



Parshas Mikeitz/Chanukah 5767

December 21, '06  
Volume VI Issue 9

### Hilchos Yom Tov (cont.)

*My gentile neighbor brought me apples he picked from his tree on Yom Tov, may I eat them?*

Fruit picked on Yom Tov are *muktzeh*. Firstly, they were attached to the tree when Yom Tov commenced, making them *muktzeh machmas issur* – on account of an *issur*, which in this case is the *issur* of picking. Secondly, a *g'zeira* lest one might be tempted to pick fruit on Yom Tov (and Shabbos). The latter is *ossur* even for fruit that fell from a tree without human intervention.<sup>1</sup> Consequently, gentile's fruit are *muktzeh* when attached to trees when Yom Tov commenced.

*If I may not eat them, may I present them to someone else?*

The fruit are totally *muktzeh* and may not be handled, let alone eaten by anyone else. Here the *issur* is not because the gentile performed a *melacha* on your behalf, it is *ossur* because the fruit were attached and hence *muktzeh* even if fell from the tree.

*What if I am not sure whether he picked them before or during Yom Tov?*

*Safeik muchan ossur* – items must be positively prepared before Yom Tov to use on Yom Tov; when in doubt whether prepared before Yom Tov it is *ossur*.<sup>2</sup> If noticeable that they were picked before Yom Tov i.e. they are slightly withered, one may benefit from them on Yom Tov.<sup>3</sup>

*What if he tells me they were picked before Yom Tov?*

Generally he is not believed, because he wants to find favor in your eyes and when saying he picked them on Yom Tov he is promoting his product. If he tells you *מסירה לפי תומרו* – in an innocent manner that they were picked before Yom Tov he is believed.<sup>4</sup> *מסירה לפי תומרו* helps when the gentile does not know that Jews may not eat fruit picked during Yom Tov. The *Achronim* add that the gentile is believed because saying his fruit is a day or two old is detrimental to his cause.<sup>5</sup>

*How soon after Yom Tov may one consume the fruit?*

It depends on who they were picked for. If the gentile picked the fruit for himself it is only a matter of *muktzeh* and may be consumed immediately after Yom Tov (after 1<sup>st</sup> day Yom Tov, even in *chutz la'aretz*, but not until after 2<sup>nd</sup> day Rosh Hashana).<sup>6</sup> If picked for the Jew, they may not be consumed until after Yom Tov plus the additional time of *bichdei she'ya'asu* (the time it takes to go to the trees and pick the fruit and return).<sup>7</sup>

*May I use a gift brought to me by a gentile from outside the perimeter?*

One may not consume or use an item brought by a gentile from outside the perimeter. Carrying an item from outside the perimeter (*t'chum Shabbos*) involves an *issur d'raban* and when brought for the Jew, he may not benefit from it.

<sup>1</sup> M"B *simon* 515:23.

<sup>2</sup> *Simon* 515:3 and M"B 27.

<sup>3</sup> *Mechaber* *ibid* and M"B 29.

<sup>4</sup> *Rama simon* 515:3.

<sup>5</sup> M"B *simon* 515:31.

<sup>6</sup> M"B *simon* 515:25.

<sup>7</sup> *Simon* 515:1. The *Rama* cites an opinion that one must wait until after Yom Tov sheini, see inside.

<sup>8</sup> However, it is not *muktzeh* because the item can be consumed and used by other people it was not intended for.

### *May household members consume or use the item?*

The *Shulchan Aruch* writes <sup>9</sup> that household members may not consume or use this item and the explanation being <sup>10</sup> that the giver knows that the lord of the manor does not eat alone and he brings it for all household members. The item may be handled by all because it may be consumed or used by people it was not intended for.

### *What if the item was carried through a reshus harabim?*

One may carry on Yom Tov even without an eiruv and hence no melachos were violated. There is no reason to prevent its use.

### *May I read a newspaper delivered on Yom Tov?*

The financial section should not be read on Shabbos or Yom Tov, regardless when it was delivered. Other sections may be read, according to certain poskim and prohibited according to others and therefore one should seek rabbinical guidance. The issue at hand deals with the fact that the newspaper was printed on Shabbos or Yom Tov and delivered. It can also happen that a newspaper that may be read according to all, such as the kodesh sections of certain Jewish newspapers, delivered on Shabbos and Yom Tov.

- If the newspaper is carried through a *reshus harabim*, since one paid for it to be delivered daily it is a problem whether one may benefit from it and a rav must be consulted. <sup>11</sup>
- According to the opinions who permit reading newspapers on Shabbos one may read a Jewish newspaper when

delivered on Shabbos, <sup>12</sup> because you did not instruct the agent to deliver it on Shabbos. <sup>13</sup> One must not receive it directly from the gentile postman because one will do '*hanacha*' – place it in a *reshus hayachid*. Rather the gentile should place it in one's postbox. If the postbox is not included in one's *reshus*, on Yom Tov the paper may be carried inside but on Shabbos it is *ossur*.

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## Vort on the Parsha

Heard from Rav Ezriel Tauber shlita: The Hellenistic ideology placed the person at the center of everything and wished to eradicate the Torah perspective where G-d is the center. Our daily routines are geared towards *Hashem* and we do everything *l'shem shomayim*. Our very beings must reflect Hashem and *Hashem's* light reflects ever the more we annul and minimize ourselves. Harav Tauber related the following. Twenty five years ago he sent a girl from the USA to Neveh Yerushalayim, after she expressed her wish to become a *ba'alas T'shuva*. After a few months he received the following letter: In English, a person is related to as I, and not with a small i but with a large capital I and placed at the beginning of a sentence – I went, I wanted, I fell. In Lashon Hakodesh, the I becomes a small yud and at the end of a word – ahavti, halachti – הלכתי.

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## Food For Thought

### *How is the mitzvah of simcha celebrated on Yom Tov?*

### *Do women and children celebrate simcha differently to men?*

Answers coming next week.

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<sup>8</sup> Simon 515:5.

<sup>9</sup> Simon 515:5.

<sup>10</sup> M"B Simon 515:47.

<sup>11</sup> See SS"K 31:24.

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<sup>12</sup> The *kodesh* section may be read according to all.

<sup>13</sup> Based on SS"K 31:23.

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**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.