

☞ chapter sixteen ☞

The *Shabbos Goy* (אמירה לעכו"ם)

The Prohibition

According to many *Rishonim*, telling a goy to perform a *melacha* on *Shabbos* is prohibited *Miderabonon*. However, all *poskim* agree that there is a Biblical source for this prohibition. Therefore, *amira l'akum* is classified as a 'severe' Rabbinic prohibition.¹ *Chazal* prohibited one to instruct a goy to perform any *melacha* which the *Yid* himself is forbidden to perform. Even if the goy performed a *melacha* on his own for the *Yid*, *Chazal* forbade him to derive any benefit from the goy's actions, lest one come to instruct the goy himself. Furthermore, even if the goy came to do *melacha* on his own, and even if the *Yid* plans not to derive any benefit from the *melacha* that is being done, nevertheless, if the *melacha* is being performed with the *Yid*'s possessions (e.g. his lamp), even if it is in the house of the goy, if the *Yid* sees the goy doing the *melacha*, he is required to stop him.²

1. רמב"ן שמות יב:טז השיג על רש"י, וכ"כ הסמ"ג ע"י ב"י סי' רמ"ד.
 2. זו שיטת התוס' בביצה דף כד, והרמב"ם, וכן איתא במ"ב סי' רע"ו סק"ב, אכן רש"י והר"ן כתבו הטעם מפני שלא יהנה ממלאכת שבת ונפק"מ בשיעור של בכדי שיעשו במוצ"ש, וע"י בששי"כ פ"ל הע' קכ"ד, וע"י מ"ב בסי' רע"ו ס"ק י"א.

Reasons for the Prohibition

1. — ממצוא חפצך ודבר דבר. *Forbidden Discussions*

Chazal included the prohibition of *amira l'akum* in the decree of *ממצוא חפצך ודבר* which prohibits discussion of that which is forbidden. This is because *amira l'akum* is telling a goy to perform a forbidden *melacha* on *Shabbos*.³

2. — שלא תהיה שבת קלה בעניהם. *So that Shabbos Will Not Appear Lightly in Ones Eyes*

Chazal prohibited *amira l'akum* out of fear that if a *Yid* were to be permitted to instruct a goy to do all forbidden *melachos*, the *Yid* might come to treat *Shabbos* lightly and perhaps even come to do those *melachos* himself.⁴

3. — שליחות. *Acting As a Messenger*

There is a *halachic* principle of *שליח של* - the agent of a person is like the person himself. For example, if one *Yid* instructs another *Yid* to do a *mitzvah*, it is considered as if the first *Yid* did the *mitzvah* by himself. Therefore, since by *amira l'akum* one is instructing the goy to violate *Shabbos*, it is

3. רש"י בע"ז דף טו, וע"י סי' ש"ז סק"ז.
 4. רמב"ם פ"ו מהל' שבת ה"א.

considered as if the *Yid* himself has performed the forbidden *melacha*, and is therefore prohibited.⁵

Therefore, one may not tell a *goy* on *Shabbos* to do a *melacha* for him, for on *Shabbos* all of the above reasons apply. Furthermore, one may not tell a *goy* during the week to perform a *melacha* for him on *Shabbos*, because of reasons two and three. However, one may *hint* to the *goy* before *Shabbos* to do certain types of *melachos* for him on *Shabbos*. This hint may be a direct hint, and the *melacha* may only be an indirect or additional benefit (see definitions below). Furthermore, one may not instruct a *goy* on *Shabbos* to perform a *melacha* for him after *Shabbos*, since reason number one still applies.⁶

Benefiting From a Melacha Performed By a Goy

Not only did *Chazal* prohibit telling a *goy* to perform a forbidden *melacha*, they also prohibited benefit from a *melacha* performed by the *goy* on his own, for the *Yid*.⁷

The three categories of benefit are as follows:

1. Direct Benefit

Direct benefit is benefit produced directly by the *melacha* performed. One may not benefit directly from any *melacha* performed by a *goy* on the *Yid's* behalf. Therefore, if a *goy* turned on a light for a *Yid* (in a completely dark room), the *Yid* must walk out of the room.⁸

2. Indirect Benefit

Indirect benefit is benefit which is not the result of the *melacha* but is only a by-product of it, or where the *melacha* removes an obstacle which then enables the *Yid* to benefit from something. Indirect benefit is permitted,

and therefore if a *goy* turned off a light, one may remain in the room, since one is only benefiting indirectly from the *melacha*, since the *goy* only removed an obstacle (i.e. the light). Furthermore, one may *lechatchilahint* (in an indirect manner) to the *goy* to turn off the light.⁹

3. Additional Benefit

Additional benefit is where a benefit was available previously to some extent, and the *melacha* performed by the *goy* makes it easier to do that which was possible to do earlier. Therefore, if one was already able to read normally in a room, either by the sunlight that came through the window or because of some other light that was already lit, then if a *goy* were to turn on more lights for the *Yid's* benefit, the *Yid* would be permitted to stay in the room and continue reading. Furthermore, one would also be permitted to *hint* to the *goy* to turn on some more lights.

Please Note: If a *goy* added light to a room previously lit by the sun, one may only benefit from the *goy's* *melacha* while the sun is still shining. However, once there is no more sunlight in the room (i.e. if one closes the shutters or after sunset) one would be directly benefiting from the *goy's* *melacha*, which is forbidden. Therefore, one would have to walk out of the room once the sun sets.¹⁰

Hinting to a Goy to Perform a Melacha

There are two types of hints:

1. A Direct Hint

A direct hint is a statement which informs the *goy* that one would like the *melacha* to be performed. Although one does not explicitly ask the *goy* to perform the *melacha*, the statement either contains a request to take a corrective action, or makes

5. רש"י בשבת דף קנ"ג.
6. שש"כ פ"ל הע"ב. ועיי' סי' ש"ו סעי' ב' ו'ג, ומ"ב שם.
7. עיי' ציון 2.
8. שש"כ פ"ל סעי' ל"ו.

9. עיי' בשש"כ פ"כ סעי' ס"ד, ועיי' מ"ב סי' של"ד ס"ק ס"א, ועיי' מג"א של"ד ס"ק ב"ז.
10. מ"ב סי' ש"ו ס"ק ע"ז, ועיי' סי' רע"ז בביאור הלכה, אכן עיי' ערוה"ש סעי' י'.

some mention of the *melacha*, and therefore the *goy* feels somewhat obligated to do the *melacha*. Such a hint is similar to explicitly telling the *goy* to do the *melacha*, and is therefore forbidden.¹¹

Two examples of a direct hint are as follows:

One is forbidden to say to the *goy*: “Please help me out. The lights in my bedroom are on and I can not sleep.” This is forbidden, for one has asked the *goy* to take a corrective action by adding on “Please help me out.”

One may also not tell the *goy* “I can’t turn off the lights because it is *Shabbos*.” This is forbidden for one has mentioned the forbidden *melacha* of turning off the lights.¹²

2. An Indirect Hint

One may hint to a *goy* (only in cases where hinting is permitted, i.e. for an indirect or additional benefit) with an indirect hint.

For example, one may say, “My bedroom lights are on, and I will not be able to sleep” or “It is sad that so much electricity is being wasted.”¹³

Hinting With Motions

Hinting while using motions to express the point is forbidden, since it is considered a direct hint. Therefore, one may not bring a *goy* towards a light switch and motion downward with one’s finger, thereby implying that one wants the lights turned off.¹⁴

If the Goy Asks What to Do

After hinting to the *goy*, it is common for the *goy* to ask “What do you want me to do?” or “Should I turn off the lights?” In both of the above cases the only permissible response would be to repeat the statement “My

bedroom lights are on, and I can’t sleep.” One may not even answer “Yes” to the above question, for doing so is tantamount to saying “Yes, I would like you to turn off the lights”, which is forbidden. Likewise, if the *goy* responds “Would you like me to do something for you?”, one may not answer “yes”, for this would be tantamount to saying “Yes, I would like you to do something for me”, which is asking the *goy* to take a corrective action, which is forbidden.”¹⁵

שבות דשבות – A Double Derabonon-Leniencies in Cases of Rabbinic Prohibitions

A *shevus* is the term used to describe a Rabbinic prohibition with regard to *Shabbos*. If a *Yid* tells a *goy* to perform an *issur Derabonon*, it is classified as a *shevus d’shuvs* - a double *shevus*- (i.e. the *issur Derabonon* of telling a *goy* to do a *melacha* on *Shabbos*, and the *issur Derabonon* of the *melacha* being performed). In certain cases the *Rabbonon* were more lenient with regard to a *shevus d’shuvs*, and permitted one to directly instruct a *goy* to perform an *issur Derabonon*.¹⁶

These cases are as follows:

1. הפסד מרובה - A Substantial Financial Loss

One who may lose a substantial amount of money is permitted to directly instruct a *goy* to do an *issur Derabonon*. A *Rov* should be consulted to determine exactly which circumstances would be considered enough of a financial loss to permit *amirah l’akum*.¹⁷

2. במקום מצוה - For the Performance of a Mitzvah

If a certain *mitzvah* cannot be performed unless an *issur Derabonon* is violated, one may instruct the *goy* to perform the *melacha*.¹⁸

15. הלכות אמירה לעכו"ם דף כו.

16. רמ"א בס' תקפ"ו סעי' כ"א, ועי' ס' רמ"ה סק"א.

17. מ"ב סי' ש" סעי' ה', ועי' בשו"ע הרב סעי' י"ב שפסק כהמחבר שכל שבות דשבות במקום צורך גדול מותר.

18. שם, ועי' סי' שמ"ב בביה"ל ד"ה מותר, ועי' שעה"צ שם סק"ח.

11. סי' ש"ז ברמ"א בסעי' כ"ב, ועי' מ"ב ס"ק ע"ו.

12. הלכות אמירה לעכו"ם (מר"י שמחה בונים כהן) בשם הרבה פוסקים.

13. מ"ב סי' ש"ז ס"ק ע"ו.

14. ח"א כלל ס"ב סעי' ב'.

For example, one may instruct a goy to carry a *siddur* or *machzor* through a *karmelis* (which is a place where carrying is only a prohibited *Miderabonon*) to *shul*, if one can not *daven* without it. Furthermore, since *oneg Shabbos* and *hachnosas orchim* *mitzvos*, one who needs additional pillows or blankets may ask a goy to bring them from a neighbor's house.

The reason for this is because many *poskim* consider the streets of a city whose population is less than 600,000 people to be a *karmelis*, and therefore, with regard to *amira l'akum*, one may certainly rely on these *poskim* to make the goy's actions a *shevus d'shevus*.¹⁹ However, in cities where the population exceeds 600,000, since the streets are considered a *reshus harabim Deoraisah*²⁰, one would normally not be able to ask the goy to carry into such a *reshus*. However, even where the goy will be carrying in a *reshus harabim Deoraisah*, it can still be considered a *shevus d'shevus* (in which case one would be permitted to instruct the goy if it is for a *mitzvah*), if one instructs the goy to carry the item in a way which would only be an *issur Derabonon*. (For example, if one tells the goy to go from one *reshus hayachid* to the other *reshus hayachid* without stopping, it would be permitted, since according to many *shittos* this is only an *issur Derabonon*).²¹

3. צער גדול – When One Is In Considerable Pain

One who is in a considerable amount of pain may instruct a goy to perform an *issur Derabonon*.²² Therefore, one who has a painful burn may ask a goy to buy a cream from the drugstore. (See the previous paragraph concerning instructing a goy to carry the item through a *reshus harabim*).

4. כבוד הבריות – Human Dignity

A person who will be embarrassed unless an *issur Derabonon* is performed may instruct a goy to perform the *melacha*. Therefore, a person who fell down and tore his pants and would be terribly embarrassed to walk home that way, may instruct the goy to get him new clothes from his house, if the carrying would only involve an *issur Derabonon*. Furthermore, a person who will suffer a tremendous amount of embarrassment, constituting it as a *בזיון גדול*, may even instruct a goy to perform an *issur Deoraisah* on his behalf, such as to carry it through the streets of Boro Park and Flatbush, which, as mentioned above, are considered a *reshus harabim Deoraisah*.²³

Special Leniencies for Amira L'Akum in Cases of Torah Prohibitions

Bein Hashmashos - Twilight

During the time period of *bein hashmashos*, there is a doubt whether it is considered day or night. There is also a controversy as to when *bein hashmashos* is. Rav Moshe Feinstein ruled that nightfall for all places in latitudes similar to New York City (40°N) is 50 minutes after sunset. Consequently, he held that *bein hashmashos* extends until 30 minutes after sunset. One may be lenient on Friday and not begin *Shabbos* with regard to *amira l'akum* until 30 minutes after sunset (in the circumstances outlined below). In extenuating circumstances, one may begin *Shabbos* with regard to *amira l'akum* up to 40 minutes after sunset.²⁴ One may instruct a goy to perform a *melacha Deoraisah* during *bein hashmashos* if it is for a *Shabbos* need and one would feel

19. מ"ב סי' שכ"ה ס"ק י"א, ועי' הל' אמירה לעכום שכתב כך בשם הגרמ"פ.

20. עי' שו"ע סי' שמ"ה סעי' ז', ובמ"ב ס"ק כ"ג וכ"ד ובה"ל שם, ועי' אג"מ אור"ח ח"א סי' ק"ט וסי' קל"ח ובאור"ח ח"ד סי' פ"ח וכו', וכך שמעתי מהגר"י בעלסקי שליט"א ומשאר פוסקים.

21. שש"כ פ"ל הע' קכ"א בשם הגרש"ז אויערבך זצ"ל.

22. באור הגר"א בס' שכ"ה סוסעי' י', וערוה"ש ס' ש"ז סעי' י"ח.

23. מ"ב ש"ב ס"ק ל"ז, ובשעה"צ אות מ"ד, ושמעתי מהגר"י בעלסקי דאע"ג שכבוד הבריות דוחה איסור דרבנן בקום ועשה שאני הכא שאין זה בזיון כ"כ ולפיכך צריך שבות דשבות. ומש"כ בפנים לגבי בזיון גדול מותר לומר לנכרי לעשות אף איסור דאורייתא בקום ועשה אע"ג שבכל מקום נדחה איסור דאורייתא רק בשב ואל תעשה (עי' שו"ע סי' י"ג ומ"ב שם) היינו לגבי ישראל אבל הכא כשצוה לעכום לעשותו מותר לישראל לומר לו שיעשה מלאכה דאורייתא אף בקום ועשה.

24. אג"מ אור"ח ח"ד סי' ס"ב כתב דיש להקל עד ארבעים דקות. אבל עיין סי' ע"ד אות מ' שכתב דבמקומו לא ידוע בברור דאפשר לר"ת הוא רק ארבעים דקות אחר שיעשה.

deprived without it. Therefore, a woman who forgot to light *Shabbos neiros* may ask a goy to light them. (No *bracha* should be made). One whose family would like a light to be left on for *Shabbos*, may ask a goy to turn on the light during *bein hashmashos*, if the light will enhance the enjoyment of *Shabbos* for his family.²⁵ Furthermore, if one would lose a substantial amount of money, he may instruct a goy to perform a *melacha Deoraisah* during *bein hashmashos*.²⁶ Therefore, one who forgot to park his car in a garage before *Shabbos*, and is afraid that it might get stolen, may instruct a goy to park it in the garage during *bein hashmashos*.²⁷ However, one should not be lenient with regard to *bein hashmashoson Motzaei Shabbos*, except in a case of extreme necessity. In a case of extreme necessity, one may possibly start the 'weekday' from 10 minutes after sunset.²⁸ A *Rov* should be consulted.

Please Note: A *Yid* may not do any *melacha* from immediately after sunset on Friday until 50 (or for those who are stringent - until 72) minutes after sunset on *Motzaei Shabbos*. The above paragraph deals only with instructing a *goy* to do *melacha*.

Amira L'amira (Telling One Goy to Tell Another Goy)

As mentioned above, in a case of a substantial financial loss, one may tell a goy to perform a *melacha Derabonon* (since it is a *shevus d'shevus*). However, one may not tell a goy to perform a *melacha Deoraisah* (unless it is during *bein hashmashos*). If a substantial financial loss cannot be avoided without performing a *melacha Deoraisah*, one may tell a goy to tell another goy to perform the *melacha Deoraisah*, making sure that the second goy is an agent of the first. The second goy should not be aware that he is performing

a *melacha* on a *Yid's* behalf. The reason for this is because *amira l'amira* is only prohibited *Miderabonon*, and therefore some *poskim* consider it to be a *שבות דשבות במקום הפסד גדול*. Because of this *halacha*, one who has to send an important letter to avoid a substantial financial loss, may give the letter to the post office clerk on Friday, and instruct him to mail it via overnight express. This is considered *amira l'amira* since the postman has no idea that he is performing the *melacha* on behalf of a *Yid*, since he is only acting as the agent of the postal clerk.²⁹ One should only rely on the above *heter* in extenuating circumstances.

פסיק רישא

One may not open a refrigerator door on *Shabbos* if doing so will cause a light inside of it to turn on. This is true even though the person does not intend to turn on the light.³⁰ When an unintended *melacha* occurs inevitably it is called a *פסיק רישא*. One who forgot to unscrew the bulb from the refrigerator before *Shabbos*, and needs something from the refrigerator on *Shabbos*, may ask a goy to open the refrigerator, even though a light will turn on, since a *פסיק רישא* is permitted through *amira l'akum*. Furthermore, if one will need food from the refrigerator at a later time during the day (i.e. for *seudas Shabbos*) and a goy will not be available then, one may even instruct the goy to unscrew the bulb.³¹

Public Mitzvah

Unfortunately, there is a misunderstanding regarding the *heter* of telling a goy to perform a *melacha Deoraisahon Shabbos* for the benefit of the public. There is no reason why a *shul* should not use a *Shabbos* clock to control the lights, so that they will not have to rely on calling in a goy to perform the *melacha Deoraisah* of turning them

25. עי' סי' שמ"ב בבה"ל ד"ה מותר, ושעה"צ אות ח'.

26. מ"ב סי' רס"א ס"ק ט"ז.

27. הלכות אמירה לעכו"ם.

28. סי' רס"א סעי' א' מ"ב סק"ו, ועיין ביה"ל ריש סי' שמ"ב, ועי' אג"מ או"ח ח"ד סי' ס"ב.

29. סי' ש"ז ס"ק כ"ד, ועי' שו"ת חת"ס סי' קפ"ב.

30. שו"ת אג"מ או"ח ח"ד סי' ח'.

31. עיין הלכות אמירה לעכו"ם שכתב שהמקור לדין זה מ"ב בסי' רנ"ג ס"ק צ"ט, ועי' שש"כ פ"ל גורנו ע"ש מקורו.

on.³² If the lights in a *shul* are off when the time of *davening* approaches, one should try to manage and *daven* with sunlight instead of running to get a goy. If it is dark outside (i.e. at the scheduled time for *Mincha* on *Shabbos*), one should schedule the *minyan* earlier.³³ One of the only cases where one may be lenient with regard to telling a goy to perform a *melacha Deoraisah* for the benefit of the public is where one is trying to prevent a *מכשול רבים* - the possibility of a wide spread transgression. For example, if the *eruv* fell down on *Shabbos*, and many people who are unaware of this development will carry without an *eruv*, then one may instruct a goy to fix the *eruv*.³⁴ The *Shelah Hakadosh* and many *קהילות הקדושים* sat in the dark by *seudah shlishis* rather than instructing a goy to turn on a light on *Shabbos*.³⁵ This is the source of having a *tinkle tish*. There are some congregations which instruct a goy to turn off the lights by *seudah shlishis* to be able to sit by a *tinkel tish*. One should be aware that doing so defeats the entire purpose of the *Shelah Hakadosh*, who sat in the dark so as not to come to *amira l'akum*.³⁶

U.S. Postal Service, FedEx, U.P.S., and Other Delivery Services

While most deliveries do not involve *amira l'akum*, certain deliveries may still be prohibited because of *maaris ayin*, since it may look to an outsider as if one instructed the goy to deliver the package on *Shabbos*. This would apply to some overnight deliveries.³⁷ However, there is no problem with receiving mail or a U.P.S. delivery on *Shabbos*, since it is well known that the recipient did not request the

delivery to be made on *Shabbos*. One may not sign, or tell a goy to sign, for the package. Furthermore, one may not take the package from the goy, and instead should instruct the goy to put it down.³⁸

Mailing Letters

One is permitted to mail a letter on Friday afternoon, even if the post office will pick it up on *Shabbos*, as long as the mailman is not Jewish.³⁹ Although there were some *Gedolei Yisroel* who prohibited mailing letters on Friday here in America, this was only because during their times many of the postal workers were Jewish. However, this is not the case nowadays.⁴⁰

Express Mail

One is forbidden to mail an overnight express letter on Friday. However, as mentioned above, one who will incur a major financial loss if the letter is not mailed, is permitted to mail it on Friday.⁴¹

Newspaper Deliveries

Many daily newspapers can be ordered to be delivered on a weekly basis (i.e. for 7 days), only on weekends, only on Sunday, or only on weekdays excluding Saturday and Sunday. It is prohibited to order a newspaper on a weekly basis, since one is requesting delivery on *Shabbos*. Instead, one should request the weekday and Sunday only delivery options.⁴² Furthermore, even if one requests that the newspaper company not deliver the Saturday paper while ordering the weekly option, or one requests that the Saturday paper should be delivered on Sunday, and the newspaper company, on their own will,

32. עי' רמ"א בסי' רע"ו סעי' ב' שיש להחמיר אם לא לצורך גדול דהיינו אף לסעודות חתונות שיש רבים מצוינים, וכל המקור לקולה בצורך גדול הוא משיטת בעל העיטור שהוא דעת יחיד. ועי' מ"ב בסי' תרכ"ג סק"ג שרצה לבטל מנהג זה שמדליקים נירות בבה"כ ע"י נכרי, וכן משמע מח"א כלל ס"ב סעי' י"א, ועי' מלאכים אמניך שהביא מכמה פוסקים לאסור.
33. כך שמעתי ממרן הר"י ישראל בעלסקי שליט"א ועי' הע' 32.
34. מ"ב שם בס"ק כ"ה. ושמעתי מהגר"י בעלסקי שליט"א שגם במקום שיש סכנה פשוט שמוטר, כגון אם כבה האור בחדר שיש שם הרבה ילדים וקשה להוציאם.
35. שם.
36. כך שמעתי מר' ישראל בעלסקי שליט"א.
37. עי' הלכות אמירה לעכ"ם שהביא כמה מקורות לדין זה.

38. מ"ב סי' ש"ז ס"ק נ"ה.
39. מחבר סי' רמ"ז סעי' א', ועי' אג"מ ארו"ח ח"ג סי' מ"ו.
40. הגר"א קוטלר זצוק"ל אמר שאסור והיה גם שאר פוסקים שאסרו, מ"מ שמעתי מר' ישראל בעלסקי שליט"א שכ"ז היה בימיהם אבל בזמן הזה בחו"ל אין כאן איסור.
41. שו"ת מנחת יצחק ח"ו סי' י"ח.
42. הגר"מ פיינשטיין וגם כמה פוסקים אחרים פסקו שאסור.

Chapter 16: The Shabbos Goy

delivers it on *Shabbos*, it is still prohibited. The reason for this is because although there is no

problem of *amira l'akum*, it is still forbidden because of *maaris ayin*.⁴³

43. ע"י הלכות אמירה לעכו"ם בשם הגר"מ פיינשטיין והגאב"ד דדעברעצין בשו"ת באר משה ח"ו סי' ס"ו.