

Cleaning Help on Shabbos *Part 2*

Rabbi Gershon Schaffel

In the previous article we presented the primary principles related to having gentile help in one's home on Shabbos. In this week's article, we will examine some of the more common examples.

When considering what melachos a live-in maid or caretaker may perform on Shabbos, four conditions must be met:

- 1) She is not instructed to perform the melachah on Shabbos.
- 2) There is no issue of maris ayin (the appearance of impropriety).
- 3) There is no issue of zilzul Shabbos (belittling of Shabbos).
- 4) There is no prohibited benefit.

TURNING ON LIGHTS

If a gentile realizes that a light is turned off which would make the room dark and one senses that the gentile will turn on the light, he must object. If one objected but the gentile turned on the light, nevertheless it is permitted for one to benefit from that light¹. On the other hand, if one did not make a sincere objection or if one was not present when the gentile turned on the light, it is prohibited to benefit from that melachah since it was done to benefit the Jew. Therefore, if before the light was turned on, one was not able to read, it is prohibited to sit in that room and read². It is, however,

permitted to sleep in that room³. Similarly, it is permitted to get dressed or talk with a friend in that room⁴. Although one benefits from the light, since these activities do not require a light in the room, the restriction against benefitting from the melachah performed by the gentile is not in force⁵.

If a gentile turned off a light that was supposed to remain on and immediately realized his error and turned the light back on, it is permitted to benefit from that light⁶.

It is important to note that when it comes to benefitting from a melachah performed by a gentile, halachah differentiates between a Biblically prohibited melachah and a Rabbinically prohibited melachah. When a melachah is Biblically prohibited, it is prohibited from anyone to benefit from the melachah. However, when the melachah is Rabbinically prohibited, it is prohibited for the one for whom the melachah was performed to benefit from the melachah but others are permitted to benefit from that melachah⁷. In the context of turning on lights, this distinction is important because, for example, turning on incandescent light bulbs is Biblically prohibited whereas, turning on a fluorescent bulb or an LED light is only Rabbinically prohibited. Accordingly, guests⁸ may be permitted to benefit from an LED light that a gentile turned on in a dark room.

TURNING OFF LIGHTS

If a gentile is about to turn a light off, one may tell him not to do so⁹. Moreover, if a gentile is about to turn off a light in, for example, a bedroom, one need not object and it is permitted to benefit from the light being off, e.g., to sleep in the now, dark room¹⁰.

HEATING / AIR CONDITIONING

If it is very cold, it is permitted to instruct a gentile to turn on the heat since everyone is considered ill (and thus it is permitted to instruct a gentile to perform a melachah) when it comes to the cold¹¹. If someone in the home is ill, it is permitted to instruct a gentile to turn on the heat, even if it is not very cold¹².

If the air conditioning is running and it is too cold in the house, it is permitted to instruct a gentile to turn it off since people are more susceptible to illness when they are cold¹³. (Dayan Shmuel Fuerst, shlita)

If it is very hot outside, one may instruct a gentile to turn on the air conditioner since it is considered a shvus d'shvus b'makom tzaar gadol, instructing a gentile to perform a Rabbinically prohibited melachah to alleviate significant discomfort¹⁴.

WASHING DISHES

One must protest if one sees that a gentile is about to use a dishwasher. Even though as far as the Jew is concerned, the gentile could wash the dishes by hand and the gentile is using the dishwasher for her own convenience¹⁵. However, it is prohibited¹⁶. The reason is that since the dishwasher makes noise, it is considered a zilzul Shabbos.

One need not protest if the gentile turns on the hot water to wash the dishes. His interest in turning on the hot water is to make his job easier or more comfortable but does not actually benefit the Jew and thus is permitted. However, if the dishes are so greasy that he cannot clean them without using hot water, one must protest if he sees him turn on the hot water¹⁷.

Similarly, if the gentile decides to use a sponge, there is no need to protest. Since the dishes

could be cleaned without a sponge, the use of a sponge is to make the task easier for the gentile and permitted¹⁸.

VACUUMING

Although washing the floor is permitted since the maid decided, of her own volition to do it on Shabbos, vacuuming is prohibited. The reason is that vacuuming belittles Shabbos (Zilzul Shabbos) because of the noise that the vacuum generates¹⁹. Similarly, running the washing machine or the dryer belittle the sanctity of Shabbos and a gentile may not run these machines on Shabbos.

1 M.B. 276:36. When the gentile turns on the light despite the Jew's objection, it is considered as though he turned on the light of his own volition and it is permitted to benefit from that light.

2 Biur Halachah 276:1 d.h. Assur.

3 M.B. 264:6

4 Shemiras Shabbos K'Hilchasa 30:46 (New edition).

5 Shulchan Aruch and Rema 276:1 and M.B. 11, 13 and 14.

6 Since the gentile turns on the light to correct his error, it is considered as though he did it of his own volition and it is permitted to benefit from that melachah. See Biur Halachah 276:1 d.h. L'tzorchu and 276:4 d.h. V'chein.

7 See O.C. 325:8 and M.B. 325:41.

8 See M.B. 325:38 that other members of the household are included in this restriction, as are guests who are staying in the home for Shabbos.

9 M.B. 276:35.

10 Sefer Azarah K'Halachah (Rav Yosef Shlomo Beifus) who explains that just as there is no obligation to object to receiving benefit if a gentile added more light to a partially lit room, so too, turning off a light doesn't make the room usable, it just makes it a more pleasant place to sleep. Other Poskim are stringent, see אמוניך 4:מלכים 4:4 and Chut Shani, ch. 81, page 210.

11 O.C. 276:5.

12 See M.B. 276:39 who rules that if the heat was turned on for a child or elderly person, others would not be permitted to benefit from the heat.

13 Igros Moshe O.C. 3 end of siman 42. If, however, there is a room that is not too cold, it is not permitted to instruct a gentile to turn off the air conditioner.

14 Minchas Yitzchok (3:23) and Teshuvos V'Hanhagos 1:277. Rav Moshe Feinstein (Igros Moshe Y.D. III. 47:2), however, maintains a stringent position about this.

15 Rav Yitzchok Zilberstein, in his sefer אמוניך 9:34 argues that it may be prohibited because of the melachah itself. The rationale, that the gentile is performing the melachah out of his own self-interest, is limited to where the Jew does not benefit from the melachah directly. For example, if the gentile turns on the light so that he can see better while he is washing the dishes. Since the Jew does not benefit from the light, because as far as he is concerned, the gentile could wash the dishes in the dark and it is permitted. In this case, since the melachah of turning on the dishwasher benefits the Jew, i.e., his dishes are clean, it is prohibited.

16 Azarah K'Halachah 4:10:17

17 Shemiras Shabbos K'Hilchasa 31:32 (New edition).

18 Azarah K'Halachah 4:12 quoting Rav Refoel Tzvi Webber who equates the use of a sponge with the halacha that allows a gentile to kindle a light where he is washing dishes. It seems from these latter two rulings that the Poskim do not accept Rav Zilberstein's distinction recorded in note 15 because in both cases, the melachah that the gentile decides to perform benefits the Jew.

19 The Sanctity of Shabbos Siman 6 (At the back of the sefer) quoting Rav Moshe Feinstein. It is interesting to consider whether applications will change as dishwashers and washing machines become quiet and at times almost inaudible.



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