

## שבוע ב' (שז:א-שז:טו)

### סימן שז סעיף א

1. One's speech should be different than the rest of the week. Thus do not say to do מלאכה or business tomorrow.
  - a. MB א ס"ק: ideally do not mention even לצורך מצוה, but one can do so if one fear he will be lax in its fulfillment.
  - b. MB א ס"ק: one can after שבת as the courts to have the non-Jew pay a debt that was not paid on שבת, but one cannot do it on שבת itself. He can release a non-Jew from a debt on collateral but not to be written down.
2. One should not say too much דברים בטלים בשבת.
  - i. MB ה ס"ק: some were strict not to say even necessary talk except in לשון הקודש. One should say גוט שבת instead of good morning.
  - b. RAMA: one can say things that are עונג for them, but if one does not enjoy them, one cannot.
    - i. MB ד ס"ק: while a ת"ח can do so for עונג, he should not do too much to be מבטל תורה.
    - ii. MB ו ס"ק: if the person enjoys the enjoyment of the other person it is permitted.

### סימן שז סעיף ב

1. One cannot hire workers<sup>1</sup>
2. One cannot ask a non-Jew to hire workers for him.<sup>2</sup>
  - a. MB ח ס"ק: if it's only an issue of חומרא then it's allowed.
3. One cannot ask the non-Jew before שבת to make it on שבת, but one can say after שבת "why didn't do do this on שבת?"
  - a. MB י ס"ק: a רמז after שבת is fine.

### סימן שז סעיף ג<sup>3</sup>

1. One cannot give money<sup>4</sup> to a non-Jew on שבת to buy on שבת.
2. One can say "buy for yourself" and I might buy from you after שבת.

<sup>1</sup> even if it's without a set price stipulation. ביאור הלכה ד"ה אסור

<sup>2</sup> quotes the חת"ס who allows דאמירה דאמירה but the רשב"א seems to prohibit it. ביאור הלכה ד"ה ואפילו

<sup>3</sup> 12 דרשו: there is no obligation of מחאה since there is no concern this was done for the Jew's need-15 דרשו: there is a dispute if there is a duty to protest if the הנאה is not absolute (i.e. there is another light in the room and the non-Jew adds more lights)

<sup>4</sup> quotes the ביאור הלכה ד"ה אסור who is not sure if only דאמירה was made.

## סימן שז סעיף ד

1. One can give money to a non-Jew to buy for him, but don't say "buy on שבת."
  - a. MB ס"ק יד: there is a קציצה contract with the non-Jew.
  - b. MB ס"ק טו: if the fair is on שבת (and one cannot really buy except for that day<sup>5</sup>), even without mentioning שבת is an issue.
  - c. MB ס"ק טו: even the היתר situation does not allow one to benefit from the item.
2. RAMA: One can give clothes to a non-Jew to sell, but don't say sell on שבת.
3. RAMA: if a non-Jew is hired to deliver items and comes to pick it on שבת it's not allowed and one should be punished for doing so.

## סימן שז סעיף ה

1. If the Jew asks the non-Jew to do a שבות, one can do so assuming it's either for a semi-sick person, big need or מצוה. Some are strict. RAMA: some allow even דאורייתא for צורך מצוה.<sup>6</sup>
  - a. MB ס"ק כג: the opinion who is strict only allows it for מילה.
  - b. MB ס"ק כד: there is room to be lenient if it's אמירה דאמירה<sup>7</sup> and big loss/שבות.

## סימן שז סעיף ו

1. One cannot make calculations even from the past assuming the calculation is still relevant<sup>8</sup> (to pay back the person).
  - a. MB ס"ק כז: it still is be שיחה בטלה.

## סימן שז סעיף ז

1. One can say to another "can you stay with me until it get darks" even though implicitly it assumes one wants to hire him.
2. However one can not say "get ready for the evening."
  - a. MB ס"ק כט: this is דיבור ממש.

## סימן שז סעיף ח

1. One can say "I'm going to the city tomorrow" since one can get there via huts extending the תחום.<sup>9</sup>
2. However, if there is no way to מתיר the situation then one cannot say this.

<sup>5</sup> (שכר שבת and) מראית עין or לפני עור automated food dispensers are an issue due to potential דרשו 16

<sup>6</sup> asking the non-Jew to use a שינוי in this case is a dispute if it's שבות דשבות. R' Elyashiv is lenient if the שינוי in the process of the מלאכה (using hands and not nail cutter to cut nails). דרשו 17

<sup>7</sup> the סופר explains this is only if the second non-Jew does not know of the Jew. Others think דרשו 29 that situation would be permitted, the dispute if in a case where they know the Jew.

<sup>8</sup> if the price is set already it is a dispute if one can still discuss the price or not. דרשו 31

<sup>9</sup> if one says "bring me fruit" even though practically the only fruit available is outside the תחום this too is fine since he did not specify where the fruit should be brought from. דרשו 31

- a. MB ס"ק לו: even to say this to one's self is an issue.
- 3. One can stand by the תחום watch an item but not do מלאכה.
  - a. MB ס"ק לה: if the person after שבת needs to take the item and do a מלאכה (like detach it) it is permissible since his main intent is to not violate an איסור but rather to watch the item.

## סימן שז סעיף ט

- 1. One can say within the תחום to in the future do a מלאכה but not by the edge of the תחום as it appears like one wants to violate a מלאכה.
  - a. MB ס"ק לט: if one stands by a garden within a תחום this too appears like one wants to do a מלאכה.
  - b. MB ס"ק מ: if one is within the תחום but it's clear he needs to do מלאכה this too is an issue.
  - c. MB ס"ק מ: if one is by the edger of the תחום buy simply intends to walk and not do מלאכה, this is fine (as one can use huts in theory).

## סימן שז סעיף י

- 1. One can say "watch my fruit in your תחום and I'll watch yours in mine."
  - a. MB ס"ק מא: this is not like hiring.<sup>10</sup>

## סימן שז סעיף יא

- 1. If borrowing: don't say הלויני, which implies for a long time.
  - i. MB ס"ק מב: there is a concern of writing here.
  - ii. MB ס"ק מג: even saying הלויני for short term does not permit it.
- b. One can say השאלני.<sup>11</sup>
  - i. MB ס"ק מב: if the general loan can immediately be requested, one can say הלויני טו. (see ביאור הלכה ד"ה לזמן who questions this as it should be similar to a situation where the vernacular does not differentiate).
- c. In our vernacular where there is no special word for long term or short term borrowing, just say "give me."
- 2. RAMA: one can leave a collateral but don't say it explicitly.
  - a. MB ס"ק מה: it must be items which one can use on שבת like food.
- 3. RAMA: one cannot repay a loan on שבת.<sup>12</sup>
  - a. MB ס"ק מו: the concern is lest one erases. There is permissible if it's presented as "returning" and not "repaying," so long as the items are usable on and needed for שבת.

<sup>10</sup> 41 דרשו: it's like exchanging תורת as there is nothing added but only the release of a responsibility.

<sup>11</sup> השאלני לזמן מרובה: ביאור הלכה ד"ה אלא presents a question if one says

<sup>12</sup> 47 דרשו: today "repayment" and "returning" are interchanged and thus one should be strict not to do so on שבת.

## סימן שז סעיף יב

1. One who hosts and has food for the guest written on a list cannot read that list lest he erases.
  - i. MB מז ס"ק: there are two issues really, erasing and reading שטרי הדיוטות.
  - ii. MB מז ס"ק: if a סעודת מצוה a, some allow one to have the waiter read the list as the only issue is שטרי הדיוטות and this should be permitted as חפצי שמים. Some argue the שמש never has a concern of erasing and to avoid קמצא קמצא בר קמצא situations it's best to have him read regardless.<sup>13</sup>
  - iii. MB מט ס"ק: one can read marks which are not writing.
- b. This applies even if the list was written on a very high area.
- c. If it's etched into the wall, this is fine.
  - i. MB מח ס"ק: this will not be confused with שטרות since it's etched and on a wall.
- d. If it's etched on a board, it's not fine.
  - i. MB מח ס"ק: this may be confused with שטרות.

## סימן שז סעיף יג

1. One cannot read שטרי הדיוטות, letters.
2. Even look without reading them outloud is an issue.
  - a. MB נג ס"ק: to analyze it would ultimately lead to engaging with the matter.

## סימן שז סעיף יד

1. To read unknown information in a mail letter is fine via looking without reading outloud.
  - a. MB נד ס"ק: it may have information relevant to his physical safety.<sup>14</sup>
2. If it's from outside the תחום it's best not to touch.
  - a. MB נה ס"ק: have a non-Jew do it and there is no issue of הנאה as (a) the reason for the prohibition is lest he'll tell the non-Jew to bring it from outside the תחום, but the Jew does not know who sent it to him yet (b) reading is not הנאה. (see הנהגה who is weary of this ד"ה טוב).
  - b. MB נו ס"ק: generally there is no מוקצה issue of letters sent outside the תחום (as another Jew in that תחום can use it).
  - c. MB נו ס"ק: the custom is to tell the non-Jew to put it down to avoid doing a bit of הוצאה.
  - d. MB נו ס"ק: if it's sealed one can be מרמז to open it but not explicitly.

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<sup>13</sup> 48 דרשו: a woman who made a list for her meal should ask someone else in her family (who won't erase it) to read it for her. She may be even allowed to look at it. There is a discussion of reading the list for עליות or מי שברך as it's for the past, מצוה, public forum, unlikely he'll erase given the concern to embarrass another.

<sup>14</sup> 60 דרשו: Today, Rav Moshe argues no one would send an urgent message via mail, they would call via telephone. RSZA argues this הלכה is still relevant today.

## סימן שז סעיף טו

1. One cannot read writing explaining various pictures.
  - a. MB נז ס"ק: this is שטרי הדיוטות<sup>15</sup>.

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<sup>15</sup> 65 דרשו: there is a discussion regarding various types of writings under pictures including looking at pictures themselves which *may* have writing below them.