



Parshas Pinchas 5764

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***How does one pay for waiters that serve at a function on Shabbos?***

The problem is that waiters usually serve the meal at a Shabbos lunch or set the table for kiddush and they either charge by the hour or charge a set fee. Whatever the case – the problem is *s'char Shabbos*.<sup>1</sup> What is the solution?

If the waiters are gentiles it is not a problem at all because the *issur* of *s'char Shabbos* is on the recipient<sup>2</sup> and a gentile may receive *s'char Shabbos*.

Last week we learned that a babysitter may receive global payment for babysitting performed during the week and thus the babysitter may be paid for Shabbos as well without mentioning Shabbos. Here too, the waiters would either clean up after Shabbos or work before Shabbos and be paid globally for the entire work.

***Does the same apply to staying in a hotel or renting rooms for Shabbos?***

A hotel is very different<sup>3</sup> in that the hotel generated expenses on your account, such as water, cleaning, electricity, food etc. which must be paid for. As for paying for the room itself, since one is paying for the other items we can say that the room is included in the entire fee. Even better than that, since the

room is taken before Shabbos, one pays for the room *בהבלעה*.

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

The difference between a chazzan and a babysitter is that the chazzan is performing a mitzvah. The *Beis Yosef* brings a *machlokes Rishonim* as to whether one may receive *s'char Shabbos* for performing a mitzvah. The reason for approval is because receiving *s'char Shabbos* is only an *issur d'rabanan* and when involving a mitzvah *Chazal* did not prohibit it. The reason for non-approval is because, after all, one **is** receiving *s'char Shabbos*.

***What is the halacha?***

The *Mechaber* writes<sup>4</sup> that one may not receive *s'char Shabbos* for performing a mitzvah and then adds that there is an opinion who permits it. The rule when learning the *Mechaber* is that **סתם ויש אומרים** **הלכה כסתם**, which means that when he writes the first opinion without mentioning who says it and then he writes another opinion saying that “there are those...” the *halacha* is in accordance with the first opinion, which would mean it is forbidden. The *Rama* adds that when the chazzan is hired for the entire year there is no problem because he is paid globally for chazzanus

<sup>1</sup> Receiving payment (after Shabbos) for work or a service performed on Shabbos.

<sup>2</sup> See the *SS"K* 28 footnote 112.

<sup>3</sup> *SS"K* 28:62.

<sup>4</sup> *Simon* 306:5

performed during the week as well. If he only officiates on Shabbos and Yom Tov it will not help that he is hired for the entire year.

The *Mishna Berura* however writes <sup>5</sup> that the custom was to hire the chazzan for the Shabbosos of the year.

As mentioned, since there is a viable solution to pay him for work done during the week, it is preferable to do so.

The same would apply to a shofar blower. Although he only blows on Rosh Hashana, nevertheless it is advisable to have him blow occasionally during Ellul and pay him globally.

It is noteworthy that even according to the lenient opinion one does not merit a sign of *b'racha* from money received from Shabbos work (unless paid globally). <sup>6</sup>

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

The *Mishna Berura* says <sup>7</sup> that a midwife may surely take *s'char Shabbos* for answering a call on Shabbos because it is payment for the sake of saving a life. <sup>8</sup> A doctor and a nurse are in the same category and they may also take *s'char Shabbos* for making a house call.

### *Does a doctor see a siman b'racha from money taken on Shabbos?*

It would seem from the *Mishna Berura* <sup>9</sup> that payment received for healing a Jew is not part of the *machlokes* of *s'char Shabbos* and therefore one would see a *b'racha* in the payment. However, Rav Tzvi Pesach Frank says that receiving payment for healing and

for performing a mitzvah is on par with each other and even if one is permitted to receive *s'char Shabbos* for healing, one will not see a *siman b'racha*. <sup>10</sup>

According to Rav Chaim Brisker (mentioned in the previous sheet) it is permitted, but as mentioned it is a *machlokes haposkim*.

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## **Vort on the Parsha**

Moshe Rabeinu asked Hashem to appoint a leader for Am Yisroel - someone who will take them and bring them. HaRav Sternbuch shlita says that therein lies a message to the leaders of Yisroel. They are to lead the people and not be led by them. It is all too often that leaders turn to see what the people want to hear and act accordingly. A leader of Yisroel must say what needs to be said, act when action is demanded and must not be afraid of what the people might have to say.

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## **Food For Thought**

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

### *Is one permitted to measure on Shabbos?*

Answers coming next week.

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<sup>5</sup> *Simon* 306:24.

<sup>6</sup> *M"B* 306:23.

<sup>7</sup> *Simon* 306:24.

<sup>8</sup> *PM"G Mis"Z* 4.

<sup>9</sup> Who cites the *Elya Raba* who quotes the *K'neses HaG'dolah*.

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<sup>10</sup> See the *S.S"K* 28 footnote 147.

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**Note:** The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.