The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Nov 18 2023 ■ ה' כסלו תשפ"ד
סימן ש"ז סעיף ט'-י"א

Overview

Siman 307 Seif 9:

It is permitted to wait until dark to pick fruit or herbs from one's garden or broken down building as long as it is within the techum since it is only prohibited if one waits at the end of the techum since that makes his intent evident.

- He refers to where the person does not stand next to the garden because if he did his intent to do something prohibited would be obvious. (M.B. 39)
- It is prohibited only if his intent is to actually do something prohibited but if his intent is to merely walk beyond the techum it is permitted since walking is a permitted activity. (M.B. 40)

Siman 307 Seif 10:

It is permitted to say to a friend, "Watch my fruit that is in your techum and I will watch your fruit that is in my techum."

- The novelty is that such an agreement is not considered as though he hired his friend. (M.B. 41)

Siman 307 Seif 11:

One who borrows from a friend should not say הלוני since it implies borrowing for an extended period of time and there is a concern that he will record the loan. Instead he should say השאילני and in other languages since there is no difference between הלוני and השאילני one should say, תן לי—give it to me. When one borrows something on Shabbos and the lender does not trust the borrower he should leave an article as security with him but may not declare that the article is for security since that constitutes a weekday activity. Just like we do not borrow (לוין) on Shabbos, so too we do not repay loans on Shabbos.

- In places where lenders can seek repayment immediately, as is the custom in our countries, it is permitted to say הלוני. See, however, Biur Halacha who writes that this matter is not so simple. (M.B. 42)
- Pri Megadim in the name of Rashba writes that one may not use the phrase הלוני even if he stipulates that the loan will be for a short period of time. He also writes that even when lending sefarim one should not use the term הלואה. (M.B. 43)
- One may leave an article for security only if he needs something for a mitzvah but if the article he wishes to borrow is not needed for a mitzvah he may not leave an article for security. (M.B. 45)
- Tosafos writes that if he says he is returning it rather than repaying it, it is permitted and we are not concerned that he will erase anything but this is limited to articles needed for Shabbos but if they are not needed for Shabbos it is prohibited irrespective of the language that he chooses. (M.B. 46)

Halacha Highlight

Exchanging goods and services

Shulchan Aruch Siman 307 Seif 10

מתר לומר לחברו שמר לי פרות שבתחומך וכו'

It is permitted to say to a friend, "Watch my fruit that is in your techum etc."

Shulchan Aruch (סעי' י') rules that it is permitted for one to say to his friend, "Watch for me the fruit I have in your techum and I will watch your fruit that is in my techum." Mishnah Berurah (סק"ק מ"א) explains that the novelty of Shulchan Aruch's ruling is that although the friends are exchanging services it is not seen as though they are hiring one another as employees and thereby violating the prohibition against earning wages on Shabbos – שכר שבת. The reason it is not considered as though they are hiring one another for a job is that the prohibition against earning wages on Shabbos is limited to circumstances in which one earns more money as a result of a job that he performed. In our case where neither has any more money subsequent to their agreement, it is permitted. Consequently, if there is a rotation to determine who does a particular job on a particular day (תורנות), e.g. working in the school kitchen, it is permitted for someone to exchange his rotation that falls on Shabbos for another person's rotation that falls during the week. The reason it is permitted, explains Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ח הע' קכ"ה) is that since they will not exchange any money and one person merely exempts his friend from having to work that day, it is not considered as though one is earning wages on Shabbos.

Rav Shlomo Zalman Auerbach (ח"ג פכ"ח הע' קכ"א) also rules that it is permitted for one person says to his friend, "Lend me something and in exchange I will lend you something." Even though each party is taking something that he did not previously own it is not considered as though he earned wages on Shabbos. His reasoning is that since this is something that friends do as a favor to one another it is not considered as though either one earned something; rather it is comparable to each one giving the other a gift.