

SELECTED HALACHOS RELATING TO KI SISA

by Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

QUESTION?: Is it permitted on Shabbos to ask a non-Jew to wash dirty dishes knowing full well that he will use a dishwasher? Similarly, is it permitted to ask a non-Jew to sweep the floor knowing that he will use a vacuum cleaner?

DISCUSSION: It is a Rabbinical⁽¹⁾ prohibition⁽²⁾ to instruct a non-Jew to perform a forbidden, whether Biblical or Rabbinic, Shabbos Labor. It makes no difference whether the instructions are given on Shabbos or before Shabbos.⁽³⁾ This strict prohibition is known as amirah l'akum.⁽⁴⁾ It should follow, therefore, that a non-Jew may not be instructed to wash the dishes or sweep the floor if performing a forbidden Shabbos Labor will result from this command.

In our specific case, however, an argument for leniency can be made based on a ruling of the Taz.⁽⁵⁾ The Taz rules that one may instruct a non-Jewish maid to wash the dishes on Friday night even if he knows that she will light a candle⁽⁶⁾ in order to be able to wash the dishes. He explains that the Jew gains no benefit from the light, since the Jew's only concern is that the dishes be washed. The candle is not being lit for the Jew, but for the sake of the maid. This is not amirah l'akum, since a non-Jew may perform a Shabbos Labor for himself on Shabbos.

Based on this principle, we find several cases where some poskim were lenient concerning amirah l'akum:

1. It is permitted to instruct a non-Jew to "clean the floor," even though he will use a mop and do so in a prohibited manner (transgressing the Labor of Squeezing). This is because it is possible for him to clean the floor in a permissible manner - by pouring water on the floor and then pushing it aside.⁽⁷⁾ He is performing forbidden Shabbos Labors only in order to make it easier for himself. This is not amirah l'akum.⁽⁸⁾
2. Using makeup remover on Shabbos may be prohibited because of the prohibition of Smoothing, Memareiach. It is permitted, however, to instruct a non-Jew to "cleanse my face" even though the non-Jew will use makeup remover to do so. This is permitted because the face can be cleansed by scrubbing it with water, which is allowed on Shabbos. The decision to use makeup remover rather

than water is made by the non-Jew, for his benefit, and it is not based on the instructions of the Jew.(9)

In the cases cited above, the Jew's orders, which could be filled in a permissible manner, will actually be filled in a prohibited manner. Still, it is apparent that the poskim were lenient and did not view this as amirah l'akum. Accordingly, one is allowed to instruct a non-Jew to wash dishes or sweep the floor even though he will use a dishwasher or a vacuum cleaner to do the job. This is because the dishes can be washed on Shabbos in a halachically permissible fashion, and using the dishwasher benefits the non-Jew by making his job quicker and easier.(10)

ZILZUL SHABBOS(11)

Regarding practical halachah, however, there is another issue to consider before we may permit a non-Jew to use a dishwasher or vacuum cleaner on Shabbos. There is an opinion based on a ruling of the Rama(12) that preferably a Jew should not allow his windmill - or any other noisy machine - to be operated on Shabbos because of zilzul Shabbos, degradation of the Shabbos. The Rama is concerned(13) that running a noisy machine on Jewish-owned premises on Shabbos casts suspicion on the owner of the premises: Is he operating the machine? For this reason some poskim(14) forbid a non-Jewish maid to operate a dishwasher or a vacuum cleaner inside a Jew's home, since the noise might cause people to suspect the homeowner of violating the Shabbos.(15)

[It is permitted, however, to have a machine running in one's home only when it is clearly evident that the machine making the noise was set or turned on before Shabbos (such as a grandfather clock); or when it is common knowledge that such a machine is usually activated by a Shabbos clock (such as electric lights) or by a thermostat (such as an air conditioner).(16) In these instances, no suspicion will be cast on the owner of the premises and it is, therefore, permitted to use machines such as these.(17)]

The fact of the matter is, however, that many yeshivos and camps allow non-Jews to operate dishwashers on their premises on Shabbos. While this practice seems to contradict the aforementioned ruling of the Rama, it is nevertheless permitted since the Rama himself adds that where a monetary loss would be incurred, one may be lenient and not concern himself with zilzul Shabbos. Since it would otherwise be impossible for the yeshiva or camp to have clean dishes, they view their situation as a case of "avoiding a loss" and they are lenient. Nevertheless, individuals in their private homes should not rely on this leniency.

FOOTNOTES:

- 1** A minority view maintains that amirah l'akum is Biblically forbidden. While the poskim generally reject this approach, it is an indication of the severity of the prohibition; see Sha'ar ha-Tziyun 253:7.
- 2** There are several reasons given for this prohibition; see Rambam, Hilchos Shabbos 6:1; Rashi, Avodah Zarah 15a and 22a.

3 O.C. 307:2.

4 To reinforce this prohibition, the Rabbis went so far as to forbid one to derive direct benefit from a non-Jew on Shabbos even if the non-Jew performed the Labor on his own without being told; O.C. 276:1.

5 Quoted by Mishnah Berurah 276:27. See Hebrew Notes, pgs. 34-38, for a full explanation of this entire subject.

6 Or use hot water: Shemiras Shabbos K'hilchasah 30:23.

7 Although there is no permissible method for a Jew to wash a floor on Shabbos (see O.C. 337:4), there are permissible ways for a non-Jew to do so; see Rama 337:2 and Mishnah Berurah 10.

8 Birkei Yosef O.C. 333:2, quoted in Kaf ha-Chayim 337:21. Harav M. Feinstein is also quoted (The Sanctity of Shabbos, pg. 93) as allowing this.

9 Igros Moshe O.C. 2:79.

10 Shemiras Shabbos K'hilchasah 30:23. See, however, Melachim O'mneich 9:20, who makes a distinction between the case of the Taz and our case, since in the Taz's case, turning on the light is not directly connected to the washing of the dishes, while here the dishes themselves are being washed while transgressing a prohibited Shabbos Labor.

11 See Hebrew Notes, pgs. 38-39.

12 O.C. 252:5. See Pri Megadim 21 that this is only a chumrah.

13 As explained in Darkei Moshe and Shulchan Aruch Harav. This explanation is also evident from the Rama himself, who permits a clock to chime on the hour since everybody knows that it can be set before Shabbos.

14 See Kol ha-Torah # 42, pg. 255, where Harav Y.Y. Neuwirth amends a previous ruling and writes that if the noise of the dishwasher is heard by others it may be prohibited because of zilzul Shabbos. Harav M. Feinstein is also quoted (The Sanctity of Shabbos, pg. 89) as prohibiting the use of a dishwasher because of zilzul Shabbos. See also Minchas Shelomo 2:20, who prohibits setting a time clock to turn on a dishwasher because of zilzul Shabbos. See Shemiras Shabbos K'hilchasah 12:35, who adds another reason why a dishwasher may not be used with a time clock.

15 See Igros Moshe O.C. 4:70-6 who prohibits setting an alarm clock - which is normally set on the previous evening - before Shabbos if the ringing noise will be heard outside the room on Shabbos. See Minchas Shelomo 1:9, who prohibits a non-Jew to use a washing machine on a Jew's premises because of zilzul Shabbos. See Minchas Yitzchak 1:107, who prohibits leaving a radio or a tape recorder on from before Shabbos because of this concern.

16 See Rama O.C. 252:5, Igros Moshe O.C. 4:60 and Shulchan Shelomo 252:14. Shulchan Shelomo

adds that concerning electric lights there is no problem of zilzul Shabbos in any case since there is no noise involved.

17 Similarly, one is not required to shut off his telephone ringer, since a ringing phone does not cast suspicion on the homeowner that he is violating the Shabbos. It is also permitted to leave the phone attached to an answering machine or to a fax machine, as it is well known that these machines are set to operate before Shabbos.

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Rabbi Neustadt is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos.

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