

Sending Mail Before Shabbos

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I. Introduction - What may be the problem?

One is not permitted to ask a non-Jew to perform a *melacha* that he would not be able to perform himself on Shabbos. This is true regardless of whether the instructions were given before or on Shabbat. It would therefore seem that one may not send a package to be delivered on Shabbos because he is essentially asking the non-Jew to violate *melachot* (prohibited activities) for him on Shabbat. It would seem that this problem is far more severe when dealing with overnight deliveries that are sent on Friday with the clear intent on having the package delivered on Shabbat.

II. Sending mail.

A. *Regular mail.* The *Shulchan Aruch* 247:1 explicitly rules that when there are predetermined postal fees one may drop a letter in a mailbox on Friday. This is true even if the letter is placed in the mailbox immediately prior to the onset of Shabbat. The *Mishna Berura* (ibid.:3) explains that this is even permissible if the postman guarantees next day delivery because the decision to deliver it on Shabbat is purely in the hands of the non-Jew.

There is one very important qualification to this rule. *Shearim Metzuyanom Behalacha* points out that one may not mail a letter on Friday afternoon in Israel where almost all of the postal workers are Jewish. Furthermore, *Shemirat Shabbat Kehilchata* cites the ruling of Rav Shlomo Zalman Auerbach *zt"l* that one may not send a package from *chutz la'aretz* to Israel on Friday afternoon. The prohibition involved is not *Amira L'akum* (asking a non-Jew to do something that the Jew may not do), but rather *lifnei eyver* (causing one to violate a prohibition). If, however the post office employs both Jews and non-Jews it is permissible to deliver the letter because there is no prohibition against doing something that *may* be a stumbling block for a Jew to violate a prohibition.

B. *Overnight delivery.* The *Mishna Berura* (247:4) points out that one may not ask a non-Jew to bring a package to another city by a certain date if he knows that the non-Jew cannot reach that location in time without traveling on Shabbat. Based on this it seems that sending an overnight (express) package on Friday to be delivered on Shabbos should be forbidden. The *poskim* generally take one of the following three approaches when dealing with this issue:

1. The stringent view. Responsa *Chelkat Yakov* (1:65) rules that one may not send an express delivery on Friday to be delivered on Shabbos. The reason for this stringency is, as we have already explained, that asking the package to be delivered on Shabbos is a clear violation of the basic prohibition of *amira l'akum*.

2. The lenient view. Responsa *Machaze Eliyahu* (37) rules that one is permitted to send an overnight delivery on Friday afternoon. This ruling is based on the combination of the following arguments:

a. Since the non-Jewish postal worker will be carrying many more letters (in addition to the one you send) you are not asking him to do a *melacha*, but to carry one extra item. This is the concept known as *Ribuy b'shiurim* which is permissible to ask of a non-Jew on Friday according to many halachic authorities.

b. When one drops a letter in the mailbox (or at the post office) he is not asking the local postal worker to do a *melacha* for him. He is merely asking him

to send another postal worker to do a *melacha* for him. While most *poskim* rule that *amira d'amira* (asking a non-Jew to ask another non-Jew to violate a *melacha*) is prohibited, *Responsa Chatam Sofer (Orach Chaim:60)* 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 Shabbat. Furthermore, *Mishne Sachir (73)* rules that if the second non-Jew is unaware of the fact that he is violating the prohibition for a Jew, it is clearly permitted for a Jew to instruct a non-Jew to tell another non-Jew to do a *melacha*.

c. *Pri Megadim (247:3)* argues that mailmen do not work for the sender but for the Postal Service, which clearly wants the mail to be delivered on a timely fashion. The motivation of the postal workers is not to serve the customer but to serve the postal service. Therefore, the postal worker is not considered to have done a *melacha* for a Jew. This is similar to allowing the garbage collectors to pick up the garbage on Shabbos where the garbage collectors are government employees and not hired by the homeowner

3. The middle ground. *Mishna Berura (307:24)* rules that one may rely on the view of the *Chavot Yair (53)* who permits *amira d'amira* in order to avoid a significant financial loss. *Shvus Yakov (2:42)* rules that one may rely on the *Chavot Yair* when there is any great need to do so. It would therefore follow that when faced with great loss or great need one may send a package on Friday afternoon. For this reason, and for the reasons mentioned by those who take the lenient view, *Responsa Az Nidbaru (3:36)*, *Responsa Minchat Yitzchak (6:18)*, and *Shemirat Shabbat Kehilchata* (page 422) rule that one may send an overnight delivery on Friday to be delivered on Shabbos when there is great need to do so.

III. Receiving mail.

There are a number of different issues that one must be aware of when receiving a letter or package on Shabbat.

- A. *Maris Ayin*. Since it is clearly prohibited to ask a non-Jew to pick up or deliver anything from/to your house on Shabbos due to the prohibition of *amira l'akum*, one must be concerned that when the non-Jew does so without being asked there may be a prohibition of *maris ayin* because others may think the Jew asked for it to be delivered that day. It is obviously permissible to allow the postal worker to deliver your mail on Shabbos because it is common knowledge that the Postal Service determines the time of delivery and not the recipient. Similarly, U.P.S. deliveries may be accepted because it is common knowledge that stores often ship with U.P.S. without the recipient being aware of the exact date of delivery. Having U.P.S. pick up a package from your house is clearly forbidden because they generally only come for pickups when asked to do so.
- B. *Handling the mail*. Handling mail that arrives on Shabbat is fraught with a problem of *muktzah* on two levels. First, anything that comes from outside the *techum Shabbat* raises a problem of *muktzah*. Second, any item, even if it comes from inside the *techum*, that serves no purpose on *Shabbat* is a problem of *muktzah*. We will deal with each problem individually.
 1. Items that were outside of the *techum* before Shabbat. The *Shulchan Aruch (307:14)* writes that when a letter arrives from beyond the *techum* it is preferable to be careful not to touch it. Even so, if the non-Jew opens the letter

the Jew is permitted to read the letter without touching it. The *Mishna Berura* (307:55) explains that although *Chazal* prohibited benefiting from items that were brought from outside the *techum*, the purpose of the decree was to discourage one from asking a non-Jew to bring an item for him from outside the *techum*. When dealing with letters that arrive, there is no such concern because generally one is not aware of when a letter is being sent to him. Furthermore, it could be argued that the prohibition of benefiting from items that arrive from outside of the *techum* is limited to direct physical benefit from the item, but does not include merely looking at the item.

2. Items that were inside the *techum* before Shabbat. Even if the mail that one receives was already inside the *techum* before Shabbat, there may still be a *muktzah* problem because a letter has no practical use on *Shabbat*. The *Mishna Berura* (ibid.) cites the opinion of *Tosafot* that one may always use the letter as a bottle cap and it would therefore not be considered *muktzah*. The great contemporary authorities debate whether this logic may still apply in our times when people do not normally use letters as bottle caps. Rav Shlomo Zalaman Auerbach *zt"l* (cited in *Sefer Tiltulei Shabbat*) argues that although we no longer have the practice of using mail as a bottle cap, many people have the practice of using the mail as a bookmark, and it would therefore not be *muktzah*. Rav Moshe Feinstein *zt"l*, however, argues that there is no standard practical use for the mail and it is therefore prohibited to handle on the grounds that it is *muktzah*.
- C. *Opening the mail*. The *Mishna Berura* (307:56) states that if a sealed package that needs to be opened arrives one should inform the mail carrier that he is not allowed to open the package in the hope that the mail carrier will understand on his own to open the package for the Jew. However, the Jew may not explicitly ask the non-Jew to open the package unless there is a great need to do so.
- D. *Signing for Delivery*. If a package arrives at one's house on Shabbat he may obviously not sign for it. However, he may inform the non-Jewish mail carrier that he cannot sign that day and allow the mail carrier to sign himself. However, he may not instruct the non-Jewish mail carrier to sign for him. Furthermore, if the mail carrier is Jewish he must be told not to sign. (See *Mishna Berura* ibid.)

IV. Conclusion. We have outlined the various issues involved with mail that was sent on *erev Shabbat*, both in terms of the sender as well as the recipient. The possible issue of *lifnei eiver* involved in sending a letter to somebody who may open it or handle it when he receives it on Shabbat is certainly an issue worthy of discussion, but is beyond the scope of this essay.