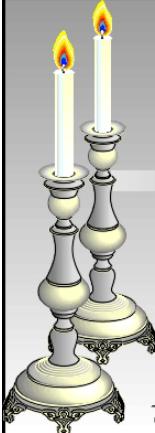


THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS



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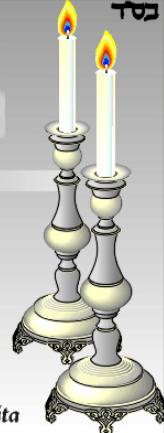
A Project of
The Shema Yisrael Torah Network

These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

based on the shiurim given by

RABBI DOVID
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Parshas Vayishlach 5766

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Is it correct to have a gentile switch on lights in shul?

Based on the previous shiur, it is evident that it is incorrect to have a gentile switch on shul lights. This is based on the *halacha* that one may not benefit from a gentile's action when performed (solely) for a Jew.

The *Rama*¹ however cites the *Ba'al ha'Itur* who says that one may ask a gentile to violate an *issur d'oraissa* – a biblical prohibition – for the sake of a *mitzvah*. The *Rama* concludes that one may only rely on this when in great need while the *Mishna Berura*² cites *poskim* who say that even in great need this is prohibited.

Without taking a stance on this matter, nowadays there is a simple solution in the form of a Shabbos clock. This would negate the need to ask a gentile to switch on shul lights.

Indeed, when the Shabbos clock is set incorrectly or some other such similar mishap occurs, one should ask a rav whether it is permissible to ask a gentile to switch on the lights.

Bathroom lights of a shul were accidentally switched off on Shabbos. May one instruct a gentile to switch them on?

If the local rav says that we rely on the abovementioned *Rama*, the answer is yes. If the rav says that we follow the *Mishna Berura*, one must instruct the gentile to use only a particular bathroom. Since the result will be that the gentile switches on the lights for his/her own use, the congregants may benefit from the lights thereafter. Care must be taken that the lights are

not switched on merely to please the congregants, as that is prohibited.

May one enter a door opened with a key carried through a reshus harabim (public walkway without an eiruv)?

We will try and understand the predicaments involved.

Assuming the key was carried *b'meizid* (intentionally) through a *reshus harabim*, it would seem to fall into the category of an action performed on Shabbos - which prohibits all from benefiting from the *melacha*.

This means that one may not step through a door opened with a key carried through a *reshus harabim*. Indeed Rav Moshe Feinstein *zts"l* writes³ that one may not enter a doorway opened through *chillul Shabbos*. In this particular situation he ruled that the door must be shut and reopened by a gentile, relying on the *heter* to use a gentile for the sake of a *mitzvah*.

Others however argue in this case and as usual, a rav must be asked as to the correct conduct in such an event.

May a Jew enter an electronic door opened by a mechalel Shabbos?

The same argument can be applied in this case. It is a particularly vexing practical problem at hotel and hospital entrances. When the door is opened by a gentile for himself there is no problem walking through the door.⁴ However,

¹ *Simon* 276:2.

² *Simon* 276:24.

³ *Iggros Moshe Orach Chaim* vol. II *simon77&71*.

⁴ As in *simon* 276:1, when he does it for himself.

when opened by a *mechalel Shabbos*, the abovementioned dispute surfaces.⁵

May I hire a gentile to open a door or gate for residents or tenants on Shabbos?

In many locales it is unsafe to leave entrance doors to buildings unlocked and a security guard is hired to open the door to tenants and their guests. When manually opened there is obviously no problem. The problem arises when opened via electric circuit.

Initially it would seem prohibited because one derives direct benefit from the gentile, similar to him/her switching on lights for a Jew.

However, there might be various permissible reasons, as follows:

- The *Rama*, as in the first question above, cites an opinion that when very necessary, one may instruct a gentile to violate the Shabbos for the sake of a mitzvah (in this case to go home to fulfill *Shabbos mitzvos*). The problem is firstly the *Mishna Berura* does not rely on this opinion. Secondly, sometimes one goes home for reasons other than to perform a *mitzvah*.
- The gentile guard was ordered by his contractor, another gentile, to open the door and is merely doing his/her job. The problem is that it might take care of the *amirah le'akum* – instructing the gentile – but the Jew is deriving benefit from the gentile, which is forbidden even when there is no *amirah*. We might attempt to answer, that opening a door is indirect benefit, as stated above.
- The gentile was instructed to open the door, which can be manually performed. The gentile prefers to open it electronically because this saves getting up each time. In this manner the gentile is doing it for his/her own benefit and the Jew is permitted to derive benefit.

⁵ Whether it is called benefiting from the entrance or a removal of an obstacle.

Every effort must be made to avoid this issue, such as using a side gate, but when there is no choice, as per the problems above and due to the complexity of the issue, one must receive rabbinical guidance.

Vort on the Parsha

Yakov Avinu was afraid that he forfeited the right to *Hashem's* pledge due to *Hashem's* kindness and his possible sins. The commentators state that *Hashem* does not retract his positive oaths and promises, so why should Yakov be afraid?

R' Yisroel Salanter explained it with a parable. If a person is promised a wage in return for certain services and if the person failed to provide his services, wages may not be demanded. If the contractor wishes to pay irrespective, it would be a gift.

If the person is charged with protecting an item and not only failed to do so, but destroyed it, it is obvious that the hirer is not required to pay the person and on the contrary, the person deserves to be punished. In this case the gift might be to forego punishment.

Yakov Avinu was afraid of sin, which is harmful and damaging. In this case he felt that he has no claim to *Hashem's* pledge and it would suffice if *Hashem* would absolve him of punishment.

Food For Thought

Is one permitted to fry an egg in direct sunlight?

What about heating a frying pan in the sun and cracking an egg into it?

How would you define cooking in a microwave oven?

Which is the best way to cook for an ill person on Shabbos?

Answers coming be" H next week.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim,

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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*.