



Parshas Vayechi 5771

December 17, '10
Volume X Issue 8

May a person say "I cannot sleep with the lights on," in the hope that a gentile will switch the lights off?

This is a very common situation and many people in different places are accustomed to a certain *p'sak*. It is not our intention to alter that, but to merely present different *halachic* views. The underlying point is that when a person says that "I cannot sleep with the lights on," one is not instructing a gentile to switch off the lights rather than stating a fact in the hope that the gentile will understand the hint.

Another point is that the Jew is not benefiting directly from the actions of the gentile, which ostensibly is another reason to permit it.

So what is the halacha?

We find two opposing views to this particular situation.

The *Magen Avraham*¹ says that if a person sees that a gentile is about to light a candle (that belongs to the Jew) for the Jew's benefit, one must prevent that from happening.

But surely everybody agrees to this halacha of the Magen Avraham?

Correct, but we are talking about a specific case, which The *Shulchan Aruch*² describes as follows: candles are burning in a Jew's house and a gentile lights an additional candle. The gentile also adds oil to the lamp. The *halacha* is that one may benefit from the candle lit by the gentile and from the lamp with the added oil for the duration of the original candles, but after these candles have burnt out, a person may not benefit from the candle lit by the gentile or from the added oil.

¹ *Siman* 276:14.

² *Siman* 276:4.

What is the reason one is permitted to benefit from a candle lit by a gentile for the sake of the Jew - it seems to contradict everything we know?

The reason is that since one had ample light before the gentile lit the new candle or added oil to the lamp, the additional light is an add-on and not the principal and one may therefore benefit from it.³

Since I am permitted to benefit from the additional light (as long as the old ones are burning) may I instruct the gentile or hint that I want extra light?

The *Mishna Berura*⁴ says that whatever happens one may not instruct the gentile to do a *melacha*, even though *b'diavad* – *post factum* one may benefit from the additional light. As for hinting, this is where⁵ the *Magen Avraham* writes that the *halacha* says that one must protest when one sees that the gentile is about to light an extra candle. We see from the *Magen Avraham* that even when a person does not derive benefit from a gentile's action, it is forbidden to hint to the gentile to perform a *melacha* for the Jew and when one sees that the gentile is about to do a *melacha*, one must protest and prevent him from doing so.⁶

That is one school of thought, what is the other?

The *Chayei Adam* argues with the *Magen Avraham* and says that one need not prevent the gentile from lighting a new candle when there are other candles in the room. The reasoning is that it

³ See *M"B* 276:32.

⁴ *Ibid*.

⁵ This is how the ח"י אדם ס"ב initially explains the *M"A*.

⁶ In the ח"י אדם כלל ס"ב סק"ב he explains the *M"A* in another light but he still argues with him.

is not considered benefiting from the gentile. Accordingly one may hint to the gentile to turn out lights etc. because it is not considered deriving benefit from the gentile.

We could say that the *Chayei Adam* holds that one may say to a gentile, “I do not need the gas range anymore”, “I cannot sleep with the lights on”, “the light is pretty weak in here”, because in all these cases one is not ‘benefiting’ from the gentile’s action.⁷

For a final ruling one must ask one’s rav as to whether it is permitted.

Am I permitted to say on Shabbos “why did you not turn on the lights last Shabbos” hoping that the lights get switched on?

That type of hinting is forbidden according to all the *poskim*, because one is suggesting turning on lights by mentioning the action. It is called a direct hint and is forbidden.⁸

May I instruct a gentile to wash the dishes when I know that a dishwasher will be used?

Obviously this exact case is not mentioned in the *Shulchan Aruch*, so we will begin with a comparable issue that is mentioned and try to learn from it.

The *Ta’az*⁹ describes a case where the gentile maidservant was asked to wash the dishes and to do so she lit a candle. The *Ta’az* says that since the Jew does not physically benefit from that light and since the maidservant switches it on for her own sake the Jew may use it. This is because it has the status of a light switched on for the sake of a gentile.

The *chidush* (novelty) is that even though she is washing the Jew’s dishes, she is nevertheless switching on the lights to aid herself in the task that she is performing.

May the Jew aid the maidservant?

⁷ See the *M”B siman* 307:11 where it seems that he holds like this *Chayei Adam*. On the other hand there are other places where the *M”B* or *Bi’ur Halacha* seem to contradict this *p’sak*.

⁸ See *simon* 307:2 where the *Mechaber* says that it is only *muter* when said before or after Shabbos.

⁹ *Ta’az* in *simon* 276:5 and mentioned in the *M”B* 276:27.

The *Mishna Berura* states¹⁰ that the Jew may aid the maidservant because, as above, we view switching on the lights for the maidservant’s benefit. The Jew however may not wash the dishes alone because then it is seen as if the gentile switched on the lights for the sake of the Jew.¹¹

Does this imply that the maidservant may use a dishwasher?

Indeed it does. The Jew merely instructs the gentile to wash the dishes, which can be washed *b’heter* without involving any prohibitions, and the gentile on her own accord and for her own benefit decides to use the dishwasher. If the only alternative is using a dishwasher, it would be *assur* to instruct her to wash the dishes because one is instructing her to violate an *issur*.

To summarize:

- Gentiles may switch on a light when doing so for their own benefit, even though in essence the main action is to fulfill a Jew’s instruction.
- A Jew may benefit from that light.
- A gentile may use a dishwasher to wash dishes when instructed to wash dishes, provided that there is a way for the gentile to do it *b’heter*.

Orchos Chaim LaRosh

חבר טוב היה ליראי ד' – Be a good friend to those that fear *Hashem*.

Mesilas Yesharim says that society is one of man’s biggest influences, for good and for bad. Make sure that your social peers are positive for your spiritual growth. The Rosh seems to say here that **you** must be there for them; make yourself available for their needs.

Please help publish the Shabbos Weekly and send donations to:

"Shabbos weekly"

POB 43034

Jerusalem

91430

¹⁰ *Simon* 276:27.

¹¹ *M”B simon* 276:27.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim, Phone Numbers: U.S. and Canada 732-370-3344 Israel 972-3-616-6340

South Africa 076 187 1451 UK 44-020-8731-6666 Australia 61-296835626 Switzerland 0114143 333 0288

• e-mail: shabbosweekly@shemayisrael.com, or www.shemayisrael.com,

weekly sponsorships are available as well.

If you would like to send a question to Rav Ostroff, you can write to him at shabbosweekly@shemayisrael.com.

Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone’s awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p’sak*.