

In Hilchos Shabbos

You have heard the shaylos . . .
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Cleaning Help

The Halchos of a S'chir Yom

A summary of the weekly Wednesday night shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / To receive a copy send an email to InHilchosShabbos@gmail.com

Some people will hire cleaning help for Shabbos, especially when having many guests, to help keep their home in order. Yet, the household tasks which a non-Jewish cleaning woman may perform on Shabbos are greatly restricted, mainly because of the prohibition of *Amira l'akum* (asking a non-Jew to perform *melacha* on Shabbos).¹ In the following paragraphs we will discuss how the *halachos* of *Amira l'akum* apply to benefiting from non-Jewish cleaning help on Shabbos. However, because these *halachos* are complex, one should consult a Rav for a final p'sak.

The Prohibition of *Amira l'Akum*: Asking a non-Jew to Perform a *Melacha*

As we discussed in the previous chapters, Chazal instituted the rabbinical prohibition of *Amira l'akum*, which states that it is prohibited to ask a non-Jew to perform a *melacha* on Shabbos. It is prohibited to ask a non-Jew to perform any *melacha* on Shabbos, whether it is prohibited *mid'Oraisa* or *mid'Rabannan*, as any activity that a Jew may not perform himself, he may not instruct a non-Jew to perform on Shabbos.² This prohibition applies to one's cleaning help just as it does to all other non-Jews,³ and thus one must be mindful about which chores he may instruct a non-Jewish cleaning help to perform on Shabbos.

Instructing a Cleaning woman to Perform a *Melacha*

Asking a maid or cleaning woman to perform a *melacha* on Shabbos violates the prohibition of *Amira l'akum*. As an example, it is prohibited to ask one's cleaning woman to turn on a light on Shabbos or to lower a flame on Shabbos.⁴

Practical examples

The following are some household tasks which one may not ask his cleaning woman to perform on Shabbos as they involve a Shabbos prohibition (we will later discuss household chores which one may instruct his non-Jewish cleaning woman to perform on Shabbos.):

- ❖ **Taking out the garbage in an area which has no *eiruv*.** One may not instruct non-Jewish cleaning woman to take out the garbage in an area which has no *eiruv*, because taking out the garbage involves the *melacha* of *Hotzah* (Carrying).⁵
- ❖ **Washing dishes which are not needed for Shabbos.** One may not instruct his non-Jewish cleaning woman to wash dishes which will no longer be used on Shabbos.⁶ Since washing dishes for after Shabbos violates the prohibition of *Hachana* (preparing on Shabbos for a post-Shabbos need),⁷ one may not ask his non-Jewish cleaning woman to wash the dishes that are no longer needed on Shabbos.⁸
- ❖ **Folding laundry for use after Shabbos.** One may not instruct non-Jewish cleaning woman to fold laundry for use after Shabbos, since this violates the prohibition of *Hachana*.⁹
- ❖ **Mopping the floor.** In general, using a mop to wash a floor on Shabbos involves the *melacha d'Oraisa* of *Dosh* (extracting), because when one will inevitably extract water from the mop.¹⁰ Thus, one may not ask a non-Jewish cleaning woman to wash the floor on Shabbos as this would involve the prohibition of *Amira l'akum*.¹¹
- ❖ **Other prohibited chores.** One may not instruct non-Jewish cleaning woman to wash,¹² iron or sew clothing on Shabbos, because all these activities involve a Shabbos prohibition.¹³

Amira l'akum Regarding Employees

As we discussed, the regular *halachos* of *Amira l'akum* apply to one's cleaning help, but in fact, there are additional *halachos* of *Amira l'akum* which apply to one's cleaning help that do not apply to other non-Jews. To understand this, we will review the *halachos* of *amira l'akum* regarding employees.

The arrangement of a *Kablan* and a *S'chir Yom*

When one hires a worker there are two forms of arrangements which can be arranged, as a *Kablan* or as a *S'chir Yom*.

Kablan – A worker hired to complete a job

A *Kablan* is a worker who has a specific job to perform and is paid based on the completion of the job (and not for the amount of time which was worked).¹⁴ For example,

- A mechanic is considered a *Kablan* because he has a specific job to perform and is paid for completing the job regardless of how long the job took to complete.¹⁵ [Although initially a mechanic may estimate the price of the job based on the number of hours it will take to complete the job, ultimately, the mechanic is paid the prearranged amount for the job whether it takes longer or shorter than expected.¹⁶]
- A drycleaner is considered a *Kablan* because he has a specific job which he must complete and is paid the same amount regardless of how long it takes to complete the job.¹⁷

S'chir Yom – A worker hired for a set amount of time

A *S'chir Yom* is a worker who does not have a specific job to complete but is hired to work for a set amount of time.¹⁸ For example,

- A secretary who is paid by the hour is considered a *S'chir Yom* because she is hired to work for set amount of time (e.g., 9:00 am to 5:00 pm) and she does not have a specific job to complete.¹⁹ Rather she is hired during that time to perform any task which needs to be completed during that time.
- A cleaning woman who is paid by the hour is considered a *S'chir Yom* because she is hired to work for set amount of time and does not have a specific job which she must complete.²⁰ Rather she is hired during that time to perform any task which needs to be completed during that time.

The *halachos* of a *Kablan* and a *S'chir Yom*

The *halachos* of *amira l'akum* differ for a *Kablan* and a *S'chir Yom* because of the different nature of their arrangement, as we will explain.

The *halachos* of a *Kablan*

A *Kablan* is viewed as if he is working for himself and not for his employer. Since the *Kablan* is hired to complete a specific job, any work which he performs is for his own benefit so that he can complete the job quicker.²¹ Therefore, if a *Kablan* decides to perform his work on Shabbos it does not violate the prohibition of *amira l'akum*, because any work he performs is for his own benefit and not for his Jewish employer.²² For example,

- One may bring his car to the non-Jewish mechanic shortly before Shabbos begins even though he knows that the non-Jewish mechanic will work on the car over Shabbos. Since the mechanic is a *Kablan* who must complete a specific job, he is viewed to be working on Shabbos for his own benefit and not on the behalf of his employer and thus sending the car to the mechanic does not involve *Amira l'akum*.²³ [However, one may not explicitly instruct the non-Jewish mechanic to fix the car on Shabbos, as this would violate *Amira l'akum*.²⁴ We will elaborate on the *halachos* of a *Kablan* next week; this chapter will discuss the *halachos* of a *S'chir Yom*.]
- One may drop off his clothing at a non-Jewish drycleaner before Shabbos even though the non-Jewish drycleaners will wash the clothing on Shabbos.²⁵ Since the drycleaner is categorized as a *Kablan* who must complete a specific job, he is performing the *melacha* on Shabbos for his own benefit and thus it does not violate the prohibition of *Amira l'akum*.

The halachos of a S'chir Yom

A S'chir Yom is viewed as if he is working for his employer and not for himself. Since the S'chir Yom is not hired to complete a specific job, but to perform any task which needs to be completed during that time. Therefore, any work that the S'chir Yom performs during that time is done on behalf of his Jewish employer.²⁶ Accordingly, if a S'chir Yom decides to perform a chore which involves a *melacha*, he is doing so on behalf of his Jewish employer, and it is as if the Jewish employer explicitly asked him to perform the *melacha* on Shabbos. For example,

- One may not allow his non-Jewish secretary who is paid hourly to perform work (e.g., typing) over the weekend, because any task which she performs on Shabbos is done on behalf of her employer and is as if the Jewish employer explicitly asked her to perform this work on Shabbos.²⁷
- If one's non-Jewish cleaning woman decides on her own to perform a chore which involves a *melacha* the Jewish employer may not allow her to perform the *melacha* on Shabbos.²⁸ Since a cleaning woman is categorized as a S'chir Yom any act which she performs is done on behalf of her Jewish employer. Therefore, the *Mishna Berura*²⁹ writes that "If one sees their non-Jewish cleaning woman performing a chore which involves a *melacha*, he must protest and stop her from doing the *melacha* on Shabbos – even if she decided on her own to perform the chore without an explicit directive from her employer."³⁰ For example,
- If one notices his non-Jewish cleaning woman folding laundry (which is not needed for Shabbos), he must ask her to refrain from doing so on Shabbos, because folding the laundry involves the prohibition of *Hachana*. Although the cleaning woman was not explicitly asked to fold the laundry, any chore which she performs is on the behalf of her employer and is thus considered as if she was asked to perform the *melacha* on Shabbos.
- One may not allow a non-Jewish cleaning woman to wash dishes which are not needed for Shabbos.³¹
- One may not allow a non-Jewish cleaning woman to take out the garbage to a place which does not have an *eiruv*.³²
- One may not allow a non-Jewish cleaning woman to lower a flame or turn off a light (for the sake of her employer) on Shabbos.³³

Household chores which may be given to non-Jewish cleaning woman

Despite the many limitations that one may allow one's non-Jewish cleaning woman to perform on Shabbos, there are still many chores which one may ask her to perform on Shabbos.³⁴ For example, one may ask a non-Jewish cleaning woman to:

- Set the table
- Cut fruit³⁵
- Clear the table
- Wash dishes which are needed for Shabbos
- Take out the garbage to an area which has an *eiruv*

Since these activities do not involve a *melacha*, one may obviously ask a non-Jew to perform them on Shabbos.

Asking a cleaning woman to perform a chore which may involve a melacha

One may ask a non-Jewish woman to perform a non-*melacha* activity even if there is a possibility that it may result in her performing a *melacha*.³⁶ Since the activity can be performed in a permissible manner, if the non-Jew chooses

to perform a *melacha* she is doing so for her own convenience and is therefore permissible. For example,

Washing dishes

One may ask a cleaning woman to wash the dishes (which are needed for Shabbos), even though there is a possibility that she may use hot water and a sponge to wash them.³⁷ Since the dishes can be washed in a permissible manner (i.e., using cold water and without a conventional sponge), one may ask the cleaning woman to wash them. If the non-Jewish cleaning woman chooses to perform a *melacha*, she is doing so to make it easier for herself to wash the dishes.³⁸

Cleaning a table or counter

One may ask a non-Jewish cleaning woman to wipe down a table or counter, or to clean up a spill, since she can perform these tasks in a permissible manner. Although it is possible that the non-Jewish cleaning woman may wring out a cloth to wipe down the table or counter it is nevertheless permissible to ask her to do so, since she does so for her own sake to make it to clean the table or counter.³⁹

Turning on a light

Although it is prohibited to ask (or even allow) a cleaning woman to turn on a light on Shabbos (for the benefit of her employer), the *Mishna Berura*⁴⁰ writes that it is permissible to ask a cleaning woman to perform a chore in the room where the light is off (e.g., to bring an item from the room), even though she will turn on the light to perform the task. Since she is turning on the light to make it easier for herself to perform the chore, one may ask her to perform the chore. Once the light has been turned on, he may even ask the non-Jewish cleaning woman to leave the light on and may benefit from the light on Shabbos.⁴¹

Zilzul Shabbos — Degradation of Shabbos

Although there are permissible ways to allow a cleaning woman to perform some household tasks on Shabbos, it is never permissible to allow a cleaning woman to perform a chore if a task involves *Zilzul Shabbos* – a degradation of Shabbos. For example, the Rema⁴² rules that an activity which makes a lot of noise is considered *Zilzul Shabbos*. Accordingly, the *poskim* rule:

- One may not allow a cleaning woman to use a vacuum cleaner clean the carpet.⁴³ Even though she is using the vacuum cleaner for her own convenience, one may not allow her to use it because it degrades the sanctity of Shabbos.
- One may not allow a cleaning woman to use a dishwasher to clean the dishes (even if they will be used on Shabbos), since it is considered *Zilzul Shabbos*.⁴⁴
- One may not allow a cleaning woman to wash windows on Shabbos, since it is considered *Zilzul Shabbos* to undertake such a chore on Shabbos.⁴⁵

Paying Cleaning woman on Shabbos

The *Mishna Berura*⁴⁶ writes that one may not pay a non-Jew on Shabbos, due to the prohibition of *Mekach u'Memkar* (a business-related activity). Thus, one may not pay a non-Jewish cleaning woman on Shabbos even by leaving money in a secure place for her to take on her own.⁴⁷ Accordingly, arrangements must be made to pay the cleaning woman either before or after Shabbos.⁴⁸

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¹ One may hire a non-Jewish cleaning woman who lives in a distant community even though it is obvious that she will need to drive to come to the home of the Jewish employer, because she is driving to work (rather than walking, etc.) for her own benefit, and not for the benefit of her employer (Commerce and Shabbos, p. 110). Nevertheless, it is preferable that she does not park in his driveway on Shabbos (Practical & Relevant Hilchos Shabbos, Reviewed by Rabbi Shmuel Felder, p. 185)

² Mishna Berura 253:94

³ This applies to both components of *Amira l'akum* (discussed in the previous chapters): *Amira* - Asking a non-Jew to perform a *melacha*, and *Hana'ah* - Benefiting from a *melacha* performed by a non-Jew on behalf of the Jew. Thus, one may not instruct his non-Jewish cleaning help to perform a *melacha*, nor may he benefit from a *melacha* that his cleaning help performed for his sake.

⁴ 39 Melochos p. 80

⁵ See The Sanctity of Shabbos p. 100

⁶ Orchos Shabbos 22:194; Machzeh Eliyahu (63); The Sanctity of Shabbos p. 88; Nishmas Shabbos 4:364.

⁷ See Volume One, Chapter Twenty-Six, Loading a Dishwasher

⁸ **Amira l'akum regarding the prohibition of Hachana.** This is based on the ruling of the Mishna Berura in several places (313:56; 319:62; 321:21; 459:35; 510:23) who rules that the rabbinical prohibition of *Hachana* is treated like all other rabbinical prohibitions of Shabbos regarding the halachos of *Amira l'akum* [and thus is considered a *shvus d'shvus*, which is permitted only in certain situations (e.g., a loss of money, etc.,)]. However, the *Pri Megadim* (*Eishel Avraham*, beginning of *siman* 503) is in doubt as to whether the prohibition of *Amira l'akum* applies to the rabbinical prohibition of *Hachana*. He argues that perhaps, since *Hachana* is prohibited only because of *Tircha* (excessive effort) it does not apply to asking a non-Jew because the Jew is not having any *Tircha* [only rabbinical *melachos* would be included in the prohibition of *Amira l'akum*]. *Da'as Torah* (*siman* 442, p. 42) quotes the *Pri Megadim* and rules leniently and permits asking a non-Jew to perform an act of *Hachana* on Shabbos. The Elya Rabba (252:12) also seems to permit asking a non-Jew to perform an act of *Tircha* on Shabbos (see also 39 Melochos p. 81, note 314). Nishmas Shabbos (4:364) concludes that although there are *poskim* who permit *Amira l'akum* to perform an act of *Hachana*, the *halacha* follows the *poskim* who are stringent and prohibit asking a non-Jew to perform an act of *Hachana* on Shabbos.

However, there would be a scenario in which it would be permitted to instruct a cleaning woman to wash dishes on Shabbos: In a situation where the cleaning help is washing the dishes on Shabbos for their own benefit as otherwise, they would need to return on *motzai Shabbos* to wash the dishes (Orchos Shabbos 22:194, note 295; 39 Melochos p. 81). For example, a cleaning woman who is hired by a caterer to clean up after a *simcha*, may wash the dishes on Shabbos, because she is doing so for her own benefit so that she does not need to come back after Shabbos to wash the dishes. This does not apply to one's cleaning woman at home

who will typically not need to return on *Motzai Shabbos* if the dishes were not cleaned on Shabbos.

⁹ Since it is prohibited for a Jew to perform an act of *Hachana*, he may not ask a non-Jew to perform an act of *Hachana* on Shabbos as well, as we discussed in the previous note.

¹⁰ Orchos Shabbos 18:46. Even if one were to wash the floor using a non-absorbent mop (e.g., by using a rubber mop; a 'sponga'), avoiding the *melacha* of *Dosh*, it is nevertheless rabbinically prohibited to wash the floor due to the prohibition of *Mashveh gumos* (leveling the ground); *Shulchan Aruch* 337:3; *Mishna Berura* 337:16; see Volume One, Chapter Twenty-Four, Cleaning in the Kitchen for an elaboration on this prohibition.

¹¹ Orchos Shabbos 23:56 (see note 125). In a case of great need or for a mitzvah need, it is permissible to ask a non-Jewish cleaning help to wash the floor with a rubber mop since doing so involves only a rabbinical prohibition of *Mashveh gumos* (see previous note), asking a non-Jew to mop the floor in such a manner is considered a *shvus d'shvus* which is permitted in a time of great need or for a mitzvah need (Orchos Shabbos 23:56). For example, one may ask a non-Jewish cleaning help to use a rubber mop to wash the floor of a *shul* which became significantly dirty and thus can be considered a mitzvah need. Similarly, if the floor of one's house became unusually dirty, one may ask a non-Jew to use a rubber mop to wash the floor as this may be considered a great need (see *Shmiras Shabbos k'hilchaso* 23:6; Orchos Shabbos 18 note 76). If one has a rubber mop available for the non-Jewish cleaning help to use, one may ask the non-Jewish cleaning help to wash the floor with either the rubber mop or the regular mop and if the non-Jewish cleaning help chooses to use a regular mop to wash the floor one may allow her to do so. Since she is using the mop for her own benefit to make it easier for herself to wash the floor and not for the benefit of the Jew it does not violate the prohibition of *Amira l'akum* (Orchos Shabbos, *ibid*).

¹² 39 Melochos p. 81

¹³ 39 Melochos p. 81

¹⁴ Shulchan Aruch 244:1

¹⁵ 39 Melochos p. 78; The Sanctity of Shabbos p. 63

¹⁶ 39 Melochos p. 78

¹⁷ 39 Melochos p. 78; The Sanctity of Shabbos p. 63

¹⁸ Shulchan Aruch 243:1; Mishna Berura 243:5; see Shulchan Aruch HaRav 244:1

¹⁹ 39 Melochos p. 79; The Sanctity of Shabbos p. 68

²⁰ 39 Melochos p. 81; The Sanctity of Shabbos p. 68

²¹ Shulchan Aruch 244:1

²² Shulchan Aruch HaRav 244:1

²³ 39 Melochos p. 78; The Sanctity of Shabbos p. 63

²⁴ Shulchan Aruch 252:2

²⁵ 39 Melochos p. 78; The Sanctity of Shabbos p. 63

²⁶ Shulchan Aruch HaRav 244:1

²⁷ 39 Melochos p. 80; The Sanctity of Shabbos p. 68

²⁸ 39 Melochos 80; The Sanctity of Shabbos p. 99

²⁹ 244:30

³⁰ **Live-In maids.** Many *poskim* (Rav Moshe Feinstein and other *poskim* cited in *The Sanctity of Shabbos* p. 91, note 12) rule that in our times, full-time, live-in maids are different from the domestic cleaning help which were discussed in the times of the *Mishna Berura* and can be considered a *Kablan*. Since a live-in maid is not paid hourly for her work but rather for ensuring that the house is neat, clean, and orderly, and in many situations she has the flexibility to choose her own hours of work, she can thus be considered a *Kablan*. Accordingly, because she can technically choose not to perform her work on Shabbos, but instead complete her work after Shabbos, any *melacha* which she performs is for her own benefit and convenience (so that she does not need to work after Shabbos), and not on behalf of her Jewish employer. Therefore, a live-in maid is viewed as every other non-Jew in regard to the prohibition of *Amira l'Akum* one may allow a live-in maid to perform a chore even if it involves a *melacha* and it is not considered as if the Jewish employer instructed her to perform the *melacha*. [However, the second aspect of *Amira l'Akum*, *Hana'ah*, must also be avoided as one may not benefit from the *melacha* which a non-Jew performed for a Jew (unless it is a negative benefit)]. For example:

- **Washing dishes for use after Shabbos.** One may allow his live-in maid to wash the dishes on Shabbos if he does not explicitly instruct her to do so. Although the dishes are no longer needed for Shabbos, since the Jewish employer did not instruct the live-in maid to perform this act of *Hachana*, allowing her to wash the dishes does not violate the prohibition of *Amira l'Akum* (*The Sanctity of Shabbos* p. 93).
- **Folding laundry.** One may allow his live-in maid to fold laundry on Shabbos [but may not explicitly instruct her to do so] (*The Sanctity of Shabbos* p. 93).
- **Mopping the floors.** One may allow his live-in maid to mop the floors on Shabbos so long as he does not explicitly instruct her to do so (*The Sanctity of Shabbos* p. 93). This is assuming that the live-in maid has the flexibility to postpone washing the floor until after Shabbos.
- **Taking out the garbage (even where there is no *eiruv*).** One may allow a live-in maid to take out the garbage into a *reshus harabim* so long as he does not explicitly instruct her to do so (*The Sanctity of Shabbos* p. 93).

One should inform the maid at the start of her employment that she is not obligated to perform these activities which are prohibited on Shabbos

but may perform them at a time which is most convenient for her (*The Sanctity of Shabbos* p. 93).

By contrast, most part-time cleaning help do not have the flexibility to choose their own schedule, and accordingly when they perform a prohibited activity it cannot be assumed that they are doing so for their own convenience, but rather it is viewed as if they have been instructed by their Jewish employers. Therefore, one may not allow part-time cleaning help to perform a prohibited activity, even if he or she chose to do so on their own.

³¹ *The Sanctity of Shabbos* p. 100

³² *The Sanctity of Shabbos* p. 100

³³ 39 *Melochos* p. 80

³⁴ *The Sanctity of Shabbos* p. 99

³⁵ However, one may only tell the non-Jewish cleaning woman to cut up fruits or vegetables in a way which does not violate the *melachos* of *Tochain* (Grinding) or *Borer* (Sorting). If after the non-Jew is told to perform these activities in a permissible manner and the non-Jew performs the *melacha* on his own for his own convenience, it is permissible.

³⁶ See *Mishna Berura* 276:27; *Orchos Shabbos* vol. 2 p. 466, note 115; 39 *melachos* p. 81

³⁷ *Mishna Berura* 276:27; *Orchos Shabbos* vol. 2 p. 466, note 115; 39 *melachos* p. 81

³⁸ *Orchos Shabbos* (23:55) adds that this is only true if during the week one is not particular that the cleaning woman washes the dishes with hot water (as the hot water cleans the dishes more effectively). However, if during the week one is careful to tell the cleaning woman to wash the dishes specifically with hot water, then he may not tell her on Shabbos to 'wash the dishes,' as this is tantamount to telling her to use hot water to wash the dishes on Shabbos. In this case he must specify that she may wash the dishes on Shabbos with either cold or hot water, then if she chooses to use hot water it is for her own benefit.

³⁹ 39 *Melochos* p. 81

⁴⁰ 276:27 (*Orchos Shabbos* 23:60-61)

⁴¹ *Shmiras Shabbos k'hilchaso* 30:57

⁴² 252:5

⁴³ *The Sanctity of Shabbos* p. 89

⁴⁴ *The Sanctity of Shabbos* p. 89 from Rav Moshe Feinstein; *Orchos Shabbos* 23:55

⁴⁵ *The Sanctity of Shabbos* p. 89

⁴⁶ 325:19

⁴⁷ *Shmiras Shabbos k'hilchaso* 30:33; *Orchos Shabbos* 23:120

⁴⁸ *Shmiras Shabbos k'hilchaso* 30:33; *Orchos Shabbos* 23:120