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Digest
Mishna Berura
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Halacha Highlight

Closing a stall that was opened to sell spices

Shulchan Aruch Siman 519 Seif 1
ומחזירין אותם ביום טוב
And return them on Yom Tov

In the time of Chazal it was common for people to have stalls in which they would store merchandise that they would sell when the market was open. When it came time to open the stall, the front boards were removed and used to display the merchandise that was for sale (מ"ב סק"א). Shulchan Aruch rules that it is permitted for one to remove the front boards of the stall on Yom Tov and return them into place so that one could make spices available for people to use when cooking food on Yom Tov. Mishnah Berurah (סק"ב) explains that the allowance to take the boards off the stall is to make the spices available. The reason it is permitted to replace them is out of concern that if one was not permitted to replace the board, he would refrain from opening his stall out of concern that the merchandise would be stolen.

Sha'ar HaTziyun (סק"ב) further explains that Ulla explains (ביצה י"א:) that Bais Hillel's allowance to replace the shutter on the stall was done to promote joy on Yom Tov and is not related to whether construction or demolition applies to utensils. For that reason the allowance is limited to stalls and does not include house shutters. Rashi explains that the Gemara's distinction relates to whether the allowance serves a public need or not. Ran in the name of Rif explains that the difference is that stalls are in public and if a merchant could not close it when he is done, he would not open it in the first place. In the privacy of one's home, there is no concern for merchandise being stolen and thus the allowance to close the shutter does not apply. The practical difference between these two approaches is a merchant who opens a stall in his home. According to Rashi it would be permitted to close it when he is done selling his spices since opening the stall served a communal need. According to Ran in the name of the Rif since there is no concern for merchandise being stolen it would not be permitted to replace the shutters on the stall. Mishnah Berurah (שם) adopts the stringent view of Ran in this instance.

Overview

Siman 519 Seif 1:

One may remove the shutter (Meaning, the board that locks a shop stall) **of a stall and return it on Yom Tov so that one could make spices available for people who need them and not refrain from rejoicing on Yom Tov. The above applies when the hinge is in the middle but if the hinge is on the side it is prohibited out of concern that one will wedge it in place. If it does not have a hinge altogether on the side it is permitted to return the shutter even in one's home.**

- Shulchan Aruch refers to a stall that is not attached to the ground and when one wants to open the stall he removes the door from the hinge and places it in front of the stall. If it was attached to the ground it would be prohibited since it involves construction and demolishing as discussed in *hilchos* Shabbos. (M.B. 1)
- If the stall is set up in one's home it is prohibited to return the door since the merchandise will not be stolen. (M.B. 2)
- In the middle of the wall is a hole and on the door there is a knob that is inserted into the hole so that it does not appear so much as construction. (M.B. 3)
- Meaning a peg extends from the top and bottom of the door and they enter holes in the floor and top of the stall. (M.B. 4)
- It is prohibited to return it fully but is permitted to return partially. (M.B. 5)