The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רנ"ב סעיף ב'

Overview

Siman 252 Seif 2:

It is permitted to give garments to a gentile launderer or hides to a leather maker close to the onset of Shabbos if one set with him a price or if he is working out of tovas hana'ah. One may not stipulate that he should work on Shabbos and the gentile must perform the melacha in his home. If a fee was not fixed, it is prohibited for him to work on erev Shabbos. See above siman 247 that there are authorities who disagree if one works for free, meaning for tovas hana'ah. **If one sees them performing this melacha on Shabbos, if it is done out of tovas hana'ah one must protest** even if one gave them the work many days before Shabbos.

- The same is true for other melachos. The reason is that once one fixed his fee and one is not particular that it should be completed right away, if the gentile works on Shabbos it is because he wants to complete the job quickly. (M.B. 12)
- He is paid a fixed fee and is not a day worker. Nowadays, launderers are paid a fixed fee, and therefore common practice is to give them garments before the onset of Shabbos. (M.B. 14)
- The gentile wants to do the work for free and the assumption is that it is because the Jew did him some favor in the past. For this reason it is considered as though he is working out of his own self-interest. (M.B. 15)
- If one tells the launderer that he needs the garment immediately after Shabbos, for example he is leaving on a trip, it is prohibited even if there is a fixed fee. Since the job cannot be completed without working on Shabbos it is as if he was instructed to work on Shabbos and he is working as the Jew's agent. (M.B. 16)
- He may not work in the Jew's home since that appears as though he is his agent. Chaye Adam writes that the gentile may not work in the Jew's home even performing an activity that is done as a contractor since people will think that he was instructed on Shabbos to do that work. (M.B. 17)
- When he is given the task on erev Shabbos it appears as though he was instructed to work on Shabbos but when they agree upon a fixed fee it does not appear as though he was instructed to work on Shabbos. Poskim write that when there is time to complete the job before Shabbos it is permitted even on erev Shabbos and even though he did not set a fee. (M.B. 19)
- Darkei Moshe agrees with the dissenting opinion. (M.B. 20)
- Unless the gentile offers to perform the work for free, for then it is clear that his intent is for a favor the Jew did for him. (M.B. 21)
- If one comes to his house and sees the gentile working it appears that it is with his approval since he is not being paid for the job and must be instructed not to work. If there was an agreement to pay the gentile it is permitted and one need not protest even though they did not come to an agreement concerning the amount he would be paid. (M.B. 22)
- If one hired a gentile as a day worker and the gentile wants to work in his own home in private one must protest since one knows that he is performing this melacha. Magen Avrohom writes that if one instructed a gentile to make shoes and then saw him making those shoes on Shabbos, even if they never agreed upon a price one need not protest since they are not yet the Jew's shoes because if he wants to sell them to someone else he may do so and give the Jew a different pair of shoes. This proves that he is not working for the Jew. (M.B. 23)

Halacha Highlight

Giving a car to the mechanic before Shabbos

Shulchan Aruch Siman 252 Seif 2
מתר לתן בגדיו לכובס אינו יהודי

It is permitted to give one's garments to a gentile launderer

Shulchan Aruch rules that it is permitted for one to give an article of clothing to a gentile launderer or something made of leather to a leather maker before the onset of Shabbos to launder the clothing or repair the leather. He then adds three conditions to this leniency. The first is that there has to be an agreement between the parties how much the gentile will be paid for the job that he will do. The second condition is that the Jew may not instruct him to work on Shabbos, and lastly, the gentile must do the work in his own home. Mishnah Berurah (ס"ק י"ב) explains that since they agreed on a price and the Jew is not particular whether it is done immediately, when the gentile decides to do the work on Shabbos he is doing so for his own interest so that he can finish the job quickly. Mishnah Berurah (ס"ק ט"ז) also adds that one may not, for example, tell the launderer that he needs the garment right after Shabbos since that is considered comparable to instructing him to do the job on Shabbos.

Teshuvas Or L'Tzion (ח"ב פט"ז תשובה ג') rules that it is permitted for one to drop off his car by a mechanic before Shabbos even though one knows that he will work on the car on Shabbos. The only restriction is that one may not tell him that he will pick up the car after Shabbos if that leaves him without enough time to complete the job before Shabbos. Similarly, if the job will take a few days one cannot tell him to complete it by a certain day if that will mean that he will have to work on Shabbos. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פ"ל הע' פ"ה) writes that this is permitted even if one did not agree upon a price with the mechanic before Shabbos. Since one knows that he will likely pay what the mechanic charges, it is as if they set the price before Shabbos.