

# OVERNIGHT MAIL ON FRIDAY FOR SHABBOS

*by Rabbi Doniel Neustadt*

**Question:** Is it permissible to send a letter or a package on Friday with specific instructions to deliver it on Shabbos?

**Discussion:** Amirah l'akum, giving instructions to a non-Jew to perform a Shabbos Labor 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[2]. Accordingly, it should be forbidden to instruct a non-Jew on Friday to deliver an overnight package on Shabbos, since there are several prohibitions involved in delivering mail on Shabbos[3].

When necessary, however, there is room for leniency. There are some poskim[4] 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[5] rules that one can rely on this view only to avoid a major financial loss (hefsed gadol). Other poskim rule that one may rely on this view only in a case of great need (tzorech gadol)[6]. 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 rather to another non-Jew[7].

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

- Firstly, the Chasam Sofer[8] rules that even those who prohibit instructing a non-Jew to instruct another non-Jew would permit it if the Jew's instructions to the first non-Jew were given before Shabbos[9].
- Secondly, some poskim hold that if the second non-Jew is not aware 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[10].
- Thirdly, some poskim[11] argue that mailmen do not work for the sender but rather for the government Postal Service (or a private company), 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 rather for the city government[12]. 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[13].

Question: What may the recipient do when an overnight letter arrives on Shabbos?

Discussion: Most of the time a letter sent overnight will contain one or several muktzeh items, such as money, bills, important documents related to business activity, etc. It is, therefore, forbidden to take the letter directly out of the hands of the delivery person. But even in the event that the recipient knows that there are no muktzeh items in the package, it is still debatable whether or not the recipient is permitted to take the letter directly out of the delivery man's hands, and it is strongly recommended that one not do so, for the following reasons:

- Several poskim are of the opinion that a sealed envelope which cannot be opened on Shabbos is muktzeh, since it is not a utensil and it has no other use[14]. A minority opinion holds that it is not muktzeh since it can be used as a bookmark[15].
- An overnight letter that was delivered on Shabbos was probably outside of the techum Shabbos before the onset of Shabbos. Some poskim hold that a letter that originated from outside the techum Shabbos is muktzeh. Other poskim disagree[16].
- When any 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[17]. Possibly, however, if there is an eiruv, one may take the letter directly from the mailman's hands[18].

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1. *This is a Rabbinic prohibition. According to a minority opinion, it is considered a Biblical prohibition; see Sha'ar ha-Tziyun 243:7.*

2. O.C. 307:2.

3. See Chelkas Yaakov 1:65.

4. Chavos Yair 53.

5. 307:24, quoting the Sefer ha-Chayim.

6. Maharsham 2:136, quoting the Shvus Yaakov 2:42.

7. Maharsham 2:136, and in Da'as Torah 247:1; Az Nidberu 3:36.

8. O.C. 60.

9. See Beiur Halachah 307:2, who quotes this Chasam Sofer and comments that from the Rashba it seems that this is not so, that amirah l'amirah is forbidden even during the week. 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, and that amirah l'amirah before the onset of Shabbos is permitted.

10. Mishneh Sachir 77 quoting Maharshag. See also Chasam Sofer, C.M. 185.

11. Peri Megadim 247:3 according to the explanation of Machazeh Eliyahu 37.

12. Possibly, this argument could be advanced to include employees of a private company as well.

13. See Minchas Yitzchak 6:18, who is hesitant about permitting this, although he concedes that many people are lenient.

14. Igros Moshe, O.C. 5:21-5; 22:5; Rav Y.S. Elyashiv (see Shalmei Yehudah 12, note 21). See Hebrew Notes, pg. 570-571, for further elaboration.

15. Rav S.Z. Auerbach (Shulchan Shelomo 308:4-3).

16. See Mishnah Berurah 307:56 for the various views. Igros Moshe, O.C. 5:21-5; 22-5, rules stringently.

17. Mishnah Berurah 307:56.

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

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Rabbi Neustadt is the Yoshev Rosh of the Vaad Harabbonim of Detroit and the Av Beis Din of the Beis Din Tzedek of Detroit. He could be reached at [dneustadt@cordetroit.com](mailto:dneustadt@cordetroit.com)

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