

THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS

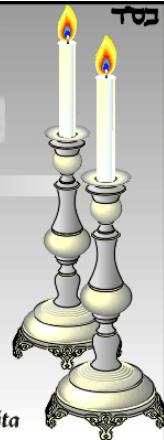
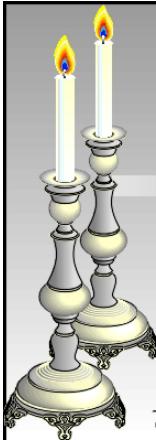
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May I give a gift on Shabbos or Yom Tov?

The problem with giving and receiving gifts on Shabbos and Yom Tov is that it is similar to selling an item because of the transaction involved.¹ Accordingly therefore one would be forbidden to give a Bar Mitzvah present on Shabbos, or when invited out for Shabbos one must not present a gift to the host, unless done in the manner prescribed below. Obviously we are talking about a case where one may carry on Shabbos, i.e. within a kosher *eiruv*.

Is there not a heter to give a gift for the sake of Shabbos?

It is more than that. There is a *heter* to give a gift on Shabbos for the sake of a mitzvah or when it is necessary on Shabbos. The *Shulchan Aruch* brings such a case: we know that the *halacha* is that a *k'li* that is used for food and that was purchased from a gentile may not be used unless immersed in a kosher *mikveh*. The problem is that if one requires a certain *k'li* on Shabbos and it was not immersed before Shabbos it may not be immersed on Shabbos.² The *Shulchan Aruch* says that one may give it to a gentile as a gift on Shabbos and subsequently borrow it from him (a *k'li* borrowed from a gentile does not require *t'vilah*). By the way, after Shabbos one must *toivel* the *k'li* without a *b'racha*.³

The problem is that we learned that one may not give gifts on Shabbos, so how is one permitted to give it to a gentile?

The answer is, says the *Mishna Berura*,⁴ that since the *k'li* is needed on Shabbos it is done for the sake of Shabbos and is permitted.

Where do you find a gift for the sake of a mitzvah?

It is well known that on the 1st day (and on the 2nd in *chutz la'aretz*) of Sukkos one cannot perform the mitzvah of *lulav* with a borrowed *lulav*.⁵ The way to do it is to give one's *lulav* to the other person as a gift, which becomes his, and then he may make a *b'racha* on that *lulav*.⁶ (It is common practice to make a *b'racha* on the Rav's or rebbe's *lulav* being that theirs is most probably more *mehudar*).⁷

We see from this that one may give a gift on Shabbos for the sake of a *mitzvah*.

How do I give a gift on Shabbos when it is not for the sake of Shabbos or it is not a *d'var mitzvah*?

There are two ways to do it. The best way is to legally give the host the gift before Shabbos. This is done by asking a stranger⁸ before Shabbos to lift the item intended as

⁴ *M"b simon* 323:34.

⁵ *Simon* 658:3-4.

⁶ *Ibid.*

⁷ We will not discuss whether it is the correct thing to do, because it might be preferable to make a *b'racha* on one's own *lulav* rather than on another person's which might not be a proper gift.

⁸ This comes to exclude one's children and preferably one's wife.

¹ *M"b simon* 306:33.

² *Simon* 323:7 and *M"b* 33.

³ *M"b simon* 323:35.

the gift and “give” it to your intended. This action immediately transfers the ownership of the item to the intended receiver and when handing it to him on Shabbos one is merely handing him something that is already his.⁹

Another method is to hand it to him on Shabbos and declare that it remains yours until after Shabbos.¹⁰

I think though that if one brings a good bottle of wine and it is intended to be opened at the meal then it may be given on Shabbos *l'chatchila* because it is needed for the sake of Shabbos.

May I hire a chazzan for shul on Shabbos?

The *Mechaber* says¹¹ that the actual hiring and mentioning the total fee must not be done on Shabbos even though it is done for the sake of a mitzvah. However, asking and enquiring as to whether the *chazzan* would be interested in being hired by the shul is permitted because it is done for the sake of a mitzvah.

Which other cases are similar to a chazzan?

The same would apply if necessary to the discussing of hiring a person to teach one's son to read the Bar Mitzvah portion, a teacher for all holy subjects, a trade, and any other mitzvah.¹² One may discuss *shiduchim* (matchmaking), including the “sticky” money part, because it is for the sake of a mitzvah, but here too, final monetary agreements should be avoided.¹³ One may even discuss the preparation of a *seudas*

⁹ *SS"K* 29:29.

¹⁰ *Ibid.*

¹¹ *Simon* 306:6, and see the *Bi'ur Halacha* on se'if 6 נ"ז נפננ.

¹² *Simon* 306:6.

¹³ Based on the *Rama* in se'if 3.

mitzvah (mitzvah meal) such as a wedding etc.¹⁴ and discuss the prices offered by different caterers. It is not something to dwell on because it can cause one to lose one's *oneg Shabbos*.

Vort on the Parsha

The *possuk* says (19:1) וַיֹּשֶׁב מִנְנוּ שָׁבֵי, and *Rashi* explains that the *C'naanim* captured a single maid servant. The *parsha* continues that *B'nei Yisroel* made an oath and said to *Hashem* that if they win them in battle they will destroy their towns, and indeed *Hashem* harkened to their prayers.

We see the importance and severity of losing a single soul and because of it the *B'nei Yisroel* went to war to save that single soul. All around us souls are being captured by the “culture of nations of the world” and it is up to us to bring them back in. Let us not forget, saving a single Jewish soul is like saving the entire world.

Food For Thought

May a chazzan or shofar blower receive money for his mitzvos?

Am I permitted to donate money on Shabbos to the shul etc?

Is one permitted to measure on Shabbos?

Is a baby sitter permitted to charge by the hour?

Answers coming next week.

This issue is dedicated to those members of the Shabbos Semicha program who are completing the course this weekend in Yerushalayim and receiving their semicha.

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If you would like to send a question to Rav Ostroff, you can write to him at 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*.