



Parshas Behar/Bechukosai 5764

May 14, '04  
Volume III Issue 28

***Is it permitted to have a gentile turn on the air conditioner on Shabbos?***

As mentioned in the previous sheet, the optimal conduct is to prohibit using a gentile for turning on the lights etc. even if according to some *poskim* there is a *heter*. Preferably, the air conditioner should be connected to a Shabbos clock, which would be timed to turn the unit on and off. The question becomes pertinent when there is no Shabbos clock as yet, or for some reason it did not work and the air conditioner was not turned on.

The *Mechaber*<sup>1</sup> rules that in cold countries it is permitted to request a gentile to turn on the heating for children and during fierce cold weather it is even permitted to request a gentile to turn on the heating for adults. The reason for this *heter* is because the cold can make people sick and when illness is involved one may even request a gentile to violate an *issur d'oraisso*.<sup>2</sup>

***The question is: can we compare severe cold to severe heat?***

In so far as much as becoming ill because of the severe heat, one can compare heat to cold, but if the heat will merely cause discomfort, we cannot compare the two. In other words, when the heat will distress a person so much so that one might become bedridden, or cause dehydration, or when it

concerns old people or pregnant women who might be affected by the heat, one may request a gentile to turn on a fan or the air conditioner.

When it will merely cause discomfort and weariness one may not request a gentile to turn on the air conditioning.

***What is the reason for this restriction?***

*Moreinu* the *Chazon Ish* זצ"ל ruled that the making of an electric circuit involves an *issur d'oraisso* of *Boneh* (construction) and therefore turning on an air conditioner or fan involves an *issur d'oraisso*. The *halacha* is<sup>3</sup> that one may only request a gentile to violate an *issur d'oraisso* in a case of illness.<sup>4</sup>

***Does it make a difference whether it is for personal use or in shul?***

When the issue involves the public at large, such as in shul, in a dining room etc. there might be more room for leniency, but a competent *halachik* authority must be asked as to the correct conduct in such an event.<sup>5</sup>

<sup>3</sup> *Simon* 328:17.

<sup>4</sup> HaRav Yitzchak Yakov Weiss זצ"ל refers to this question in *מנחת יצחק* ח"ג סי' כג-כד but he does not take the *Chazon Ish* into account.

<sup>5</sup> This is in part based on the *בעל העיטור* mentioned in the *Rama* in *simon* 276:2. The problem is that the *M"B* 24 ruled that this opinion must not be relied upon, except in a case when the gentile is needed to repair the *eiruv*, where without him doing so many Jews will be carrying against the *halacha*.

<sup>1</sup> *Simon* 276:5.

<sup>2</sup> A biblical violation.

*It happened that a gentile mistakenly removed the cholent from the stove on Friday night and turned off the gas. When it was realized that the food was for the morrow, the fire was subsequently relit and the food returned. May it be eaten?*

The problem in this case is that the gentile had violated an *issur d'oraisso* for the sake of the Jew, besides the problem of *chazora* – returning food to the fire.

The *Elya Raba*<sup>6</sup> writes about a case where a gentile was about to improve the light emanating from a lamp (which in certain cases is a permitted action) and mistakenly extinguished the lamp. He subsequently relit it and the question was whether a Jew may benefit from this lamp. The *Elya Raba* rules that one may benefit from this lamp because it is considered as if the gentile lit it for himself, in order to compensate for his mistake. The *halacha* is that when we know that a gentile turned on a light for his own benefit a Jew may benefit from that light as well.

Accordingly, when the gentile made the mistake of removing the food from the fire when he was not supposed to, we can consider the entire episode of him relighting the fire and returning the food as if he is doing it for his own benefit to repair his error and the food is permitted for consumption.

We must add that this case has a plus to it in the fact that the Jew would not have needed the gentile do the *issur* for him had he not made the mistake in the first place.<sup>7</sup>

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## Vort on the Parsha

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<sup>6</sup> Cited in the *Bi'ur Halacha* in *simon* 276:1 ד"ה לצרכו.

<sup>7</sup> This would address the problem of a gentile doing a *melacha* for himself, which in certain cases does not permit the Jew to benefit from the *issur* when there is reason to believe that if the Jew benefits from the *melacha* the gentile will *l'chatchila* perform an *issur* on the next Shabbos for the Jew. See *simon* 325:11-12.

*Hashem* says that you may not sell the land forever because you are “wayfarers and settlers” with Me. The *Toras Kohanim* says if you are wayfarers with *Hashem* in this world you will be settlers with *Hashem* in the next world, but if you are settlers in this world you will be a wayfarer in the next world. The *Chofetz Chaim* would say that there are people that think that they will be in this world forever, and this is because they have tied themselves to the pleasures and attractions of this world. These people find it very hard to detach themselves from this world and cannot imagine that they are merely sojourners in this world. On the other hand, those who know that they are merely in the anteroom and intend passing through this world into the next, prepare themselves to be settlers in the next world.

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## Food For Thought

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*A gentile took a peek at the cholent and gave it a good stir to improve its cooking. May it be eaten? What if a Jew did that?*

*I once saw a gentile, in a certain hotel, take boiling water that was in a pot on the gas and pour it into a hot water urn. Is this permitted l'chatchila, and if not, may the water be used?*

*May one invite a gentile to eat at the Shabbos table?*

*The Israeli consul in Japan had to follow custom and invite gentiles to the Yom Tov meal, is he permitted to do so?*

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Answers coming next week.

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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.