

Overview

Siman 325 Seif 14:

If a gentile made a casket or grave out of self-interest, it is permitted for a Jew to use it for burial but if it was manufactured for a Jew, it is prohibited forever, provided that the grave was dug publicly and the casket was manufactured on top of it so that everyone would know that it was made for a Jew but if it was made in private, it permitted for use after Shabbos as long as one waits **בכדי שיעשו**. Even when made publicly, the restriction is limited to the Jew for whom the *melacha* was performed but for another Jew it is permitted as long as one waits **בכדי שיעשו**.

- ❖ Although generally when a *melacha* was performed for a Jew it is only prohibited after Shabbos **שיעשו** in this case since it was done publicly it is prohibited forever. Taz indicates that it is only in this case that it is prohibited forever since it is disparaging for the deceased to be buried in a grave that was publicly dug on Shabbos, therefore, in a circumstance of need one may be lenient. (M.B. 73)
- ❖ Even if the Jew instructed the gentile to perform a *melacha* for his benefit, one need not wait more than **בכדי שיעשו**. (M.B. 74)

Siman 325 Seif 15:

If a gentile imported flutes (an instrument used to inspire crying) on Shabbos to eulogize a Jew, it may not be used for him or anyone else until one waits the period of **בכדי שיעשו** as if it was imported from a close place and if one knows with certainty that it was imported from a particular place, one must wait after Shabbos the amount of time it would take to import it after Shabbos from that place and then it is permitted for anyone to use. These restrictions apply if it was transported through the public domain but if it was transported through a *karmelis*, since a Biblical prohibition was not violated one need not wait the amount of time it takes to transport it, rather it is permitted immediately after Shabbos is over.

- ❖ Shulchan Aruch refers to where it was imported from beyond the *techum* and it passed through the public domain so that a Biblical prohibition was violated. (M.B. 75)
- ❖ A close place refers to a place beyond the *techum*. (M.B. 76)
- ❖ Even if the object is available within the *techum* since it

Halacha Highlight

Siddurim and *sefarim* printed by gentiles on Shabbos

Shulchan Aruch Siman 325 Seif 14
ודוקא שהקבר בפרהסיא

And only when the grave is in public

Shulchan Aruch (סעי' י"ד) discusses the *halacha* of a gentile who makes a casket or digs a grave on Shabbos. He rules that if the gentile performed the *melacha* for himself it may be used by a Jew but if he performed the *melacha* for a Jew the casket or grave may never be used. He then adds an essential qualification to this ruling. He writes that the casket and grave are prohibited forever only if the grave is in public view (בפרהסיא) and the casket is on top of it so that everyone realizes that the *melacha* was performed for a Jew. However, if the *melacha* was done in private it is permitted for use after Shabbos after **שיעשו** elapses. Furthermore, even if the *melacha* was performed in public view it is only prohibited for use forever for the one for whom the *melacha* was performed but may be used for others after Shabbos after **שיעשו** elapses. Mishnah Berurah cites two opinions concerning the scope of the stringency that the one for whom the *melacha* was performed may never use that grave or casket. Magen Avrohom maintains that the same principle applies to any *melacha* performed publicly whereas Taz contends that this stringency is limited to the making of a casket and grave. The rationale to be stringent in this case is that it is shameful for a Jew to be permanently buried in a grave or casket that was made through public desecration of Shabbos.

Concerning the printing of *siddurim* and *sefarim* that was done on Shabbos by a gentile, Rav Moshe Feinstein (אג"מ אור"ח ח"ב סי' י"ז) ruled that since the printing was done publicly and involved a desecration of Shabbos and Hashem's Name, they are revolting and should not be used for *davening* or learning. Furthermore, one who does learn from such a *sefer* will not merit the Divine assistance that normally accompanies one who studies Torah.

was imported from beyond the *techum* one must wait **בכדי שיעשו**. (M.B. 78)

Siman 325 Seif 16:

If one is uncertain whether an object was imported from outside of the *techum* or from within the *techum* we are concerned that it was imported from beyond the *techum*.