

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

SERIES 2: 71 - SHABBAT ELEVATORS - PART 2

OU ISRAEL CENTER - SUMMER 2023

A] ELECTRICAL CIRCUITS ON SHABBAT - AN OVERVIEW¹

• Any discussion of the halachic status of electricity on Shabbat must distinguish between four separate issues:-
(i) turning on; (ii) turning off; (iii) turning up; (iv) turning down.

• A fundamental distinction must be made between (i) activating/deactivating the the electricity itself and (ii) activating/deactivating the appliance being powered by the electricity. That activity may (independent of the issue of electricity per se) be a melacha on Shabbat e.g. lights, ovens, drills, power saws, milking machines, typewriters, washing machines, food processors, lawn mowers, shavers, sewing machines, bread makers. However, other activities may not intrinsically involve any of the 39 melachot eg radios, fans. In such circumstances, the question will then focus significantly on the halachic status of the electrical circuit itself.

• We saw in Part 1 that there are 4 main halachic positions concerning the use of electricity on Shabbat:

A1] RAV YITZCHAK SHMELKES - BEIT YITZCHAK - MOLID

Molid is a rabbinic prohibition relating to activity which is not technically 'melachah', but which gives the impression of 'creating' something on Shabbat. R. Shmelkes understood that introducing electricity to a circuit on Shabbat was analogous to introducing scent into a piece of cloth.

1. בדין אם רשאים לדבר בשבת ע"י מכונה הנקראת **טעלעפאן**. והנה לפע"ד יש איסור בדבר ושומר נפשו ירחק מזה. יש לאסור עוד משום דע"י סגירת זרם העלעקטרי נולד כח עלעקטרי וזה אסור בשבת. דכמו בסחופא כסא אשיראי אמרינן בביצה (כג) **דאסור משום דמוליד ריחא**. ה"ה **דאסור לעשות עלעקטרישע פערבינדונג** (elektrische Verbindung/electrical connection) בשבת. ומה"ט לדעתי יש לאסור לעשות זאדאוואסער (soda water) בשבת משום דגם שמה מוליד הרכבה חמית [חעמישע פערבינדונג - chemische Verbindung/chemical connection]

שו"ת בית יצחק יורה דעה, חלק ב', מפתחות והגהות שבסוף הספר - השמטות לסימן לא

According to this analysis - turning ON a circuit is rabbinically prohibited.

- turning UP a circuit is analogous to adding extra scent which is subject to debate and may be permitted.

- turning OFF and DOWN a circuit would not be prohibited in the same way.

A2] CHAZON ISH - BONEH/SOTER

The Chazon Ish understands that connecting an electrical circuit is the melacha of 'boneh' and disconnecting it will be 'soter'. Both of these prohibitions are min haTorah. The analogy to boneh is as follows:- boneh means the combination of two separate parts into a new functional unit. So too, the Chazon Ish viewed the connection of a circuit as the combination of two previously unusable materials (wire + electrical energy) into a new functional unit (electrified wire).

2. דהמוליק גר החשמל בשבת, ... יש בזה משום תיקון מנא כיון שמעמידו על תכונתו לזרום את זרם החשמל בתמידות, וקרוב הדבר דזה בונה מה"ת, כעושה בלי, וכש"כ כאן שכל החוטיין מחוברין לבית והו"ל כבונה במחובר ואין כאן משום אין בנין בכלים אלא דינו כמחובר דיש בו משום בנין וסתירה אבל הכא אין נמקתא בזה דאפי' בכלים כה"ג חשיב בונה.

חזון איש אורח הל' שבת נ"ט

1. Everything in this section was covered in much more detail in Part 1.

According to this analysis - turning ON a circuit is prohibited min haTorah
 - turning OFF a circuit is prohibited min haTorah
 - turning UP and DOWN may not be prohibited for this reason, but other reasons could apply.

A3] RAV ASHER WEISS - MAKEH BEPATISH

Rav Asher Weiss recently proposed a new way of analysing electricity on Shabbat. He rules that a Torah prohibition is certainly breached when operating electricity on Shabbat - the melachah of makeh bepatish².

3. כל דבר שהוא גמר מלאכה חייב עליו משום מכה בפטיש. ומפני זה הגורר כל שהוא או המתקן כלי באיזה דבר שיתקן חייב.

רמב"ם הל' שבת כג"ד

One of the 39 melachot is 'makeh bepatish' - putting the final touches to an item to make it usable. By analogy, the Chazon Ish and the Tzitz Eliezer had previously suggested that turning on a circuit could be makeh bepatish, since it makes the circuit 'live' and operational.

4. רבי יוחנן ור"ש בן לקיש עבדין הוויי בהדא פירקא תלת שנין ופלוג. אפקון מיניה ארבעין חסר אחת תולדות על כל חדא וחדא. מן דאשכחון מיסמוך סמכון. הא דלא אשכחון מסמוך עבדוניה משום מכה בפטיש.

תלמוד ירושלמי (וילנא) מסכת שבת פרק ז הלכה ב

R. Asher Weiss³ cites a Yerushalmi which redefines how Chazal understood melachot and, in particular makeh bepatish on Shabbat. When Chazal analyzed the 'toladot' (derivative) melacha, they did not simply derive them from the 39 Melachot and, if there was no connection, rule the activity to be permitted. Rather, any activity which is 'chashuv' must be a melacha. If it does not directly connect to one of the 39 Melachot, they connected it to makeh bepatish!

5. המפיס שחין בשבת כדי להרחיב פי המכה כדרך שהרופאין עושין שהן מתכוונין ברפואה להרחיב פי המכה הרי זה חייב משום מכה בפטיש שזו היא מלאכת הרופא.

רמב"ם שבת פרק י הל' יז

Even though the implications of this approach are very novel⁴ there appears to be support from the Rambam who rules that it is prohibited because of makeh bepatish to lance boils since it is the 'melacha of doctors'!!!

According to this analysis⁵ - turning ON a circuit is prohibited min haTorah
 - turning a circuit OFF, UP and DOWN may not be prohibited for this reason, but other reasons could apply.

A4] RAV SHLOMO ZALMAN AUERBACH - MINHAG YISRAEL/MOLID

Rav Shlomo Zalman Auerbach concludes that it is not clear to him why the simple connection of an electrical circuit on Shabbat should be prohibited (assuming that there is no heat generated or other consequent prohibitions caused). Nevertheless, the clear halachic minhag of the Jewish community is NOT to use electricity for the reason of the Beit Yitzchak - that there is an issur derabbanan of molid. Furthermore, since many uses of electricity are clearly prohibited min haTorah (e.g. turning on filament light bulbs), people should certainly refrain from using any electricity on Shabbat to avoid confusion and potential chilul Shabbat.

6. **נתבאר** לפי זה דלענ"ד נראה דבכה"ג דלא עשה כלל שום הדלקה או כיבוי, כי אם מחבר רק את הטלפון עם הזרם, אין לאסור בשבת וי"ט - לא משום מכה בפטיש ולא משום מוליד. (אך חושבני שהמונן העם אינו יודע כלל להבחין בכך ויכול לטעות ע"י זה לומר שמותר גם להדליק ולכבות את החשמל בשבת, ולכן אף לדין אין להתיר דבר זה כי אם במקום צורך גדול (...). אך מה אעשה שכבר הורה זקן והוא הגאון מוהר"י שמעלקיש ז"ל בשו"ת בית יצחק (יו"ד ח"ב סי' לא) בהשמטות על דבר הטלפון אם מותר לדבר בו בשבת. ובתוך דבריו כתב שם: "דכמו בסחופא כסא אשיראי אמרינן בביצה כ"ג דאסור משום דמוליד ריחא ה"ה דאסור לעשות עלעקטרושע פארבינדונג בשבת" עכ"ל. והדבר צריך הכרעה (... עיי"ש דהאי גאון ז"ל כתב נמי "לדעת יש לאסור לעשות זאדאווססער (מי סודה) בשבת משום דגם שמה מוליד הרכבה חימית", ואפ"ה למעשה רבים מקילים בזה).

שו"ת מנחת שלמה חלק א סימן ט ד"ה נתבאר לפי

According to this analysis the factors relevant to molid (above) would apply.

2. The Chazon Ish had previously suggested that using electricity may be *makeh bepatish* but, as we will see, Rav Weiss has a new suggestion as to its application to electricity.

3. Shu't Minchat Asher 1:30 and 1:32. The teshuva relates to turning on LED lights on Shabbat.

4. As Rav Weiss points out in his teshuva.

5. Rav Weiss also suggests that where electrical activity is happening unintentionally and undiscernibly, this may not be chashuv and not prohibited. See

<https://www.koltorah.org/halachah/rav-asher-weiss-new-perspective-on-the-use-of-electricity-on-shabbat-part-one-by-rabbi-chaim-jachter> and

<https://www.koltorah.org/halachah/rav-asher-weiss-new-perspective-on-the-use-of-electricity-on-shabbat-part-two-by-rabbi-chaim-jachter>

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Other reasons suggested as halachic factors in prohibiting electricity have been rejected by most poskim as either halachically irrelevant or no longer relevant to the modern reality of electrical appliances. These include:

- creating sparks/ *mavir*
- causing additional fuel consumption at the power station⁶
- heating the wires/ *bishul*

The broad consensus of most poskim is that turning on an electrical circuit (other than lights/heaters) is a rabbinic prohibition.⁷ However, many poskim take the view of the Chazon Ish into serious consideration and will be concerned that the use of electricity on Shabbat could be min haTorah.

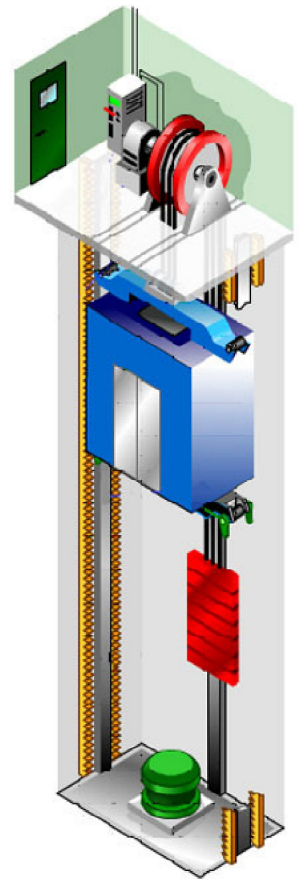
B] THE TRACTION ELEVATOR - HOW DOES IT WORK?⁸

7. The most popular & efficient elevator design is the roped elevator. In roped elevators, the car is raised and lowered by traction steel ropes. The ropes are attached to the elevator car, and looped around a sheave. A sheave is just a pulley with grooves around the circumference. The sheave grips the hoist ropes, so when you rotate the sheave, the ropes move too.

The sheave is connected to an electric motor through a gear box. When the motor turns one way, the sheave raises the elevator; when the motor turns the other way, the sheave lowers the elevator. ... Typically, the sheave, the motor and the control system are all housed in a machine room above the elevator shaft.

The ropes that lift the car are also connected to a counterweight, which hangs on the other side of the sheave. The counterweight weighs about the same as the car filled to 40-percent capacity. In other words, when the car is 40 percent full (an average amount), the counterweight and the car are perfectly balanced.

The purpose of this balance is to conserve energy. With equal loads on each side of the sheave, it only takes a little bit of force to tip the balance one way or the other. Basically, the motor only has to overcome friction - the weight on the other side does most of the work. To put it another way, the balance maintains a near constant potential energy level in the system as a whole. Using up the potential energy in the elevator car (letting it descend to the ground) builds up the potential energy in the weight (the weight rises to the top of the shaft). The same thing happens in reverse when the elevator goes up. The system is just like a see-saw that has an equally heavy kid on each end.



How Elevators Work⁹

When an elevator is in use a number of electrical activity may be happening, including:

- Activation/deactivation of the motor
- Activation/deactivation of a mechanical brake at the desired floor
- Opening/shutting/locking of the doors
- Motion sensors on the doors to prevent them from closing on people
- Indicator lights in the elevator turning on/off
- Electronic weighing systems monitoring the load in the car
- A computer control system which regulates all the functions - speed, doors, lights, fans etc

6. Rav Rozen notes that a person entering the kitchen has more effect on their refrigerator motor due to increase in ambient heat than one elevator has on the power station.

7. This will be of practical relevance in cases of significant need or loss, in cases of illness (eg hospitals) or security (eg army/police).

8. Almost all elevators today are traction elevators. A small minority are hydraulic elevators. These systems lift a car using a hydraulic piston mounted inside a cylinder and driven by pressurized oil through a pump and valve system. The cylinder is connected to a fluid-pumping system. The hydraulic system has three parts: (i) a tank (the fluid reservoir); (ii) a pump powered by an electric motor; and (iii) a valve between the cylinder and the reservoir. The pump forces fluid from the tank into a pipe leading to the cylinder. When the valve is opened, the pressurized fluid will take the path of least resistance and return to the fluid reservoir. But when the valve is closed, the pressurized fluid has nowhere to go except into the cylinder. As the fluid collects in the cylinder, it pushes the piston up, lifting the elevator car. When the car approaches the correct floor, the control system sends a signal to the electric motor to gradually shut off the pump. With the pump off, there is no more fluid flowing into the cylinder, but the fluid that is already in the cylinder cannot escape (it can't flow backward through the pump, and the valve is still closed). The piston rests on the fluid, and the car stays where it is. To lower the car, the elevator control system sends a signal to the valve. The valve is operated electrically by a basic solenoid switch. When the solenoid opens the valve, the fluid that has collected in the cylinder can flow out into the fluid reservoir. The weight of the car and the cargo pushes down on the piston, which drives the fluid into the reservoir. The car gradually descends. To stop the car at a lower floor, the control system closes the valve again. Thus the system only uses power through the motor for upward movement and gravitational force for downward movement.

9. eroselevators.com/elevators-work.php

When a person presses a button to call the elevator or send it to a floor the following electrical operations are activated:

- A weighing device recognizes the extra weight of the person when they enter the elevator.
- A computer control system is constantly operation to regulate all of the issues referred to below.
- Closing and locking doors
 - Checking safety conditions before allowing motion
- Voices/sounds indicating doors closing
 - Releasing the brakes
- Activating the motor
 - Changing the indicator lights
- Deactivating the motor before the destination floor
 - Engaging the brakes
- Voices/sounds indicating doors opening
 - Unlocking and opening doors

C] CREATING A 'SHABBAT ELEVATOR' - OVERVIEW

- The Shabbat elevator must fully automatized in ALL of the above systems. Once this is achieved, the halacha follows Beit Hillel that there is no requirement for our *kelim* to rest on Shabbat (*shevitat kelim*), only for ourselves and our animals.
- The easiest issue is stopping at floors and the Shabbat elevator will be pre-programmed to stop at specific floors¹⁰ when ascending and descending so that no buttons need to be pressed.
- The sensors on the doors will also be deactivated so that the door remains open for longer and a long warning buzzer sounds when closing. In that way, people will not trigger sensors to prevent the door from closing.
- The main challenge will be the motor and changes in the activity of the motor caused by adding or removing the weight of people

- Going Up
 - Adding people to the elevator will cause the motor to increase in speed to lift the extra weight
 - However, this causes an INCREASE in current which, as we saw above, is less halachically problematic and is permitted by many poskim in a case of significant need¹¹. Nevertheless, other poskim are less prepared to accept this, even in cases of need¹².
 - It may also be *meniat hamone'a* which we looked at in Part 1. This is even less problematic since the person is 'preventing a prevention'. The normal operation of the motor generates an internal force which opposes the flow of current into it. The faster the motor turns the less current it accepts from the power supply. The extra weight of a person in the elevator will prevent the motor from turning as fast, which in turn will enable it to accept more current. This, in turn, will enable the motor to raise the loaded elevator, even if at a decreased speed. So the person is actually 'preventing the prevention' of current¹³.
- Going Down
 - Normally going down will cause the motor to work LESS, although may cause the brakes to work more.
 - Also, as noted above, in a standard traction elevator, the counterweight is significantly heavier than the passenger cabin. So the natural gravitational movement of the elevator without the assistance of the motor is to go up. As such, the motor sometimes needs to work harder to push the empty passenger cabin down. This increase in current will not be as problematic for the reasons set out above.
 - Rav Halperin was much MORE concerned about riding in a regular descending elevator than ascending due to the impact of the weight of the person. This added weight, together with the motor, will be responsible for pushing the elevator down and will also be partially liable for all the electrical activity which accompanies the descent - brakes, lights etc., even if no buttons were pressed.
 - Also, if the weight if the cabin is significant in pulling down the elevator, many elevators are constructed so as to convert this extra energy BACK into electricity via the motor and to feed this extra power back into the grid to serve neighboring blocks¹⁴. Again, this electrical generation will be partially caused by the weight of the person in the cabin.
 - If so, we need to ascertain if a person is responsible in halacha for actions caused by their own weight?

10. Shabbat elevators often ascend directly to the top floor and come down floor by floor. But this can be changed as required. The elevator can also be programmed to stop only at the floors on which there are residents who wish to us it.

11. Rav Shlomo Zalman Auerbach also rules that, in the case of elevator, this is further alleviated by being *grama*.

12. Rabbi Jachter reports that Rav Schachter ruled this should not be relied upon if possible.

13. In fact, Rav Halperin understands that the case of the elevator is even LESS problematic than *meniat hamone'ah*. In the case of the candle, the wind is actually blowing when the person closes the window, causing the immediate effect of the candle burning more brightly. In the case of the motor, when the person enters the elevator the system is not yet operational. So the person's extra weight does not have any immediate effect.

14. Many people observed that in New York skyscrapers the lights were brighter in the late afternoons since so many people were descending in the elevators and excess power was being fed back into the building. This is rarely a concern in small domestic elevators.

D] HALACHIC RESPONSIBILITY FOR ONE'S WEIGHT**D1] IN THE LAWS OF DAMAGES**

8. ואמר רבה: נפל מראש הגג ברוח שאינה מצויה והזיק ובייש - חייב על הנזק ופטור בד' דברים. ברוח מצויה והזיק ובייש - חייב בד' דברים ופטור על הבשת, ואם נתהפך (רש"י) - לאחר שכתחיל לנפול דנתכוין לנפול על האדם להכאתו) - חייב אף על הבשת.

בבא קמא כו.

If a person falls off a roof, even if they are not negligent, and lands on another person, they are responsible for basic damage caused. If they are negligent their liability extends to other heads of damage. If they intended to land on the person they are fully liable for all damages.

- A person is liable for their damage caused by their weight¹⁵ in the same manner as caused by their hands - *adam mu'ad leolam*.

9. דתניא: ה' שישבו על ספסל אחד ולא שברוהו ובא אחד וישב עליו ושברו - האחרון חייב. היכי דמי? אילימא דבלאו איהו לא איתבר, פשיטא! אלא דבלאו איהו נמי איתבר מאי קעביד?! לא צריכא, דבלאו איהו הוי מיתבר בתרי שעי, והשתא איתבר בחדא שעה, דאמרי ליה: אי לאו את, הוי יתבינן טפי פורתא וקיימין. ולימא להו: אי לאו אתון, בדידי לא הוה מיתבר! לא צריכא, דבהדי דסמיך בהו תבר.

בבא קמא יז.

If a person sits on a bench which other people are already sitting on and it breaks, the last person to sit down is liable for the damage caused by the breakage. The Gemara asks why they are not all liable, since it was the combined weight of all of them that caused it to break. It answers that the case is where the sixth man is leaning on the others, preventing them from getting up. If he were not leaning on them, they would indeed all be liable. As such, a person is liable for damages caused by their weight EVEN for passive omissions, for which a person is not normally halachically liable.¹⁶

D2] IN THE LAWS OF MURDER

- It is well known that one may not kill another person, even to save their own life¹⁷. As the Gemara puts it - 'who says that your blood is redder than his!?'

10. אצל היכא דלא עבד מעשה כגון שמשליכין אותו על התינוק ומתמעך מסתברא שאין חייב למסור עלמו. דמאי אמר אדרבה מאי חזית דדמא דחבראי סומקי טפי דילמא דמא דידי סומק טפי כיון דלא עבד מעשה.

תוספות סנהדרין עד: ד"ה והא אסתור

Tosafot raises the case of someone is about to be thrown against their will on top of a baby which will kill the baby. Does the person have to give up their own life rather than let this happen. Tosafot answer no since, in this case where the person is passive, they can indeed say that their blood may be redder.

- Rav Halperin points out that the person being thrown is indeed 'responsible' for the death. They are, however, allowed to put their own life first. Why did Tosafot not argue that the person being thrown is not responsible at all!? Clearly one IS responsible for the consequences of their own weight.

D3] IN THE LAWS OF TUMAH

11. המהלך בבית הפרס ... על ... הבהמה שכתן יפה - טהור. ... ועל הבהמה שכתן רע - טמא.

משנה מסכת אהלות פרק יח משנה ו

If someone moves tumah indirectly through an intermediate object, this will often make the person tamei. This is called 'tumat heset'. The Mishna rules that if a person is riding an animal through a field in which human bones may be scattered and buried in the ground ('bet hapras'), they are NOT tamei if the animal disturbs and moves bones while walking. But if the person is too heavy for the animal, and that caused the animal to stumble and move bones, the person IS tamei since this is considered to be their indirectly moving the bones!

- Thus the weight of a person causes them to become responsible for consequent actions caused by that weight.

15. By contrast, if a person left their property on a roof and it blew off in a regular wind and caused damage, they are only liable for basic damages. They are therefore more liable for damages caused by their weight than by their property. See Shita Mekubetzet Bava Kama 56a in the name of the Ra'ah.

16. See Shulchan Aruch Choshen Mishpat 381:1.

17. Sanhedrin 74a.

D4] IN THE LAWS OF KILAYIM

12. המנהיג סופג את הארבעים והיושב בקרון סופג את הארבעים. רבי מאיר פוטר

משנה מסכת כלאים פרק ח משנה ג

Where two animals which are kilayim to each other (eg a horse and a bull) are pulling a wagon, the Mishna discusses whether a passenger on the wagon is also liable for the Torah prohibition.

13. עגלה שהיו מושכין אותה כלאים היושב בעגלה לוקה, ואף על פי שלא הנהיג שישבתו גורמת לבהמה שתמשוך העגלה, וכן אם היה יושב אחד בעגלה ואחד מנהיג שניהן לוקין

רמב"ם הלכות כלאים פרק ט הלכה ט

The Rambam rules that the passenger IS liable independently.

- Rav Halperin understands that this liability is due to the weight of the passenger, which causes the animals to begin pulling.

D5] IN THE LAWS OF SHABBAT

- Rav Halperin understands that, as other areas of halacha, one is also liable in hilchot Shabbat for actions caused by one's weight in hilchot Shabbat. However, we will see below that this was not accepted by many other poskim.

E] ADDING WEIGHT TO THE ELEVATOR ON SHABBAT - THE LENIENT VIEWS

As noted above, many poskim, in particular Rav Shlomo Zalman Auerbach, disagreed with Rav Halperin and ruled that one is NOT responsible for electrical activity caused by the elevator due to one's weight. A number of reasons for leniency are proposed¹⁸, most of which rest on the unique requirement on Shabbat of 'melech machshevet'.

E1] MELECHET MACHSHEVET

14. ט שששת ימים תעבד ועשית כל מלאכתך: יויום השביעי שבת לה' אלקיך לא תעשה כל מלאכה אתה ובנך ובתך עבדך ואמתך ובהמתך וגרך אשר בשעריך.

שמות כ"ט

The prohibition of breaking Shabbat is framed by the requirement of (i) doing (ii) a melachah.

15. ואמלא אתו רוח אלהים בחכמה ובתבונה ובדעת ובכל מלאכה.

שמות לא

The word melachah is also used shortly after to describe the building of the Mishkan.

16. יג ואתה דבר אל בני ישראל לאמר אף את שבתותי תשמרו כל אות בני ובנותי לדתיתכם לזאת כי אני ה' מקדשכם (רש"י - חף טל פי שתהיו רדופין וזריזין זריזות מלאכה שבת אל תדחה מפניה. כל חכין ורקין מיטוין, למטט שבת ממלאכה המשכן).

שמות לא

After commanding the construction of the Mishkan and all it entailed, the Torah states 'but [ach] this work must not be done on Shabbat'. Hence the melachah of the Mishkan defines prohibited melachah on Shabbat.

17. לג ובחרשת אבן למלאות ובחרשת עץ לעשות בכל מלאכת מחשבת (אונקלוס - ככל עבדת אומנו)

שמות לה

The melachah for the mishkan was only 'melech machshevet'. This is defined by Onkelos as 'skilled work'.

18. For instance, in the case of kilayim they argue that it is not the 'passive' weight of the passenger which makes the animals move, but the action of sitting down. In the case of the person being thrown on the baby they argue that the exemption is due to this not being defined as an 'action' of any kind.

These arguments and their sources and citations are set out in much more detail in the following articles:

The Use of Elevators and Escalators on Shabbat and Yom Tov - R. Michael Brojde and R. Howard Jachter - Journal of Halacha and Contemporary Society - Vol. XXIX p.62.

The Shabbat Elevator - Rav Yisrael Rozen - <https://www.zomet.org.il/eng/?CategoryID=198&ArticleID=286>

The Use of Elevators on Shabbat: Part I-IV by Rabbi Chaim Jachter, available on

www.koltorah.org/halachah/the-use-of-elevators-on-shabbat-part-i-by-rabbi-chaim-jachter and replacing i with ii, iii and iv for subsequent parts. Some of the footnotes in this section quote from these articles.

18. מלאכת מחשבת – שהמחשבה השבה לדעתו ונתכוון לה ... וזכו רמז מועט. דאילו מלאכת מחשבת בשבת לא כתיבא, אלא צמשכן הוא דכתיב, ולפי סמך צפרשת ויקהל פרשת שבת לפרשת משכן – אנו למדין מלאכת מחשבת לשבת.

רש"י חגיגה י:

Rashi understands 'melechet machshevet' as focused mental application or intention.

E2] REASON 1 - GRAMA

19. משנה. רבי שמעון בן ננס אומר: פורסין עור של גדי על גבי שידה תיבה ומגדל שאחז בהן את האור, מפני שהוא מחרך. ועושין מחיצה בכל הכלים, בין מלאין בין ריקנים, בשביל שלא תעבור הדליקה. רבי יוסי אוסר בכלי חרס חדשים מלאין מים, לפי שאין יכולין לקבל את האור, והן מתבקעין ומכבין את הדליקה.

שבת קכ.

R. Shimon ben Nanas allows a person to prevent the spread of a fire on Shabbat by lining up jugs full of water which will crack when the heat reaches them and release the water, so extinguishing the fire.

20. כתיב (שמות כ) לא תעשה כל מלאכה - עשייה הוא דאסור, גרמא שרי!

שבת קכ:

The basis of the heter of R. Shimon ben Nanas is that the Torah prohibits 'ma'aseh' and not grama - causation.

- Grama is the indirect application of an action, usually where there is an intermediate step between the action and its effect.
- Rav Shlomo Zalman Auerbach understood that walking into a stationary elevator which would subsequently start moving (resulting in activation of the motor/lights/brakes etc) was grama.

21. תיבה שאחז בה האור - יכול לפרוס עור של גדי מצדה האחר שלא תשרף. ועושין מחיצה בכל הכלים להפסיק בין הדליקה, אפילו כלי חרס חדשים מלאים מים שודאי יתבקעו כשתגיע להם הדליקה, דגרם כיבוי מותר הגה: במקום פסידא.

שולחן ערוך אורח חיים סימן שלד סעיף כב

The Rema rules that grama is permitted on Shabbat only in a situation of loss.

22. דגרם כיבוי מותר - לאו דוקא כיבוי דהוא מלאכה שאינה לריכח לגופה, דאפילו צכל מלאכות הדין כן וכנ"ל.

ביאור הלכה על שולחן ערוך אורח חיים סימן שלד סעיף כב

The Biur Halacha explains that this applies to all melacha and not just kibbui.

E3] THE 'GRAMA SWITCH'

- The 'Grama Switch' does not actually work using 'grama' (which is only permitted on Shabbat in situations of need), but using *meniat hamone'a* (which is permitted).
- The switch can be introduced into any proposed electric circuit - turning on or off - and works as follows:
 - Instead of the switch opening/closing the circuit immediately, there is a time delay.
 - During that delay a timer is running (say from 1 to 10) such that when it reaches 10 the circuit will open/close.
 - However a pulse of light is also flashing in the circuit which, when it hits a photo-electric cell resets the counter to zero so that the circuit never actually opens/closes.
 - Pressing the switch/turning the key etc introduces a mechanical barrier which blocks the pulse of light from reaching the photo-electric cell, so the counter reaches 10 and the circuit opens/closes.
- This is *meniat hamone'a* since the electrical action is trying to take effect but is being prevented by another force (the resetting of the counter). By preventing the reset, one removes the 'prevention' and enables the action to take place. This is analogous to closing a window and preventing a draft which is putting out a candle.

E4] REASON 2 - ZERO EFFECT

- Rav Auerbach argues¹⁹ that the weight of the passengers does not effect any ACTUAL noticeable change in the pace of the elevator and is therefore halachically irrelevant²⁰. Rav Halperin brings various arguments against this.

19. Minchat Shlomo 91:10.

20. Rav Auerbach cites numerous proofs. One is the Mishna (Shabbat 104b) which teaches that one who writes two letters in black ink upon two letters already written in black

E5] REASON 3 - NO RESPONSIBILITY FOR ONE'S WEIGHT IN HILCHOT SHABBAT

Rav Auerbach, Rav Rosen and Prof. Lev argued with many of the above sources and rule that one's weight is not a source of liability on Shabbat.

- Support is brought from the accepted ruling that a person may ride on-board a ship on Shabbat, even though their weight must make some difference to the fuel consumption²¹.

E6] REASON 4 - MESAYEH

23. אמר מר: זה יכול וזה אינו יכול - דברי הכל חייב. הי מנייהו מיחייב? אמר רב חסדא: זה שיכול. דאי זה שאינו יכול - מאי קא עביד? אמר ליה רב המנונא: דקא מסייע בהדיה! אמר ליה: **מסייע אין בו ממש**.

שבת צג.

Where two people are performing a melachah together on Shabbat and one could do it independently but the other could not, the latter is exempt. This is considered 'assisting' [mesayeh] and the Gemara rules that mesayeh is irrelevant.

24. כגון שכוחל לו עיניו והוא עוצם ופותח בשעת הכיחול וכל כיוצא בזה **דמסייע כזה אין בו ממש**. וגם אפילו מקודם כשהוא מסייע קצת מותר. כמ"ש רבינו הרמ"א בסעיף ג' דמי שחושש בשיניו ומצטער עליו להוציאו אומר לא"י להוציאו עכ"ל. ואף על גב דעליו לפתוח פיו הרבה קודם שהא"י מניח ידו לפיו ליטול את השן מ"מ מותר משום דהוה רק מסייע ואין בו ממש. ...

ערוך השולחן אורח חיים סימן שכח סעיף ב

This is ruled in halacha, here in the case of a person having makeup applied or a tooth removed by a non-Jew.

- On that basis, since the elevator will ascend and descend without any help from the passenger, these poskim classify the passenger's actions as *mesayeh*, which is permitted. Again, Rav Halperin vigorously contests this position.

F] RIDING A REGULAR ELEVATOR ON SHABBAT - THE HALACHIC POSITIONS

- Before the invention of Shabbat elevators, four major teshuvot addressed the issue of riding a regular elevator on Shabbat without pressing any buttons and without any non-Jew pressing the buttons on behalf of the Jew.
- Dayan Yitzchak Weiss²² ruled that it is prohibited on the basis that (i) one's weight IS a source of halachic liability and (ii) it is even prohibited to cause the current in the motor to increase.
- Rav Ya'akov Breisch²³ ruled that it is prohibited and focused on the issue of *ziluta deShabbta* - that it is not in the spirit of Shabbat.

25. (ג) ועל גב בספר דברי שאול להגאון שואל ומשיב סימן ג' באמצע התשובה, בענין היתר ההליכה בשבת בעגלה החדשה אשר מקרוב נתגלה התחבולה להוליכה ע"י קיטור ואש. ומסיים וז"ל - ח"ו להקל ... לא יודע איפוא ענין שבת כלל, כי לא ישבות המסחר אף בשבת כי יוכל לנסוע גם בשבת. ומתוך כך יבא להתיר כל המלאכות ח"ו וע"כ אין להתיר עכ"ל. (ד) והלכה זו נתקבלה בכל תפוצות ישראל דאסור לנסוע ברכבת חשמלית בשבת ויו"ט. ... א"כ בני"ד נמי כן. כיון דכבר קבלו עליהם לאסור הנסיעה ברכבת חשמלית אסור לן מטעם נדר, אם כן מה לן אם נוסע בקרון חשמלי לאורך או לרוחב או נוסע בהקרון חשמלי למעלה ולמטה?! נסיעה בקרון חשמלית נאסר לן יהי מאיזה טעם שיהי. וממילא אין חילוק אם נוסע לאורך ולרוחב או למעלה ולמטה.

ש"ת חלקת יעקב אורח חיים סימן קמד

Rav Breisch quotes R. Shaul Nathanson (19th century)²⁴ who ruled that one may not ride a train on Shabbat. His concern was that Shabbat would be cheapened since in people may continue business activities which would lead them to perform actual melachot. Rav Breisch understands that this position has been accepted by the Jewish people almost as a neder. He applies it to elevators, suggesting that horizontal travel (a train) or vertical travel (an elevator) are the same!

ink (*ktiv al gabei ktav*) does not violate the prohibition to write on Shabbat. The Talmud does not regard the act as 'writing' since the writer did not accomplish anything.

21. In fact, this is debatable and, due to physics and the engineering of the boats, added weight may not in fact cause increased fuel consumption. Professor Lev also cites Rav Moshe Feinstein's psak (Igrot Moshe OC 1:132) permitting a relative or friend to accompany a woman about to give birth to the hospital on Shabbat. Rav Feinstein did not make any mention of the effect the added weight of the individual accompanying the woman would have on the vehicle, thereby increasing fuel consumption. Someone who is entirely unaware of the effect of their actions on Shabbat may also be classified as *mitasek* which is permitted on Shabbat. Professor Lev compares riding in an elevator to sitting at the Shabbat table on Friday night during the winter with the windows closed. In this situation, the inhaling of oxygen and exhaling of carbon dioxide impacts on the flames of the Shabbat candles. No halachic authority has written that this constitutes a problem since it is beyond one's intention, concern, and awareness. Similarly, the impact of one's weight on the operation of the elevator is beyond the intention, concern, and awareness of the rider and thus should not constitute a halachic problem.

22. Minchat Yitzchak 3:60.

23. Chelkat Ya'akov 3:137 (old), OC 144 (new). This teshuva deals with taking an elevator for the purposes of hearing shofar. He prohibits this even for the purposes of a mitzvah.

24. He also quotes the ruling of the Beit Yitzchak (2:30) who prohibited riding on trains or trolleys on Shabbat.

- Rav Yosef Henkin²⁵ and Rav Isser Yehuda Unterman²⁶ ruled that it is permitted on the basis that there is no liability in hilchot Shabbat for one's weight and it was not a zilzul of Shabbat.
- Rav Unterman brought person testimony that he was once with Rav Yisrael Meir Kagan, the Chafetz Chaim, on Shabbat when discussing communal issues and the Chafetz Chaim needed something brought to him. One of the rabbis brought it by riding the elevator together with a non-Jewish passenger and none of the rabbis present, including the Chafetz Chaim, objected to his actions.

26.

מעלית ומדרגות-נעות בשבת וביו"ט

נה. אסור להשתמש במעלית בשבת וביו"ט, אלא אם כן היא פועלת באופן אוטומאטי (מעלית-שבת) (קסד), דהיינו שהיא עולה ויורדת לעתים מזומנות או עולה ויורדת ללא הפסק ועוצרת בקומות שכוונו מלפני שבת, וגם הדלת נסגרת ונפתחת מאליה, בלי שיהא צריך לעשות בה כל פעולה שהיא, וגם בלי שתיעשה שום מלאכה על-ידי הכניסה למעלית והיציאה ממנה (קסה) (וראה להלן סעיף סב) (קסו).

השימוש
במעלית
ובמעלית שבת

אבל גם במעלית אוטומאטית זו יש מחמירים שלא להשתמש בה אלא בעליה (קסז). השיטות האוסרות להשתמש במעלית-שבת לצורך ירידה, מפני שכאשר יורדים בה הרבה אנשים בבת-אחת, כי אז גם הירידה עצמה וגם הדלקת הנורות שבמעליות הגדולות היורדים מייצרים בעצמם בכובד גופם, זרם נגדי, המוחזר לרשת החשמל, ואותו הזרם מגיע למכשירי החשמל והתאורה שבקירוב מקום המעלית, במקום הזרם מרשת החשמל המזינה אותם כרגיל. לכן יש חוששין בירידה במעלית אוטומאטית כזו לאיסור תורה (קסח). ויש מגדולי הפוסקים שאינם חוששים בזה לאיסור תורה, וכדלעיל.

ויש ישראל קדושים שאינם משתמשים כלל במעלית אוטומטית (מעלית-שבת) הגם שמצד הדין אין לחשוש לאיסור, אלא מפני שהם חוששים וחרדים לקדושת השבת, ואשרי חלקם.

נט*. מעלית רגילה שאינה עובדת על פיקוד שבת, שהזמינה נכרי לעצמו והוא גם לוחץ על הכפתור המוביל את המעלית לקומה הרצויה לו, מותר ליהודי להיכנס למעלית עם הנכרי ולהצטרף לנסיעה לקומה שהנכרי מגיע, מבלי שהיהודי נותן לנכרי כל הוראה. ולדעה השניה המובאת לעיל, גם כשנכרי מפעיל את המעלית לצורך עצמו אין להשתמש במעלית לירידה, אבל כאמור יש מגדולי הפוסקים שלא חוששים מלהשתמש במעלית שנכרי מפעילה לעצמו גם בירידה.

נכרי המשתמש
במעלית

שמירת שבת כהלכתה פרק כג נח, נט*

The Shemirat Shabbat Kehilchata cites Rav Halperin's stringency²⁷ concerning descending in an elevator, but rules against it, as follows:

- One may certainly not operate a regular elevator on Shabbat/Yom Tov*
- One may ascend in a regular elevator which is operated by a non-Jew for their own use.*
- According to stringent views, one may not descend in a regular elevator operated by a non-Jew but the basic halachic permits this too.*
- One may use a Shabbat elevator to ascend and descend. According to the stricter position one may ascend but not descend.*
- There are certain people who will not use a Shabbat elevator at all. This is a legitimate chumra.*

- Even with a regular elevator operated by a non-Jew for their own needs, many poskim are more lenient in the case of elderly or sick people, pregnant women, people with small children and very tall buildings where take stairs is not a practical option for most people.

25. Kol Kitvei Hagaon Rav Henkin 2:59.

26. Torah Shebe'al Peh 5727 p13 and Encyclopedia Talmudit 18:695-6. Rabbis Brody and Jachter understand that Rav Moshe Feinstein and Rav Ovadia Yosef would also agree with this lenient position. Rabbi Jachter also reports from Rav Hershel Schachter that Professor Lev understood that Rav Ya'akov Kaminetzky did not concur with the ruling of the Beit Yitzchak upon which the Chelkat Ya'akov based his ruling.

27. However, Rav Unterman writes: "I have personally witnessed eminent Torah sages entering an elevator and travelling to the floor for which a gentile passenger pushed the button, and they never raised the possibility of their added weight posing a halachic problem."

- In some situations there may²⁸ also be a concern of *chashad* or *ma'arit ha'ayin* in taking a regular elevator on Shabbat. This would not be the case for a Shabbat elevator since these are well known today and signage clearly indicate that it is on Shabbat mode.
- Many poskim rule that one should make efforts to avoid having to rely on leniencies in this area by trying to buy an apartment on a lower floor!

G] RIDING A REGULAR ELEVATOR OPERATED BY A NON-JEW ON BEHALF OF THE JEW

27. דבר שאינו מלאכה, ואינו אסור לעשות בשבת אלא משום שבות, מותר לישראל לומר לא"י לעשותו בשבת; והוא שיהיה שם מקצת חולי, או יהיה צריך לדבר צורך הרבה, או מפני מצוה

שולחן ערוך אורח חיים הלכות שבת סימן שז סעיף ד - ה

Under most circumstances, a Jew may NOT ask a non-Jew to break Shabbat for him and may not benefit from such action even if they did not request it. An exception is where the Jew asks the non-Jew to perform a rabbinically prohibited action and there is a need for a sick person, other significant need, or for the purposes of a mitzvah.

- On that basis, since pressing the buttons in an elevator is likely to be a rabbinic prohibition²⁹, many poskim would permit asking a non-Jew and benefiting from these, but only:-
 - (i) for the purposes of a mitzva e.g. getting to shul or getting to a Shabbat meal where taking the steps is not feasible.
 - (ii) for the elderly, sick, a pregnant women, or small children who cannot take the stairs.
 - (iii) in very tall buildings where taking the steps is not feasible.

H] RIDING A REGULAR ELEVATOR OPERATED BY A NON-OBSERVANT JEW

- This is much more problematic and will involve an assessment as to whether the Jew did the act knowingly in breach of Shabbat (*meizid*) or unaware that it was prohibited (*shogeg*). It should certainly be avoided³⁰.

I] THE SHABBAT ELEVATOR: TECHNICAL ADAPTATIONS

- Elevators certified by the Institute of Science and Technology are adapted to suit the halachic requirements of Rav Halperin³¹.
- Elevators certified by Zomet are adapted to suit the halachic requirements of Rav Auerbach, Rav Rosen and Prof. Lev.

Adaptations include:

- All processes relating to stopping at floors are fully automated (see above). Control buttons for lights, fans are disconnected and photoelectric sensors are switched off. Doors remain open at floors for fixed periods.
- Weighing mechanisms do not operate.
- In some elevators circuitry is modified so that when descending any excess power is not fed back to the grid but is dissipated.
- In some elevators changes are made to compensate for the effect of the weight of passengers when descending.

28. The poskim who permitted this earlier in the 20th century were clearly not concerned that *chashad* or *ma'arit ha'ayin* were an issue, even for regular elevators.

29. It is increasingly unlikely that incandescent lights will be illuminated in the operation of a modern elevator. Even if this is the case, there is room for leniency since this is not intended by the non-Jew, even though it may be inevitable (*psik riesha*).

30. We have dealt in the past with the halachic status of non-observant Jews - <https://rabbimanning.com/wp-content/uploads/2013/01/Religious-Perspectives-on-Non-Observant-Jews.pdf>

31. The main issue relates to whether adaptations are required to compensate for the effect of the weight of the passengers when the elevator is descending. Rav Halperin required this but Rav Auerbach did not. Zomet should be consulted as to the specifications of their current Shabbat elevators.