

In Hilchos Shabbos

You have heard the shaylos . . .
Now learn the issues & the opinions

Amazon Deliveries Part 1 – Ordering Packages which will arrive on Shabbos

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

A question which is becoming increasingly relevant is whether it is permitted to order a package which will arrive on Shabbos and whether a package which was delivered to one's home on Shabbos may be moved or even opened and used on Shabbos. We will continue to discuss the halachos of *Amira l'Akum* (as well as other halachos) and see how they affect opening and using packages on Shabbos. We will divide this discussion into two parts:

- Part 1: Ordering packages which will arrive on *Shabbos*
- Part 2: Receiving a package on Shabbos

Hiring a non-Jewish worker to perform work on Shabbos

As we discussed in the previous chapter, when one hires a non-Jewish worker there are two forms of arrangements which can be arranged: as a *Kablan* or as a *S'chir Yom*:

1. A *Kablan* - a worker hired to complete a job
2. A *S'chir Yom* – an hourly worker.

In the previous chapter we focused on the arrangement of a *S'chir Yom*, whose halachos regarding *Amira l'Akum* are more stringent. In this chapter we will discuss the arrangement of a *Kablan*, and some of the leniencies which apply to this category regarding *Amira l'Akum*.

The Halachos of a *Kablan*

The Shulchan Aruch¹ writes that "it is permissible to hire a non-Jew as a *Kablan* to perform a job which involves a *melacha* even though the non-Jew will perform the *melacha* on Shabbos." The Mishna Berura² explains that "since the Jewish employer did not tell the non-Jew that the job must be performed on Shabbos, it is the non-Jew who chooses to perform the *melacha* on Shabbos for his convenience."³ Therefore, since the non-Jew is not performing the *melacha* for the sake of the Jew, the prohibition of *Amira l'Akum* is not violated. For example:

- The Shulchan Aruch⁴ writes that "one may send a letter with a non-Jew, even on Friday afternoon." Although the non-Jew may deliver the letter on Shabbos, nevertheless, since the Jew did not specify that the letter must be delivered on Shabbos, it is the non-Jew who decided to perform the *melacha* on Shabbos and it is thus permitted.⁵
- The Shulchan Aruch⁶ writes that "one may give a garment to a non-Jewish cleaner on Friday afternoon." One need not be concerned that the non-Jew will clean the garment on Shabbos, because so long as he did not specify that the work be done on Shabbos it is permitted since the non-Jew performs the work on Shabbos for his own convince.⁷
- One may place an order on Amazon (using standard shipping) and does not need to be concerned that the package will arrive on Shabbos. Since there is a window of days which the package can be delivered and it was not specified that the package be delivered on Shabbos, there is no problem of *Amira l'Akum* as any *melacha* which the non-Jew performs is on his own initiative.⁸ (We will soon discuss ordering a package on Amazon Prime which will arrive on Shabbos.)

Instructing the non-Jew to perform a *melacha* on Shabbos

Although one may allow a non-Jewish *Kablan* to perform a *melacha* on Shabbos, the Shulchan Aruch⁹ writes that one may not tell the *Kablan* that the work must be performed on Shabbos. When the non-Jew is told to perform the *melacha* on Shabbos he becomes the *shaliach* of the Jew and he thus performs the *melacha* for the Jew, which violates the prohibition of *Amira l'Akum*.¹⁰ The Shulchan Aruch¹¹ adds that the Jewish employer may not instruct a non-Jewish *Kablan* even during the week to perform the work on Shabbos.¹² For example,

- The Shulchan Aruch¹³ writes that "one may not send a letter with a non-Jewish mailman on Friday and instruct him that it must be delivered on Shabbos," because he specified that the non-Jew do the *melacha* (of *Hotza*) on Shabbos. Similarly, the *poskim*¹⁴ rule that one may not send an overnight express mail on Friday so that it arrives on Shabbos since he is instructing the non-Jewish *Kablan* to perform a *melacha* on Shabbos.¹⁵
- The Shulchan Aruch¹⁶ writes that "one may not give his clothing on Friday to a non-Jewish cleaner and instruct him to clean his clothing on Shabbos," for this violates the prohibition of *Amira l'Akum*.

Indirectly instructing the non-Jew to perform the *melacha* on Shabbos

The Mishna Berura¹⁷ adds that even if one does not explicitly instruct the non-Jew to perform the *melacha* on Shabbos, but his instruction requires that the *melacha* must be performed on Shabbos, it is still prohibited. For example, the Mishna Berura writes that "one may not give a letter to a non-Jew on Friday and instruct him to deliver the letter to a somewhat distant city by Sunday, if the only way to deliver the letter to that city by Sunday is to travel on Shabbos." Similarly,

- The Mishna Berura¹⁸ writes that "one may not give his clothing on Friday to a non-Jewish cleaner and tell him that he needs his clothing immediately after Shabbos as he is traveling immediately after Shabbos. Since the only way for the non-Jewish cleaner to accomplish this is by cleaning the garment on Shabbos, it is as if he explicitly asked the non-Jew to work on Shabbos and the non-Jew becomes his messenger to perform the *melacha* on Shabbos."¹⁹
- One may not bring his car to a non-Jewish mechanic on Friday and tell him that he needs his car to be fixed and ready immediately after Shabbos, because this is as if he explicitly asked the mechanic to work on the car on Shabbos.²⁰

If the non-Jew states on his own that the *melacha* will be performed on Shabbos

The Mishna Berura²¹ adds that if the non-Jew on his own informs the Jew that he will perform the job on Shabbos it is permissible, because the Jew did not require that the *melacha* be performed on Shabbos rather it is the non-Jew who is decided on his own to perform the *melacha* on Shabbos for his own convince. For example,

- One may drop off his car at the mechanic on Friday afternoon so long as he does not specify that the work be done on Shabbos. Even if the non-Jew on his own offers and states that he will perform the work on Shabbos it is permitted since it is the non-Jew who decided to do so.²²
- One may place a letter in the mailbox on Friday afternoon, even though the non-Jewish mailman is scheduled to pick up the mail on Shabbos,²³ because the Jew did not specify that the non-Jew pick up the mail on Shabbos.²⁴ Although the times of pick up are posted on the mailbox and it is known that the non-Jew will pick up the mail on Shabbos it is nevertheless permitted since the non-Jew (i.e., the postal company) on their own is the one who stated that the mail will be picked up on Shabbos.²⁵

Ordering with Amazon Prime

Ordering a package with Amazon Prime can pose an issue of *Amira l'Akum*, because although they serve as a *Kablan* to deliver the package, if one chooses the delivery option that a package be delivered on Shabbos it would be as if he instructed the non-Jew to deliver the package on Shabbos. This may depend however on when the package was ordered:

- If one orders a package with Amazon Prime **on Friday**, he may not choose the delivery option for it to be delivered on Shabbos, because he is telling the non-Jew to deliver the package on Shabbos.²⁶ Even if one is not interested in the package to be delivered specifically on Shabbos it is nevertheless prohibited to request that the package be delivered on Shabbos.²⁷ [Unless one knows that it is technically possible for the package to be delivered before Shabbos.²⁸]
- If one orders a package with Amazon Prime **on Thursday**, he may choose a delivery option for Shabbos, because it is possible for the package to be delivered on Friday as well. If the non-Jew decides to deliver the package on Shabbos (and not on Friday) he does so for his convenience.

The Potential Leniency of *Amira l'Amira*

The Mishnah Berura²⁹ cites a dispute regarding asking a non-Jew to ask another non-Jew to perform a *melacha* on Shabbos, referred to as *Amira l'Amira* (instructing to instruct), and writes as follows:

"One must know that the prohibition of *Amira l'Akum* applies even if one asks a non-Jew to ask another non-Jew to perform a *melacha* on Shabbos. Nevertheless, since Chavos Yair was lenient and permits this (case of *Amira l'Amira*), one may be lenient in a time of great loss and rely on this opinion and ask a non-Jew to ask another non-Jew to perform a *melacha* on Shabbos."

Based on this, many *poskim*³⁰ rule that one may send an overnight package on Friday when there is a great need (or for a *d'var mitzva*³¹).³² Since the Jew gives the package to the non-Jewish postal worker who in turn gives the package to the non-Jewish delivery man who will deliver the package on Shabbos, it is considered a case of *Amira l'Amira* which is permitted in a time of great need or for a *d'var mitzva*.³³ For example,

- If an important letter or package needs to be delivered on Shabbos in order to avoid a substantial financial loss, one may rely on the lenient opinions who permit *Amira l'Amira* and send it on Friday using an overnight delivery.
- Someone whose car broke down and needs it repaired on Shabbos for immediate use after Shabbos in order to prevent a substantial financial loss, may take his car to the mechanic on Friday and instruct the receptionist have the mechanic fix his car on Shabbos. This is considered *Amira l'Amira* since the Jew did not instruct the mechanic directly, rather he instructs the receptionist who then tells the mechanic to perform the job.

- If there would be a great need to order an item with Amazon Prime on Friday to be delivered on Shabbos, one may rely on this lenient opinion who permit *Amira l'Amira*.

Newspaper Deliveries on Shabbos

It is worthwhile to review the issue of newspaper deliveries, which is related to our discussion here of *Kablan* and *Amira l'akum*. When one subscribes for Saturday newspaper, he is instructing the non-Jew to deliver the newspaper on Shabbos (violating the *melacha* of *Hotza* and the *melachos* involved with printing of the newspaper on Shabbos³⁴). Indeed, Rav Moshe Feinstein³⁵ ruled that ordering a Saturday subscription or a weekly subscription, which are delivered on Shabbos, violates the prohibition of *Amira l'akum*. Additionally, if the paper was delivered on Shabbos by a non-Jew, it is prohibited to benefit from the *melacha* performed and thus the newspaper may not be read on Shabbos (as we will discuss in more detail in the next chapter).³⁶

Likewise, the Debretziner Rav³⁷ writes, "Ordering a newspaper which is to be delivered on Shabbos is prohibited according to all opinions. There is no doubt in my mind that there isn't a single competent halachic authority who permits ordering a Saturday paper, because this is a clear Shabbos violation... In fact, it is a great wonder to me how the Rabbanim remain quiet about this and do not make people aware that it is prohibited to order a newspaper which is delivered on Shabbos. I personally have warned many people about this."³⁸

Permissible ways to subscribe for a newspaper

Ideally, one should subscribe only for the weekday paper and for the Sunday paper so that he avoids instructing the non-Jew to deliver a newspaper on Shabbos.³⁹ Some *poskim*⁴⁰ rule that if this is not possible (e.g., only the weekly subscription is available), one may order the weekly subscription if he informs the company that they should not deliver the Saturday paper at all.⁴¹ Even if it is the company will still send the paper on Shabbos, he may nevertheless order the weekly subscription since they are sending the paper on Shabbos on their own without the request of the Jew. [Nevertheless, as we mentioned, if they do send the newspaper on Shabbos, one may not benefit from the newspaper, and it may not be read on Shabbos.⁴² One may only benefit from the newspaper after Shabbos after the time of *K'dei she'yasu* – the time that it would have taken for the *melacha* to be performed.⁴³] However, other *poskim*⁴⁴ disagree and rule that even if one informs the company that he does not want the Saturday paper, if the non-Jewish company does not oblige to withhold the Saturday deliver he must cancel the subscription, because having a newspaper delivered to his home on Shabbos violates *Maris Ayin* as an onlooker may mistakenly assume that the newspaper was specifically ordered to be delivered on Shabbos.⁴⁵

Postscript: Maris Ayin – Workers entering one's property on Shabbos

There is an important topic which is related to the *halachos* of a *Kablan* which is peripheral to our discussion of deliveries on Shabbos but is nevertheless worth reviewing: the prohibition of *Maris Ayin*, a suspicious looking activity. The prohibition of *Maris Ayin* states that one may not perform an act which looks suspicious to an onlooker.⁴⁶ Therefore, the Shulchan Aruch⁴⁷ writes that one may not allow a *Kablan* to do work on his property on Shabbos. Although it is generally permitted to allow a *Kablan* to perform work on Shabbos (e.g., a mechanic or cleaners), so long as it is not specified that the work be performed on Shabbos, one may not allow the *Kablan* to work on his property because an onlooker who sees the non-Jew working on the Jew's property will suspect that the Jew explicitly told the *Kablan* to perform the job on Shabbos (which is prohibited).⁴⁸ For example,

- One may not allow a plumber, electrician, appliance repairman, or painter work in his home on Shabbos.⁴⁹ Although these are workers are considered *Kablanim* because they are hired to complete a specific job, it is nevertheless prohibited to allow them to work on one's property because of the prohibition of *Maris Ayin* as an onlooker may assume that the *Kablan* was explicitly asked to perform the work on Shabbos. Thus, the Mishna Berura⁵⁰ concludes that if the worker comes to one's house on Shabbos, he must be told that the work must be rescheduled for after Shabbos.⁵¹ (Regarding a situation where demanding that the worker leaves his home will cause the Jewish homeowner to incur a loss, see footnote⁵².)
- One may not allow construction workers to build or work on one's house on Shabbos.⁵³ It is obviously forbidden to explicitly instruct the workers to work on Shabbos, but it is even prohibited to allow the workers to work on his house even if they decided on their own to work on Shabbos. Although the workers are *Kablanim* and are technically working on their own behalf, allowing them to work on one's property violates the prohibition of *Maris Ayin* as an onlooker may assume that the *Kablan* was explicitly asked to perform the work on Shabbos.⁵⁴ Additionally, allowing the construction workers to build on Shabbos is considered a *Zilzul Shabbos* (a degradation of Shabbos),⁵⁵ as Rav Shlomo Miller⁵⁶ stated, "allowing construction workers to build one's home on Shabbos is a concern of a *Chillul Hashem*, because it is something which is done in public and is very evident to all, therefore allowing this is exceedingly severe."⁵⁷ (We will soon discuss benefiting from a home which was built on Shabbos.)
- If an appliance is delivered to one's home on Shabbos, one may not allow the non-Jewish deliveryman to enter his home and install the appliance on Shabbos because of the prohibition of *Maris Ayin*, as an onlooker may assume that the *Kablan* was explicitly asked to perform the installation on Shabbos.⁵⁸ However, one may instruct the non-Jewish deliveryman to bring the appliance into his house and direct him where he should place the appliance.⁵⁹

Zilzul Shabbos

In some situations, allowing a worker to perform work on one's home on Shabbos may not involve the prohibition of *Maris Ayin*, because it is common knowledge that the workers create their own schedules, yet may involve the prohibition of *Zilzul Shabbos* (a degradation of Shabbos). We will briefly discuss a few examples, some of which may involve *Zilzul Shabbos* and some which may not:

Gardeners

Although one may obviously not schedule a gardener to come garden his yard on Shabbos, as this would violate the prohibition of *Amira l'akum*, if one's gardener decides on his own to schedule the gardening on Shabbos it may not involve the prohibition of *Maris Ayin*. Since it is well known that gardeners set their own schedule as to which days to garden, an onlooker will not assume that the Jew specifically asked the gardener to come on Shabbos.⁶⁰

Nevertheless, allowing the gardener to work on one's yard on Shabbos involves the prohibition of *Zilzul Shabbos*, as allowing them to work on his garden on Shabbos creates a commotion which degrades the holy atmosphere of Shabbos.⁶¹

Garbage Collection

One may put garbage outside his house before Shabbos or *Yom Tov* to be collected by the city sanitation workers.⁶² Since these workers are *Kablanim* the prohibition of *Amira l'akum* does not apply.⁶³ Furthermore, the prohibition of *Maris Ayin* does not apply, because it is common knowledge that it is the city which sets the collection schedule and not the homeowner.⁶⁴ It is also not a *Zilzul Shabbos* to allow the workers to collect the garbage, because it is not an activity which creates a commotion and is not degrading to the sanctity of Shabbos.

Benefitting from a building which was built on Shabbos

The *poskim* discuss whether it is permitted to benefit from the work performed in public by a non-Jew on Shabbos. This is dependent on whether the actual prohibition of *Amira l'akum* was violated or only the prohibition of *Maris Ayin*. We will briefly discuss these *halachos*, one should consult a *Rav* for guidance if a situation arises.

If the actual prohibition of Amira l'akum was violated

The *Magen Avraham*⁶⁵ rules that if one instructs a non-Jew to work in public on Shabbos,⁶⁶ then he may never benefit from the work which was performed. For example, if one instructed non-Jewish construction workers to work on his house on Shabbos he may never benefit from the house, because the actual prohibition of *Amira l'akum* was violated.⁶⁷ However, the *Taz*⁶⁸ rules that even in such a case one may *b'dieved* benefit from the house, even though the prohibition of *Amira l'akum* was violated. A *rav* should be consulted on this issue.

If only the prohibition of Maris Ayin was violated

The Shulchan Aruch⁶⁹ rules that even if the actual prohibition of *Amira l'akum* was not violated but only the prohibition of *Maris Ayin* was violated (i.e., if a *Kablan* came on his own to do the work in public on Shabbos), it is nevertheless appropriate to not benefit from the work that was done on Shabbos. For example, if one allowed non-Jewish construction workers to work on his house on Shabbos it is appropriate that he never benefit from the house, because the prohibition of *Maris Ayin* was violated.⁷⁰ However, the Mishna Berura⁷¹ cites *poskim* who rule that *b'dieved* one may benefit from such work that was done on Shabbos.

The City of Rabbi Akiva Eiger

*Toldos Rabbeinu Akiva Eiger*⁷² relates the following story: *Rabbi Akiva Eiger (1761-1837) was the Rav in the city of Friedland (Poland) for many years. Once, a fire broke out which destroyed many houses in the city. At the time of the fire, Rabbi Akiva Eiger had been traveling to assist in the city of his father-in-law who passed away. When he returned to Friedland, he declared that as the houses are rebuilt, the owners must be careful to stipulate with the contractors that the workers not build on Shabbos or Yom Tov and to compensate them for not being able to work on Shabbos and Yom Tov. Everyone in the city adhered to the words of Rabbi Akiva Eiger except for one man who was considered the most respected and wealthiest man in the city who did not wish to listen to these instructions as he wished his house to be rebuilt quickly and wanted to the builders to work on Shabbos and Yom Tov. The first Shabbos arrived and all the people in the city stopped the builders from working on Shabbos, except this wealthy man who had the builders work on the house on Shabbos. The community was in shock and ultimately word of this reached Rabbi Akiva Eiger who send a letter warning the wealthy man that he must stop building his house on Shabbos and 'Anyone who breaches the fence will be bitten by a snake.' The wealthy man did not adhere to the warnings of Rabbi Akiva Eiger, and this continued for a couple of weeks. After several warnings to this man, Rabbi Akiva Eiger got up in shul and delivered a fiery derasha regarding the holiness of Shabbos and read the warning to the man publicly and concluded that his is sure that anyone whose home is built on Shabbos, the house will not remain standing. The wealthy man still did not adhere to warnings of Rabbi Akiva Eiger and continued to allow his home to be built on Shabbos until it was finally completed and stood tall as the most beautiful home in the city of Friedland. Several years later, one of the supportive beams of the wealthy man's house began to rot and collapsed. The contractor was called to inspect the house, and he found that all of the beams of the home had rotted, and the house had to be rebuilt from new. The contractor was at a loss to understand how all the houses which were built in the city, all built of wood from the same forest. Everyone in the city though realized and understood the cause of this incident.*

¹ 244:1

² 244:2

³ This is permitted only when the non-Jew is considered a *kablan* – a worker hired to complete a job – however, when the non-Jew is considered a *S'chir Yom* – a worker hired for a set amount of time – it is always prohibited to allow the non-Jew to perform a *melacha* on *Shabbos* since it is always viewed as if he is performing the *melacha* for the sake of the Jewish employer, as we discussed in the previous Chapter, Cleaning Help.

⁴ 247:1

⁵ Mishna Berura 247:1

⁶ 252:2

⁷ Mishna Berura 252:12

⁸ Piha Pascha b'Chachma 20:1:2

⁹ 247:1

¹⁰ Aruch HaShulchan 247:6

¹¹ 247:1, 307:2

¹² Mishna Berura 307:12

¹³ 247:1

¹⁴ Shmiras Shabbos K'hilchaso 31:21; Minchas Yitzchok 6:18; Teshuvos V'Hanhagos I, O.C. 278:2; Orchos Shabbos 23:109

¹⁵ Orchos Shabbos (ibid) adds that this is prohibited even if the Jew does not specifically care whether the letter is delivered on Shabbos or even on Sunday of Monday, since he specified that the letter be delivered on Shabbos it is prohibited.

¹⁶ 252:2

¹⁷ 247:4

¹⁸ 252:16

¹⁹ **Asking the non-Jew to have the clothing ready early Sunday (or Monday) morning.** There is an important point which needs to be clarified: If one asks a dry cleaner to have his clothing ready first thing Sunday morning, is it considered as if he asked the non-Jew to clean his clothing on Shabbos? On the one hand, since the non-Jew can theoretically clean the clothing on *Motzai Shabbos*, the Jew did not require him to perform the work on Shabbos; rather it was for his own convenience that he performed the work on Shabbos. On the other hand, since it is not reasonable or practical to assume that the non-Jew will perform the work on *Motzai Shabbos*, since cleaners are typically closed at night, and we must consider it as if the Jew explicitly asked the non-Jew to perform the work on Shabbos.

A similar question: If one asks a non-Jewish cleaner to have his clothing ready first thing Monday morning (when the cleaners are closed on Sunday), is it considered as if he asked the non-Jew to clean his clothing on Shabbos? Since the cleaners are closed on Sunday, perhaps it is not reasonable to assume that the non-Jew will clean the clothing on Sunday when they are closed.

Opinion #1: Some *poskim* rule leniently, that since the non-Jew can technically work at night or on Sunday, we consider it as if the non-Jew is choosing on his own to work on Shabbos. Thus, it is permitted to ask the non-Jew to have his clothing ready first thing on Sunday or Monday. (Toras Chaim, Rav Yaakov Moshe Sofer, 247:14; Toras Shabbos 247:15; Igros Moshe O.C. 4:53, d"h d'hinei.)

Opinion #2: Other *poskim* rule stringently; since the Jew knows that the non-Jew does not work at night or on Sundays, it is as if he told the non-Jew to work on Shabbos. Thus, it is prohibited to ask the non-Jew to have his clothing ready first thing on Sunday or Monday. (Chemdas Shlomo 9:3:1:4; Maharay Asad (56); Imrei Yosher 1:42; Orchos Shabbos 23:167, note 330; Nishmas Shabbos 5:118; Piha Pascha b'Chachma vol. 2, Teshuva 10, 10; 39 Melochos p. 79.) Indeed, the Mishna Berura (244:24, citing the *Taz*) seems to rule in accordance with this opinion.

Nishmas Shabbos (5:118) rules however, that this dispute applies only in a case where the non-Jewish cleaner is in a position where he can choose to perform the work on *Motzai Shabbos* or Sunday, for example, he can perform the service by himself. However, very often the non-Jewish cleaner has workers who perform the work, and they would not be willing to work on *Motzai Shabbos* or Sunday, and in this case, it is not practical to expect the non-Jewish cleaner to perform the work since his workers are not available then. Therefore, in such a case, according to all options it would be prohibited to ask the non-Jewish cleaner to have the clothing ready for first thing Sunday or Monday morning.

²⁰ Piha Pascha b'Chachma 2:18:3; 39 Melochos p. 78. See previous fn. regarding having the car ready first thing on Sunday (or Monday).

²¹ 247:3

²² See however Piha Pascha b'Chachma (vol. 2, Teshuva 10, 10) who suggests that perhaps this case is more stringent since once the non-Jew told the Jew that he will fix the car immediately after Shabbos the non-Jew feels a responsibility to fulfill his promise which he told the Jew, albeit on his own will, because the Jew is depending on him to have his car ready for after Shabbos. Thus, perhaps we must consider that the non-Jew is performing the *melacha* for the sake of the Jew.

²³ Sha'arim Metzuyanim b'halacha (73:5) writes that "in an area where the postal workers are Jewish one would not be allowed to place the letter in the mailbox on erev Shabbos as this would cause a Jew to violate Shabbos and would be prohibited under *Lifnei Iver*. However, in an area where the [majority of] the postal workers are non-Jewish, one may send the letter and does not need to be concerned that there are also Jewish workers who may handle the letter on Shabbos." However, Rav Moshe Feinstein (Igros Moshe O.C. 3, end of 46) writes that "one should not place a letter in the mailbox on erev Shabbos even in a place where it is common for the minority of the postal workers to be Jewish, so long as it is common for there to be Jewish postal workers in that area, such as in New York and Brooklyn. Although they are the minority it is still appropriate to be stringent and not place the letter in the mailbox on erev Shabbos. However, in a place where it is not common at all for there to be Jewish postal workers, one may place a letter in the

mailbox on erev Shabbos." However, the Nishmas Shabbos (5:116) writes that "it seems to me that this ruling [of Reb Moshe Feinstein] is an extreme stringency, because we follow the majority of workers and if the majority of postal workers in an area are non-Jewish one does not need to be concerned that perhaps a Jewish postal worker will handle his mail on Shabbos."

However, if one knows that the postal worker who picks up the mail in his neighborhood each day is Jewish, he should refrain from putting a letter in the mailbox on erev Shabbos since this would be causing a Jew to violate a *melacha* on Shabbos and would be prohibited under *Lifnei Iver*.

²⁴ Shvus Yaakov 2:42; Orchos Shabbos 23:108; Shmiras Shabbos k'hilchaso 31:21; Nishmas Shabbos 5:116; Commerce and Shabbos p. 131

However, some *poskim* rule that one may not leave a letter in his personal mailbox on Friday afternoon and lift a flag which instructs the non-Jewish mailman to take his letter, since this is tantamount to instructing the non-Jew to perform a *melacha* on Shabbos (Piha Pascha b'Chachma vol. 2, 19:2; Commerce and Shabbos pp. 132-134). However, if one merely places the letter in his personal mailbox on erev Shabbos but does not lift the flag, is permitted because the non-Jew comes and takes the letter on his own [just as we discussed regarding placing a letter in a mailbox] (Commerce and Shabbos, ibid). On the other hand, Matnas Avraham (2, p. 407) permits lifting the flag of his personal mailbox, because although the flag informs the non-Jewish mailman that there is a letter in the mailbox it does not instruct him to take the letter and deliver it specifically on Shabbos. Nevertheless, he recommends that one be stringent and take the letter to the public mailbox rather than place it in his private mailbox on erev Shabbos.

²⁵ Shvus Yaakov 2:42; Orchos Shabbos 23:108, note 213; Shmiras Shabbos k'hilchaso 31:21, note 63; Commerce and Shabbos p. 131, note 57

²⁶ Piha Pascha b'Chachma 20:1:1; Rabbi Tsvi Heber (COR, Pesach 2020); Hilchisa d'Malkisa p. 176, n. 47; Commerce and Shabbos p. 146.

Winter months. During the winter months when Shabbos ends earlier in the day (e.g., 6:00pm) it would be permitted to order the Amazon package because it is realistic to assume that the package may be delivered at night after Shabbos has ended (Piha Pascha b'Chachma (20, n. 3)

²⁷ Hilchisa d'Malkisa p. 176, n. 47

²⁸ Hilchisa d'Malkisa p. 176, n. 46

²⁹ 307:24

³⁰ Minchas Yitzchak 6:18; Nishmas Shabbos 5:117; The Aura of Shabbos p. 81; Piha Pascha b'Chachma vol. 2:19:3; Commerce and Shabbos p. 141

³¹ Piha Pascha b'Chachma vol. 2:19:3

³² **The leniency of the Chasam Sofer.** In truth, since in our case, the *Amira l'Amira* took place before Shabbos, there is stronger reason to permit this, even when it is not in a time of great need. The Biur Halacha (307:2, d"h v'afilu) cites the opinion of the *Chasam Sofer* (O.C., 60) who rules that *Amira l'Amira* is permitted when it is done before Shabbos. Still, the Biur Halacha is hesitant to rely on this leniency and brings a proof against the opinion of the *Chasam Sofer*. [See however, Machzeh Eliyahu (1372) where he defends the position of the *Chasam Sofer*.]

³³ Piha Pascha b'Chachma vol. 2:19:3

³⁴ Commerce and Shabbos p. 151

³⁵ Cited by *The Sanctity of Shabbos* (p. 83, note 10) and Rav Shmuel Felder (Practical & Relevant Hilchos Shabbos p.191)

³⁶ Piha Pascha b'Chachma 2:19:5.

³⁷ Beer Moshe 6:66

³⁸ The Debretziner Rav (ibid) continues to describe the extent of the *Zilzul Shabbos* ordering a newspaper to be delivered on Shabbos can cause. "With my own eyes I have seen on Shabbos morning, a Jewish man open his front door dressed in his pajamas and get the newspaper which had just been delivered by the delivery boy. There is no doubt that this man took the paper and went back into his bed to read, and this is a great *Chilul Shabbos* and degradation to the holiness of the holy day in a powerful way. In fact, it is a great wonder to me how the Rabbanim remain quiet about this and do not make people aware that order a newspaper to be delivered on Shabbos is prohibited. I personally have warned many people about this and told them about what my own eyes have seen. Therefore, there remains an obligation on a person who already has a subscription for a newspaper to be delivered on Shabbos to cancel the subscription and if he cannot cancel the subscription to at least tell the non-Jewish company not to deliver the newspapers on Shabbos. However, the ideal thing to do is not to get involved in subscribing for a newspaper which will be delivered on Shabbos. If someone already has a subscription and can entirely cancel his subscription, blessing will be bestowed upon him, and he will repent and he will gain forgiveness."

³⁹ *The Sanctity of Shabbos* p. 83

⁴⁰ Rav Shlomo Miller (Commerce and Shabbos pp. 149-150, note 96 and 97).

⁴¹ *The Sanctity of Shabbos* p. 84, note 10 from the Debretziner Rav and Rav Menasha Klein; Commerce and Shabbos p. 149.

⁴² Beer Moshe 6:66; Rav Yisroel Belsky (Hilchos Shabbos based on the teachings of Harav Yisroel Belsky, p. 75); Commerce and Shabbos p. 152; Piha Pascha b'Chachma 2:19:5.

⁴³ Beer Moshe, ibid; Rav Yisroel Belsky, ibid; Commerce and Shabbos, ibid, note 102; Piha Pascha b'Chachma, ibid.

⁴⁴ *The Sanctity of Shabbos* (pp. 83-84)

⁴⁵ See fn. 42 below where we discuss this dispute regarding whether the concern of Maris Ayin applies in this case where there is no suspicion that the non-Jew was told on Shabbos to deliver the newspaper, but only that he was told before Shabbos to deliver the newspaper on Shabbos.

⁴⁶ Rav Moshe Feinstein (Igros Moshe O.C. 2:64 *d"h v'lamah*) explains that when someone performs a suspicious looking act there are really two concerns: 1) The onlookers will come to think that the sin they believe that they are seeing is not so severe or entirely permitted, 2) The onlookers will look badly at the person they believe is performing the sin.

⁴⁷ 252:2; see Mishna Berura 252:17

⁴⁸ The Mishna Berura (252:17) explains that there are really two concerns with allowing a *Kablan* to work on one's property on Shabbos: 1) An onlooker may assume that the worker is a *S'chir Yom* and not a *Kablan*, 2) Even in a situation where it is obvious that the worker is a *Kablan* and not a *S'chir Yom*, the *Chai Adam* writes that there is an additional concern that an onlooker may assume that the employer explicitly requested that the worker perform the job on Shabbos, which is prohibited. [Some *poskim* argue that this second concern of *Maris Ayin* applies only when an onlooker may mistakenly think that the non-Jew was asked on Shabbos to perform a *melacha*, but there is no concern of *Maris Ayin* that an onlooker may mistakenly think that the non-Jew was asked before Shabbos to perform a *melacha* on Shabbos (see Commerce and Shabbos, *siman* 5). However, other *poskim* disagree and rule that the concern of *Maris Ayin* applies even when an onlooker may mistakenly assume that the non-Jew was asked before Shabbos to perform the *melacha* on Shabbos (see *Piha Pascha b'Chachma* 2:17:3, n. 11)]

⁴⁹ *The Sanctity of Shabbos* p. 72; Commerce and Shabbos p. 37

⁵⁰ Mishna Berura 242:22

⁵¹ **Allowing a non-Jewish electrician to restore electricity.** If there is a power outage and a non-Jewish electrician comes to one's home on Shabbos to restore the power, it is permissible to allow him to restore the power if there are sick people or young children at home (Commerce and Shabbos p. 126). As we discussed in Chapter Seven, the prohibition of *Amira l'Akum* is waived for a *choleh she'ein bo sakana* (a sick person who is not in life-threatening danger) and one may ask a non-Jew to perform even a *melacha d'Oraisa* on their behalf. Therefore, the prohibition of *Maris Ayin* does not apply as it would be permitted to even explicitly ask a non-Jewish electrician to restore the electricity in this situation. However, if there are no sick people or young children at home, one may not allow the electrician to restore the electricity on Shabbos (Commerce and Shabbos p. 127). Nevertheless, in a time of great need and the lack of electricity is causing great discomfort (or certainly if there is any possibility of danger, e.g., at nighttime) there is room to be lenient and allow the non-Jewish electrician to restore the electricity on Shabbos; one should consult a Rav. Additionally, if the electricity is needed to heat one's home, then it would be permitted to allow the non-Jewish electrician to restore the electricity since, as we discussed in Chapter Seven, the Shulchan Aruch (276:5) considers all people to be "ill" regarding the cold weather.

⁵² The Mishna Berura (242:22) adds that if the homeowner will incur an additional fee for having the worker return a second time, the halacha depends on whether the worker was explicitly told *not* to come on Shabbos: If the worker was told not to come on Shabbos, then the owner is not required to suffer the additional loss and may allow the worker to perform his work on Shabbos. However, if the worker was not specifically told not to come on Shabbos, the worker may not be allowed to perform the work on Shabbos and the homeowner must suffer the additional loss.

[If the worker requests one's signature upon the completion of the job, one may not ask the non-Jew to sign on his behalf (as this violates *Amira l'Akum*). Rather the Jewish homeowner should merely inform the non-Jew that it is forbidden for him to sign on

Shabbos and allow the non-Jew to sign on his own; this is permitted since the prohibition of *Amira* is avoided and there is also no positive *Ha'anah* which the Jew receives (see Chapter Six) (Commerce and Shabbos p. 119).]

⁵³ *The Sanctity of Shabbos* p. 99.

Hiring a company to shovel the snow from one's property. If someone hired a company to shovel his property each time it snows, and they come on Shabbos to shovel the snow, if only a minimal amount of snow fell and does not pose a danger, one may not allow them to shovel the snow. Firstly, *Piha Pascha b'Chachma* (2:18:10) writes that we must consider this case to be as if the Jew specifically asked the non-Jew to perform the *melacha* on Shabbos, since the non-Jew is hired to shovel the snow on the day it falls (i.e., Shabbos). Secondly, Nishmas Shabbos (5:150) writes that this would also be prohibited due to the prohibition of *Maras Ayin* since the work is done on the property of the Jew. However, if a significant amount of snow falls and may cause someone to slip and get hurt, he may certainly allow them to shovel the snow, he may even ask them explicitly to shovel the snow on Shabbos (Nishmas Shabbos, *ibid*).

⁵⁴ 39 *Melochos* p. 84

⁵⁵ See *The Sanctity of Shabbos* p. 99 where he writes that this is prohibited under the prohibition of *Zilzul Shabbos* and not *Maras Ayin* because people will not assume that one asked the builder to work on Shabbos. However, in an area where it is common for people to ask the construction worker to specifically work on Shabbos (e.g., so that the building or construction will be completed sooner) the prohibition of *Maras Ayin* would apply as well.

⁵⁶ Cited in Commerce and Shabbos p. 36, note 41

⁵⁷ *The Sanctity of Shabbos* p. 99

⁵⁸ Commerce and Shabbos p. 120

⁵⁹ Magen Avraham 307:29 (even though the appliance is *muktza*). However, once the appliance is set down on the floor, one may not ask the non-Jew to move it to a different place (Commerce and Shabbos pp. 120-122).

⁶⁰ *The Sanctity of Shabbos* p. 75; Nishmas Shabbos 5:149

⁶¹ *The Sanctity of Shabbos* p. 76; 39 *Melochos* p. 83; Commerce and Shabbos p. 45

⁶² One must be careful to move the garbage cans to the front of the house before Shabbos or Yom Tov since the cans are *muktza* as they are a *Bosis* to the garbage which is *muktza* (*Hilchisa d'Malkisa* pp. 175-176). Similarly, after the garbage cans are emptied by the garbage men, they remain *muktza* and one may not return them to the back of his home (*ibid*).

⁶³ *Hilchisa d'Malkisa* p. 175

⁶⁴ *The Sanctity of Shabbos* p. 84; 39 *Melochos* p. 86

⁶⁵ Cited in the Mishna Berura (244:19), based on the ruling of the Shulchan Aruch (325:14)

⁶⁶ By either explicitly instructing the non-Jew to work on Shabbos or by allowing a *S'chir Yom* to work on Shabbos (Mishna Berura (242:19)

⁶⁷ *Orchos Shabbos* 23:174

⁶⁸ Cited in Mishna Berura (244:19)

⁶⁹ 244:3

⁷⁰ *Orchos Shabbos* 23:174

⁷¹ 244:20

⁷² Pp. 9-10