

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

SERIES 3: 30 - DISHWASHERS ON SHABBAT - PART 1

OU ISRAEL/BEIT KENESSET HANASI - SUMMER 2025

- One of the most common Shabbat challenges is piles of dirty dishes in the kitchen after a big meal. Sometimes people need to wash these dishes for reuse on Shabbat. Sometimes people just want to get them out of the way so the kitchen does not look so messy.
- Practically speaking, the three options for dealing with these dishes on Shabbat are:
 - washing them oneself
 - having a non-Jewish housekeeper or cleaner wash them
 - putting them into a dishwasher and having the dishwasher operate on a time-switch during Shabbat.
- We will look in this and the following shiurim at the halachic issues arising in all of these options.

A] HAND WASHING DISHES

A1] THE HALACHIC DISCUSSION

1. תנו רבנן: קערות שאכל בהן ערבית - מדיחן לאכול בהן שחרית. שחרית - מדיחן לאכול בהן בצהריים. בצהריים - מדיחן לאכול בהן במנחה. מן המנחה ואילך - שוב אינו מדיחן. אבל כוסות וקיתונות וצלוחיות - מדיחן והולך: כל היום כולו, לפי שאין קבע לשתיה.

שבת קיח.

Chazal decreed that one may only wash dishes on Shabbat¹ if one needs them for later on Shabbat.

2. ומציעין את המטות מלילי שבת לשבת, אבל לא משבת למוצאי שבת

משנה מסכת שבת פרק טו משנה ג

This is found earlier in the Mishna which rules that one may make a bed on Shabbat for use later on Shabbat but not for use on motzei Shabbat.

3. שוב אינו מדיחן - דאין כדחכ ז' אלא לחול.

רש"י שם

Rashi highlights that the concern is the rabbinic prohibition of hachana - preparing on Shabbat for the weekday².

4. ואסור להדיח קערות ואלפסין וכיוצא בהן מפני שהוא כמתקן א"כ הדיחן לאכול בהן סעודה אחרת באותה שבת. אבל כלי שתיה כגון כוסות וקיתונות מותר להדיחן בכל עת שאין קבע לשתיה

רמב"ם הלכות שבת פרק כג הלכה ז

The Rambam seems to say that the halachic problem of washing unneeded dishes on Shabbat is 'metaken' - somehow the dishes are 'fixed up'.

5. ואף רבינו ז"ל כך הוא סבור שתקון זה אינו אסור אלא מפני שהוא לזרז חול.

מגיד משנה שם

The Maggid Mishne understands that the Rambam's concern of 'tikun' is not the usual technical use of the term, but simply a reference to preparing on Shabbat for the weekday³.

1. It goes without saying that dirty dishes from Friday cannot be left to be washed on Shabbat - Machatzit Hashekel 302:6.

2. There is a view that one may wash dishes on this Shabbat for use on a future Shabbat (see Salmat Chaim 1:74) but most poskim do not follow this.

3. But see Aruch HaShulchan 302:10-13 (and below) who understands that the Rambam's use of the term 'tikun' is indeed referring to a type of cleaning (and in the parallel case of folding clothing and making beds) which is a special type of cleaning/fixing up and that what we do today falls short of that.

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6. השגת הראב"ד - א"א כל זה אינו אסור אלא מפני שהוא טורח לחול.

השגת הראב"ד שם

The Ra'avad understands that the halachic concern is 'toreach' - unnecessary bothersome work on Shabbat.

A2] THE HALACHIC PSAK

7. מדיחים כלים לצורך היום כגון שנשאר לו עדיין סעודה לאכול אבל לאחר סעודה שלישית אין מדיחין. וכלי שתייה מדיחין כל היום שכל היום ראוי לשתיה.

שולחן ערוך אורח חיים הלכות שבת סימן שכג סעיף ו

The Shulchan Aruch rules this halacha in the same terms as the Gemara - you can wash dishes that you need for an upcoming Shabbat meal and drinking cups⁴ the entire day.

8. (כח) כגון שנשאר - ואם יודע שלא יטרח עוד לאלו הכלים אסור להדיחן משום טורח. ולהיפך אם יודע שיטרח לבן כגון שרוצה לאכול עוד פ"א אפילו לאחר סעודה ג' ג"כ מותר, רק הכא איירינן בסתמא:

משנה ברורה סימן שכג ס"ק כח

The Mishna Berura clarifies that one can always wash (even late in the day) dishes that one definitely needs. Dishes that one might need can be washed, but not after Seuda Shelishit.

9. (כו) מדיחים - אפילו עשר כוסות וא"ל אלא לאחת רשאי להדיח כולן דבאילן וראוי לו כ"א כותרו כולן וכ"כ שמלעין יו"ד מטות:

משנה ברורה סימן שכג ס"ק כו

The Mishna Berura also rules that one could wash up more than one definitely needs - ie 10 cups when one needs 1 - since any one of the cups one washed could be the one used.⁵

• Many poskim permit cleaning dishes for a Shabbat meal even if one has other clean dishes available since one is still cleaning for the purpose of Shabbat and not for the weekday.⁶

A3] WASHING AND CLEANING DISHES TO CLEAR THE KITCHEN

10. יג ובהך דאין מציעין את המטות משבת למוצאי שבת נראה דזהו כשהמטות עומדים בחדר המטות שאין הולכים שם כל היום. אבל אצלנו שהוא אחד מחדרי הבית ואם לא יציעום הוה מגונה מותר להציעם משום נוי הבית ובפרט לכבוד שבת. וכן המנהג הפשוט בכל מקום ועוד י"ל הטעם משום דאנן ס"ל רק טעמא דמתקן ובהצעות שלנו לא מקרי מתקן...

ערוך השולחן אורח חיים סימן שב סעיף יג

The Aruch HaShulchan rules that where the untidiness affects the general appearance of the home and clearing it away is itself an element of Kavod Shabbat and Oneg Shabbat, then this is permitted⁷.

• This will also be the case if the dishes may become smelly or infested with insects⁸.
• Soaking dishes to loosen food residues and make them easier to wash on motzash is prohibited as *hachana*. However, soaking dishes to prevent the food drying on them is permitted by many poskim⁹ since this is preventative.

4. Ketot HaShulchan 146:16 writes that one may clean dishes that are used for fruit or snacks at anytime as long as it is not clear that he will not use it again, since these utensils are similar to drinking glasses. Shemirat Shabbat Kehilchata 12:1 agrees.

5. This is also ruled in Shemirat Shabbat Kehilchata 12:1 and the leniency is also applied to plates. However, some poskim limit the heter to cups.

6. Mishne Halachot (3:40 and 6:80) permits this and Rav Moshe Feinstein (cited in Kol Torah vol 54 p. 18) and Rav Nissim Karelitz (cited by Orchot Shabbat p. 404) agree. See also Shemirat Shabbat Kehilchata who 12 note 1 who permits this. Be'er Moshe 6:82 quoting Ohel Moed permits washing dishes only when there are no other dishes available. The custom is to be lenient (see Shevet ha-Levi 5:39) although some poskim do not encourage reliance on this - Betzeil ha-Chochmah 4:130; Shevet ha-Levi 6:42; Machazeh Eliyahu 1:62-3.

7. As mentioned above, he also permits this on the basis that what we are doing is not the full 'tikun' as understood by the Rambam. As to the heter to clear away dirty dishes for the purposes of oneg/kavod Shabbat, see also Tzitz Eliezer 14:37-1 quoting Teshuvot Meharshag O.C. 1:61 based on Mishna Berura 302:19. See also Shevet Halevi 5:39.

8. See She'arim Metzuyanim Behalacha 80:27; Shemirat Shabbat Kehilchata 12:2; Rivevot V'yovlot 4:282. If this can be resolved by a quick rinse and soaking the pots in water then this is preferable to washing them fully, unless the space is needed or the person is unhappy with the clutter in the kitchen. If soaking/rinsing will not resolve the problem then the dishes can be washed. Note that cooking pots are muktze on Shabbat but, like any *kli shemelachto l'issur*, they can be moved in the normal manner if they are needed for some permitted purpose (eg to wash them) or if they are in the way.

9. See Minchat Shlomo 2:35-12; Shemirat Shabbat Kehilchata 12:3 and Machazeh Eliyahu 1:55-5.

A4] OTHER HALACHIC ISSUES WHEN WASHING DISHES

- Regular sponges and clothes which absorb water may not be used since this involves squeezing water out of them¹⁰. Special non-absorbant synthetic scouring pads which do not trap water should be used.
- Solid soap bars may not be used. Liquid detergent should be used¹¹.
- Hot water from a regular electric or gas boiler system¹² may not be used¹³. Regarding hot water from a 'dud shemesh' solar heating system, many poskim do not permit this to be used for washing dishes¹⁴. However, some do permit this¹⁵.
- Sink drains with a mesh to catch refuse may be used¹⁶.
- Dirty dishes can be stacked¹⁷ in a dishwasher¹⁸ to keep them out of the way.

B] HAVING A NON-JEWISH HOME HELP WASH THE DISHES

- Some families have a non-Jewish live-in housekeeper or home-help whose job includes washing dishes and cleaning up during Shabbat.
- Some families have a non-Jewish cleaner who comes it at specific times to help and clear up. We will see that these two scenarios are not halachically identical.

B1] THE HALACHIC PROHIBITION OF AMIRA L'AKUM

11. מתקין לה רב אשי אמירה לכרי שבות ...

שבת קט.

It is generally prohibited to ask a non-Jew to do anything which the Jew may not do. In hilchot Shabbat, this is a rabbinic prohibition which is classified as a 'shevut'.

- There are four main ways to understand the reason behind this rabbinic prohibition:

12. וביום הראשון מקרא קדש וביום השביעי מקרא קדש יהיה לכם כל מלאכה לא יעשה בהם אף אשר יאכל לכל נפש הוא לבדו יעשה לכם: (רש"י: לא יעשה בהם - אפילו על ידי אחרים)

שמות פרק יב פסוק טו

Firstly, the Torah states that melacha may not 'be done' on Shabbat. Rashi quotes Chazal that this is referring to work done by others (ie non-Jews).

10. This could be the melacha of Melaben or Dash (if the squeezed-out water is used).

11. How runny a the liquid soap needs to be in order to avoid the problem of Memachek is debated. In the words of R. Daniel Neustadt (<https://outorah.org/p/60676/>): "The majority of poskim permit the use of liquid soap on Shabbos and the prevalent custom follows their view. Since none of the concerns mentioned earlier regarding bar soap apply to liquid soap, no custom was ever established to prohibit its usage. A dissenting opinion is found in Igros Moshe (O.C. 1:113). Rav Feinstein debates whether Smearing applies to liquid soap as well, since we can see that liquid soap becomes runnier and more "smooth" during the washing process. While he does not render a final ruling on this issue, he recommends that one be stringent, and he instructed the members of his household to be stringent in this matter. [In a personal conversation, Rav Feinstein stressed that he is aware that his opinion is a minority opinion and that it differs from that of the other poskim who discuss this matter.] In deference to Rav Feinstein's ruling, some people dilute their liquid soap (before Shabbos) so that it is considerably watered down. But, as stated earlier, the prevalent custom follows the opinion of the poskim who permit using liquid soap without first diluting it. But some poskim maintain that not all liquid soaps are created equal. There are some liquid soaps that have a high viscosity level and pour out very slowly. These liquid soaps are more like thick oils and creamy lotions which are subject to the prohibition of Smoothing, and they may not be used on Shabbos. Short of using a viscometer, anyone can estimate the viscosity level of a particular liquid soap by pouring some out onto a level surface. If the liquid spreads immediately, as water would, then its viscosity level is low and it may be used. If, however, it begins to pool and does not spread right out, chances are that its viscosity level is high and one should not use this product on Shabbos."

12. 'Instant hot water' systems without a boiler will be prohibited since turning on the hot tap activates the system, pumping and heating the water.

13. This could be a Torah prohibition since cold water will be brought into the tank and cooked in the tank (which is a kli rishon). If the hot water tap was turned on inadvertently some poskim advise against closing it since stopping the cold-water flow from coming into the tank will cause the water already in the tank to become cooked or cooked faster - see Shemirat Shabbat Kehilchata 1:48. Other poskim are not concerned about this problem and allow shutting it off as quickly as possible, preferably with a shinui. All poskim agree that a non-Jew may be instructed to shut off the water. See Shulchan Shlomo 318:1-1, Orchot Shabbat 1:100 and Nishmat Shabbat 318:73-2.

14. Even these poskim may permit this hot water from a dud shemesh to be used to bath someone who is sick or a young child or baby.

15. See <https://outorah.org/p/71651/>: *Shabbat: Solar Heating and the "Dud Shemesh"*, Rabbi Ari Enkin. Some poskim argue that this water is heated by the sun and may be used on Shabbat. The poskim who object understand that the water is heated by a system which is halachically considered a 'derivative of the sun' (*toldot shemesh*) which is still prohibited. Other poskim argue that, even if this is the case, the water would be permitted since *toldot shemesh* is a rabbinic prohibition and use of the water is indirect, making it a *pesik reisha al yedei gramma b'issur derabbanan* or a *pesik reisha d'lo nicha lei* [one does not need the new water being heated in the tank] *beissur derabbanan*, both of which would be permitted.

16. This is not considered to be *borer* - separating, since it simply removes garbage which is thrown away.

17. Igrot Moshe, OC 4:74 (rechitza 4). However, Shemirat Shabbat Kehilchata (12:8) allows this only for someone who normally takes his dirty dishes from the table straight to the dishwasher. Otherwise, it seems clear that one is only placing them in the dishwasher on Shabbat to make it quicker to wash them on Motzash. It is not clear what he would say for someone who only uses the dishwasher after Shabbat and not during the week, or someone who wants to clear the dishes away because they are messy. In the latter case, if it would be permitted to wash them all for oneg Shabbat it seems likely that it would be permitted to put them into the dishwasher, which is far less bother. Dishes/cutlery etc may not be sorted into different types to place in specific slots in the dishwasher but once one is holding a specific item it can be placed anywhere in the dishwasher. It is also permitted to rearrange the dishes per size or type if the intention is to make more room for all the dishes in the dishwasher.

18. Even though the dishwasher is muktze as a *kli shemelachto leissur*, the door can be opened since it is in the way to access the space of the dishwasher and can then be closed since it is in the way blocking the space in the kitchen. This is because a *kli shemelachto leissur* can always be moved in the normal manner if it is in the ways or is needed for a different use.

13. וזודאי היא אסמכתא בעלמא שצאו לאסור מדבריהם אמירה במלאכת שלנו. וסמכו אותה למקרא הזה אבל במלאכת הגוי צלנו מותר.

רמב"ן שמות פרק יב פסוק טז

*The Ramban explains that this is an asmachta to the din derabbanan of 'Amira Leakum'.*¹⁹

14. כיון דזבנה קנייה - ... ומה שאסור לישראל לומר לעוזר כוכבים 'עשה לי כך' זהו משום ממלא חפץ ודבר דבר (ישיביו נח) דבר אסור.

רש"י עבודה זרה טו.

Secondly, Rashi explains that the root of the prohibition 'daber daver', from the Nevi'im - 'divrei kabbala' from Yishayahu.

15. אם תשיב משבת רגלך עשות חפציה ביום קדשי וקראת לשבת ענג לקדוש ה' מכבד וכבדתו מעשות דרכיה ממצוא חפציה ודבר דבר: אז תתענג על ה' והרפכתה על במתי ארץ והאכלתה נחלת יעקב אביך כי פי ה' דבר

ישעיהו נח"ג יד

These pesukim are the root of the the mitzvot of oneg, kavod and daber davar - forbidden speech on Shabbat.

16. אסור לומר לגוי לעשות לנו מלאכה בשבת אע"פ שאינו מצווה על השבת ואע"פ שאמר לו מקודם השבת ואע"פ שאינו צריך לאותה מלאכה אלא לאחר השבת. ודבר זה אסור מדברי סופרים כדי שלא תהיה שבת קלה בעיניהן ויבואו לעשות בעצמן.

רמב"ם הלכות שבת פרק ו הלכה א

Thirdly, the Rambam gives the reason that Shabbat may become cheaper in people's eyes

• A fourth reason based on the halachic principle of shelichut: the non-Jew is acting as an agent for the Jew to break Shabbat so the breach is attributable to the principal.²⁰ As such it is prohibited to ask the non-Jew during the week to do melacha for the Jew on Shabbat.

17. הנה לענ"ד פשוט שאסור להתיר זה דהרי ע"י מורה שעות כזה יכולים לעשות כל המלאכות בשבת ובכל בתי החרושת (פעקטעריס) ואין לך זלזול גדול לשבת מזה. וברור שאם היה זה בזמן התנאים והאמוראים היו אוסרין זה, כמו שאסרו אמירה לעכו"ם מטעם זה. וגם אולי הוא ממילא בכלל איסור זה דאסרו אמירה לעכו"ם, דאסרו כל מלאכה הנעשית בשביל ישראל מצד אמירת הישראל וכ"ש מצד מעשה הישראל אבל אף אם נימא שאין לאסור אלא מה שתיקנו חכמים ואין למילף מזה לאסור גם מה שבסברא הוא חמור כיון שעכ"פ לא אסרו אף שהיה זה מחמת שלא היה ענין זה בימי חז"ל אין לזה איסור ממש מ"מ אין להתיר זה כיון שהוא דבר הראוי לאסור.

שו"ת אגרות משה אורח חיים חלק ד סימן ס

Rav Moshe Feinstein was famous for holding that unrestricted use of time-switches was close to the issur of amira leakum (where a Jew causes melacha to be done for them on Shabbat - through speech and, kal vechomer, through action) and should therefore not be allowed. He also understands that, had Chazal known about time-switches, they would have prohibited them.

B2] THE LIVE-IN HOUSEKEEPER ON SHABBAT

18. אסור לשכור פועלים, ולא לומר לא"י לשכור לו פועלים בשבת אף על פי שאין הישראל צריך לאותה מלאכה אלא לאחר השבת. שכל מה שהוא אסור לעשותו אסור לומר לא"י לעשותו. ואפילו לומר לו קודם השבת לעשותו בשבת - אסור. אבל מותר לומר לו אחר השבת: למה לא עשית דבר פלוני בשבת שעבר, אף על פי שמבין מתוך דבריו שרצונו שיעשה בשבת הבאה.

שולחן ערוך אורח חיים הלכות שבת סימן שז סעיף ב

The prohibition of Amira Lenchri is ruled in Shulchan Aruch. One may not even instruct a non-Jew BEFORE Shabbat to do something prohibited for the Jew on Shabbat. But it is permitted to say to them AFTER Shabbat "why didn't you do this for me last Shabbat?", even though the non-Jew will 'take the hint' for next Shabbat!

19. Rav Hershel Schachter (yutorah.org, Shabbat Shiur #50, min 0-2) explains that Amira LeNochri is a rabbinic prohibition that is patterned after (*ke'eyn deoraita*) the Torah prohibition asking a Ger Toshav to break Shabbat. See Tosafot Yevamot 48b s.v. Zeh Ger who rules that asking a Ger Toshav to do a melacha on Shabbat for the benefit of a Jew is a biblical violation of Shabbat. The Torah also prohibits a person's servants, children and animals from working for them on Shabbat.

20. See Rashi Bava Metzia 71b s.v. *ada'ata* and Rashi Shabbat 153a s.v. *mai ta'ama*.

- As such, indirect 'hinting' to the non-Jew is permitted but NOT on Shabbat itself. On Shabbat any hint which includes an indirect request is prohibited eg "Why didn't you turn off the light last Shabbat", "Do me a favor, there's not enough light in the room", "Anyone who turns off the flame won't regret it" or "If you lower the flame, I will reward you for your effort"²¹.
- A hint which does NOT contain a request is permitted according to some poskim²² - eg "The alarm is beeping and we are not permitted to turn it off", "The lights in the bedroom are on and we are not permitted to turn them off", "It is a shame that the lights are on and electricity is being wasted" "It's difficult to sleep because of the light in the room", "It's a shame that the gas (from a burner) is going to waste", or "I don't have enough ripped toilet paper". Some poskim do not permit one to say ".... and we're not permitted to" since this is effectively a request.
- If the non-Jew asks directly "so would you like me to turn the light on then", some poskim rules that one must not say 'Yes' directly but only something like "that would help me".
- This applies even if the non-Jew is being paid for the work on an hourly/daily basis - '*sachir yom*'. Even though the non-Jew is working for their own benefit, this is regarded in halacha as being done for the Jews.
- However, if the non-Jew is contracted for a fixed price to perform a service or a finished product (eg dry cleaning, fixing a car, delivering a package, sewing a dress etc) they are halachically considered to be a *kablan*, and to be acting entirely in their own self-interest. It is permitted to hire a *kablan* before Shabbat to do a job which they end up doing on Shabbat (with certain conditions - see below).
- As such, a live-in housekeeper who is paid a fixed weekly/monthly salary is considered to be a *kablan*²³. A visiting cleaner is considered to be a *sachir yom*. So asking a cleaner to come in for a couple of hours on Shabbat to clear up is more halachically problematic than having a live-in housekeeper. (We will see below that there are things that the visiting cleaner can do!)

19. ומותר ליתן בגדיו לכובס א"י סמוך לחשיכה אם קצץ לו דמים והוא שלא יאמר לו לעשות בשבת וגם שיעשה הא"י המלאכה בביתו.

שולחן ערוך אורח חיים הלכות שבת סימן רנב סעיף ב

Even if the non-Jew is a contractor and paid for the job, the Jew cannot specifically require them to do the work on Shabbat²⁴ and the work must be done at the non-Jew's shop/home but not at the Jew's home.

20. (יו) בביתו - ר"ל שלא צצית ישראל דאז מחזי כאלו הוא עושה צשליחות ישראל. וכתב הח"א דצצית ישראל אסור אפילו אם הוא דבר שמנהג כל בני העיר ליתנו צקצלות ולא אהו למחשדיה צשכיר יום ג"כ אסור מטעם זה דיאמרו שזוכו לעשות צשצת.

משנה ברורה סימן רנב ס"ק יז

The Mishna Berura explains that the melacha cannot be done in the Jew's home since it looks too much like a direct shelichut - a concern of ma'arit ayin or chashad²⁵. Also, even if this is something for which most people would not hire a sachir yom, so others would not suspect the Jew of this, it is still prohibited since it looks too much like the Jew is instructing this on Shabbat itself.

- On that basis, many poskim rule that a live-in housekeeper cannot practically speak do much on Shabbat that a visiting cleaner cannot do²⁶.
- R. Moshe Feinstein did permit²⁷ a live-in housekeeper to do some things that the Jews themselves would not be allowed to do, including:
 - wash dishes, floors etc even for after Shabbat/Chag.
 - fold laundry.

21. See Shemirat Shabbat KeHilchata 30:5-7.

22. Some poskim permit such a hint only for a rabbinic prohibition. There are many other positions on this and for a good summary see https://halachipedia.com/index.php?title=Amirah_LeNochri#cite_note-16.

23. R. Simcha Bunim Cohen (The Sanctity of Shabbos p. 91, n. 12) quotes R. Moshe Feinstein, R. Shlomo Zalman Auerbach and R. Chaim Pinchas Sheinberg as saying that housekeepers used to be considered *sachir yom* in the time of the Mishna Berura since they could be called upon to work at any time. However, today, housekeepers work regular hours and take off some days each week so if they do work on Shabbat this is for their convenience in order to have free time another day of the week. Thus, today's live-in housekeepers are considered like contractors and not day-workers. This will not however apply to a visiting cleaner or a part-time help who is hired for a fixed number of hours.

24. This is still a problem even if the Jew does not explicitly ask for this but effectively requires the work to be done on Shabbat eg drops if off with the non-Jews immediately before Shabbat and requires it to be ready to pick up immediately after Shabbat. This may not be a problem if the non-Jew will instruct another non-Jew - *amira le-amra*, which is permitted by some poskim in this case.

25. As we have seen in previous shiurim, *ma'arit ayin* and *chashad* are different rabbinic prohibitions with different rationales. *Ma'arit ayin* is a concern that a permitted act will be interpreted incorrectly by an uneducated onlooker who thinks that the person is actually doing something actually prohibited but assumes this to be permitted since they assume the actor would not sin. For instance, someone eating corn flour on Pesach which an onlooker mistakenly thinks is wheat flour and assumes this to be permitted. Chashad is in many ways the opposite - where a permitted act is incorrectly interpreted as something prohibited and the onlooker judges the actors negatively and assumes they sinned.

26. She will be allowed to do anything she wishes in her own private room since this is not considered the Jew's home.

27. See Sefer Amira LeAkum, R. Simcha Bunim Cohen, Chapter 6. R. Moshe Feinstein rules that the issue of having a non-Jewish contractor work in the Jew's home applies only to irregular activities, since it appears as if one commanded the non-Jew to do those activities on Shabbat. There is no concern, however, that a Jew instructed the non-Jew to do activities that are part of his daily routine. Some poskim (including R. Hershel Schachter) find this leniency difficult to accept.

- take out the garbage.
- generally clean the house, even if it is being done for after Shabbat/Chag²⁸.
- extinguish lights or candles.
- However the following conditions must be met:
 - a Jew may not ask the housekeeper directly to do a melacha on Shabbat.
 - the housekeeper may not be asked to do anything involving melacha which goes beyond her normal responsibilities²⁹.
 - there is no zilzul Shabbat which cheapens or degrades the sanctity of Shabbat eg gardening, washing the windows, (according to Ashkenazim³⁰) noisy activity such as vacuuming, using a washing machine or a noisy dishwasher.
 - the Jew does not DIRECTLY benefit from the melacha on Shabbat eg using a light to read.

B3] BENEFITING FROM MELACHA DONE BY A NON-JEW ON SHABBAT

21. **משנה.** נכרי שהדליק את הנר - משתמש לאורו ישראל, ואם בשביל ישראל - אסור. מילא מים להשקות בהמתו - משהא אחריו ישראל, ואם בשביל ישראל - אסור.

שבת קכב.

It is prohibited for a Jew to benefit from melacha done by a non-Jew for a Jew even if nothing was actually said.

22. **ואם בשביל ישראל אסור - ...** ואע"ג דישאל המצטל בשבת צווגג יאכל התם לא חיישינן חי שרית ליה לאכול דילמא אתי לצטולי צמזיד דהא איכא איסור סקילה וחמיר עליה. אבל צנכרי העושה לצורך ישראל חי שרית ליה אתי למימר לנכרי לעשות צצצילו.

תוספות שבת קכב.

Tosafot explain that this is stricter than the case of a melacha done by a Jew by accident. In the case of a non-Jew, Chazal was extra concerned that, if a Jew benefits from the non-Jew's actions, he will come to ask the non-Jew directly.

23. **... ואריך להמתין צמ"ש צכדי שיעשה (משנה צרור - כדי שלא יהנה ממלאכת שבת).**

רמ"א שולחן ערוך אורח חיים סימן רנב

Melacha done on Shabbat by a non-Jew for a Jew is also prohibited AFTER Shabbat for the time it would have taken to do it on motzei Shabbat. This is to prevent any benefit being enjoyed from the melacha.

24. **דדוקא צעכו"ס שטושה צעינ צכדי שיעשה דחיישי' שמה יאמר לו לעשות אבל ישראל לא ישמע לו.**

מגן אברהם שיה ס"ב

In the case of a melacha mistakenly performed by a Jew there is no concept of שיעשו since we are not concerned that another Jew will listen if someone tells him to do melacha on Shabbat³¹.

25. **משנה.** נכרי שבא לכבות, אין אומרים לו כבה ואל תכבה - מפני שאין שביטתו עליהן. אבל קטן שבא לכבות אין שומעין לו, מפני ששביטתו עליהן. נכרי - דקא עביד לדעתיה דישאל, מי שרי? - נכרי לדעתיה דנפשיה עביד.

שבת קכא.

A person is allowed to let a non-Jew put out a fire (although may not ask him to do so). There is no issur hana'a here since we say that the non-Jew did it for himself - לדעתיה דנפשיה עביד.

26. **ואם בשביל ישראל אסור - ...** ולא דמי להא דאמר לעיל נכרי שצא לכבות אין אומרים לו כבה ואל תכבה, והבא אסור כשעושה צצצילו ישראל. דכי אמרינן דנכרי אדעתא דנפשיה קא עביד הני"מ צכציו וכיוצא צו שאין ישראל נהנה צמעשה הנכרי. אבל הכא שגוף ישראל נהנה צמעשה של נכרי לא אמרינן אדעתא דנפשיה קעביד הוואיל והנכרי מתכוין להנאתו - כך פירש רצינו שמשון הזקן.

תוספות שבת קכב.

Tosafot explain that in the case of turning ON the lights we do NOT say לדעתיה דנפשיה עביד since the Jew is getting real and direct hana'a from the melacha and the non-Jew cannot be said to be doing it 'for himself'.

28. Other poskim allow this only if it is more convenient for the housekeeper than waiting until after Shabbat. There is a debate as to whether Amira Lenchri also applies to preparing for after Shabbat. Most poskim rule that it does but some rule that it only applies to actual melachot and related rabbinic prohibitions and not to breach of positive mitzvot on Shabbat. See https://halachipedia.com/index.php?title=Amirah_LeNochri#cite_note-62

29. R. Feinstein was concerned that if the housekeeper were asked to do something unusual (for instance defrosting a refrigerator, mending a garment, shopping, cleaning the carpets) there would be more a concern of *ma'arit ayin* that she was being specifically hired for that on Shabbat as a sachir yom.

30. We will address in Part 2 be'H the differences between Ashkenazim and Sefardim on using noisy equipment on Shabbat.

31. An interesting question is whether this would apply in the same way in the case of a non-observant Jew (see Pri Megadim M.Z. 176:5).

- As such, if a non-Jew turns on the lights in a room for a Jew, the Jew may not use these to do something they could not do previously eg read. The Jew may use the room for something which was possible without the extra light, eg eating. But if the non-Jew turns off the lights, this is not considered a direct benefit and the Jew can benefit eg by being able to sleep.

27. א"י שהדליק את הנר בשביל ישראל, אסור לכל אפי' למי שלא הודלק בשבילו. הגה: ואין חילוק בזה בין קנץ לו שכר או לא קנץ.

שולחן ערוך אורח חיים סימן רעו סעיף א

When it comes to lighting a flame, a Jew may not benefit even if the non-Jew had a fixed agreed fee in advance.

- In the case of a non-Jewish caregiver looking after a sick or incapacitated Jewish patient who needs constant care, the patient will almost always be considered in halacha as a *choleh she'ein bo sakana* - who is sick but not in life-threatening danger. As such, it will be permitted both to DIRECTLY ask the caregiver to do melacha for the patient and also for the patient to directly benefit from that work³².

B4] THE VISITING CLEANER ON SHABBAT

- As noted above the visiting cleaner is a *sachir yom* and not a *kablan* so, in principle, the Jew may not ask them to do anything that would not already be permitted for the Jew themselves³³. However there are a number of leniencies, even for the visiting cleaner:

28. (כו) כתב הט"ז צסוף הסימן וז"ל נ"ל אותה הנר שמדלקת השפחה כדי להדיח כלי אכילה שאכלו לא מיקרי לנורק ישראל כיון שאין גוף הישראל נהנה ממנו, אלא כלים שלו מודחים והיא חייבת להדיחם ללרכה היא מדלקת. ומותר אח"כ ישראל להשתמש לנר זה אף לרכי גופו כיון דצעת הדלקת הנר הדליקה ללרכה. ומותר לסייע להשפחה גם צהדחת הכלים לפני נר זה דאף שמלמד הפמ"ג להחמיר בזה היינו כשהישראל ידיח לצדו את הכלים אחר שהדליקה השפחה הנר ומשום דמחזי שהדליקה ללרכה משא"כ בזה אמרינן דהעיקר אדעתא דנפשה קעצדה וכנ"ל צס"ז.

משנה ברורה סימן רעו ס"ק כו

The Mishna Berura cites the Taz who rules that if a cleaner/housekeeper lights a candle to enable her to perform her work more efficiently, the Jew can then benefit from that light.

- They may chose to do something in a manner which is more convenient for them, even if this would be prohibited on Shabbat for the Jew. For instance, if they are asked to wash the dishes they can choose to use hot water if more convenient for them, since they could have used cold water in a manner permitted for Jews³⁴. Similarly, they can be asked to clean the floor and, if more convenient for them, they can use a squeezy mop³⁵. They can also turn lights on and off where they need to for their work and the Jew can benefit from this.³⁶
- They can be asked directly to do something which would be prohibited RABBINICALLY for the Jews this is also for the purpose of: (i) a mitzva³⁷; (ii) great necessity³⁸; (iii) a serious monetary loss³⁹; (iv) a minor health ailment⁴⁰.
- They can be asked to do melacha during *bein hashemashotif* required for a mitzva, a Shabbat need or great need.
- They can be asked directly to do something which for a Jew would be unintentional but inevitable - *pesik reisha*.⁴¹
- In all such cases there must be no zilzul Shabbat - eg noisy, weekday activities. For this reason most poskim do not allow the non-Jewish cleaner to use the dishwasher or vacuum (in a private home⁴²) even if this is more convenient for them.
- We will deal next week in more depth with the issue of the dishwasher and of using time-switches to run things on Shabbat.

32. Another interesting question is the extent to which a healthy person can benefit from a melacha performed by a non-Jew for a choleh eg to use a light for reading.

33. Shulchan Aruch OC 307:2.

34. They can also choose to wash the dishes on Shabbat if this is more convenient to them than coming back after Shabbat.

35. Some poskim rule that the cleaner should be specifically directed to do this in the Shabbat-friendly manner and then they can choose to ignore this if they wish, but to ask them 'stam' to clean the floor or wash the dishes it tantamount to asking them to do it in a prohibited way. However, many poskim are not strict on this issue, especially if the problem with using the hot water is effectively a *pesik reisha* (the cold water entering the tank) which would be permitted to ask a non-Jew to do - see above.

36. See Mishna Berura 276:27.

37. For instance asking the non-Jew to wheel someone to shul on Shabbat where there is no eruv. This certainly applies to a man who must try to daven with a minyan. But many poskim will also apply this to a woman for whom going to shul is an important part of her tefilla or oneg Shabbat.

38. For instance asking the non-Jew to break a lock when people are locked out of the house. See Shulchan Aruch 307:5.

39. For instance asking the non-Jew to move something valuable which could be stolen, eg candlesticks once the candles are out. See ibid and Mishna Berura 307:22.

40. Mishna Berura 307:21, 328:52.

41. For instance asking the non-Jew to open the refrigerator when the light will come on. See Igrot Moshe OC 2:68. Some poskim permit the Jew to open the refrigerator even if the light will come on if they do not need the light to see into it, since this will be a *pesik reisha delo nicha lei*.

42. The situation for a public building or institution may be different. We will look at this be'H in Part 2.