

# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS

Published by



A Project of  
The Shema Yisrael Torah Network

based on the shiurim given by

RABBI DOVID  
OSTROFF shlita

developed from the Chabura of the  
Shulchan Aruch Project

These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

Parshas Mishpatim 5771

January 28, '11

Volume X Issue 10

*May I set up a self operated vending machine before Shabbos knowing that gentiles will probably use it on Shabbos?*

The only problem that need be considered is whether it is similar to asking a gentile to make a purchase on Shabbos. We have already learnt<sup>1</sup> that one may hand money to a gentile before Shabbos and request the purchase of a certain product, provided that one does not request it be purchased on Shabbos and there is an opportunity to buy it on a weekday, and that the gentile is rewarded for the action. A vending machine can be compared to such a case, being that one is not telling a gentile to purchase an item on Shabbos.<sup>2</sup>

*What if the machine only operates on Shabbos?*

I still think that it would be permitted because the product is being purchased by the gentile solely for his own purpose, unlike the previous case where the item is being purchased for the Jew's sake. Although the Jew will be making a profit on Shabbos, that in itself is not a crime. Seeing that a transaction is being made on Shabbos, i.e. the Jew is "collecting" money on Shabbos and transferring ownership of the bought item on Shabbos, Rav Yitzchak Weisz ז"ל in the *מנחת יצחק* lays down certain provisions and a rav must be asked.

*Does that mean that one may own a store and have gentiles operating the store on Shabbos?*

No, a store is far more complicated for various reasons. To name a few: a Jew is paying gentiles to work for him; a Jew is telling a gentile to do *melacha* for him; besides that there is also an element of *chilul Hashem*. There are many factors

involved with a Jewish-owned store or a Jewish-gentile partnership and a competent rav must be asked whether it is permitted to operate on Shabbos.

*What if there is a possibility that Jews will use the vending machine on Shabbos?*

If the machine is positioned in a solely Jewish area or building it is far more complicated and it might not be correct to permit the machine to operate on Shabbos. However if the machine is used by Jews and gentiles alike and there is ample time to use the machine before or after Shabbos, there may be sufficient leeway to rely one to permit the machine to operate on *Shabbos*,<sup>3</sup> but again, a rav must be consulted.

*What about leaving a fax machine on or an answer phone to accept orders on Shabbos?*

We find a *machlokes* amongst the *poskim* as to whether this is permitted. Some *poskim* say that the machine is being operated for the gentile's own benefit and the Jew is not involved in any way in the *melachos*. Other *poskim* say that since *melachos* are being performed inside the Jew's house, and when that happens one must usually prevent and protest against it, one cannot permit setting up such a machine before Shabbos.<sup>4</sup> As usual in such a case a competent halachic authority must be asked.

Nowadays, it is possible to perform transactions online and buy and sell 24/7, which creates concerns as to whether one may leave a site open and permit these transactions to be done over Shabbos. They might

<sup>1</sup> *Simon* 307:4.

<sup>2</sup> See the *SS"K* 29:28 and footnote 70 in the name of Rav Shlomo Zalman Auerbach ז"ל.

<sup>3</sup> See the *SS"K* 29:28 and footnote 70 in the name of Rav Shlomo Zalman Auerbach ז"ל.

<sup>4</sup> See the *Piskei T'shuvas simon* 252:7 and footnotes 19-20.

be compared to the vending machines mentioned above but because of the complexity of the issue at hand, here too a competent halachic authority must be asked.

### *Is it permitted for a Jew in Israel to phone a gentile in the USA when it is no longer Shabbos in Israel but it is still Shabbos in the USA?*

The majority of the *poskim* permit it as the Jew is not violating the Shabbos and as far as the Jew is concerned the Shabbos is already out.<sup>5</sup> One could argue and say that since in the gentile's location it is still Shabbos and one is telling a gentile to 'desecrate' the Shabbos – but this is not so because the reasons prohibiting **אמירה לעכו"ם** do not apply. For example: one reason is because if a Jew tells a gentile to violate the Shabbos, the Jew may do the same. This does not apply in this case because it is not Shabbos for the Jew and the Jew's Shabbos will not be violated at any point. Another is because 'telling' him is a violation of Shabbos speech. This does not apply either because it is not Shabbos for the Jew.

### *Under what circumstances may I ask a gentile to perform a melacha for an ill person?*

The *gemora Shabbos* 129a states that one may ask a gentile to fulfill the needs of an ill person on Shabbos. The ill person in the *gemora* is defined as a **חולה שאין בו סכנה** which is a person who is either bedridden,<sup>6</sup> or has pain that causes one's entire body to ache<sup>7</sup> such as a migraine. In either case one may ask a gentile to violate *issurei d'oraisso*<sup>8</sup> for the sake of the ill person. The *Rambam* (2:10) adds that one may instruct a gentile to cook and bake for an ill person. In other words, the gentile may do anything necessary for the recuperation of the ill person. This does not mean that a gentile may perform any task for an ill person. The *Mishna Berura* writes<sup>9</sup> that the gentile may only violate the Shabbos to bring relief during Shabbos and not after Shabbos. Rav Shlomo Zalman Auerbach **זצ"ל**<sup>10</sup>

however adds that if by violating the Shabbos, the recuperation will be faster, even though the ill person will only benefit from the *Shabbos* violation after *Shabbos*, one may ask the gentile to violate the Shabbos.

- For example, a gentile may drive to the pharmacy in order to purchase medication and carry it through a *reshus harabim* and bring it to the ill person. If the medication is only required after Shabbos and it will not make a difference if the medication is purchased on Shabbos or after Shabbos, the gentile may only purchase it after Shabbos. If however, the pharmacy is say six hours away and it is important that the ill person be administered the medication earlier, the gentile may violate the Shabbos even though the ill person will only benefit from the medication after Shabbos.

---

### Orchos Chaim LaRosh

טוב וישראל לך להמעיט בעיניך פעולותיך הטובים – והגדיל פשיעיך – it is good and correct to minimize your good deeds in your eyes and to magnify (in your eyes) your bad deeds.

Rav Shlomo Zalman Auerbach **זצ"ל** performed incredible acts of chessed and yet never made the recipient feel that he had done him a favor, but towards himself, he regarded his act of kindness as of no consequence. He would say we are created to be kind and good to others and it is not a level of *chasidus*.

And yet, if thinking of our good deeds gives us a boost to do more, because we see we are capable, then we must find the balance of self worth and self praise.

---

Please help publish the Shabbos Weekly and send donations to:

"Shabbos weekly"  
POB 43034  
Jerusalem  
91430

<sup>5</sup> *SS:K* 31:26 and *Piskei T'shuvos* 344:2 footnote 7.

<sup>6</sup> *Mechaber* in *simon* 328:17.

<sup>7</sup> *Rama* ibid.

<sup>8</sup> Biblical violations.

<sup>9</sup> *Simon* 328:46 in the name of the *M"А*.

<sup>10</sup> *SS"K* chapter 33 footnote 13.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim,  
Phone Numbers: U.S. and Canada 732-370-3344 Israel 972-3-616-6340

South Africa 076 187 1451 UK 44-020-8731-6666 Australia 61-296835626 Switzerland 0114143 333 0288

• e-mail: [shabbosweekly@shemayisrael.com](mailto:shabbosweekly@shemayisrael.com), or [www.shemayisrael.com](http://www.shemayisrael.com),  
weekly sponsorships are available as well.

If you would like to send a question to Rav Ostroff, you can write to him at [shabbosweekly@shemayisrael.com](mailto:shabbosweekly@shemayisrael.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*.