

21st Century Challenges: Home Automation

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ELECTRICITY AND SHABBOS: PAST, PRESENT AND FUTURE

The Torah (Shemos 35:3) teaches us “*loh siva'aru aish b'chol moshevosaychem b'yom HaShabbos*” — a flame shall not burn in your midst on Shabbos. We cannot kindle a flame on Shabbos. This prohibition, based on a commandment from Hashem many years ago, has ramifications today and will continue to be relevant in the future. Hashem transcends all time and therefore, when He uttered these words to Klal Yisroel, it included everything from the sticks and stones of the days of Matan Torah, to the lightbulbs of Thomas Edison, to whatever new inventions the future has in store for us.

Past

What did the prohibition in this verse refer to in the past, at the time of Matan Torah? In ancient times, fire was created by rubbing two sticks or stones together. Chazal (*Pesachim* 54a) tell us that this is how the first fire was created by Adam HaRishon. The basic notion of “*aish*” was the lighting of a flame, whether its source of fuel is oil, wood or something else. To start such a flame or to add to such a flame on Shabbos is an outright Torah prohibition. The question as to what exactly constitutes *aish* became more complicated when people stopped lighting their homes with candles and

began using lightbulbs instead. Does the prohibition of “*loh siva'aru aish*” include such innovations as well? If an electric light is the equivalent of *aish* in the Torah, then turning on an electric light on Shabbos would be a violation of the *melacha* of *hav'arah*. If, however, an electric light is not the equivalent of *aish*, then perhaps it is permissible to turn on such lights on Shabbos.

In order to determine whether electric lights constitute the Torah's definition of *aish*, we have to go back to the basics and figure out the defining aspects of *aish*. What is it about “*loh siva'aru aish*” that is

prohibited? We can understand this in one of two ways. It could be that *aish* is anything that gives off light or provides heat. Alternatively, it could be that another crucial element of *aish* is that there is something that's being visibly consumed by the fire. Is this second dimension of fire, that the fuel is being consumed, an integral aspect of *aish* or not? The practical difference is whether turning on an electric light violates the *melacha* of *hav'arah*. When you turn on a light, there is nothing being visibly consumed, so if consumption is an essential component of *aish*, we could theoretically argue that an electric light does not constitute *aish*.

To address this question, Chazal (*Shabbos* 42a) describe a piece of metal that is so hot that it is glowing. The glowing hot metal is not consumed, and yet according to many of the Rishonim is considered to be *aish*. Indeed, this is the opinion that we follow as a matter of halacha (Rambam, *Hilchos Shabbos* 12:1 and *Avnei Nezer*, O.C. 229). This is the closest example in Chazal to the modern incandescent lightbulb, which involves lighting a filament that is a glowing piece of metal. As such, the fact that the metal is not being consumed is irrelevant, and this constitutes *aish* on a level of D'Oraisa.

In terms of halacha, when electric lights were invented, there was a clear consensus view among the Gedolim in Europe that it is an absolute Torah prohibition to turn on an electric light on Shabbos. This question became a little more complicated as the years went on because fluorescent bulbs and LED lights don't have a metal filament in them to provide light. Many fluorescent bulbs do use heated metal as part of their starter mechanism and

as such, turning on a fluorescent bulb might also constitute a *melacha* on the level of D'Oraisa.

Regardless of whether lighting the particular light constitutes *aish*, it is nevertheless prohibited to turn on any electric device, including lights. According to the *Chazon Ish* (O.C. 50:9), completing an electric circuit violates the Torah prohibition of *boneh*, while many other poskim assume that the violation is only rabbinic in nature. According to these poskim, turning on a light that contains glowing hot metal is a Torah prohibition (*hav'arah*), while turning on other devices is a rabbinic prohibition. This is an important distinction that is relevant for the next section.

Present

Over the last few decades we have faced another layer of complexity. In earlier times, if someone wanted to get something done, a physical action was necessary in order to get the desired result. For example, if a person wanted to light a fire or turn on a light, that person actually had to strike a match or flip a switch. However, with the rising popularity of motion sensors, a person can turn on a light without taking any physical action. A person can walk near a sensor, which automatically turns on the light. Is this passive action also included in the prohibition of "*loh siva'aru aish*," or is this something else? Moreover, when a person walks past a sensor, he may not even want to turn on the light. Does the intention to achieve a particular result make a difference?

This is a general question when it comes to *Hilchos Shabbos*: What happens if I perform action A and

then action B occurs as a result?

There is a *machlokes haTanoim* (*Shabbos* 133a) between Rebbe Yehuda and Rebbe Shimon that is a running theme throughout *Maseches Shabbos* in regard to a *davar she'ayno miskavein*. A *davar she'ayno miskavein* is when a person performs action A which is permissible, but which then unintentionally results in B, which is prohibited. The classic example of *davar she'ayno miskavein* is dragging a bench on the ground outside. Assuming that there is an *eiruv*, there would not be an inherent problem with dragging the bench. However, when a person drags the bench, it is possible that he could also dig a hole in the ground. Digging a hole is a violation of the *melacha* of *choresh* (plowing). If the person who is dragging the bench knows of the possibility of the hole being made, but does not intend to make a hole, then that is called a *davar she'ayno miskavein*. According to Rebbe Yehuda, a *davar she'ayno miskavein* is prohibited, but Rebbe Shimon argues that it is permissible. We follow Rebbe Shimon's opinion and therefore, it would be absolutely permissible to drag the bench.

The Gemara (*Shabbos* 103a) quotes Abayei and Rava who qualify this and say that a *davar she'ayno miskavein* is only permissible if the person is not certain that B is going to happen. If, however, the person knows that B is going to happen or, according to some opinions, even if he is fairly certain that it's going to happen, then Rebbe Shimon agrees that it is prohibited. This is known as *p'sik reisha*.

The Gemara then expands on this by trying to determine when something is really considered a *p'sik reisha*. If you do A and you know that B is

going to happen and are content with outcome B, then that's called a *p'sik reisha d'nicha lei*. In this situation, it is as if you performed action B intentionally. But what if it's a *p'sik reisha d'lo nicha lei* — it is unintended and unavoidable, but you don't really care about the result?

This is the subject of a dispute among the Rishonim. The *Sefer HaAruch* (s.v. *Savar* no. 5) says that a *p'sik reisha d'lo nicha lei* is permissible. However, many of the Rishonim, including Tosfos (*Shabbos* 103a s.v. *Lo Tzricha*), disagree with him and say that a *p'sik reisha d'lo nicha lei* is not totally permissible, and is prohibited on a rabbinic level. As a matter of halacha, we generally follow the view of Tosfos.

How does this play out in terms of walking past a sensor on Shabbos? When a person walks past a sensor knowing that it is there, and it turns on a light, that is a *p'sik reisha*. The question is whether the person cares that the light was turned on or not. If he turned on the light in a dark place, then he is probably content with the light turning on, and so it's considered a *p'sik reisha d'nicha lei* and is prohibited. But if the light was turned on in a place that is not so dark, and the person did not really care to have the light on, then it's considered a *p'sik reisha d'lo nicha lei*. This is still problematic. However, there is a *machlokes haRishonim* regarding a *p'sik reisha d'lo nicha lei*, in which the unintended result is itself only a rabbinic violation. If the light that turns on is an incandescent bulb or a halogen bulb, this *machlokes* is not relevant and it would be prohibited. But if the light is an LED light, and the unintended result is only rabbinic in nature, then there would be more room to be lenient in such a case.

There are a number of different opinions regarding this type of a situation.

Future

Motion sensing devices are fairly ubiquitous in contemporary society and questions surrounding *p'sik reisha* are asked regularly, with new permutations as new technologies emerge. The *p'sik reisha* questions relate to the relationship between our actions and their unintended results. Yet there is a new category of technology emerging that causes us to question what is considered an "action." Voice recognition devices such as Amazon's "Alexa" allow us to turn lights on by simply saying "turn on the lights." The popularity of this technology is growing. If our interactions with electricity in the future will be with our voices, it is important to explore what halacha says about this. Does speaking constitute an action that is prohibited on Shabbos?

The Gemara in *Bava Metzia* (90b) talks about the prohibition against muzzling an animal to prevent it from eating while it is working (Devarim 25:4). What is the halacha if you don't physically muzzle the animal, but "muzzle" it in that whenever it is about to eat, you scream in order to frighten it and thereby prevent it from eating? We follow the opinion of Rav Yochanan who says that one would receive lashes for doing such a thing. To be culpable for *malkos* (lashes), one must perform a *lav she'yaish bo ma'aseh* — a physical action. Chazal say that the action in this case is the moving of the lips. This is a tricky statement, because we know that in other areas of halacha this is not true. Sometimes speaking is not considered

an action. Tosfos (ad. loc. s.v. Rav Yochanan) explain that if moving the lips results in an action happening, then that's called an action in halacha and therefore, if a person screamed in order to prevent his animal from eating while working in the field, he would be culpable.

It would seem that we could apply what we learn from this case to turning on lights by way of speech. If a person speaks and the moving of the lips results in the lights turning on, then we could argue that it is called an action and would be prohibited on Shabbos.

There are other issues involved in turning on lights via speech, such as the prohibition of "*daber davar*." The verse in Yeshaya (58:13) says that we are not allowed to speak about doing melacha on Shabbos. This is one of the reasons why it is prohibited to ask a non-Jew to perform *melacha* on Shabbos. As such, speaking about turning on lights would seem to be another issue that applies here.

The words "*loh siva'aru aish b'chol moshevosaychem b'yom HaShabbos*" were given to us at Har Sinai and they still apply today. On January 1, 2000, *The New York Times* published an edition of what they thought *The New York Times* would look like on January 1, 2100 and on the bottom of the front page, there was a reminder for Jewish women to light Shabbos candles. They knew that in the future, Jewish women would still be lighting Shabbos candles on Fridays. The reason there is a specific mitzvah to light Shabbos candles is because we can't light candles on Shabbos. The words "*loh siva'aru aish*" are as true today as they were in the days of Moshe Rabbeinu, and will be true in the future as well.