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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקמ"ב סעיף א'

Halacha Highlight

Payment for babysitting and performing *melacha* for a gentile

Shulchan Aruch Siman 542 Seif 1
או לאחרים בחנם
Or for others for free

Shulchan Aruch writes that even with regard to *melachos* that are permitted, one may only do them for himself or for others for free but one may not charge others to work on *chol hamoed*. Mishnah Berurah (סק"ב) explains that taking money is considered a weekday activity which is prohibited on *chol hamoed*. Included in the examples presented by Mishnah Berurah (סק"א) are those activities that involve exertion but not actual *melacha*. Rav Nissim Karelitz (חוט שני חול המועד עמ' ר') infers from Mishnah Berurah that the restriction against accepting payment is limited to jobs that involve either actual *melacha* or exertion. It is permitted to accept payment for jobs that involve neither. Therefore, he rules that it is permitted for a babysitter to accept payment for babysitting on *chol hamoed* since it does not involve *melacha* or exertion. Similarly, a tutor may accept payment for tutoring that is done during *chol hamoed*. Rav Yosef Shalom Elyashiv (ספר הזכרון מבקשי תורה חול המועד עמ' תשמ"ה), on the other hand, maintains that unless it is essential for the adults to leave, one may not pay a babysitter for babysitting on *chol hamoed*. He adds that one must inquire of a *rov* when it is considered necessary for the adults to leave and when it is not necessary.

Chaye Adam (כלל ק"ו סע' י"א) maintains that performing work for another for free is limited to work that is done for a Jew. One may not work for a gentile, even if one will not be paid for that work. He equates working for a gentile with work that is done for after the *moed*. Although there are authorities that adopt a lenient position regarding this matter, most *Poskim* subscribe to Chaye Adam's stringent position. Consequently, it is prohibited for one to cook for a gentile. However, if not cooking for a gentile could generate a *chillul* Hashem, it is considered a *moed* need and is permitted (פסקי תשובות אות א').

Overview

Siman 542 Seif 1:

Even permitted *melachos* may only be done for one's self or for others for free but one may not accept payment for performing permitted *melachos*. However, if one does not receive a fixed salary, he merely eats with his employer, it is permitted. A *davar ha'avud* may be done for a fixed salary.

- Receiving a salary is a weekday activity. Some maintain that if the only one who will do the job is someone who demands a salary, it is permitted to pay the worker since the matter is needed for the *moed*. (M.B. 2)
- It is permitted even though it is not a *moed* need and requires a professional job. Biur Halacha writes that if a gentile is available, it is better to not hire a Jew for the job. (M.B. 5)