

HALOCHOSCOPE



Congregation Shaaray Tefillah, Pittsburgh, PA

A word of caution: This discussion is for informational purposes. As with any Sheilo, it is important to discuss the question with a Rav, and to familiarize oneself with the issues before acting.

The question:

There is a light inside refrigerators which is switched on by opening the door by way of a spring that is depressed while the door is closed. On Shabbos one may not open the door, thereby indirectly switching on the light. If someone forgot to remove the light bulb or to tape the spring-switch down in the "off" position, what may he do on Shabbos to open the door? If he has already opened the door and turned on the light without realizing, what may he do about closing the door? May he enlist the help of a gentile?

Note: *Melochoh* is any one of the thirty-nine constructive activities forbidden on Shabbos by Torah-law, or their derivatives. *Sh'vus* is any ordinance added to the above by the Rabbis.

What are the issues?

- (A) What are the Melochos involved?
- (B) Is there any difference between direct or indirect actions?
- (C) Is *Amira L'Akum*, the rabbinical ordinance against asking a gentile to do a melochoh, permissible under any circumstances?
- (D) *Tikun Kli* - It is rabbinically forbidden to do anything resembling a repair. Is taping the switch down on Shabbos considered *Tikun Kli*?

(A) The Melochos

1. *Hav'arah* - burning. Lighting a flame is a Melochoh. There is some question as to whether this is true even when there is no real combustion, such as with the filament of a light bulb, but eventually a light bulb will burn out, so it is obviously being consumed slowly. [See Rambam Hilchos Shabbos 12:1; Raavad and commentaries. See also Sifas Emes P'sachim 75a.]

2. *Kibuy* - extinguishing. This, too, is a Melochoh. However, it only has Scriptural force if it is done in order to produce charcoal. Therefore, when one only does it to put out the fire, it is "downgraded" to a rabbinical ordinance. [It becomes a *Melochoh She'einah Tzrichah Legufah* - an activity that is not done for forbidden purposes. For example, to dig a hole in the ground is a Melochoh. If the purpose of the digging is not to make a hole, but to use the dirt that is removed, it is a *Melochoh She'einah Tzrichah Legufah*.] Moreover, when the material being burned cannot produce charcoal, as in the case of a light bulb, it is

never possible to violate the original Torah command. [See Shabbos 134a, Rashi beginning "Begacheles", and see Shulchan Aruch Orach Chaim end of 334.] Although in itself a rabbinical ordinance is just as prohibited as a Scriptural command, there are some leniencies that can be applied under certain circumstances, that would not apply to a Scriptural command.

(B) Indirect Action

Switching on a light indirectly is also forbidden. The difference between a direct action and an indirect action is that with an indirect action, a different activity was intended and this action resulted as a byproduct. There are two categories of indirect action: *Davar She'aino Miskaven*, and *P'sik Reisha*.

1. *Davar She'aino Miskaven* - If, at the time that the different action was undertaken it would possibly, but not definitely, lead to the forbidden activity, it is permitted, e.g. to dig a groove in the ground is forbidden; to drag a chair across the ground without the intention of digging a groove is permitted, since it might never lead to the melochoh.

2. *P'sik Reisha* - If, however, the Melochoh is unavoidable, it is forbidden to do the other activity. Thus, in our case, even if there is no intention to switch on the light in the refrigerator, since opening the door will definitely cause the light to be switched on, it is forbidden.

To close the refrigerator, and thereby switch off the light, would also be forbidden. It is a *P'sik Reisha* of a *Sh'vus*, a rabbinical ordinance.

(C) Amira L'Akum

It is rabbinically forbidden to ask, or tell a gentile to do a Melochoh for a Jew on Shabbos. It is also forbidden to tell him to do a *Sh'vus*.

However, since *Amira L'Akum* itself is a *Sh'vus*, telling a gentile to do another *Sh'vus* becomes a "doubly" rabbinical ordinance, a *Sh'vus Dish'vus*. This is permitted *Bimkom Mitzva* - in order to help one do a Mitzva. [See Tosafos Gittin 8b; Shulchan Aruch Orach Chaim 307,5.]

Tzorech Shabbos, making available the food and other needs for this Shabbos is considered a mitzva. [See Shulchan Aruch Orach Chaim 276,2.] Therefore, in our case, if the refrigerator is already opened, and the food inside will spoil if it remains open, one could tell a gentile to close it, which will turn out the light indirectly. This is a *Sh'vus Dish'vus Bimkom Mitzva* - to save the Shabbos food from going bad.

This, of course, does not really solve the problem, because once the refrigerator has been closed, it may not be reopened. However, even directly turning out the light is also a rabbinical ordinance, being a Melochoh *She'ainah Tzricha Legufah*, so telling a gentile to turn the light out before closing the refrigerator door would again be a *Sh'vus Dish'vus Bimkom Mitzva*. He could do this by partially unscrewing the bulb if it is easily accessible.

What about opening the refrigerator with the light bulb still in place? In cases of absolute necessity, it is permitted to ask a gentile to do a Melochoh through a *P'sik Reisha*, i.e. indirectly. [See Mogen Avrohom 253,18 and 41, and 259,11.] Consequently, one could ask a gentile to open the refrigerator to take something out, a *P'sik Reisha*, and then to loosen the light bulb, a *Sh'vus Dish'vus Bimkom Mitzva*, before closing it. [See Igros Moshe Orach Chaim Vol 2 No 68.]

(D) Tikun Kli

Would it be permitted to ask the gentile to depress the spring-switch in the door and to tape it down with a piece of tape or a bandaid? There is a rabbinical prohibition against repairing or adjusting. This applies even if the article in question is usable without the repair, such as straightening a bent fork. [See Chaye Adam 44,9.] This is a rabbinical decree to prevent us from violating the Melochoh of *Makeh Bepatish* which forbids the putting of the finishing touches onto a completed vessel, such as beating the dents in a pot, or cutting the loose threads off an item of clothing. [See Orach Chaim 340,13; 308,44.]

Tikun Kli is also a rabbinical safeguard against violating the Melochoh of *Boneh* - to build. *Boneh* is Scripturally forbidden only on something attached to the ground, not to a movable article. Therefore, knocking a nail into the wall of a house is forbidden; knocking a nail into a chair where it is not to finish it, is not Scripturally forbidden. However, complete construction of a movable object, e.g., building a box, is *Boneh*. Furthermore, even an article not attached to the ground, but larger than a certain size (forty "Se'ah") is included in the Scriptural prohibition of *Boneh*, and even making a small repair or adjustment is forbidden. [See Shabbos 102b, 123b, 146 and commentaries; Shulchan Aruch Orach Chaim 314.]

In our case, if it is a very large-capacity refrigerator, there is a problem here of *Boneh*: by taping the switch, one is making a small repair or adjustment. Even if it is a smaller refrigerator, there is a problem of *Tikun Kli*, even if the refrigerator is usable, through a gentile, without the *Tikun*. [See Orach Chaim 314,11 and Mishna Berura 47.]

Aside from the problem with actually taping the switch, it is forbidden to cut a piece of tape. [See Shulchan Aruch Orach Chaim 340,13 and Mishna Berura.] Using a bandaid would avoid this problem.

The only practical solution here is to ask a gentile to tape the switch down, although this, too, is not as simple as it sounds. Since the tape is not a permanent repair, it is not forbidden to ask a gentile to tape the switch on a small refrigerator, for the needs of this Shabbos. [See Orach Chaim 314,7 and Mishna Berura, there.] However, one must be careful not to ask him to cut the tape to a particular size, just to rip off a piece arbitrarily, or give him a bandaid or ready-cut piece of tape.

With regard to a large refrigerator, because of the issue of *Boneh*, it is more difficult to permit taping the switch even if it is done by a gentile. We might suggest that since this is not a permanent measure, nor is it a usual building activity such as returning a removable door to its hinges [see Orach Chaim 313,4], one may be permitted to ask a gentile to tape the switch. [See Oruch Hashulchan 314,17.] However, this distinction is not so clear. The Talmud permits plugging a hole in a barrel with wax [Shabbos 146b], which is also not a permanent measure. However, this is only referring to a small barrel [Rema 314,1]; on a large barrel, this would be a problem of *Boneh*. In order to permit the use of a bandaid, we would have to say that plugging a hole with wax is a more permanent measure than a bandaid is in our case. [We might also suggest that since this bandaid is being attached to the surface it is not as serious as plugging a hole with wax, according to Rambam as explained by Mishna Berura Orach Chaim 314,47. But see also Bach end of 314.]

Because of the complexity of this Sheilo, it is advisable to consult a Rav

before using the above suggestion.

Unscrewing the bulb is not a *Tikun Kli* on a small refrigerator. Even on a large refrigerator, partially unscrewing it is not considered a *Melochoh*. However, unscrewing it all the way might be in the category of *Soseh* - demolishing (unless we say that the bulb is not an integral part of the refrigerator as in the case of a knife lodged in a wall. [See end of Shulchan Aruch Orach Chaim 314 and D'risha 314,4, Mishna Berura 314,11.] [See Shabbos 47a,b and Shulchan Aruch Orach Chaim 313,6. Although Igros Moshe Orach Chaim Vol 2 No 68 permits telling a gentile to remove the bulb, he is probably referring to a smaller refrigerator.]

It is most advisable, therefore to ask a gentile to only partially unscrew the bulb in all cases. If he chooses to remove the bulb totally, the Jew is not responsible for the gentile's failure to follow instructions.

If a gentile is not available, on some refrigerators there is another way to open and close the door without turning the light on or off. If it is known whereabouts the switch is, it may be possible to slip a knife between the gasket and the refrigerator and to hold the switch down while opening and closing the door.

c 1993 Rabbi Shimon Silver

ANNOUNCEMENTS

SCHEDULE:

SHABBOS MINCHA	5:30 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY-FRIDAY	7:00 AM
MINCHA SUNDAY-THURSDAY	5:45 PM
CANDLE-LIGHTING PARSHAS MISHPATIM	5:42 PM
MINCHA EREV SHABBOS MISHPATIM	5:50 PM

SHIURIM:

THE RAV IS ON VACATION UNTIL SHABBOS TERUMAH.
MESSAGES MAY BE LEFT AT 521-5419.

THERE ARE A VARIETY OF SHIURIM AVAILABLE IN THE
KOLLEL. PLEASE FEEL FREE TO INQUIRE WITH THE
KOLLEL FOR DETAILS.

This issue of HALOCHOSCOPE is sponsored by Ovadiah Tolbert in honor of his birthday this week.

We inadvertently omitted a *Mazel Tov* to Mr. and Mrs. Leonard Bernstein on the birth of their granddaughter, and to Mrs. Doris Bernstein, the great-grandmother, who sponsored last week's issue.