

6. Work of a Non-Jew on Shabbat

מְלֶאכֶת אֵינוּ יְהוּדִי בְּשַׁבָּת

1. Whatever you are forbidden to do on Shabbat, you may not tell a non-Jew to do for you, either. Instructing a non-Jew to do a *melachah* (“*amirah lenochri*,” אִמְרָה לְנוֹכְרִי) is a *shevut* (שְׁבוּת) that is, a violation of a rabbinic law.¹ You may not even hint to the non-Jew to do a *melachah*, nor may you tell him before Shabbat that he should do it on Shabbat.²

1. **Instructing a Non-Jew to Do a *Melachah*, *Amirah Lenochri*** Rambam states that the reason a Jew is forbidden to instruct a non-Jew to do a *melachah*, even though the non-Jew is not commanded to observe Shabbat, is in order that the Jew should not take Shabbat lightly and come to do the *melachah*. It is rabbinically prohibited when it involves an action that the Jew is forbidden to do, whether by Torah law or rabbinic. For example, not only are you not allowed to ask a non-Jew to light a fire, but you are not even allowed to ask him to buy or sell something on your behalf on Shabbat. This prohibition applies in situations where the *melachah* is done for your sake, or with something that belongs to you even if it is not for your sake. However, you may instruct a non-Jew to do what is forbidden only by custom or because of a personal stringency. For example, if you do not make tea using a *keli shelishi*, you may nonetheless ask a non-Jew to make you tea in that manner since it is allowed according to some opinions.
2. **Contracting for Work by a Non-Jew** If you do not instruct the non-Jew to do the work on Shabbat, but he does so of his own accord, it is permitted. For example, if you bring your car to a mechanic before Shabbat, you do not have to stipulate that work on your car must not take place on Shabbat. Since the non-Jew is working on his own schedule, it is not a violation of *amirah lenochri*. This applies when the work

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(It is also not permitted to tell a non-Jew on Shabbat to do the work after Shabbat. However, this is not prohibited because of the *shevut* of *amirah lenochri*, since the work is to be done when it is permissible, but rather because of the admonition “nor pursuing your business,” which was discussed in the previous chapter. Therefore, if it is for the sake of a *mitzvah* it is permitted.)

2. Even if the non-Jew comes of his own accord to do some work for you on Shabbat, you may not allow him to do it.

3. If you are faced with a possible loss, for example, if something needs to be repaired in an emergency, such as a barrel of wine that has sprung a leak, you may enlist the help of a non-Jew, even if it involves an actual *melachah*.³ However, in this case, you should not ask for the help directly. Rather, you can say, “Whoever prevents this

is done in his shop or garage so that it is not apparent that he is doing the work for you. This would not apply to a contractor or repairman working in your house. See Part I, chapter 3, for a full discussion of this subject.

3. **Circumstances When *Amirah Lenocho* is Permissible** It is permitted to tell a non-Jew to do a *melachah* on Shabbat in the following circumstances:

- (a) In the case of an illness. For example, you may request a non-Jew to extract a tooth that gives you severe pain, to cook food for a child who cannot eat uncooked food, or to light the furnace in severely cold weather, because everyone is subject to becoming ill when exposed to the cold.
- (b) For the sake of settling *Eretz Yisrael*, as mentioned in the previous chapter.
- (c) In a situation where you are extremely distraught. For example, if you are on your way home *Erev Shabbat* and it is getting dark, you may give your wallet to a non-Jew to carry it for you.
- (d) To protect Torah scrolls and other *seforim* from desecration or from fire. Also, you are allowed to request that a non-Jew put out the candles in the synagogue or in the home because of the possible danger of a fire.
- (e) To prevent the suffering of an animal. You may instruct a non-Jew to call a veterinarian on Shabbat, but you cannot violate Shabbat in order to tend to a sick animal.
- (f) At *bein hashemashot*, even if you have already begun Shabbat, you may request a non-Jew to light a *Yahrzeit* candle or lights for the Shabbat meal, to repair the *eruv*, or to do other work necessary for a *mitzvah* or to prevent a loss.
- (g) Where the *melachah* is not intended, although it is inevitable. Therefore, you are permitted to tell a non-Jew to remove a pot from the fire, even though some coals will thereby be extinguished and others rekindled.
- (h) Where you stand to suffer a considerable loss. Thus, if your merchandise is being ruined by rain, or if your *Shabbat plata* was unplugged, and all of your

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loss will not go unrewarded.” You should not do this unless a considerable loss is involved.

4. You may tell a non-Jew to do something that does not constitute an actual *melachah*, but is only rabbinically prohibited as a *shevut*,⁴ if it needs to be done for the sake of a *mitzvah* or for one who is slightly ill. Accordingly, it is customary to send a non-Jew for food or whatever else is needed for Shabbat, even where there is no *eruv*. This should not be permitted except in an extreme case of when a person does not have anything to eat or drink, but if it is merely for pleasure, it should not be allowed. You are not permitted, however, to tell a non-Jew to bring something⁵ from outside the Shabbat limit (*techum*), and if he did so whatever he brought is forbidden on Shabbat. Some *poskim* maintain that where a loss is involved, you are permitted to ask a non-Jew to do what is necessary to prevent the loss, for example to remove merchandise that is being damaged by rain. You may rely on this opinion in a case involving a great loss.⁶

Shabbat food will be ruined, you may indirectly indicate that you need him to prevent the loss.

(i) For the sake of a *mitzvah* when urgently necessary. It is customary to request a non-Jew to light the lights in the home for the Shabbat meal, for the *seudah* at a *sheva berachot* or a *berit milah*, or for prayer in the synagogue.

4. **Permissibility of a *Shevut Deshevut*** Asking a non-Jew to do *melachah* on Shabbat is rabbinically prohibited as a *shevut*. If the activity itself is only rabbinically prohibited on Shabbat, it constitutes a *shevut deshevut*, that is, an act involving two separate rabbinic prohibitions that would be permissible if the Rabbis had not enacted any one of the two prohibitions. In such a case it is permitted under certain conditions, as indicated.
5. **Home Delivery of a Newspaper on Shabbat** When subscribing for home delivery of a daily newspaper, some *poskim* advise that you arrange for the paper not to be delivered on Shabbat. Some *poskim* are of the opinion that if the newspaper's circulation is mostly to non-Jews, a copy that is designated for a Jewish subscriber is of no concern, in that the newspaper is not doing *melachah* on behalf of a Jew, but for non-Jews.
6. **Instructing a Non-Jew in a Case of Extreme Need** You may be lenient as well in requesting the aid of a non-Jew in a case of extreme need, even where no great loss is involved. It is, indeed, difficult to concretize this *halachah* into a formula. Any judgment as to need or loss is to be made on an individual basis, with due consideration to the circumstances.

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5. In cold weather you are permitted to ask a non-Jew to light the furnace⁷ because everyone has the status of a sick person when it comes to suffering from the cold.⁸ But if it is not urgent, you should not do it. It is forbidden to have a non-Jew light the furnace on Shabbat afternoon so that it will be warm at night, after Shabbat.

6. It is forbidden to send a non-Jew outside the Shabbat limit (*techum*) to contact the relatives⁹ of someone who has died on Shabbat, or to summon someone to deliver the eulogy at the funeral.

7. A Jew may act as a *mashgiach*, supervising the *kashrut* of a product made by a non-Jew on Shabbat. Even though the intention is clearly that the non-Jew is working on Shabbat to make food that Jews will eat after Shabbat, since the product still belongs to the non-Jew who is producing it for his own benefit, it is allowed. Moreover, the Jew may even tell him on Shabbat to do it, because you may say to a non-Jew, "Do your work," even if the Jew derives benefit from it.

8. If a non-Jew bought merchandise from a Jew and comes to collect it on Shabbat, he should be kept from taking it, if possible, in order not to accustom the non-Jew to doing this, as people will suspect the Jew of selling it to him on Shabbat.

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7. **Repair of Furnace and Delivery of Oil on Shabbat** If your furnace breaks down, or it runs out of oil on Shabbat, you are permitted to request a non-Jew to summon the gas or oil company to repair the furnace and to deliver the oil. This is permissible because of the danger of illness due to the cold, especially if there are children or old and infirmed people in the house.
8. **Asking a Non-Jew to Turn the Air Conditioner On or Off** You may ask a non-Jew to turn the air conditioner off on Shabbat if there is a change in the weather and it is making the house intensely cold. This may be done in the synagogue as well. You are similarly permitted to ask a non-Jew to turn on a fan or an air conditioner on Shabbat to cool the room in hot weather, as people are just as likely to suffer from the heat as from the cold, particularly older people who are more prone to heatstroke in very hot weather.
9. **Calling Relatives of Someone Who is Critically Ill** If a person who is critically ill requests that his or her relatives be called, it is permitted to send a non-Jew beyond the *techum* on Shabbat, and even to hire him if need be, so that the sick person will have peace of mind.

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9. You may invite a non-Jew to your home to share a Shabbat meal. (Although you may not do so on Yom Tov, for fear you might cook extra food for him, which is not allowed; we have no such concern on Shabbat when cooking is not allowed in any case.) You are even permitted to serve a non-Jew alone. You might think that since you are not obliged to feed him and it might seem that you are troubling yourself needlessly on Shabbat, that it is forbidden to do so. However, the *halachah* rejects that premise.¹⁰ Since we are obligated to provide for Jews and non-Jews alike, because “the ways of the Torah are ways of peace” (דְּרָכֵי הַתּוֹרָה דְרָכֵי נְעִים), it is considered as an obligation to feed him (*Kitzur Shulchan Aruch* 87:19).

10. **Providing Food for a Non-Jew** Although you must not exert yourself needlessly on Shabbat, you may provide food for a non-Jew, because you have a moral responsibility of being charitable towards a non-Jew as towards a Jew. Jewish law requires that all poor be provided for and receive support like poor Jews. Therefore, you may invite a non-Jew, whether he is a poor person or a distinguished guest, to partake of a Shabbat meal. However, this is not the case on Yom Tov, when it is only permitted to cook what is necessary, and it is feared that you may come to cook additional food for the sake of the non-Jew. However, if the non-Jew comes to your home uninvited, you may have him share the meal and the food that was prepared.