

# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS

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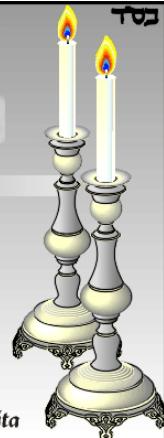
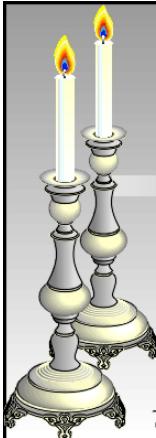


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RABBI DOVID  
OSTROFF shlita

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*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*<sup>1</sup> 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*<sup>2</sup> 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.

*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.<sup>3</sup>

*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*<sup>4</sup> 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 where<sup>5</sup> the *Magen Avraham* writes that the *halacha* says

<sup>3</sup> See *M"B* 276:32.

<sup>4</sup> *Ibid.*

<sup>5</sup> This is how the *Chay Adam* initially explains the *M" A*.

<sup>1</sup> *Simon* 276:14.

<sup>2</sup> *Simon* 276:4.

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.<sup>6</sup>

*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 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.<sup>7</sup> 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.<sup>8</sup>

## **Vort on the Parsha**

The possuk says that the 'clouds of honor' were before the B'nei Yisroel on all their journeys, and Rashi explains that this was true even when they were encamped and not traveling. Rav Sternbuch Shlita points out that even when B'nei Yisroel were resting they were 'traveling' which shows that their rest was not an ends rather a means for further journeys and that is why it is was also called a journey.

He points out that a Jew is always traveling upwards, and even when resting and on vacation one's eyes must focus on the true purpose of one's journey in life and not take a vacation as an ends but rather as a means to propel one's 'journey' further.

## **Food For Thought**

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

*May I tell a gentile to accompany me to the basement when I know that the light will be switched on for us in the dark basement?*

*May I instruct a gentile to bring me a bottle of Coke from the basement knowing that he will switch on the light to look for it?*

Answers coming next week.

<sup>6</sup> In the *נשמה אמר כל ס"ב ס"ב* he explains the *M"Z* in another light yet he still argues with him.

<sup>7</sup> See the *M"Z simon* 307:11 where it seems that he holds like this *Chayei Adam*. On the other hand there are other places where the *M"Z* or *Bi'ur Halacha* seem to contradict this *p'sak*.

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