

**PUBLIC HOLIDAY****LEARNING & BREAKFAST**

On Cup Day, a large crowd participated in the Kollel's public holiday learning program.

Rabbi Oshie Klugant led a fascinating shiur analyzing the nature and function of the Nefesh Hashichlis through a selection of sources in Chassidus.

After Shachris, participants enjoyed a bagel breakfast as Rabbi Michoel Stern presented a shiur on the issue of using scooters on Shabbos and the fore-runner in Halacha, the approach of the Poskim to the use of bicycles on Shabbos.

CHASSIDUS BEIS MIDRASH

On Monday night, Motzai Chof Cheshvan, all men and Bochurim are invited to celebrate the birthday of the Rebbe Rashab at our upcoming Chassidus Beis Midrash evening.

We will be dividing up the Maamarim that were said by the Rebbe on or in connection to Chof Cheshvan

November 18, 8:00-9:00pm in the Goldhirsch Hall. Refreshments served.

YARCHEI KALLAH 5780

Save the date for this year's Yarchei Kallah program, starting this year on December 24.

Stay tuned for details as they are released including the announcement of this year's guest speaker.

A collection of Torah thoughts produced by Kollel Menachem

אין בית המדרש בלא
חידוש Chiddush



Rabbi Gordon's Wednesday night Nach shiur

In this Edition

Using Coles bread that was baked by non-Jews on Shabbos

Using Coles bread that was baked on Shabbos

The new Coles in Elsternwick is baking breads on Shabbos which are Kosher and Pas Yisroel. Is there any problem buying bread after Shabbos that was baked there on Shabbos?

And if there is no problem, theoretically would I be able to use the bread on Shabbos itself?

Melacha that is done by a non-Jew on Shabbos for a Jew

On Shabbos it is forbidden to benefit from Melacha that was done by a non-Jew, if it was done on behalf of a Jew¹. This is a Rabbinic prohibition lest one come to ask a non-Jew to do Melacha activities on their behalf on Shabbos².

This prohibition applies even if the Jew did not ask the non-Jew to do it and the non-Jew was motivated on their own³.

If the Melacha was a Biblical Melacha, it is also forbidden for any other Jew to benefit, even if the Melacha was not done for them but rather for another Jew⁴. If the forbidden activity was a Rabbinic prohibition, it is permissible for other Jews to benefit Bedieved.

If the Melacha is done by the non-Jew for themselves

If a non-Jew does Melacha for themselves or for other non-Jews, it is permissible for a Jew to benefit from this Melacha (see below that under some circumstances it remains forbidden).

One does not need to hear the non-Jew say that they are doing the Melacha on behalf of Jews. As long as it is recognisable from their behaviour that the intention is to benefit the Jews, it is also forbidden. An example of this would be a non-Jew lighting a candle in the house of a Jew and then leaving.

When we are unsure who it is done for

If one is unsure whether the Melacha was done on behalf of Jews or non-Jews, we rule stringently and one may not benefit from it on Shabbos⁵. The rea-

son is because this is a "Davar Sheyesh Lo Matirin" – something which will become certainly permissible after Shabbos⁶. In this case we do not rely on leniencies or doubt to permit its use on Shabbos.

The same is true if there is a doubt whether the Melacha was done on Shabbos or not.

Where there are Jewish and non-Jewish beneficiaries

Where the Melacha is done on behalf of many people amongst whom there are Jews and non-Jew, the presumption is that the non-Jew is doing the Melacha on behalf of the majority. Therefore if the majority are Jews it is forbidden for a Jew to benefit. If the majority are non-Jews it is permissible for a Jew to benefit from the Melacha on Shabbos⁷. If there are equal numbers of Jews and non-Jews it is also forbidden.

If it is clear that the non-Jew is doing the Melacha on behalf of Jews and non-Jews, it is forbidden to a Jew to benefit from it on Shabbos, even if the majority were non-Jews⁸. If it is clear that the non-Jew is doing the Melacha for themselves (or for the non-Jews), it is permissible for a Jew to benefit from it, even if the majority are Jews⁹.

Even where the Melacha is done by the non-Jew for themselves, if the non-Jew knows the Jew, under some circumstances it will be forbidden for the Jew to benefit. This is because the non-Jew may come to increase the Melacha on behalf of the Jew as well, if he sees the Jew benefitting from it¹⁰.

Use after Shabbos

Even after Shabbos, one is not allowed to benefit immediately from the Melacha done by a non-Jew on behalf of Jews. One is required to wait "Bichdei Sheyaasu" – the amount of time it would take to do the forbidden activity on Motzai Shabbos¹¹.

This is to prevent Jews asking non-Jews to do work for them on Shabbos so that it will be ready immediately after Shabbos¹². Another reason is because the prohibition of asking a non-Jew to do Melacha on Shabbos is treated lightly by people¹³.

Bread baked by a non-Jew on Shabbos

The Shulchan Aruch addresses the case of bread that was baked by a non-Jew on Shabbos and whether a Jew may eat this bread on Shabbos.

(The Poskim¹⁴ clarify that all of the discussions on this Halacha refer to those who are lenient and will eat “Pas Palter” – bread that is baked by a non-Jew for sale, where no Jew has been involved in the baking¹⁵).

If the bread is baked specifically for Jews, it would certainly be forbidden for a Jew to use on Shabbos according to all opinions as per the Halachos discussed above. It would also be forbidden on Motzai Shabbos for the amount of time that it would take to bake the bread from scratch after Shabbos had ended.

In the case of someone baking the bread to sell, the bread is being baked for whoever will buy it. In this case we follow the majority of customers in the city¹⁶.

Where the majority of potential customers are Jewish it would also be forbidden as per above. If the majority of customers are non-Jewish it would seem that there is no problem for a Jew to eat it on Shabbos.

It is the latter case that the Shulchan Aruch is discussing.

Even where the majority of customers are not Jewish, there is still a Machlokes (dispute) in the Rishonim whether a Jew may eat from this bread on Shabbos. The basis for this Machlokes is a side issue that the bread baked on Shabbos may be Muktzah.

The Shulchan Aruch¹⁷ writes that bread baked by a non-Jew on Shabbos for themselves¹⁸, there are those who forbid it and those who permit it.

Those who forbid the bread on Shabbos¹⁹ consider the bread as Muktzah. Bread itself, like all edible foods, is not Muktzah. However, when Shabbos came in this bread did not exist; it was either in the state of flour or raw dough which are both Muktzah²⁰ because they are not edible²¹. The Muktzah status remains on the flour throughout Shabbos even when it is subsequently baked. In addition, the bread is Noland²².

There is an additional concern that one may come to ask the non-Jew to cook on their behalf on Shabbos. Even though when a non-Jew does Melacha for non-Jews it is permissible for a Jew to benefit on Shabbos and we

are not concerned that he may ask the non-Jew in future, we are stricter when it comes to foods²³.

The Rishonim who permit the bread on Shabbos²⁴ do not consider it to be Muktzah, even though it was in the state of flour or raw dough when Shabbos came in.

The reason is because the Muktzah status when Shabbos came in does not continue throughout Shabbos and goes away once the bread is baked and becomes edible. This is because the non-Jew is allowed to bake flour into bread on Shabbos and so he did not ‘remove’ the flour/dough from his mind when Shabbos came in²⁵.

Ruling of the Shulchan Aruch

The Shulchan Aruch concludes that in a ‘Shaas Hadechak’ – a difficult situation, or for the purpose of a Mitzvah, one may rely on the lenient opinion, since the prohibition of Muktzah is only Rabbinic²⁶.

An example would be if one does not have bread to make Hamotzi over or if it is for a Seudas Mitzvah such as a Bris²⁷. Another example would be where there are no other Jews around that one could borrow from²⁸.

It is forbidden for a Jew to give money to the non-Jewish baker before Shabbos so that he will give him bread on Shabbos, because then the non-Jew is certainly baking on Shabbos with the Jew in mind²⁹.

After Shabbos

Even according to the stricter opinion that forbids bread baked on Shabbos even when it was done for the majority customers who are non-Jews, this only relates to a Jew eating such bread on Shabbos itself. However one may eat or buy the breads immediately after Shabbos and one need not wait for the amount of time that it would take to bake. Immediately after Shabbos there is no longer any Muktzah prohibition and the bread may be eaten.

Application to Coles breads

In the case at hand, the breads from Coles have the status of Pas Yisrael since the ovens have been turned on by a Jew. Even though a Jew cannot turn on the oven on Shabbos, the ovens are always in use and never cool down. Since a Jew turned on the oven during the week, even the bread baked on Shabbos will be Pas Yisroel.

The breads are baked for sale to the majority of (potential) customers in the area. At present, the majority of residents in the area are not-Jewish.

Therefore the bread is considered as being baked for non-Jews.

Based on the discussion above, even if it was theoretically to obtain the bread on Shabbos itself in a permissible manner (without buying) e.g. a non-Jew brought some as a gift, we are concerned for the stricter opinion that considers bread baked on Shabbos to be Muktzah. We would only be lenient and permit the bread to be used in a Shaas Hadechak or for the needs of a Mitzvah.

On Motzai Shabbos the breads are permissible even though they were definitely baked on Shabbos and one need not wait any amount of time before eating them.

Rabbi Yonason Johnson

1. Shabbos 122a. Shulchan Aruch OC 276 and 325
2. Rambam Hilchos Shabbos 6:8. Shulchan Aruch Harav OC 276:1. Even though this too is only Rabbinically forbidden, the Rabbis gave extra strength to their enactment (Shulchan Aruch Harav 243:2).
3. Shulchan Aruch Harav 276:1
4. Shabbos 122a. Shulchan Aruch Harav OC 325:16
5. Sefer Mitzvos Gadol LT 65, Sefer Hateruma 249, based on Beitzta 24a. Shulchan Aruch Harav OC 276:7.
6. Magen Avraham OC 497:3. Shulchan Aruch Harav OC 325:10
7. Shabbos 122a. Shulchan Aruch Harav 276:7
8. Magen Avraham 276:6. Shulchan Aruch Harav 276:7
9. Shabbos 122a. Shulchan Aruch Harav ibid
10. Shulchan Aruch Harav OC 325:16
11. Sefer Haterumah based on Mishna Machshirin 2:5
12. Rosh Beitzta 3:2 quoting Rabbeinu Tam.
13. Shulchan Aruch Harav 318:1
14. Ta”z OC 325:3. Shulchan Aruch Harav 325:6
15. See YD 112. Even though the Shulchan Aruch 325:4 writes about bread that a non-Jew bakes ‘for themselves’, the intent is baking for sale. Otherwise it would have the status of Pas Baal Habayis which is forbidden for Jews even during the week except under very difficult circumstances.
16. Taz ibid. Shulchan Aruch Harav ibid.
17. OC 325:4
18. See footnote 15
19. Rabbeinu Tam, Sefer Haterumah
20. Shulchan Aruch Harav 308:8
21. See Beis Yosef who explains that within this opinion there is a Machlokes and according to some, flour is not Muktzah because it is somewhat edible. If the grains were whole and had not been ground into flour before Shabbos, some hold that there would also be no Muktzah issue – Shulchan Aruch Harav 325:6
22. Shulchan Aruch Harav 325:6 based on Magen Avraham. Whether Noland is forbidden on Shabbos is subject to a Machlokes Rishonim. According to the view that Noland is permissible on Shabbos, this reason would no longer be a concern (Shaar Hatziyun 22). The concern of Muktzah remains.
23. Magen Avraham 325:9. Mishna Berura 325:16. The Alter Rebbe does not bring this reason.
24. Rosh
25. If the flour or dough belonged to a Jew it would remain Muktzah
26. Beis Yosef 325
27. Shulchan Aruch Harav 325:6
28. Magen Avraham OC 325:11. Beis Yosef.
29. Ram”o ibid based on Rabbeinu Yerucham.