The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רמ"ז סעיף א'

Overview

Siman 247 Seif 1:

It is permitted for one to send a letter with a gentile, even on erev Shabbos as it is getting dark as long as one fixed his wages and he may not be instructed to travel on Shabbos. If his wages were not fixed and there is no בי דאר (meaning a person who receives all the letters and distributes them to the recipients) **in town, it is prohibited to send the gentile even on Sunday. If there is a בי דאר in town the gentile may be sent even on erev Shabbos as long as there is enough time for him to reach the house that it closest to the city wall.** Some permit sending the gentile even if his wages were not fixed if he is sent on Thursday or earlier and one may rely on his opinion if it is necessary.

- The same is true regarding any melacha that one gives a gentile to perform for which there is not sufficient time to complete before Shabbos. In all such cases one must fix his wages so that if he works on Shabbos he is doing so out of his own self-interest. The reason sending a letter is mentioned is to address the circumstance in which he did not fix his wage and there is no בי דאר in town. Regarding the delivery of other items if there is time for the gentile to reach the destination, it is permitted and there is no concern that the recipient will not be home and the gentile will have to search for him on Shabbos. (M.B. 1)
- It is necessary for the gentile to leave the Jew's home before Shabbos. (M.B. 2)
- One may also not tell him that it must reach its destination on Sunday or Monday if it is impossible to get there without travelling on Shabbos since it is comparable to instructing him to travel on Shabbos. (M.B. 4)
- The concern is that the gentile will not find the recipient and will have to search for him on Shabbos. The reason they were stringent is that since the letter is easily recognized as coming from a Jew people may think the Jew sent it on Shabbos. Accordingly, if the letter was written in a foreign language it is permitted to send him even on erev Shabbos and without fixing his wages as long as he could reach the first house in the city walls before Shabbos. (M.B. 5)
- Olas Shabbos writes that the concern is when one sends the letter with a gentile to the בי דאר but if one sends the gentile to deliver it to his friend there is no concern that the recipient will not be home and will have to search for him on Shabbos. Therefore, it is permitted to send him on erev Shabbos, even if his wages were not fixed as long as he could reach the destination before Shabbos. Taz and Magen Avrohom contend that the restriction applies even if one sends the letter to a friend. If one instructs the gentile to give the letter to a member of the recipient's household if the designated recipient is not home, according to all opinions it is permitted if he could reach the first house of the city before Shabbos even if the gentile was sent on erev Shabbos and without fixing his wages. (M.B. 6)
- If the destination is close by so that if he doesn't find him at home there will be time before Shabbos to find him it is permitted. (M.B. 7)
- Included in this is what we now call the "postmaster" who is in his office at designated times to receive and distribute mail. (M.B. 8)
- Shulchan Aruch refers to the destination city. (M.B. 9)
- The rationale is that since one did not instruct the gentile to travel on Shabbos it is not prohibited unless it is before Shabbos so that it appears as though the gentile is the Jew's agent. (M.B. 10)
- According to this opinion it is permitted even if one knows that he will not be able to reach the destination before Shabbos. (M.B. 11)

Halacha Highlight

Sending express mail

Shulchan Aruch Siman 24 Seif 1
ובלבד שלא יאמר לו שילך בשבת
As long as one does not instruct him to travel on Shabbos

Shulchan Aruch discusses the permissibility of sending a letter when there is a chance that it will be delivered on Shabbos. He rules that it is permitted to send a gentile to deliver a letter, even on erev Shabbos, as long as one fixes his wages ahead of time. By doing so, the gentile does not earn any more money by delivering the letter on Shabbos and his only interest in doing so is so that he can complete this job and take another job. Rema mentions authorities who are lenient even if one did not fix the wages that one will pay the gentile for delivering the letter and even if there is no one in charge of delivering mail in town as long as it is sent Thursday or earlier. He concludes that one may rely on this ruling in a pressing circumstance. The rationale behind this ruling is that as long as one did not instruct the gentile to travel on Shabbos it is permitted and it is only when he is sent before Shabbos that it appears as though he is the agent of the Jew.

Poskim discuss whether it is permitted to send express mail before Shabbos when it is clear that it will not reach its destination in time unless it is transported on Shabbos. Mishnah Berurah (סק"ד) wrote that when it is known that it will be transported on Shabbos it is as if the gentile was instructed to deliver it on Shabbos. Accordingly, it is not permitted to send something express mail if it cannot reach its destination before Shabbos. In a pressing circumstance, Teshuvas Minchas Yitzchok (ח"ו סי' י"ח) writes that one may be lenient. His reasoning is that the one who takes the letter from the Jew is not the one who will deliver it and the one who actually delivers it is doing so because his boss instructed him to do so. As such it is considered a shvus d'shvus (a double d'rabanan) which is permitted to prevent a financial loss.