



THE SHABBOS WEEKLY

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We began discussing Shabbos implications when purchasing property in Eretz Yisrael.

I have heard though that much more is permitted when it concerns the purchase of a house in Eretz Yisrael?

It is a fallacy. The *Mechaber*¹ says that one may purchase a house from a gentile in Eretz Yisrael and have the deed signed and certified in court. The *Mishna Berura*² explains that one may direct the gentile to where the Jew's money is and the gentile can sign and certify the sale but the Jew may not handle the money and give it to the gentile.

We see that even though handling money is only an *issur* of *muktze*, nevertheless one may not handle money in order to make the purchase.

But is the writing not an issur d'oraisso (biblical)?

Indeed it is, but since it is not the Jew who is doing the writing but rather the gentile it is permitted. This is one of the unique cases where we may instruct a gentile to violate an *issur d'oraisso*, as explained in the *Mishna Berura*.³

Is every purchase in Eretz Yisrael called yishuv Eretz Yisrael?

It is not so simple. *Rashi* in *Gittin* says that the mitzvah is to relocate the gentiles from the land and settle Jews in their place. The *Mechaber* also writes "One may purchase a house **from a gentile**". This would mean that to buy a house from a Jew in Eretz Yisrael does not fall

into this category. This does not demote the actual residing in Eretz Yisrael, which according to the *Rambam* is a *Mitzvas Aseh*, but buying a house from a Jew (according to these *poskim*) will not allow instructing a gentile to do anything.

When is one permitted to violate the Shabbos in order to prevent a fellow Jew from doing a greater sin?

In the ovens of yesteryear, bread dough was pasted on the side of the oven and removed with a special spatula. The *halacha* is that it is *ossur* to use this spatula on Shabbos being that it is an **עונדא דחול**.⁴ The *Shulchan Aruch*⁵ talks about a case where someone pasted dough inside an oven with the deliberate intention of baking the dough, and says that he is permitted to peel the bread from the oven (even though an *issur* is being violated by doing so). This was permitted in order not to create a much more severe *issur* of baking the bread.

The *Mishna Berura*⁶ says that only the baker who pasted the bread in the oven may remove it and not someone else, even though the intention is to prevent the baker from violating a very severe *issur*. Peeling the bread is an *issur* and we do not say that one should violate even a small *issur* in order to prevent another person from violating an *issur*, even though it is a more severe *issur*.

What if the person pasting the bread is unaware that it is an ossur - for instance, he thought it was not yet Shabbos. May someone else remove it from the oven?

¹ *Siman* 306:11.

² *Siman* 306:45-46. His explanation is based on the *Yerushalmi*, see the *Sha'ar Hatsium* 35.

³ *Ibid*.

⁴ *M"V siman* 254:35.

⁵ *Siman* 254:6.

⁶ *Siman* 254:40.

The *Mishna Berura* says ⁷ that the same *halacha* applies when the person pasting the bread is unaware that he is violating an *issur*. The *Magen Avraham* explains ⁸ this applies even when it is done unknowingly. As there is an element of carelessness involved, as one should have taken more care, one may not violate an *issur* for the sake of another person.

Would the issur of preventing a fellow Jew from violating an issur on pastime bread ovens apply to regular ovens?

If a Jew put food in an oven *b'issur* on Shabbos, another Jew may take it out the oven in order to prevent the other Jew from violating an *issur*, because there is no problem with actual removing. The problem is that often the food item put in the oven is *muktze*, in which case the *Elya Raba* says ⁹ that in such a case one may not remove it from the oven to prevent a fellow Jew from violating an *issur*.

What if someone placed food on the fire b'issur? May or must I remove it from the fire before it cooks?

The same *halacha* would apply to a pot that was placed on the fire contrary to the *halacha* - whether it was done with the intention of violating an *issur* or whether it was placed unintentionally. One must make a distinction between food that is *muktze*, such as raw potatoes or raw beans, which are inedible in their raw state, in which case one will not be permitted to remove them from the fire according to the *Elya Raba*, and food that is edible such as water, fruit, certain vegetables etc.

What if a person is coerced to violate an issur? May or must a lesser issur be violated in order to prevent the greater issur?

The basis for this question is a very interesting but disastrous case mentioned in the *Shulchan Aruch* ¹⁰ - a case where one's daughter was forced out of one's home on Shabbos by gentiles with the purpose of converting her to Christianity. The *Mechaber* says that one must

violate the Shabbos in order to retrieve her. The basis for this *p'sak* is that one must violate one's Shabbos in order to prevent one's daughter - or any Jew from that matter - who will be coerced into violating many many violations throughout their entire life.

Who however says that when a person is coerced to violate a single *issur*, that I must violate an *issur* in order to prevent another person from violating his *issur*?

The *Mishna Berura* ¹¹ cites the *Rama* ¹² who says that one may not violate an *issur* in order to prevent a fellow Jew from being coerced into violating even a greater *issur*. The *Mishna Berura* says that even if he was forced into *avoda z'ara* ¹³ one may not violate the Shabbos to help him, because violating the Shabbos is equivalent to *avoda z'ara* and who says that your *issur* is less severe than his.

The *Mishna Berura* adds ¹⁴ that if one is forced to violate one of the three cardinal sins and it is probable that that person's life would be forfeited, it is possible to violate the Shabbos in order to save a life.

However, one should violate an *issur d'rabanani* in order to prevent a fellow from being forced into an *issur d'oraisa*. ¹⁵

I see someone about to turn on a light, not realizing that it is already Shabbos. May I attract their attention by throwing a stone nearby?

Based on the case of the oven above, we see that one may not even violate a small *issur* in order to prevent another from an *issur*, even though the *issur* is unintentional. Accordingly one will not be permitted to violate even an *issur d'rabanani* in order to prevent a fellow Jew from violating an *issur*.

It is possible that if many people could be saved from violating the Shabbos it would be different.

¹¹ *Siman* 306:58.

¹² *Siman* 328:10.

¹³ Idol worshipping.

¹⁴ *Siman* 328:31.

¹⁵ We see that the *PM"G* (see the *Sha'ar Hatsiim* 306:50) says that it is possible that one should even walk outside of 12 *mil* because it is only a *לאו*, which is obviously more severe than a *d'rabanani*.

⁷ *Ibid*.

⁸ See *Sha'ar Hatsiim* 254:40.

⁹ See *M"B* 254:40.

¹⁰ *Siman* 306:14.

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If you would like to send a question to Rav Ostroff, you can write to him at shabbosweekly@shemaisrael.com.

Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p'sak*.