

THE SHABBOS WEEKLY

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On Shabbos is a babysitter permitted to charge by the hour?

Before we can answer this particular question, we must present the basics. The issue involved is called *s'char Shabbos* and it deals with the topic of receiving payment for work done on Shabbos. We are obviously not talking about work that involves *chilul Shabbos*, rather we are referring to work that is permitted to be done on Shabbos and the receiving of payment is the issue. One is forbidden to take *s'char Shabbos* as a *g'zeira* lest one will buy and sell on Shabbos.¹ The *issur* of *s'char Shabbos* falls upon the receiver for receiving payment for work done on Shabbos. At the same time the payer is not exempt of an *issur* - for transgressing the violation of **לפנֵי עִוָּר** – causing another person to violate an *issur*.²

*Which is the *issur* - receiving the payment or doing the work?*

The simple *p'shat* is that the *issur* is only for the payment and not for the work. However there is a famous *p'shat* from Rav Chaim Soleveitchik זצ"ל who says that when one is working on Shabbos with payment in mind it is the work that is *issur*. Accordingly, being a baby sitter on Shabbos with the intention of being paid after Shabbos is violating the

actual Shabbos (albeit with an *issur d'rabanan*).³

*Which type of "work" is included in this *issur*?*

It is prohibited to receive *s'char Shabbos* for physical services such as babysitting, guarding premises or serving as a waiter at a function. It is also *issur* to receive *s'char Shabbos* as payment for things that do not involve physical functions, such as renting out dishes for a function, renting a hall for a kiddush or for a Shabbos meal, etc.

*What type of "payment" is included in this *issur*?*

Anything given against one of the above services will be considered as *s'char Shabbos*. This includes money, food, services etc. Accordingly, a babysitter from the Levy family may not baby-sit on Shabbos for the Cohens, when the method of payment will be the Cohen's babysitting for the Levys, even on a weekday. However, a gift is not included in this *issur* and one may give a gift as a token of appreciation for a service performed on Shabbos. A gift would be anything that is not agreed upon and the giver is not "obliged" or compelled to give.⁴

It seems then that there is no viable solution for babysitting on Shabbos, is that the halacha?

¹ M"B simon 306:16.

² M"B simon 306:21.

³ See the SS"K chapter 28 footnote 110.

⁴ SS"K chapter 28:52.

That is not true. The *Shulchan Aruch* teaches us that there is a method of payment which is legal, and it will permit paying someone for work done on Shabbos.

We see from the *Shulchan Aruch*⁵ that when one is paid per day to guard a patch of vegetables, the guard may not receive a wage for guarding on Shabbos and hence if there are any losses incurred on Shabbos the guard can not be held responsible.

On the other hand, when the guard is paid per week or per month, he is paid for Shabbos as well and if any losses are incurred on Shabbos he is held responsible.

How do you explain the difference between the two?

In the first case the Shabbos is reckoned individually and therefore it is called *s'char Shabbos*, whereas in the second case the Shabbos is not reckoned individually and the payment is therefore not for the Shabbos but for the week. We see that *Chazal* were concerned with the individual reckoning of receiving payment for Shabbos.

Based on this we can find a way to receive money for a service done on Shabbos. A babysitter should baby sit before Shabbos or after Shabbos, or she should baby sit during the week and receive an all inclusive payment for babysitting. This kind of payment is called **בhbולעה**.

The *Chofetz Chaim*⁶ was perturbed by the way the merchants hire watchmen to guard the wagons over Shabbos because they were paid for Shabbos work. His solution was to hire them to guard the wagons before or after Shabbos for a few hours and thus pay them for guarding the wagons on Shabbos **בhbולעה**.

⁵ *Simon* 306:4.

⁶ *M"B simon* 306:21.

Vort on the Parsha

Bilam saw that the entrance to the tents of B'nei Yisroel were not facing each other and he blessed them. R' Yosef, the Dayan of Slutzk explained that an entrance is an opportunity for committing sinful acts (לפחה חטא רובץ). Bilam wanted to find one sin committed by everyone, to find the Achilles' heel of Am Yisroel. When he saw that although some people may fail in one mitzvah others do not fail in that same mitzvah and as a whole, Am Yisroel keep everything. He then realized that when Am Yisroel stand together they cannot be penetrated and he could not find a common defect through which he could harm Am Yisroel. It is through our unity that we are complete.

Food For Thought

May a chazzan or shofar blower receive money for his mitzvos?

Is a doctor permitted to receive money for making a house call?

Am I permitted to donate money on Shabbos to the shul etc?

Is one permitted to measure on Shabbos?

Answers coming next week.
