

HALOCHOSCOPE

Congregation Shaaray Teffillah, Pittsburgh, PA

The question:

Someone is invited to a friend's house for a Shabbos meal. May he take a gift along on Shabbos where there is an Eruv? If he may do so, may the gift be given for use after Shabbos? For example, if he brings a bottle of wine, is his friend, the host, required to use it on Shabbos, or may he use it for Havdalah?

The issues:

- (A) *Mekach Umemkar* - Commercial transactions are forbidden on Shabbos. Does gift-giving come under this category?
 (B) *Zachin Le'adam Shelo Befonov* - One may acquire something for another person without his knowledge.
 (C) *Hachanah* - During Shabbos, it is forbidden to prepare for after Shabbos.

(A) Mekach Umemkar

The literal translation of *Mekach Umemkar* is "buying and selling". Commercial transactions are forbidden on Shabbos at least Rabbinically and are possibly stricter than that. There is an opinion that it is an institution of the Prophets in the verse in Yeshaya 58 - "Mimtzo Cheftzecha Vedaber Davar", "[and you honor Shabbos...] from seeking your affairs and discussing mundane words." forbidding conducting one's business and talking about anything forbidden on Shabbos [See Beitzta 37a, Rashi and Tosafos.] In Sefer Nechemiah 13,17 it would also appear that it is more than a Rabbinic prohibition. [See Rashi Beitzta 27b.]

Other authorities are of the opinion that it is a Rabbinic ordinance instituted as a precaution against writing, which is a Scriptural prohibition, since records or receipts are usually written at the time of sale or purchase. [See Beitzta 37a Rashi and Tosafos. Rambam Hil. Shabbos 23,12 and 13.]

Checking up on one's business is forbidden. Even discussing the transaction is forbidden under *Vedaber Davar* [Yeshaya 58] which prohibits us from speaking about our business even when the actual work or transaction will only take place after Shabbos. [See Shulchan Aruch Orach Chaim 306 and 307.]

Things giving the appearance of *Mekach Umemkar* are also forbidden. [See Shabbos 54a,b.]

Although it is not forbidden, one should refrain from even thinking of business because of the Mitzva of *Oneg Shabbos*. [See Shul. Ar. Orach Chaim 306,8.] For this reason, it is common practice not to look at advertisements on Shabbos. However, any newspaper or journal that has financial information may not be read even for other news because, although mentally thinking about business is permitted, thinking as a result of seeing the written word is forbidden according to many

authorities. [See Mishnah Berurah 307,63.]

Thus far all the discussion has been about commercial activity. Gift-giving is not a commercial activity and theoretically should not be included in the prohibition. Borrowing food and articles is expressly permitted by the Talmud and Poskim. [See Shabbos 148a]. In actual fact, giving a gift is forbidden on Shabbos and YomTov by many Halachic authorities unless the gift is being given to facilitate performance of a Mitzvah. The reasons for this exclusion are presumably because a Mitzvah is not in the category of Mintzo Cheftzecha, which specifies only one's personal affairs and not the affairs of Hashem, Cheftzei Shomayim. As far as the precautionary Rabbinic ordinance against writing is concerned, the Rabbis would not institute something that prevents one from performing a Mitzvah. [See Pri Megadim, Eshel Avraham, 306, 15 who distinguishes between these two reasons according to Rambam.] Nonetheless, direct commercial activity is still generally forbidden even to allow performance of a Mitzvah, with rare specific exceptions, such as the Mitzvah of settling Eretz Yisroel, and then only with certain provisions. [See Gittin 8b, Shul. Ar. Orach Chaim 306,11 and Magen Avrohom 19.] So, although it would be permissible to give someone an Esrog on the first day of Succos to perform his Mitzvah, with the condition that he return it afterwards, it is forbidden to ask an Esrog-dealer for an Esrog on YomTov, since this is real commercial activity. [See Magen Avrohom 306,15 and Machatzis Hashekel.]

Letzorech Shabbos - The gift may be given so that it can be used on Shabbos. On YomTov, even if the article is such that its use is forbidden on YomTov itself, but it can be used readily immediately following YomTov, such as Tefilin, it may be given as a gift because the sender derives joy - which is a Mitzvah on YomTov - Simchas YomTov and is therefore Letzorech YomTov. [See Shul. Ar. O.C. 516 and Magen Avrohom 306,15. It appears that this only works for YomTov since the Magen Avrohom, there, forbids giving a Choson his wedding gift on Shabbos.]

Consequently, it is permitted to give food or drink to the host when invited to partake of a meal if the food intended for consumption on Shabbos. The common practice of giving a child a candy in shul on Shabbos is also permitted.

Eating a meal as a guest is generally not considered receiving a gift in the true sense of a financial transaction. [See Teshuvos Maharit no. 150; Shul. Ar. O.C. 170.] Because of this, on Seder night, when eating the Matzah is a Mitzvah that should be performed with one's own Matzah, if someone is a guest, he should ask his host to officially present him with his share of Matzah as a gift. [See Shul. Ar. O.C. 454,4. Although if one did not do this he could still consider the Matzah his own since it is probably safe to assume that the host agrees to this transaction even if one ate the Matzah without openly making a Kinyan, based on the Taz, 4, who allows one to use borrowed Matzah, and Shulchan Aruch Harav 454,9.]

However, giving a gift to a Choson or Bar-mitzvah on Shabbos is forbidden because it is not being given Letzorech Shabbos - for use this Shabbos. [See Magen Avrohom 306,15.] There is an opinion that during the Sheva Brochos week there is a Mitzvah to bring joy to the Choson and Kallah, so gift-giving on that Shabbos is considered a Tzorech Shabbos. [Aruch Hashulchan O.C. 306,17.]

On the other hand, there is another view permitting all gift-giving to a Jew on Shabbos and YomTov. Only to a gentile is it forbidden. This is because we may not give a gift to a gentile gratis, except in cases of Kiddush Hashem. [See Parshas Vo'eschanan 7,2- Lo Sechanem. See Talmud Avoda Zora 20a.] However,

non-gratis, i.e., giving the gift expecting a favor in return or with any ulterior motive is permissible. Giving a gift to maintain a peaceful relationship, Darkei Shalom, is permitted under this category. Accordingly, any time we give a gift to a gentile it is considered commercial activity, which is indeed forbidden on Shabbos, whereas giving a gift to a fellow Jew is usually gratis, a wholehearted present and is not Mekach Umemkar. [See Eruvin 66a, Tosafos, Teshuvos Avodas Hagershuni no. 24.]

(B) Zechiah

Even according to Magen Avrohom who forbids giving any gift on Shabbos that is not Letzorech Mitzvah or Letzorech Shabbos, if one concluded the *Kinyan*, the actual transaction, before Shabbos, one may make the presentation on Shabbos. This is accomplished through *Zechiah*, by acting as an agent to acquire the article for the recipient without his knowledge. In our case, the most convenient way to do *Zechiah* is to have the intention at the time of purchase to acquire this article from the vendor on behalf of the recipient. When the vendor hands over the article, he does not need to be aware of the identity of the recipient, or of whether the purchaser is buying it for his own use. [See Eruvin 81b.] Even if we say that the vendor should be aware that he is putting it into the possession of a third party, gift-wrapping makes this rather obvious. Another way to arrange *Zechiah* is to ask someone unconnected to the giver to act as an agent and to accept the gift on behalf of the recipient before Shabbos. One may then present the gift on Shabbos.

(C) Hachanah

Even in a case where it is permissible to give a gift, if it is not going to be used on Shabbos there is an issue of *Hachanah* - preparing on Shabbos for after Shabbos. This is assumed to be a Scriptural prohibition by most authorities. [See Beitza 2b, Pesachim 46b, commentaries and Poskim.]

Accordingly, one may not even prepare the wine for Havdalah before the termination of Shabbos. [See Magen Avrohom 254,23.] One may also not wash dishes after Seudah Shlishis. [See Shul. Ar. O.C. 323,6.] In our case, if it is not definite that the gift will be used on Shabbos, it is questionable whether the issue of *Hachanah* is avoided. [See Magen Avrohom 323,8 and 9.] If it is a particular wine which the guest wishes to give his host to taste on Shabbos, or a box of chocolate for dessert, it is not considered *Hachanah*, although it is unlikely that the whole gift will be consumed on Shabbos. [See Pesachim 46b, Beitza 17a, Shul. Ar. O.C. 503. See also Magen Avrohom 323,8, Mishnah Berurah 254,43.]

By the same token, it is forbidden to bring a Megillah to shul on Shabbos in order to have it available immediately following Shabbos when Purim is on Sunday. One should not even ask a child to bring it. Rather, one should bring it to shul earlier, inconspicuously, and learn from it to avoid *Hachanah*. [See Shaarei Teshuva, Shul. Ar. O.C. 693,1.] There are various different views as to whether a Megillah is Muktzeh on Shabbos anyway. The Mishnah Berurah rules leniently allowing *Tiltul*, moving a Megillah. [See Mishnah Berurah 688,18.]

In summary: in our case, one may bring a gift for use on Shabbos. If it is not necessarily intended for Shabbos use, one should try to arrange *Zechiah* before Shabbos. If this is not possible, one should ask his Rabbi if he may rely on the Avodas Hagershuni.

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ANNOUNCEMENTS

SCHEDULE

2ND READING OF ZACHOR IN KOLLEL	1:45 PM
SHABBOS MINCHA	5:55 PM
EARLIEST TIME FOR MELACHAH	7:00 PM
MEGILLAH - NIGHT	7:25 PM
SHACHARIS SUNDAY (PURIM) & MON - FRI	7:00 AM
MEGILLAH READING	APPROX 7:50 AM
MINCHA PURIM	1:45 PM
MINCHA MON - THURS	6:10 PM
CANDLE-LIGHTING SHABBOS KI SISA	6:05 PM
MINCHA EREV SHABBOS KI SISA	6:15 PM

Matonos Loevyonim: You can bring your money to the Rav up until Purim night (Motzoel Shabbos) at 11:00 pm (NO LATER). It will be distributed in Eretz Yisroel by Rabbi Shlomo Kaplan.

SHIURIM

HALACHA B'IYUN	MONDAY 9:00 PM
HILCHOS SHABBOS	SHABBOS 8:15 AM
HILCHOS PESACH:	

There will be a Hilchos Pesach Shiur for both men and women on Sundays March 14th and 21st at 8:00 pm.

Kiddush this Shabbos is being given by Mr. and Mrs. Green in honor of the marriage of their granddaughter - Mazel Tov.

We remind our members and Mispalelim about the upcoming Kollel Melave Malka on Motzoei Shabbos Ki Sisa, March 13th. If you have not yet made your reservation, please call the Kollel at 521-9514.

This issue of HALOCHOSCOPE has been sponsored by the Relsman-Weiss families in honor of their parents and grandparents, Reb Yisroel and Mrs. Leah Weiss, Ad Mei'o V'esrim Shono. We wish them Mazel Tov on the birth of their granddaughter, Yocheved, born to their son, R. Avrohom Chaim.