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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Thurs, Jan 12 2023 ■ י"ט טבת, תשפ"ג
סימן רמ"ד סעיף א'

# Halacha Highlight

## Garbage collection on Shabbos

Mishnah Berurah Siman 244 Seif Koton 13

**דאסור לשכר אינו יהודי בקבלנות לפנות זבלו מחצר**

**It is prohibited to hire a gentile as a contractor to remove garbage from one's yard**

Mishnah Berurah (סי"ק י"ג) comments that based on what was written in this seif it is evident that one may not hire a gentile even as a contractor to remove garbage from one's property if he will do it on Shabbos. The reason is that the removal of the garbage improves the field and is considered work that is done with something attached to the ground. He then observes that there are places that are lenient and hire gentiles to remove garbage from the street even though they do so on Shabbos. Magen Avrohom justifies the practice with the explanation that since the work benefits the tzibbur there is no suspicion of impropriety but other authorities reject this justification.

Poskim discuss whether nowadays it is permitted to hire a company for garbage removal even though they will work on Shabbos and Yom Tov. Some adopt a lenient position about the matter as long as they are hired as contractors whereas other are stringent unless it is a pressing circumstance since the work is public and represents a desecration of Hashem's Name. When garbage removal is done by the local municipality there is no concern even if they work in primarily Jewish neighborhoods. Although the Jews benefit from the fact that the garbage was removed, the workers are working for themselves as employees of the municipality rather than for the Jews directly. This is true even though the residents pay taxes that are used to be the salary of these workers. Teshuvas Minchas Yitzchok (שו"ת מנחת יצחק ח"ה סי' ק"ה) asserts that this is permitted not only according to Magen Avrohom who writes that the tzibbur is above suspicion but even those who disagree with Magen Avrohom agree in this case since everyone knows that the municipality is the entity that sends out the crew to collect the garbage. Even if it is necessary for one to put the garbage out on the street it is permitted and it is not considered as though one instructed the gentiles to remove the garbage since it is their choice when to come and pick up the garbage (פסקי תשובות אות ה').

# Overview

Siman 244 Seif 1 (b):

Even if one lives amongst gentiles, there is a concern for guests who are visiting or that the members of one's household will suspect him of wrongdoing. **If the job is beyond the techum and there is no other city within the techum of where the job is being done it is permitted. Regarding a gentile who brings a Jew's flock into his pen** (see below siman 537:14).

- In other words, he lives outside of the techum and there is no other city within his techum but nevertheless it is prohibited out of concern for the guests that may come and suspect him. (M.B. 11)
- The same is true if another Jew lives within the techum of where the work is being done. (M.B. 12)
- From what was discussed in this seif it is evident that one may not hire a gentile contractor to remove garbage from his field since it improves the field and is considered work done with items attached to the ground. Some places have the custom to hire a gentile to remove garbage from the street even though he works on Shabbos. Magen Avrohom explains that since he was hired by the tzibbur there is no reason to be suspicious of wrongdoing. Later authorities reject this and do not differentiate between individuals and the community. Even if one distinguishes between individuals and the community Magen Avrohom agrees that one may not hire contractors who will build a Bais HaKnesses on Shabbos. The reason is that our gentile neighbors do not allow work to be done on their holiday and if we allow work to be done on ours it would constitute a desecration of Hashem's Name. However, some authorities write that if refraining from work could cause the project to not be completed it is permitted to allow a gentile to work if he is a contractor and everyone is aware that he was hired as a contractor. (M.B. 13)