The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ד"ש סעיף ב'-ג'

Overview

Siman 304 Seif 2:

In a circumstance in which it is permitted for a slave to perform melacha for himself, if the master told him to work for himself and support himself on Shabbos, it is permitted as long as this was the stipulated before Shabbos and the work must be done in private so that onlookers should not be suspicious.

- One may choose to not give money to his slave so that the slave will be forced to collect funds for his needs, therefore, if he works it is out of his own self-interest. (M.B. 21)
- There is a disagreement whether it is permitted if the master does not say anything to the slave and he goes out to work for himself on Shabbos. (M.B. 22)
- This is even permitted in his master's home since it is done in private and it is certainly permitted if he works on a gentile's property. (M.B. 23)

Siman 304 Seif 3:

One is not commanded regarding the rest of a gentile who is only hired to work for him.

- If he committed to fulfill the seven Noahide laws he is a ger toshav and may not perform melacha for a Jew even if it is not his master. Rambam and Ra'avad disagree whether we accept someone as a ger toshav nowadays when yovel is not in force. (M.B. 24)
- Even if he was hired to work for many years as long he was not acquired forever if he works on Shabbos for his master it only constitutes a Rabbinic prohibition. Authorities discuss the status of one who was acquired forever but if he converts to Islam the government emancipates him. Is he a slave or merely a hired worker? (M.B. 25)
- There is a disagreement whether one could acquire a slave when the king outlaws slavery for those who practice a different religion than him. When the owner pays the head tax for his slave he is certainly considered a slave and may not perform a melacha and is permitted to marry a mamzeres. (M.B. 26)

Halacha Highlight

A slave working on Shabbos in private

Shulchan Aruch Siman 304 Seif 2
ובלבד בצנעה
As long as it is done in private

Shulchan Aruch (סע' ב') addresses the slave who was not circumcised, did not immerse or commit to fulfill the mitzvos that are incumbent upon slaves but accepted upon himself the seven Noahide laws. As he mentioned in seif 1, such a slave is permitted to perform melacha for himself and the Biblical prohibition that applies is that the owner may not instruct or ask him to perform melacha. In our seif Shulchan Aruch teaches that the owner can stipulate with his slave that he will not provide the slave with financial support on Shabbos and the slave will be responsible to earn his own provisions for that day. Since it is clear that the slave is working out of self-interest rather than for his master it is permitted for the slave to work and the owner does not violate this Biblical prohibition. The one qualification that Shulchan Aruch adds is that the work should be done in private so that observers do not erroneously conclude that the work is being done for the benefit of the master.

Mishnah Berurah (ס"ק כ"ג) emphasizes that the requirement to perform the melacha in private is when he is working in his master's home and it is certainly permitted for the slave to perform melacha by a gentile. Sha'ar HaTziyun (ס"ק י"ח) raises the question of whether when working in the home of a gentile it is necessary for the slave to work in private so that observers will not see him working. When he works in his master's home it is understandable that he must work in private because otherwise people will assume that he is working for his master but working in a gentile's home will not raise that suspicion. Alternatively, one could contend that the slave must work in private even in a gentile's home since observers may erroneously conclude that his master leased him to work on Shabbos for the gentile. He does not reach a definitive conclusion about the matter.