

# HALOCHOSCOPE

**This week's question:**

Someone has an ill, wheel-chair bound father. He lives on the third floor of a facility with staff that can help move him around. There is a regular elevator, and an automatic one. It stops at each floor for a minimum length of time to allow a patient to wheel himself in or out with no need for controls. The son wishes to visit his father on *Shabbos*. The stairs are alarmed and are used only in emergencies. His choices are: using the automatic elevator; having the non-Jewish staff-member bring his father down to him on the manned elevator; entering the manned elevator when a gentile uses it anyhow. He would then remain there for the rest of *Shabbos*. Which option is most desirable *halachically*?

In a related case, someone lives in a building with non-Jewish staff-members that will operate the elevator for people if a request is made with the management. This person is often weak due to a medical condition. May he put in a request with the management to ask the staff to operate the elevator for him on *Shabbos*?

**The issues:**

**A) Electricity on *Shabbos***

**B) *Amira le'akum*, asking a gentile to do *melacha*; *amira de'amira***

**C) Elevators and automatic elevators on *Shabbos***

**A) Electricity on *Shabbos*** [Sections A and B excerpted from Halochoscope XVI:21.]

Some form of *melacha* is violated when electricity is used on *Shabbos*. In some cases, it is clearly a Scriptural violation. In others, it is debated, but most poskim consider it Rabbinical. Lighting a filament or an electric coil involves *hav'arah*, igniting. Accordingly, appliances with a glowing heated part involve *hav'arah*. In addition, there is an opinion that heating the metal involves *bishul*. Wires getting hot is an unwanted by-product of the usage of the electricity, known as *psik raisha delo nicha lei*. It is forbidden Rabbinically. The same applies to sparks ignited when a circuit is completed.

When no glow is produced, Scriptural *hav'arah* is not involved directly. A glow produced by charging gases, such as fluorescent light, is not considered Scriptural *hav'arah* by most poskim. Indirectly, drawing electricity uses power generated by the generators. It could be argued that activating the current causes more combustion. However, there is usually an enormous amount of power running through the main wire to the eventual ground point. The consumer simply taps into it. Even if more power is consumed by this consumer, due to the nature of the grid, it is possible that that extra power was being produced anyhow. Another consumer was using it, and he just turned off his appliance. Even if it is so efficient as to produce more power for each usage, the act is *grama*, done with the help of an outside force as well. If the power source is an alternating current, each time one turns on a switch, there is a chance that the current is between the pulses. When the current comes on afterwards, it is a further case of *grama*. If the power is from a hy-

dro-electric, or other alternative energy source, the consumer causes no *hav'arah*. The entire issue of burning energy is moot when using a battery. Battery power is produced by reacting two metals or other chemicals, which ignites nothing.

Some consider electricity *boneh*, building. Copper wire was created with potential to run a current through it. When electrons are sent along the wire, the copper reaches its potential, 'building' it. This view of invisible *boneh* is difficult to reconcile. Completion of a circuit is also a minor improvement to the house. *Boneh* can apply even in very minor activities. Some take this view into account, but there is no consensus to follow it.

*Tikun kli* applies when adjustments make a utensil usable or improve its use. Turning on an appliance effects *tikun*. The argument against this is that opening a door, drawer, or bottle-cap is not forbidden. Thus is part of normal usage. Similarly, switching on the electricity is not fixing the appliance, but rather *derech tashmisho*, its normal use.

All agree that there is something wrong with using electricity on *Shabbos*. The most likely view is that it is a Rabbinical form of *hav'arah*.

Extinguishing a flame is *kibuy*. Scripturally, *kibuy* must produce a coal or charcoal. If one has no need for the resulting coal, he has still violated the *melacha*. The Talmud debates whether this is Scriptural or Rabbinical. It is called a *melacha she'aina tzricha legufah*, not needed for its true purpose. *Ashkenazi* Jews follow the view that it is forbidden Rabbinically. Metal coals never produce charcoal. Therefore, extinguishing a metal coal or a filament can never be considered Scriptural *kibuy*. It is forbidden Rabbinically. Reducing power output without shutting it off also involves this. If there is no glowing part, switching off the electricity still involves a form of doubly Rabbinical *kibuy*, in accordance with the idea that electricity involves some sort of Rabbinical *hav'arah*. [See references to Halochoscope I:4 7 11 II:10 36 III:7 10 23 etc. Minchas Shlomo I:9-10. Encyclopedia Talmudis, Nispach Chashmal for comprehensive references.]

## **B) Amira le'akum**

Scripturally, a gentile indentured servant of a Jew is restricted from doing *melacha* for his employer. The main reason for the Rabbinical institution forbidding asking any gentile to do *melacha* for a Jew is *shlichus*, agency. *Halachically*, the actions of an agent are attributed to the person who engaged him. In the case of *melacha*, this does not apply Scripturally. If the agent is a Jew, he is liable for his own actions. If he is a gentile, he cannot be held liable for doing something that is not forbidden to him. Nor can the Jew be held liable for the agent's activities, because such agency has no basis. However, the Rabbis introduced such agency to protect the sanctity of *Shabbos*. Otherwise, Jews could practically behave in the same way as on a weekday, having gentiles do their *melachos*.

The institution is linked to a Scriptural reference: *melacha lo yaiaseh bahem*, shall not **be done**, even by another person. The institution was further strengthened by restricting benefit from *melacha* done by a gentile to directly benefit the Jew.

The poskim debate *amira de'amira*, asking one gentile to ask a second gentile to do *melacha*. The Talmud forbids hiring workers on *Shabbos* even by asking a gentile to hire workers. Logically, since one may not ask a gentile to do a Rabbinically forbidden activity, this should also be forbidden. The lenient opinion differentiates between this and the Talmudic case. One is not asking the first gentile to do Rabbinical *melacha per se*. A

compromise view permits it if one asks the first gentile before *Shabbos*. This could lead to having contractors sub-contract to do practically all *melachos* for Jews. This would cause a breach in the sanctity of *Shabbos*, and desecration of Hashem's name. Therefore, it should not be relied on wholesale. In the case of an invalid, it may be applied. The Talmud and poskim suspend the restrictions of *amira le'akum* for the needs of a non-life threateningly ill person. [See Mechilta Bo 12:16 Mishpatim 23:12. Shabbos 19a 122a 150a Eruvin 67b-68a Avoda Zara 21a-22a etc. Poskim. Tur Sh Ar OC 244247 252:2 276:2 306 307:2-5 22, commentaries. Chavos Yair 49 53. S'T Chasam Sofer OC 60.]

### **C) Elevators**

Elevators operate on various systems. In a hydraulic system the car is pushed up from the ground. A piston is forced upwards by fluid controlled by a pump and a valve. Theoretically, it could be done manually, but practically it uses electricity. A cable elevator operates by pulling the car from the top. For efficiency, a counterweight pulls on the other end of the cable. If the balance is about even, little energy starts the movement, after which it continues with gravity, much like a see-saw. The counterweight is based on an average load. In the most efficient case, the weight on the desired side is such that gravity will do most of the work. Otherwise, the motor needs to adjust for this, to pull the car or the counterweight upwards while allowing the other side to go down. In fixed powered motors, it works harder, slowing down slightly and using more electricity. A variably powered motor regulates and equalizes timing. Manually operated elevators use a variable resistor (rheostat) to adjust the power being used and to turn off the motor at the desired floor. In a cog system, wheels move a rail, or move along a rail, with or without a counterweight. This is used when smaller incremental destinations are needed.

In addition, elevators have various other circuits operating doors, brakes, lights, fans alarms and other sound systems and sensors. *Shabbos* issues arise with the initial operation, sensors, and the additional power used. When the passenger starts the process, he completes an electrical circuit. He also sets in motion the process to shut off the motor when he presses the button for the desired destination. The doors activate based on his selection. Asking a gentile to do this is also forbidden. If a gentile does it for himself, a Jew may benefit from the activity. There is still the issue of increasing or decreasing electricity usage with the addition of the Jewish passenger. The door safety sensors and a weight sensor are activated by his entry and presence. The platform of the elevator uses a scale to sense whether there is a real passenger. Modern elevators use heat and motion sensors for this. They measure the weight of all passengers and adjust the power accordingly. Modern computerized systems record patterns of usage, resulting in inadvertent electronic activation by a passenger, possibly even if he presses no buttons.

In an automatic elevator, the manual pressing of the buttons is eliminated. Thus, a wheelchair-bound person may enter at his floor and wait until it reaches the destination floor and exit. This wastes a lot of power. Modern systems might sense the presence of a waiting passenger and use voice recognition systems. With an older version of automatic elevator, the *Shabbos* issues of pressing the buttons is eliminated. The motor is timed to switch off when the elevator stops and opens the doors. The sensors only activate after the person has passed through. The door sensor starts again after the allotted time. If the

passenger is already inside, he will have done nothing. The scale activates when he is already inside. When the preset electricity comes back on, he is already inside. Electro-magnetic motion sensors will inevitably record his presence then, in addition to the scale. However, he did nothing actively at that time. His presence is a *grama* at worst.

The main issue debated is the adjustment and additional power needed for each passenger. These are also *grama*. The power is being adjusted anyhow, regardless of the passenger. It is possible that there is a balance, in which case there is no adjustment at all. Thus, *melacha* is a possible but not inevitable result, known as *davar she'aino miskaven*, and is permitted. The entire issue only arises if one considers the extra current part of the prohibition. The elevator was actually off when he entered. Therefore, he did nothing to actively increase the power. His action/presence is thus a double *grama*. His initial entry facilitated his later presence, which, in turn, facilitated the increased power usage.

A third argument is made. If one is liable for increasing *hav'arah*, he could not enter a room with a flame burning. His presence upsets the balance of air and heat, and affects the fire indirectly. He actively does something when entering. The same is true when entering a heated or cooled room. His body affects the equilibrium. If the unit was in the off mode, he does nothing when entering, and his inactive presence affects it later. If it is on, his body will cause the unit to work harder and longer, (or possibly less in the case of heat). His entry might even turn it on, which is worse than in the case of the automatic elevator. Moreover, the presence of any body emits an electromagnetic field. This affects many appliances, most notably florescent lighting. The basis to permit these is that mere presence is not considered enough activity to be a contributing factor to the volume.

In summary, the best scenario is to enter an elevator at the same time as a gentile doing it for himself. The Jew will not ask the gentile to press buttons. Next best is to use an automatic elevator, entering as soon as the doors stop opening, and waiting inside.

A separate issue is raised: *uvdin dechol*, activities that are not in the *Shabbos* spirit. This is a subjective matter. Entering an elevator is seen as a weekday activity, even if it involves no *melacha*. Therefore, unless it is absolutely unavoidable, one should not use an elevator. From this perspective, an automatic elevator is actually less of an issue. Due to its inefficiency, one would not usually use in on weekdays, unless he is handicapped. Thus, using it on *Shabbos* provides distinction. Nonetheless, for healthy people, it still has the appearance of doing some *melacha*. Thus, of the two options mentioned, neither is perfect, and each have an advantage. [See Encyclopedia Talmudis, Nispach Chashmal 5, and references there. Special thanks to A. E. for technical expertise.]

In conclusion, in the first question, the son should try to enter an elevator with a gentile. Alternatively, he could use the *Shabbos* elevator to go up. In both cases, he should stay until after *Shabbos*, rather than use an elevator to come back down.

In the second question, the patient should arrange with the management before *Shabbos*, in a way that he will not need to say anything direct to the staff.

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