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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רמ"ד סעיף ה'

# Overview

**Siman 244 Seif 5:**

**If one hired a gentile for a year or two to write or weave for him garments, he may write or weave on Shabbos as if he was hired to write a book or to weave a garment in which case he may work when he chooses. This is true if one allows him to refrain from working on some days and he may not work in the Jew's home. There is an opinion that prohibits hiring a gentile for a fixed period of time.** This is true only if he was hired to do a specific task, for example, to weave a garment or to write a sefer but if he was hired to do any melacha that is needed during the period of employment, according to all opinions it is prohibited as will be explained at the end of siman 247.

- He works when his services are needed but when they are not he does not work. For that reason he may work on Shabbos since he may work when he wants to and the Jew does not benefit from the work that is done on Shabbos. If the gentile is hired to weave or write the entire year it is prohibited for the gentile to work on Shabbos since the Jew benefits from the work that is done on Shabbos. Taz implies that this case is also permitted as long as one is not particular if he takes off a day of work. Taz also writes that if one hired the gentile to finish a book or garment within a specified period of time it is considered as though one is particular that he should not skip a day of work, if it is clear that he will need to work on Shabbos to complete the job, even if he could stay up late at night to make sure to finish by the due date of the project. (M.B. 24)
- In the Jew's home it is prohibited even if the gentile is working as a contractor. (M.B. 27)
- When the gentile is hired for a specific task it is possible that the Jew will not benefit from the work, for example, he is not so pressed for the book or the garment. In contrast, when the gentile is hired to do any job that is needed, it is almost certain that the Jew will benefit from the work done on Shabbos since the gentile will be needed for another task on Sunday. (M.B. 29)
- For this reason one must protest maidservants who do melacha on Shabbos, even if they are not working in the Jew's home and were not specifically instructed to do this job since they were hired to do whatever job is necessary. Certainly if they work in the Jew's home it is prohibited. Taz cites Rabbeinu Simcha who prohibits a maidservant even from doing work for herself since people will think that she is working for her employer. Elya Rabba cites Sefer HaTerumah who is lenient about this. Chaye Adam writes that according to all opinions she may fix her own garments since it is evident that she is not doing this for her employer. (M.B. 30)

# Halacha Highlight

## A gentile washing dishes on Shabbos

Rema Siman 244 Seif 5

**אבל כששכרו לכל המלאכות**

**But if he was hired to perform all melachos**

Shulchan Aruch rules that one who hires a gentile to be available to write or weave whenever there is a need may allow that gentile to work on Shabbos. Since the gentile has the choice when he wants to work and his employer allows the gentile to refrain from working when he wants, if the gentile works on Shabbos he is considered to be working out of his own interest and the Jew does not benefit specifically from the work that was done on Shabbos. Rema then adds that this ruling applies only when the gentile is hired to perform specific melachos, but if the gentile is hired to attend to any work that is needed it is prohibited. Mishnah Berurah (סי"ק כ"ט) explains that when the gentile is hired to perform a specific task it is likely that the Jew will not benefit from the work that was done on Shabbos, e.g. the Jew does not have that much writing or weaving that must be done. In contrast, when the gentile was hired to attend to any work that is needed the Jew will benefit from the fact that the work was done on Shabbos since this opens his schedule to do other work on Sunday.

Mishnah Berurah (סק"ל) then writes that based on this ruling, one should protest against one who has domestic help working in his house on Shabbos. However, when a Jew is assigned a job that could be done without desecrating Shabbos and the gentile decides to do melachos in the process of doing his job for his own benefit there is no issue. Thus if a gentile is hired to wash dishes which could be washed without using hot water or a sponge and the gentile decides that it would be easier for him to use hot water and a sponge, there is no reason to protest against the gentile from doing so (ע' פסקי תשובות הע' 64).