The Chicago Center
Mishna Berura Digest
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקי"ז סעיף ב'-ג'

Overview

Siman 517 Seif 2:

It is not proper for one to instruct a gentile before Yom Tov to purchase for him a dove the following day. If one gave him these instructions, it is permitted to eat it on Yom Tov provided that the bird is incapable of flying. If one made a habit of doing this, the bird is prohibited since once it has become habitual, it is no longer considered *b'dieved*.

- Meaning, either one gave him money to purchase the bird the next day or instructed him to purchase the bird with his own money to be reimbursed the following day. The reason is that whatever a Jew may not do, he may not instruct a gentile to do for him, even if the instructions are given before Yom Tov. (M.B. 9)
- Since the bird does not fly, it does not require trapping. Designation is not required of a gentile. If the majority of residents are Jewish and the bird was imported from beyond the *techum*, one must wait בכדי שיעשו after Yom Tov. (M.B. 10)
- This is done to avoid benefitting from the purchase that was made for his benefit on Yom Tov. (M.B. 11)

Siman 517 Seif 3:

The *halacha* of instructing someone to fill a container of wine on Yom Tov is the same as it is on Shabbos as discussed in *siman* 323. It is also prohibited to use a lottery on Yom Tov as it is on Shabbos as discussed in *siman* 323:6.

Siman 517 Seif 4:

One may not measure barley to feed his animal, rather he should estimate the amount needed and give that to the animal.

- It appears as though one is measuring to sell in the market. (M.B. 12)

Halacha Highlight

Arranging for a gentile to purchase a dove on Yom Tov

Shulchan Aruch Siman 517 Seif 2
תקנה לי יונים למחר
Purchase for me doves tomorrow

Shulchan Aruch (סע' ב') writes that it is improper for one to instruct a gentile before Yom Tov to purchase for him, on Yom Tov, doves. Mishnah Berurah (סק"ט) explains that it does not matter whether one gave the gentile money to use for the purchase on Yom Tov or whether he arranged for the gentile to use his own money to make the purchase with the assurance he would be repaid after Yom Tov. In both cases it is prohibited. Furthermore, even if the gentile made arrangements to take the dove without having to give the merchant any money on Yom Tov it is prohibited since the gentile at least negotiated a price with the merchant that would be due after Yom Tov. The reason this is prohibited is that one may not arrange for a gentile to do something for the benefit of a Jew on Yom Tov that the Jew may not do himself and this applies even if the instructions are given and all of the conversations with the gentile take place before Yom Tov.

In the event that one was unaware of the *halacha* and made such an arrangement with the gentile, it is permitted to eat the dove on Yom Tov. The reason is that the restriction applies *l'chatchila* but once it is after the fact, i.e., *b'dieved*, it is permitted. However, one who does this regularly may not eat the dove that the gentile purchased on Yom Tov. The reason is that one who does so regularly, cannot be categorized as *b'dieved* and thus the leniency that would generally be afforded a *b'dieved* circumstance does not apply. Shulchan Aruch does not define the point at which it would be considered as though one does this regularly which then prohibits consumption of the dove. Kaf HaChaim (אות כ"ד), however, writes that once it is done two times it is already considered regular and he loses the *b'dieved* status.