The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Jan 14 2023 ■ כ"א טבת, תשפ"ג
סימן רמ"ד סעיף ג'-ד'

Overview

Siman 244 Seif 3:

If gentiles built a house for a Jew in violation of the prohibition it is appropriate for one to be stringent and refrain from entering the building. However, if the Jew stipulated with the gentile not to work on Shabbos and the gentile did so anyways to quickly finish the job one need not be concerned. See below siman 543.

- Shulchan Aruch refers to where the gentile was a contractor and the job was done within the techum so it was prohibited due to the appearance of impropriety. If the gentile was hired as a day worker where halachicaly the gentile may not work, there is a technical prohibition against entering the building rather than merely a proper practice. Some authorities are lenient even in this case and merely require one to wait bichdei she'ya'asu. (M.B. 19)
- Later authorities write that b'dieved if the gentile was a contractor one may rely upon the opinions who maintain that even the owner may live there. Similarly, if stones were chiseled or beams were made by a gentile contractor, b'dieved they may be used in the construction of the building. (M.B. 20)
- Not even others may ever enter the building but it is permitted to derive benefit from it and sell it to a gentile. (M.B. 21)
- In other words it is unnecessary for one to protest the gentile working on Shabbos. Magen Avrohom questions this ruling, therefore, one should protest against the gentile working on Shabbos. Elya Rabba writes that it is unnecessary for one to lose money because of this but if one did not stipulate that the gentile should not work on Shabbos one must spend money to assure that he does not work on Shabbos. It is not clear what the halacha is in this case. (M.B. 22)

Siman 244 Seif 4:

Work done in public on something that is known to belong to a Jew, e.g. a boat is treated the same as work on items attached to the ground.

- Shulchan Aruch refers to where the gentile is even working in his own home. Later authorities maintain that this restriction applies only if he works in a public and open space but if he works in private it is not a problem. (M.B. 23)

Halacha Highlight

A gentile laundering clothing on Shabbos in public

Shulchan Aruch Siman 244 Seif 4

מלאכת פרהסיא ... דינה כמו מלאכת מחבר

Work done in public … is treated the same as work done on items attached to the ground

Shulchan Aruch (סע' ד') rules that work done on an object that is known to belong to a Jew may not be done on Shabbos by a gentile even if the object is movable such as a boat. The reason is that once it is recognized that the object belongs to a Jew it is treated the same as items that are attached to the ground. Mishnah Berurah (ס"ק כ"ג) emphasizes that Shulchan Aruch is not discussing a circumstance in which the gentile is working on the Jew's property. As will be discussed below, (סי' רנ"ב סע' ב') this is clearly prohibited. Shulchan Aruch is discussing where the gentile is working on his own property and nevertheless it is prohibited. He then adds that according to Magen Avrohom and other authorities this restriction applies only when the work is done in public but if the work is done in private there is no restriction.

Mishnah Berurah (סי' רנ"ב ס"ק כ"ה) discusses whether it is permitted for a gentile to launder clothing that belongs to a Jew in a public place. He relates that according to some opinions, when the clothing are discernible as belonging to a Jew one must protest against the gentile laundering those clothing on Shabbos. Tosefes Shabbos disagrees arguing that since one cannot discern which Jew it belongs to there is no issue of giving an appearance of impropriety. Chaye Adam is lenient based on a different rationale. Since it is known that a launderer is paid as a contractor rather than as a day laborer, even if the gentile launders the garment in a public place it is permitted. This restriction is in force only when there are gentiles hired as day laborers to perform such a task but when all the workers are hired as contractors the restriction does not apply. Although there are authorities who adopt a stringent position regarding this matter, the consensus of Poskim is to be lenient (פסקי תשובות אות ט').