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Cleaning Help in Halacha



Having a live-in maid or cleaning help can truly be one of life's blessings, but may present numerous halachic pitfalls that many people are simply unaware of. Areas of possible concern include issues in the kitchen, wine in the fridge, *yichud*, and Shabbos and Yom Tov. We will begin our discussion with an overview of halachos that are relevant in the kitchen.

Halachah states that any food that is sent with a non-Jew must be sealed to ensure that the food was not exchanged for a non-kosher substitute (see *Y.D.* 118:1-9). For this reason, one should not accept an airline meal that is not double-sealed. This halachah applies as well if one has a live-in maid or just cleaning help and there is no one in the house to supervise the maid (*ibid* 118:10). It should follow that if one leaves his maid alone in the house, all food in the house that is not inherently recognizable as kosher (e.g. the cookies are stamped OSEM on them etc., or one recognizes the way his meat is generally prepared) should be forbidden to eat. It should be noted that if the maid is unsure when someone will be returning home, then one need not worry about the maid switching any food, for she will be scared to take any food so long as

someone might return home momentarily. This *heter* applies even if the person expected is not the owner of the house. For example, if one has children living at the house (and they are old enough to be aware if the maid attempts to switch any food, i.e. approximately from age 9 and older) and it's possible that one of his children will return home at any moment, or one's wife goes shopping but does not inform the maid that she will be gone for several hours, one may rely on the kashrus of the food in his house since the maid is unsure of the time frame she will be alone and will not steal food. This *heter* will not apply if the maid has the ability to lock the doors and prevent others from entering. If, however, the owner has a key and can get in from the outside even if the maid locks the door, one may rely on this *heter*. However, many times both spouses work, the children are in school, and the maid has 4-8 hours by herself in the house every day when she does not expect anyone to come home. In this situation, we must be concerned about the kashrus of food.

Generally, this *issur* only applies where there is a reason to suspect the maid stands to benefit from switching the food

(usually we are not concerned about a maid switching food to spite her employer; see *Aruch Hashulchan* 118:30). Therefore, if one would not have any reason to suspect sufficient motive for a switch, he need not worry about leaving the maid alone. However, there generally is reason to suspect a switch, as in the following plausible occurrences, where the maid was hungry so she ate the meat in the refrigerator and bought more on her next trip to the supermarket from the 'cheaper' aisle, or the homeowner constantly praises his superior quality meats and the maid wishes to taste a good bowl of 'cholent.' One solution which would allow for both spouses to be out of the house for an extended period of time would be to install a surveillance camera in the kitchen in a conspicuous place so that the maid realizes she may be watched at any moment. According to many *poskim*, this is enough of a deterrent to allow a maid to be alone with the food. These halachos also apply to having a maid prepare food for the family. Assuming there are no *bishul akum* issues (a topic worthy of its own article), one would only be permitted to taste his maid's cooking if the meat has a sign on it from

the time it is in the store until it is on his plate (a 'plumba') or he recognizes that this piece of meat is definitely the piece that he purchased. In the absence of these *simanim* one would be required to have a mashgiach oversee the cooking process, or at least have a 'yotzei venichnas' as described above, where someone is technically able to walk in at any moment and the maid is afraid of such an occurrence.

Yichud with Utensils

Leaving utensils alone with the maid is also problematic, for the utensils will then be considered *treif* (118:12, 122:9 and Ig" M Y.D. 1:81). In a situation where the maid is left alone without someone to oversee her or at the very least the possibility of someone entering at any moment, one would have to lock the cabinets where the utensils are kept in order to permit their subsequent use. Though there are poskim who permit one to be lenient in the case of a maid who has no cooking privileges (see *Shevet Hakehasi* 6:281) since any change in the location of items would be noticeable, nevertheless, one should not rely on this *heter* if the maid is a live-in and feels comfortable around the house, or if her responsibilities include working in the kitchen. One may rely on a surveillance camera in the kitchen, but a cheaper more practical solution would be to place locks on the cabinets. One who regularly leaves his maid alone in the house with unsupervised dishes or pots should speak to his rav regarding how to proceed. It has been quoted in the name of Harav Moshe Feinstein zt"l that this *issur* only applies to pots and pans that one would normally use when cooking for one's self, but a larger pot, such as a three-gallon soup pot which would not generally be used by a single individual, would not be affected by this *issur* and one would not have to kasher it.

One of the most common issues that can arise is *amira l'akum*, instructing a non-Jew to perform an action that is forbidden for the Jew to do himself. It is well-known that one is forbidden to ask a non-Jew to turn on a light or do a similar action on Shabbos, but many people are under the mistaken impression that it is permitted to 'hint' to a non-Jew to do the same action. Yet, Halachah is clear that one may not derive any benefit from an action that

is performed by a non-Jew for a Jew on Shabbos. The reason that there is a mistaken notion that this action is permitted is because one indeed may hint to a non-Jew to perform an action that will not result in any positive benefit, for example, turning off a light, or shutting off a noisy alarm etc. In these instances one has not instructed a non-Jew to do an action (for he only hinted to the non-Jew) and one did not receive any benefit from the non-Jew because no positive benefit resulted. It should be noted that hinting is permitted only when one does not express any form of request ("We need help because it's too dark/light in our room" is a request) but rather informs the maid of the situation, expecting her to come to the conclusion that you need help. If she asks if she should turn on the light, one must repeat his statement (at the risk of sounding bizarre) or say, "I may not tell you to do anything."

Exceptions to this general rule are instances when one may use this form of hinting to his maid even to turn on the light. These are described briefly below: If there are already lights on in the room and the light being turned on is just an additional light. This heter may be relied upon only if the action one wants to do would have been possible with the previous amount of light, and the original light is still burning. If the maid did the action for herself, i.e. she needed the lights, one would be permitted to subsequently benefit from them. It follows that if the lights are off in the dining room and one wishes to eat there, one may invite the maid into the dining room to eat a little bit of cake and she would then turn on the lights on her own initiative for her own sake.

A *melachah* that is only *d'rabbanan* may be performed by the maid for the fulfillment of a mitzvah, to avoid a substantial financial loss, for a person in pain or in a situation where not performing the *melachah* would cause disgrace and embarrassment. It should be noted that the basics for a Shabbos meal such as challah, wine, the main course etc. are considered a *mitzvah* necessity. (However, items not needed for the *seudah*, such as kugels and the like are not considered necessities.) Therefore, one may indeed ask a maid to perform a *melachah med'rabbanan* to procure the meal. An example would be to ask the maid

to carry these items through an area that does not have an *eiruv* but is not a *reshus harabim*.

An additional common scenario is having a non-Jew place an item in the oven etc. This is also only permitted if it is a *melachah d'rabbanan*; therefore, if it involves turning on a stove or flipping a circuit breaker it would be forbidden. However, if it involves merely placing the food on an existing flame then it is permitted. This is true only if the food is a dry food which was already completely cooked (dry chicken for the main course of a Friday night meal). If the item is in liquid form (a soupy cholent that was accidentally taken off the flame), it may not be replaced, for there are poskim who rule that case to be a *d'oraisa*. Nevertheless, the *Biur Halachah* (253 "lehachem") rules that if one has nothing else to eat one may rely on the lenient opinions that it is permitted to replace even a liquid food. Due to space constraints we cannot elaborate further on these *heterim*; one should consult with his Rov for additional practical applications.

Additionally, it should be noted that there are several instances where one may request from the maid explicitly to do a *melachah* as follows: During *bein hashmashos*, (which is only during the first 30 minutes after *shekiah l'chumrah* – see *Igros Moshe* O.C. 4:84:40), one may ask a maid to perform any *melachah* that will enhance the Shabbos. This includes turning on lights in a dining room/bathroom/den etc., or cooking anything (even non-essential items) so long as there are no *bishul akum* issues. An additional common Shabbos need is when one is too late to light the Shabbos candles and feels very bad about the situation. Since it would enhance the whole Shabbos, and it is only during *bein hashmashos*, one may ask the maid to light the candles (without a brachah, of course!). Additionally, during this period it would be permitted to have her perform any *melachah* to prevent a financial loss. For example, if one's car window was left open and an imminent storm is approaching, one may have a maid turn on the car to close the windows during *bein hashmashos*.

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