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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שכ"ג סעיף א'-ג'

Overview

Siman 323 Seif 1:

It is permitted to instruct a friend to fill a vessel even if it is used for measuring. This applies when the customer takes the merchant's vessel home and is certainly true when the customer brings a vessel from his house and asks the merchant to fill it for him but it is prohibited to measure in a measuring cup and then pour the measured contents into another vessel belonging to the customer. Some are lenient and contend that any time the intent is not to measure precisely, by adding a bit more or pouring a bit less it is permitted and in fact, the common custom is to measure with a measuring cup and then pour those contents into the customer's vessel and the rationale behind this position will be explained. The *halachos* about loans on Shabbos are the same as the *halachos* regarding Yom Tov, see below *siman* 525 and above *siman* 307:11.

- Although business transactions are prohibited on Shabbos and Yom Tov and measuring unrelated to a mitzvah is prohibited, nevertheless, it is permitted to measure in the manner described above since they do not mention the business transaction nor do they mention that volume of the measure. (M.B. 1)
- This is not the normal manner of business and it does not even resemble a weekday activity. (M.B. 3)
- This is the manner in which measuring is done during the week. (M.B. 4)
- In other words, in this manner it is permitted for the merchant to fill his vessel and pour the contents into the customer's vessel. (M.B. 5)
- This is not considered theft since it is known that this procedure will be followed. (M.B. 6)

Siman 323 Seif 2:

It is permitted to ask a friend to "fill this vessel for me and tomorrow we will measure it (but one may not say, "Give me such and such measure.").

- Although measuring is prohibited, it is permitted to discuss measuring the utensil the next day. (M.B. 8)
- Even if one does not purchase the contents and instead wants to borrow that quantity of contents it is prohibited since he is measuring which is a weekday activity. (M.B. 9)
- One may request that a vessel is filled until the notches. (M.B. 10)

Halacha Highlight

Discussing measuring

Shulchan Aruch Siman 323 Seif 2

ולמחר נמדד אותו

And tomorrow we will measure it

Shulchan Aruch (סע' ב') rules that a customer may say to a merchant, "Fill up this utensil for me and tomorrow we will measure it." Rema adds, however, that it is prohibited to ask the merchant to give him such and such a measure. This restriction is not only limited to measuring in the context of a sale; rather it is prohibited to measure even if one intends to borrow a particular amount (מ"ב סק"ח). Mishnah Berurah (סק"ח) explains that although it is prohibited to measure on Shabbos, it is nevertheless, permitted to discuss measuring. He then notes that above (סי' ש"ז סע' ח') it is clear that one may not discuss activities that one may not perform on Shabbos. Accordingly, since it is prohibited to measure on Shabbos it should be prohibited to discuss measuring as well. He answers that since this discussion is necessary for the customer to obtain something he needs for Shabbos, it is permitted. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ט הע' נ"ז במהד' תש"ע) infers from this explanation that if it is possible to avoid discussing measuring, an effort should be made to do so since it is only allowed out of necessity.

Rav Auerbach (שם) then entertains the possibility that it is actually permitted to discuss measuring on Shabbos. His reasoning is that measuring is not actually a forbidden activity on Shabbos. His proof to this assertion is the fact that it is permitted for one to measure for the sake of a *mitzvah* (מ"ב סי' ש"ו ס"ק ל"ד) since the prohibition is that measuring resembles a weekday activity (עובדא דחול) rather than being an actual prohibited action. Consequently, since it is not actually prohibited to measure on Shabbos it is permitted to discuss measuring as well. Sefer Tehilla L'Dovid (סי' שכ"ג סק"י) suggests that in general one may discuss on Shabbos his intent to do something after Shabbos that is prohibited on Shabbos only because it resembles a weekday activity.

Siman 323 Seif 3:

It is permitted to ask for a particular quantity of eggs or nuts.