

THE SHABBOS WEEKLY

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Parshas Devarim 5767

Deriving benefit from melachos performed on Shabbos

May one benefit from a melacha performed on Shabbos. For example, someone switched on a light in a room, may one read with that light. A sefer was carried through a carmelis or a reshus harabim, may one read that sefer on Shabbos?

To answer this question, we are required to familiarize ourselves with the *sugya* in the *gemora*. There is a famous *machlokes* between R' Me'ir, R' Yehuda and R' Yochanan Hasandlar regarding eating food that was cooked on Shabbos. The *Bais Yosef*, in the beginning of *simon* 318 mentions the places in *Shas* where one can find this *machlokes*.

	B'shogaig		B'maizid	
	For the cook	For others	For the cook	For others
R' Me'ir	Muter on Shabbos	Muter on Shabbos	Muter after Shabbos	Muter after Shabbos
R' Yehuda	Muter after Shabbos	Muter after Shabbos	Ossur forever	Muter after Shabbos
R' Yochanan Hasandlar	Ossur forever	Muter after Shabbos	Ossur forever	Ossur forever

Notice that where the former opinion leaves off, the next opinion begins! I.e. the *maizid* of R' Me'ir is the *shogaig* of R' Yehuda.

Is the prohibition of biblical nature or rabbinic?

It is rabbinic, i.e. it is *osur mid'oraisso* to cook on Shabbos but deriving benefit is only an *issur d'rabanan*.

Can you provide examples based on the above machlokes?

Someone walked into a room on Friday night and absentmindedly switched on the light. His action is deemed a *shogeig* – unintentional, because he momentarily forgot that it was Shabbos.

According to R' Me'ir one may benefit from this light on Shabbos, as *Chazal* did not impose a penalty when the action was *b'shogeig*. According to R' Yehuda one may not benefit from this light on Shabbos.

Is the halacha in accordance with R' Me'ir or R' Yehuda?

This too is a *machlokes*. The *Beis Yosef* writes that the *Rif*, *Rambam*, *Ba'al Halachos Gedolos*, *She'iltos*, *Ramban* and *Rosh* ruled in accordance with R' Yehuda. The *Mechaber*¹ only cites the opinion of R' Yehuda.

On the other hand *Tosefos* and *Sefer haT'ruma* rule in accordance with R' Me'ir. The *Vilna Ga'on* *paskens* according to *Tosefos*.

The *Mishna Berura*² concludes that the *halacha* is like R' Yehuda but if necessary one may rely on R' Me'ir, when done *b'shogeig*.

Consequently, one may not benefit from the light on Shabbos, even though it was switched on unintentionally, because *halacha* is with R' Yehuda. If necessary, there is room to rely on R'

¹ *Simon* 318:1.

² *Simon* 318:7.

Me'ir and benefit from the light, but a Rav must be asked as to the definition of "necessary". Sephardim must be more stringent because the *Mechaber* does not present another opinion other than R' Yehuda.

Can we make this *l'ma'ase*?

Several examples intended to heighten our awareness but not intended as a *p'sak*:

- ❖ Betty peeled eggs two hours prior to the meal and went to shul. She violated a biblical *issur* of *borer* and according to *halacha* she and others may not consume the eggs that Shabbos.³ We assume it is *b'shogeig* because she has no intention to want only violate the Shabbos, rather it is her ignorance that perpetuates this violation. A Rav should be asked.
- ❖ Moish unknowingly carried tissues in his pocket home from shul in a place without an *eiruv*. Upon arriving home he realizes that he carried tissues in a prohibited manner and enquires as to the status of the tissues. *Halacha* is that he may not blow his nose with the tissues, because they were carried home through a Shabbos violation. One might ask that the tissues are not modified as a consequence of the violation, unlike cooking where the item is modified, so perhaps one may use the tissues? The *Chayei Adam*⁴ used this distinction to differentiate between *melachos* but concludes that one must be stringent with respect to an *issur d'oraissos*, which means that Moish may not blow his nose with those tissues. A Rav should be asked.
- ❖ Yenta removed cold chicken with gravy and placed it directly onto a hotplate on Shabbos. *Halacha* is that the gravy may not be reheated on account of *bishul*⁵ and if so done, may not be eaten.⁶

³ First *Bi'ur Halacha* in *simon* 319.

⁴ See *Bi'ur Halacha* *simon* 318:1 ט"ה^א ס.

⁵ It is possible that Sephardim may reheat the chicken because the gravy is in the minority, and as for

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

Food For Thought

Do the same rules apply to violating an issur d'rabanan?

When a non-religious person performs a melacha for himself or for a religious person, is the melacha deemed meizid or shogeig?

Must one wait the time of bichdei she'ya'asu (the time it takes to perform the melacha) after Shabbos before benefiting from the melacha?
Answers coming next week.

Vort on the Parsha

A predominant method of modern psychology is to listen to a patient and show him that you really care and share his burden. The founder of that "theory" is no other than Moshe Rabeinu. Moshe Rabeinu told *B'nei Yisrael* that difficult subject matters should be brought before him and he will **listen**. He does not say that he will necessary resolve their problem, but he will **listen** to their problem. This is true of all people. We all need to feel that someone out there cares and is interested in hearing our problems, even though it is possible that nothing can be done to resolve them. This is a basic human need and during the "nine days" it is a small token of *bein adam lechaveiro* we should try to implement.

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לזכר נשמת חנה בת ברוך

placing it directly onto a hotplate, some *poskim* permit it. A competent rav must be asked.

⁶ It is a *machlokes haposkim* whether reheating a cold liquid is an *issur d'oraissos* or *d'rabanan*. For the sake of the exercise we will assume it is *d'oraissos*.