



THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS

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



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Based on the previous shiur it appears that hinting is totally permitted before Shabbos.

It is far more problematic. Although the hinting in this manner takes care of the 'instructing' issue it does not deal with the actual *melacha* the gentile is performing for the Jew on Shabbos. In certain cases one need not prevent the gentile from performing certain *melachos* and in other instances one must prevent and protest even though the gentile is doing it on his/her own accord.

To summarize the manner of speech: To instruct directly is *assur* on Shabbos, before or after Shabbos.

One may hint directly before or after Shabbos (without taking the action itself into account and whether it needs to be prevented) but not on Shabbos itself.

There are cases where hinting is permissible on *Shabbos*, and we will discuss it in future shiurim.

When must the gentile be prevented from doing a melacha and when not?

This section must be divided into two. The first part deals with direct benefit and the second deals with indirect benefit.

The first part is clear-cut and simple.

It might happen that a gentile wishes to do a favor for his Jewish friend and when he sees that he is sitting in the dark he wants to turn on the light for him. Making use of a light is direct benefit and one must protest when one sees that a gentile is about to turn on the light for one's sake.¹

Does this apply in the gentile's house or only in the Jew's house?

One needs to protest in one's own house but not in the gentile's house.²

Does that mean that the Jew may benefit from a light turned on in a gentile's home?

If the gentile turned on the light for the Jew's sake, the Jew may not derive benefit from it regardless of where they are. The only difference is that the Jew need not protest when he sees that the gentile is about to turn on the light for his sake.³ For example, a Jew is staying in a non-Jewish hotel in *chutz la'aretz* for Shabbos and the room-service 'kindly' comes into his room and turns on the light. The Jew may not benefit from that light.

What then is the Jew to do? Must he leave the room?

Chazal did not require that one leave the room or the house in such a case,⁴ but one may not do anything that could not have been done without the light. If the room was dark to the extent that reading was impossible one may not read with the new light. However, it makes sense that one need not shut one's eyes, and if one had to grope one's way in order to find the bed or the door one need not shut one's eyes to revert the situation as if there was no light.

What if it was possible to read before the gentile turned on the light but it is now more comfortable than before?

² Although the *M"B* 276:11 says that one must protest in a gentile's house as well, he is referring to a case where the wood or oil belongs to the Jew and hence it is considered as if he is doing so with the Jew's consent. This does not really apply nowadays.

³ *Shulchan Aruch HaRav* 276:4.

⁴ *Rama* in *simon* 276:1 and *M"B* 12.

¹ *M"B* 276:11.

One may continue to read because the additional light is negligible and is not considered as if the gentile added light to the room.⁵

How would this apply to air conditioning?

One may not instruct a gentile to turn on the a/c unit nor may one hint in that direction.⁶ However, if the gentile did turn it on, although one need not leave the room one may not derive any benefit from it either. Therefore possibly one may not shut the windows in order to trap the cool air nor do any intentional action to enhance the enjoyment of the cool air.

What is indirect benefit?

The second part deals with indirect benefit and it is far more complicated. An example of indirect benefit is turning out lights in order to enable one to sleep. Turning the lights off is an indirect action even though without him doing so the Jew would not have been able to sleep in that room. One can argue and say that after all he is enabling him to do something that he could not have done; nevertheless it is not direct gain, only indirect. Removing the lights from the room enables one to sleep but the gentile did not 'give' the Jew anything, he merely removed the disturbance.

May one hint to a gentile to do something that involves indirect benefit?

This is the complicated part, because on the one hand one is not 'receiving' anything from the gentile but on the other hand the gentile is doing a *melacha* in the Jew's house for the Jew's sake. To instruct the gentile is definitely *assur* because one may not instruct him to do a *melacha*, even if the *melacha* is only to be done after Shabbos all the more so on Shabbos. The question is whether one may hint. For example, "I cannot sleep with so much light in the room". This is an indirect hint. After one

has removed the *cholent* from the stove or from the hot plate one might say "we no longer need the use of the *blech* or hot plate".

Everyone agrees though that the following is *assur*: "it would be nice if you would turn off the hotplate", or "whoever turns off the lights will profit", because this is a direct hint.⁷

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.

Orchos Chaim LaRosh

זכור יום המות תמיד וצידה הכן לדרך –

constantly remember the day of death and prepare for your journey. We have time. We have time to prepare ourselves for eternity, but in the meantime we need to "live". "Living" means doing what we want and how we want, not preparing for some far-away journey. There is always time "for that". But it's not true. Every day needs to prepare for that journey, and in reality, doing what's right everyday is true happiness. Not the vacations or the fun; those are tools. It's being kind to others and helping others that fulfills one's desires and prepares for the journey.

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⁵ M"B 307:11.

⁶ We are not talking about a case when it is extremely hot to the point that people feel ill from the heat. In such a case one must ask a rav whether it is permitted to ask a gentile to turn on the air conditioning.

⁷ We learn this from the *Mechaber* in *simon* 334:26, see M"B 69.

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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.