The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רמ"ז סעיף ב'-ו'

Overview

Siman 247 Seif 2:

If one stipulated that he will pay him, even though he did not specify how much he will pay, it is considered as though he fixed his wages since the gentile relies on that commitment and working out of his own self-interest. However, if he is hired without a commitment, even though one has intent to pay him, it is prohibited since he is not relying on the commitment and is working for the Jew.

- Not only when the gentile is uncertain whether he will be paid is it prohibited, but even when it is understood that someone will pay him it is prohibited, since the Jew has not yet given him a commitment. (M.B. 12)

Siman 247 Seif 3:

If he was hired for a number of days and they fixed an amount he would be paid for each day that he goes and returns but they don't set which days he goes, it is prohibited for him to go on erev Shabbos since it appears as though they stipulated that he should travel at that time.

- When the gentile is hired for a specified number of days and they fixed his wages for each day, even though the Jew is not particular which day he travels and the gentile is traveling out of his own self-interest, nevertheless on erev Shabbos it is prohibited since it appears as though he instructed him to travel now. (M.B. 13)

Siman 247 Seif 4:

If the gentile transports the letter for free, even if it was given to him on erev Shabbos, it is permitted since the gentile is acting on his own volition and is merely expressing gratitude for something the Jew did for him once and it is as if they fixed a wage. Some authorities disagree and maintain that when the gentile delivers the letter for free it is prohibited and it is best to be stringent about this matter. If the gentile offers to deliver it on his own, it is clear that his intent is to express gratitude and it is permitted.

- It is assumed that he is doing so to express gratitude to the Jew and is thus working out of his own self-interest. (M.B. 15)
- The wording implies that it is merely appropriate to be stringent but Darkei Moshe indicates that one must be stringent, therefore it is best if one fixes his wage, even if it is a small amount since he agrees to take that amount. (M.B. 16)

Siman 247 Seif 5:

If the gentile was anyway traveling and the Jew handed him a letter to transport, it is permitted in all cases.

- If one knows that the gentile will travel extra for him it is prohibited. (M.B. 17)
- This is true even if they did not fix his wage since the gentile is not acting as the agent of the Jew and if he does not find the recipient he will not search after him. This ruling applies when it is possible for the gentile to reach his destination before Shabbos but if he cannot reach his destination before Shabbos it is prohibited since he is carrying the letter for the Jew. It is prohibited to give him a letter on Shabbos according to all opinions. For this reason one cannot give a letter to the postman on Shabbos [although on erev Shabbos it is permitted since it is considered as though they fixed his wage] even if there is an eruv. It is not even permitted to have a gentile give the letter to the postman. However, in a circumstance of a significant potential loss one may be lenient since it is a shvus d'shvus in a circumstance of loss which is permitted. When it is not a circumstance of loss one should not even give a letter to a gentile to deliver to the postman on Shabbos even if one fixed his wage since one is specifying that he should work on Shabbos. (M.B. 18)

Siman 247 Seif 6:

If one who hired an employee for a year or more, it is prohibited to send him with a letter on erev Shabbos. However, if one hired him only to deliver letters there are authorities who are lenient as was explained above in siman 244.

- The fact that he was hired for a year does not make it as though they fixed his wage. (M.B. 19)

Halacha Highlight

Subscribing for Shabbos delivery of the newspaper

Shulchan Aruch Siman 247 Seif 5

אם האינו יהודי הולך מעצמו למקום אחר

If the gentile is travelling on his own to another place

Shulchan Aruch (סע' ה') writes that it is permitted for one to give a letter to a gentile to deliver if he was traveling to that place anyway. Mishnah Berurah (סי"ק י"ח) explains that this leniency applies even if they did not fix the gentile's wage beforehand. The reason it is permitted is that since the gentile is traveling to that destination anyway, if he does not find the recipient he will not walk around searching for him while carrying the letter of the sender. However, this leniency is limited to where there is time for the gentile to reach that destination before Shabbos, but if there is not sufficient time for the gentile to reach the destination before Shabbos it is prohibited since he is carrying the letter for the Jew.

Poskim point to this halacha to address the issue of one who subscribes to the local newspaper and orders daily delivery of the paper. In the event that one lives in a building with gentiles who subscribe to the same newspaper, there is no prohibition since the delivery person will drive and deliver newspapers to that building anyway (שמירת שבת כהלכתה פל"א הע' ע"א). However, if one knows that the gentile delivery person will have to drive more to deliver the newspaper it is prohibited since it is considered as though one specifically instructed the gentile to drive that extra distance to deliver him that newspaper. In such a circumstance it is only permitted to subscribe to the newspaper if one makes it clear to the publisher that one is not interested in receiving delivery of the newspaper on Shabbos or Yom Tov. If after expressing this, the publisher decides to deliver the paper nonetheless, one has not violated halacha (פסקי תשובות).