

ON SHABBOS, IS IT PERMITTED TO...

by Rabbi Doniel Neustadt

QUESTION: ... send a letter or a package on Friday with instructions to deliver it on Shabbos?

DISCUSSION: Amirah l'akum, giving instructions to a non-Jew to do an action which would be forbidden for a Jew to do on Shabbos, is prohibited. (1) It makes no difference whether the Jew's command is given on Shabbos or before Shabbos. Accordingly, it should be forbidden to instruct a non-Jew to deliver an overnight package on Shabbos, since there are several prohibitions involved in delivering mail on Shabbos.(2)

When necessary, however, there is room for leniency. There are some poskim (3) who hold that only a direct command to a non-Jew is forbidden. Instructing a non-Jew to instruct another non-Jew - amirah l'amirah - is permitted. Not all poskim agree with this leniency. Mishnah Berurah(4) rules that one can rely on this view only to avoid a major financial loss (hefsed gadol). Other poskim(5) rule that one may rely on this view only in a case of great need (tzorech gadol). It follows, therefore, that one is permitted to send an overnight letter to be delivered on Shabbos in case of great loss or great need, since the command to deliver the item is not given directly to the delivery man but to another non-Jew.(6)

There are several other arguments for permitting one to have a letter delivered on Shabbos:

1. Firstly, the Chasam Sofer(7) rules that even those who prohibit instructing a non-Jew to instruct another non-Jew would permit it if the Jew's instructions were given before Shabbos.(8)
2. Secondly, some poskim(9) hold that if the second non-Jew does not know that he is doing a melachah for a Jew, then it is clearly permitted for the Jew to instruct a non-Jew to tell another non-Jew to do a melachah.
3. Thirdly, some poskim(10) argue that mailmen do not work for the sender but for the government [or a private company] Postal Service, which has an interest in mail being delivered. They are not delivering the mail because the Jew asked them to do so, but because they are employees of the Service. They are not considered, therefore, as doing something for the Jew. Mail delivery is similar to garbage collection in which the garbage men are not working for the homeowner but for the city government.(11)

All these reasons are sufficient to permit a letter to be sent with instructions to deliver it on Shabbos, even when the situation is not necessarily one of averting a major loss or filling a great need. Obviously, if there is no need or urgency, one should not rely on the above arguments.(12)

When a letter arrives on Shabbos, the recipient should not take it directly from the mailman's hands. Rather, he should allow the mailman to place the letter in the mailbox or in the house. The reason for this is that we do not want the Jew to inadvertently carry the letter into the house, an act which may be Biblically forbidden.⁽¹³⁾ Possibly, therefore, if there is an eiruv, one may take the letter directly from the mailman's hands.⁽¹⁴⁾ Some poskim maintain that even though the letter or package originated outside the techum Shabbos, it is not muktzeh⁽¹⁵⁾-unless it contains a muktzeh item, such as money, bills, important documents, etc.

QUESTION: ... brush one's teeth, with or without toothpaste?

DISCUSSION: The consensus of contemporary poskim is that it is forbidden to use toothpaste on Shabbos⁽¹⁶⁾. Their main concern is that applying toothpaste to the teeth or the brush could result in a transgression of the prohibited Shabbos Labor of Memareiach, smoothing.

Brushing without toothpaste is permitted,⁽¹⁷⁾ provided that the following conditions are met:

4. Use a toothbrush that is designated for Shabbos use only.⁽¹⁸⁾ Some poskim require that the Shabbos toothbrush also look different from the weekday one, e.g., be of a different color or style.⁽¹⁹⁾
5. Use a soft brush so as not to irritate the gums and cause bleeding. [People with extremely sensitive gums who bleed whenever they brush their teeth may not use a toothbrush at all.]
6. To avoid the prohibition of Sechitah, squeezing, a dry toothbrush should be used. It is, however, permitted to rinse the mouth with cold water first and then use the toothbrush.⁽²⁰⁾
7. The toothbrush should not be rinsed off after it is used unless it is going to be used again on that same Shabbos.⁽²¹⁾

QUESTION: ... make guacamole (a semi-liquid dip made from mashed avocado, lemon juice, dressing or mayonnaise)?

DISCUSSION: Making an avocado dip might entail a violation of the forbidden Shabbos Labor of Tochen, Grinding. In order to avoid Tochen according to all opinions, one should mash the avocado with the handle of a fork, spoon or knife immediately before the avocado dip is to be eaten. ⁽²²⁾ To better understand why this is recommended, we must first list three points of dispute among the authorities:

8. There is a dispute among the poskim as to whether or not mashing is considered grinding.⁽²³⁾
9. There is a dispute among the poskim whether or not grinding food immediately before it will be eaten is permitted.⁽²⁴⁾
10. There is a dispute among the poskim whether or not it is permitted to grind in an abnormal manner, i.e., using the handle of a knife, fork or spoon.⁽²⁵⁾

Therefore, in order to satisfy all of the views, it is advisable to mash an avocado in an abnormal

manner and to do so right before the meal. But clearly, one may rely on the authorities who allow even normal grinding right before a meal or abnormal grinding even not immediately prior to a meal.(26)

The lemon juice, dressing or mayonnaise may be poured onto the mashed avocado and mixed with it. There is no question of transgressing Lishah, Kneading, since kneading is only prohibited when liquid is used to create a single mass from loose particles, which is not the case here.

The lemon juice may also be squeezed from a fresh lemon, since there is no question of Sechitah, Squeezing, when the juice of a fruit is squeezed directly into a solid food(27) - as long as most of the juice is absorbed by the food.(28)It is forbidden, however, to squeeze juice out of a lemon into an empty dish and then add the avocado to it.

FOOTNOTES:

- 1** This is a Rabbinic prohibition. A minority opinion considers this to be a Biblical prohibition; see Sha'ar ha-Tziyun 243:7.
- 2** If the overnight mail is delivered to the house together with the rest of the mail, it is permitted to be sent, since the mailman is not doing a special melachah for the Jew; see Chelkas Yaakov 1:65. But usually, overnight mail is delivered separately from the regular mail.
- 3** Chavos Yair 53.
- 4** 307:24, quoting the Sefer ha-Chayim.
- 5** Responsa M'harsham 2:136, quoting the Shvus Yaakov 2:42.
- 6** M'harsham, ibid. and in Da'as Torah 247:1; Az Nidberu 3:36.
- 7** O.C. 60.
- 8** See Beiur Halachah 307:2, who quotes this Chasam Sofer and comments that from the Rashba it seems that this is not so, that even during the week it is prohibited. But see Zichron Yosef 97 (quoted in Machazeh Eliyahu 37) who explains that there is no contradiction between the Rashba and the ruling of the Chasam Sofer.
- 9** Mishneh Sachir 73 quoting M'harshag. See also Chasam Sofer C.M. 185.
- 10** Pri Megadim 247:3 according to the explanation of Machazeh Eliyahu 37.
- 11** Possibly, this argument could be advanced to include employees of a private company as well.
- 12** See Minchas Yitzchak 6:18, who is hesitant about permitting this, although the author says that many people are lenient.
- 13** Mishnah Berurah 307:56.

14 See Sha'ar ha-Tziyun 307:66.

15 Mishnah Berurah, *ibid.* and Beiur Halachah who explains that although a letter is not a keli and therefore subject to the prohibition of muktzeh, it is nevertheless permitted to carry since one can use a letter to cover a bottle (or as a bookmark). Harav S.Z. Auerbach (printed responsum in Sefer Tiltulei Shabbos, pg. 13) rules that even nowadays one can rely on this. Igros Moshe O.C. 5:21-5; 22:5 does not agree with this leniency. Harav Y.S. Elyashiv is also hesitant about this (see Shalmei Yehudah 12, note 21).

16 Igros Moshe O.C. 1:112; Seridei Eish 2:28; Minchas Yitzchak 3:48; Shevet ha-Levi 5:45; Tzitz Eliezer 7:30. [While a minority opinion permits using toothpaste - see Ketzos ha-Shulchan (Badei ha-Shulchan 138:31), Yabia Omer 4:28 and Nefesh ha-Rav, pg. 168 - it is universally accepted not to do so.]

17 See Minchas Shelomo 2:35:3.

18 Based on Mishnah Berurah 327:10.

19 Minchas Yitzchak 3:50.

20 Igros Moshe, *ibid.*; Shevet ha-Levi, *ibid.*

21 Igros Moshe, *ibid.*

22 For a halachic definition of what "immediately" means, see pgs. 262-263.

23 Igros Moshe (O.C. 4:74, Tochen 2) and Yechaveh Da'as 5:27 rule that mashing is not synonymous with grinding; grinding is only when an item is ground into tiny particles, like flour, not when it is mashed into one [or several] large - albeit very soft - piece. Chazon Ish (O.C. 57) strongly disagrees and maintains that mashing is a more serious transgression than plain grinding.

24 Mishnah Berurah 321:45 quotes both views and does not object to those who follow the lenient opinion. Many other poskim also rule leniently (see Pri Megadim, Shulchan Aruch Harav, Aruch ha-Shulchan and Igros Moshe *ibid.*), while Chazon Ish (O.C. 57) disagrees and prohibits grinding and mashing even when done immediately before the meal. See also Kitzur Shulchan Aruch 80:21 who rules stringently.

25 Many poskim, including Mishnah Berurah (321:25), Chazon Ish (O.C. 57) and Igros Moshe (O.C. 4:74, Tochen 2), rule leniently on this issue. But several others maintain that grinding abnormally is only permitted when done immediately prior to the meal; (Kaf ha-Chayim 321:37, quoting Olas Shabbos; Aruch ha-Shulchan 321:12; Eglei Tal, Tochen 30, 5).

26 It is difficult, however, to rely on the argument that mashing is not grinding, since Igros Moshe himself seems to rely on this argument only when the mashing is done right before the meal. See also Shevet ha-Levi 7:92 who disproves Igros Moshe's ruling from Rabbeinu Chananel.

27 O.C. 320:4.

28 Mishnah Berurah 505:5

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