mostly gentiles, it is assumed that he had them in mind when he imported the food. Consequently, when there is no issue that the food may have been attached on Yom Tov, it is permitted to eat the food immediately. Mishnah Berurah (ס"ק נ"ח) adds that when it is known that the gentile imported the food for a Jew or even if he intended the Jews in addition to the gentile residents, the item is prohibited.

Teshuvas Minchas Yitzchok (ח"ג סי' ס' אות ז') addresses a circumstance in which a gentile performed a *melacha* that benefitted a Jew but it is clear that he would have performed that same *melacha* even if the Jew was not present. For example, a gentile presses the button for the elevator. Even though it is clear that he would have pressed the button even if the Jew was not present, nevertheless, since the Jew was present it is assumed that the button was pressed with the Jew in mind as well and thus the Jew may not benefit from that *melacha* that was done. Rav Moshe Feinstein (אגרות משה או"ח ח"ב סי' צ"ה) disagrees and writes that when a gentile uses an elevator and there happens to be a Jew present, it is considered as though the gentile is performing the *melacha* for his own sake. However, if the Jew uses the elevator there is an issue of *maris ayin*. Furthermore, if the person involved is known to be a Torah scholar or righteous person, it could rise to the level of a *chillul* Hashem. He also notes that in many circumstances each person that steps onto the elevator causes the elevator to draw additional electricity and in such a case it is certainly prohibited for the Jew to use such an elevator.