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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Nov 15 2023 ■ ב' כסלו תשפ"ד
סימן ש"ז סעיף א'-ב'

Overview

Siman 307 Seif 1:

The pasuk דבר ודבר teaches that one should not speak on Shabbos in the manner that he does during the week. Therefore, it is prohibited to say that one will engage in a particular activity the next day or that he will purchase merchandise the next day. One should not excessively discuss meaningless things. For people who enjoy relating hearsay and news it is permitted to discuss them on Shabbos as one does during the week but one who does not enjoy these topics may not discuss them with a friend who enjoys them.

- It is prohibited only when the activity is prohibited on Shabbos, even if only Rabbinically prohibited. There is a dispute whether one could discuss the performance of a mitzvah the next day and l'chatchila one should be stringent but if one fears that he will be lazy it is permitted. It is prohibited to have a gentile who owes money to be detained on Shabbos but one can ask the judge during the week why he didn't detain the debtor so that he will do so in the future. Bach permits complaining to an officer about a debtor who intends to leave town on Shabbos since this injunction does not apply in the face of a financial loss. Elya Rabba permits appearing before a gentile debtor so that he will pay the debt to your gentile friend. Shimon may not retain Reuven's possessions on Shabbos. (M.B. 1)
- This includes conversation that does not relate to melacha or defamatory or lightheaded topics that are prohibited even in small amounts. (M.B. 2)
- One may not discuss topics that cause him distress. (M.B. 3)
- One who refrains from discussing mundane matters is called קדש. Men who are meticulous in their mitzvah observance speak only in lashon kodesh. Shelah relates that on Shabbos one should not greet people with the phrase, "Good morning" and instead should say "Good Shabbos." (M.B. 5)
- If one enjoys other people having pleasure it is possible to be lenient. (M.B. 6)

Siman 307 Seif 2:

It is prohibited to hire workers and one may not instruct a gentile to hire a worker on Shabbos even though the Jew does not require that melacha until after Shabbos since whatever one may not do he may not instruct a gentile to do. One may not even instruct him before Shabbos to take care of it on Shabbos. It is permitted to ask him after Shabbos why he didn't do something on Shabbos even though he will understand that your intent is that he should do this on an upcoming Shabbos.

- The prohibitions of this seif and the upcoming seifim are due to the prohibition of ממצוא חפצך.(M.B. 7)
- One may ask a gentile to do something that one refrains from doing as a stringency or by virtue of custom. (M.B. 8)
- It is permitted since one only hints to this rather than asked outright. Hinting on Shabbos is treated more stringently. (M.B. 10)
- A Jew may not benefit from the melacha done on Shabbos for the benefit of a Jew. Alternatively, it discusses where one does not benefit from the melacha, for example, where a light is already kindled and the gentile adds another light. (M.B. 11)

Halacha Highlight

Asking a gentile to perform a פסיק רישיה

Shulchan Aruch Siman 307 Seif 2

ולא לומר לאינו יהודי לשכר לו פועלים בשבת

One may not instruct a gentile to hire a worker on Shabbos

Shulchan Aruch (סע' א') rules that not only may one not hire employees on Shabbos but one may not even ask a gentile to hire an employee for you on Shabbos. Mishnah Berurah (סק"ח) explains that this is prohibited since one may not ask a gentile to do something that is prohibited for the Jew to do. However, one may instruct a gentile to perform activities that a Jew does not do because the custom is to refrain from doing so or because of a chumra – stringency. Poskim also discuss the permissibility of asking a gentile to do something that is permitted even though it is inevitable that a melacha will be done (פסיק רישיה). According to one opinion it is always permitted to ask a gentile to do something even though it is inevitable that a melacha will be done, whereas according to others if the inevitable outcome is something beneficial to the Jew giving the instructions (פסיק רישיה דניחא ליה) it is prohibited.

For example, when one turns on a hot water faucet to obtain hot water, it is inevitable that cold water will replace the hot water in the boiler. One does not intend to cook that cold water but it is an inevitable result of turning on the hot water faucet. According to the lenient opinion it is permitted to ask a gentile to turn on the hot water faucet whereas according to the stringent opinion it is prohibited if the Jew will be happy that the cold water entering the boiler becomes heated. Similarly, if one forgot to turn off the bulb in one's refrigerator we find the same dispute. According to the lenient opinion it is permitted to ask a gentile to open and close the refrigerator door since the intent is to access the food inside and not to turn on the light. The stringent opinion, however, would prohibit asking the gentile to open and close the door if he benefits from the light going on or off (פסקי תשובות אות ב').