

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## SERIES 3: 31 - DISHWASHERS ON SHABBAT - PART 2

OU ISRAEL/BEIT KENESSET HANASI - SUMMER 2025

- We looked in Part 1 at some of the halachic issues associated with washing dishes on Shabbat. These included preparing for after Shabbat as well as employing or contracting a non-Jewish cleaner or housekeeper to do the work.
- In this shiur we will address the use of timers on Shabbat<sup>1</sup>, in particular using a dishwasher set to operate on Shabbat on a timer.

### A] SHEVITAT KELIM - DOES OUR EQUIPMENT NEED TO REST ON SHABBAT?

1. (וי) וְיוֹם הַשְּׁבִיעִי שַׁבָּת לַה' אֱלֹהֶיךָ לֹא תַעֲשֶׂה כָל־מְלָאכָה אַתָּה וּבִנְךָ וּבִתְךָ עַבְדְּךָ וַאֲמָתְךָ וּבְהֵמָתְךָ וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ:

שמות כ"י

*The Torah specifies who may not do melacha on Shabbat - us, our (young) children, our servants, our animals and the non-Jewish ger toshav who lives with us in Israel.*

2. ה' בית שמאי אומרים אין שורין דיו וסממנים וכרשנים אלא כדי שישורו מבעוד יום ובית הלל מתירין.

ו' בית שמאי אומרים אין נותנין אונין של פשתן לתוך התנור אלא כדי שיהבילו מבעוד יום. ולא את הצמר ליורה אלא כדי שיקלוט העין, ובית הלל מתירין. בית שמאי אומרים אין פורשין מצודות חיה ועופות ודגים אלא כדי שיצודו מבעוד יום, ובית הלל מתירין.

משנה מסכת שבת פרק א משנה ה"ו

*The Mishna records a dispute between Beit Hillel and Beit Shamai as to whether equipment must rest on Shabbat. Beit Shamai require shevitat kelim - that no melacha may be done by our equipment on Shabbat, even if this was set up before Shabbat. So animal traps, dyeing equipment etc can not be left to work on Shabbat<sup>2</sup>. Beit Hillel permit this.*

3. תנו רבנן: פותקין מים לגינה ערב שבת עם חשיכה, ומתמלאת והולכת כל היום כולו. ומניחין מוגמר תחת הכלים ומתגמרין והולכין כל היום כולו.... אבל אין נותנין חטין לתוך הריחים של מים אלא בכדי שיטחנו מבעוד יום. מאי טעמא? אמר רבה: מפני שמשמעת קול. אמר ליה רב יוסף: ולימא מר משום שביתת כלים! דתניא: (שמות כ"ג) וְכָל אֲשֶׁר-אֶמְרָתִי אֶלֵיכֶם תַּשְׁמְרוּ - לרבות שביתת כלים. אלא אמר רב יוסף: משום שביתת כלים. .... מאן תנא שביתת כלים דאורייתא - בית שמאי היא ולא בית הלל.

שבת יח.

*The Gemara quotes Tannaitic sources which support Beit Hillel - one can open irrigation pipes on Friday afternoon and let the water flow through Shabbat, but for some reason one may not place grain into a mill on Friday and let it grind through Shabbat. The Amoraim disagree on the reason for this exception. Rabba rules that even Beit Hillel would prohibit this since the mill is very noisy. Rav Yosef rejects this reason and explains that this case too would only be prohibited according to Beit Shammai due to shevitat kelim.*

4. שיטחנו מבעוד יום - מפני שמשמעת את הקול, ואושה מילתא צשצת, ואיכא זילותא.

רש"י שם

*Rashi explains Rabba's reasoning in prohibiting the mill working on Shabbat as 'avsha milta' - it is noisy and the noise is a ziluta - a disgrace of the spirit of Shabbat.*

- The psak of the Gemara is clearly like Beit Hillel - there is no prohibition of *shevitat kelim*.

1. For a very useful and comprehensive article see *Timers on Shabbat and Yom Tov* by Rabbi Michael J. Broyde on Torah Musings. Many of the citations of traditional sources mentioned in my footnotes below are taken from that article - <https://www.torahmusings.com/2010/09/timers-on-shabbat-and-yom-tov/>.

2. The Gemara goes on to point out that, according to Beit Shammai, Shabbat candles could not be left lit into Shabbat and cooked food could not be left on a stove into Shabbat. Yet Beit Shammai permitted lighting Shabbat candles and hot food on Shabbat! The Gemara (Shabbat 18b) concludes that Beit Shammai declared these keilim to be ownerless before Shabbat so that they would not be in breach of their equipment working on Shabbat. The poskim debate whether this had to be declared proactively or was simply assumed, or worked through the principle of *hefker beit hefker* since there was no other option for Beit Shammai. They also discuss why this mechanism of *hefker* does not work in order to allow a Jew's animal to work on Shabbat.

5. מותר להתחיל במלאכה מערב שבת אף על פי שהיא נגמרת מאלה בשבת. שלא נאסר עלינו לעשות מלאכה אלא בעצמו של יום אבל כשתעשה המלאכה מעצמה בשבת מותר לנו ליהנות במה שנעשה בשבת מאליו.

רמב"ם הלכות שבת פרק ג הלכה א

*This is clearly ruled by the Rambam and also the Shulchan Aruch (below).*

- There are a few exceptions where the rabbis had a specific concern with leaving equipment running into Shabbat, such as:
  - the rabbinic prohibition<sup>3</sup> of Shehiya - to leave uncooked food on a regular flame into Shabbat. The rabbis prohibited this in case one increases the flame to cook the food faster.
  - the rabbinic prohibition of placing a dish of water around a flame which is emitting sparks
  - what about the case of the water mill? Do we prohibit this due to the noise (following Rabba's opinion) or not (following Rav Yosef's opinion that the only issue could be *shevitat kelim*, which we hold to be permitted)?
- In fact, the question of *avsha milta* is a major debate between the Rishonim:
  - Rabbeinu Tam<sup>4</sup>, Rambam<sup>5</sup> and Rif all accept the opinion of Rav Yosef and permit it. On the other hand, Rabbeinu Chananel<sup>6</sup>, Rosh, Semag and Smak all appear to accept Rabba's approach<sup>7</sup> and prohibit it.

6. ומותר לפתוח מים לגנה והם נמשכים והולכים בכל השבת .... דאין אדם מצווה על שביתת כלים. .... ומותר לתת חטים לתוך רחיים של מים סמוך לחשיכה. בגב: ולא חיישין להשמעת קול שיאמרו רחיים של פלוני טוחנות בשבת. ויש אוסרים ברחיים ובכל מקום שיש לחוש להשמעת קול (טור ותוספות והרא"ש פ"ק דשבת, וסמ"ג וסמ"ק וסב"ת והגה"מ פ"ו ותשובת מהרי"ו סימן ק"ל ואגור) והכי נהוג לכתחלה. מיהו במקום פסידא יש להקל כמו שנתבאר לעיל סוף סימן רמ"ד.

שולחן ערוך אורח חיים הלכות שבת סימן רנב סעיף ה

*R. Yosef Karo rules like Rav Yosef that we are not concerned about the noise of the water mill. However, the Rema rules like Rabba lechatchila - one may not ideally use noisy equipment on Shabbat. But in a case of loss this is also permitted<sup>8</sup>.*

- Unsurprisingly, the Sefardi poskim follow the Mechaber and the Ashkenazim follow the Rema. But, for the Ashkenazim, this raises the following important questions:
  - what is considered to be noisy? A water mill is VERY noisy<sup>9</sup> but a dishwasher much less so<sup>10</sup>.
  - what is considered a 'loss' which justifies a lenient psak<sup>11</sup>?
  - the reasoning given by the Rema is not specifically zilzul Shabbat, but that other people will suspect that you are having work done on Shabbat. What about the kind of activity that most people understand is done using a timer - eg lights or sprinklers?
- R. Moshe Feinstein<sup>12</sup> and R. Shlomo Zalman Auerbach<sup>13</sup> both understand that this prohibition would apply to a radio<sup>14</sup> and rule that this may not be activated on a timer (or left on through Shabbat) since it makes too much noise<sup>15</sup>. In a case of need (eg security concerns) this would be permitted.
- In the case of noisy equipment which people do not normally operate manually - eg a noisy fridge, electricity generators<sup>16</sup>, sprinklers<sup>17</sup>, AC units, phones ringing, fax machine, answering machine, alarm clocks<sup>18</sup>, many poskim are lenient since other people will not assume that you are operating them manually on Shabbat.

3. Shabbat 18b. We will see below that this could be relevant to the case of the dishwasher.

4. Tosafot Shabbat 18a

5. Cited in Beit Yosef, Orach Chaim 324 s.v. *ein*.

6. Shabbat 18a.

7. See Beit Yosef on Tur Orach Chaim 252 and 324 for a complete list of authorities.

8. We will also see this concept below in the case of grama. R. Hershel Schachter points out that the Rema (in his introduction to Torat Chatat) explains that when he rules that an activity is permitted in the case of financial loss, this is because he fundamentally rules this activity to be permitted in ALL cases, but recommends stringency in deference to those views which disagree with him and prohibit it. However, in the case of loss the Rema does not feel it appropriate to adopt this extra stringency.

9. Average around 90 dB.

10. The range is around 38-53 dB. By comparison, consider the following: normal human breathing - 20dB, whispering - 40 dB, normal conversation - 60 dB, normal TV sound - 65 dB, wake-up alarm - 80 dB, lawn mowing - 90 dB, concert - 115 dB.

11. This question could be relevant in a large institution such as a hospital which have non-Jewish workers operating dishwashers on Shabbat. Consider also the case of a noisy washing machine. Clothes are normally washed in a machine which is operated manually and not automated so this would be prohibited for Ashkenazim, except in a case of loss. This could include a soldier who comes home shortly before Shabbat and needs to have clean clothing to return to base on Motzash.

12. Igrot Moshe, Orach Chaim 4:84. R. Feinstein also applies this psak to a TV.

13. Minchat Shlomo pages 68-69, First Edition.

14. See also Minchat Yitzchak 1:107.

15. R. Feinstein rules (OC 4:70) that the level of noise which is prohibited is one which could be heard in the next room. This teshuva addresses use of an alarm clock on Shabbat which was set before Shabbat. R. Asaf Bednarsh suggests that some halachic authorities rule that if no one is awake to here the sound (such as a dishwasher which operates at 3am) this would also be permitted. See <https://www.etzion.org.il/en/halakha/orach-chaim/shabbat/using-dishwasher-shabbat>.

16. Many in the Charedi community have private electricity generators for Shabbat rather than using the public system. The Chazon Ish would say that the noise of the generators is not only permitted but is 'screaming Shabbat!'. For more on this see <https://rabbimanning.com/electricity-on-shabbat/>

17. In climates where the failure to water for one day causes plants to die sprinklers may also often involve the issue of financial loss.

18. This may not apply to an alarm which turns on a radio or plays music since most people DO turn on the radio/music manually and others could think you had done that, leading to a prohibition of *avsha milta* (at least for Ashkenazim). Also, old alarm clocks were set before one went to sleep which was a halachic issue since people would assume it had been set on Friday night. This halachic psak will change as people become used to different kinds of automated noises.

**B] USE OF TIMERS ON SHABBAT**

• Based on the above analysis, most poskim have permitted the use of timers on Shabbat and Yom Tov, except (for Ashkenazim) where the equipment will make unacceptable levels of noise. Use of timers also becomes more acceptable halachically once people are aware that the work in question is usually activated through a timer and not manually. However, some have expressed reservations.

(i) Some argue that the Talmud permits the finishing of a prohibited action on Shabbat when it is started on Friday. But this may not permit a timer which does the entire action on Shabbat<sup>19</sup>.

(ii) Others have argued that, just as Chazal prohibited leaving a dish of water around a sparking flame in case one adjusted it, so too, it should be prohibited to use a timer in case one adjust it and set it on Shabbat<sup>20</sup>.

(iii) Others argue that one may only start an action on Friday and finish on Shabbat where there is no direct benefit derived from the action on Shabbat (such as the freshly milled flour or the watered field). However, when a prohibited action is done for the sake of using the product on Shabbat, it should be prohibited<sup>21</sup>.

7. .... 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 שאסור אמירה לעכו"ם מטעם זה. וגם אולי הוא ממילא בכלל איסור זה דאסור אמירה לעכו"ם, דאסור 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 פ

*Rav Moshe Feinstein ruled that unrestricted use of time-switches was close to the issur of amira le'akum - where a Jew causes (through speech and, kal vechomer, through action) a melacha to be done for them on Shabbat. He also understands that, had Chazal known about time-switches, they would have prohibited them.*

**C] USE OF A DISHWASHER ON A SHABBAT TIMER****C1] WHICH MELACHOT HAPPEN IN A DISHWASHER**

• Operating a dishwasher could potentially involved a number of melachot:

(i) Havara - lighting a flame. This will apply to the activation of the heating element in the dishwasher<sup>22</sup>.

(ii) Bishul - cooking. This will certainly apply to the water<sup>23</sup> and may also apply to the detergent<sup>24</sup> and the uncooked food scraps on the plates<sup>25</sup>.

(iii) Boneh?? - The opinion of the Chazon Ish is that the connection of electrical circuits on Shabbat is the melacha of boneh - building. Most poskim reject this and consider connection of electrical circuits to be a rabbinic prohibition<sup>26</sup>.

**C2] GRAMA - INDIRECT CAUSATION OF A MELACHA**

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

משנה מסכת שבת פרק טז משנה ה

*The Mishna rules that if a fire breaks out on Shabbat (in a non life-threatening situation) one can cause it to go out by indirect means, such as a placing a non-flammable covering in the path of the fire, or jugs of water in the path of the fire which will break and the water will extinguish the flames.*

19. See Shu't Ben Yehuda 151 as to whether a biblical violation could be involved in this.

20. See Shu't Mishpetei Uziel 1:223.

21. See Magen Avraham Shulchan Aruch OC 307:3 on the prohibition of giving money to a non-Jew on Friday to buy something for the Jew on Shabbat. The Magen Avraham even quotes the Sefer Hasidim that a Jew should not live in a town with a Saturday market nearby since he will not be able to avoid sinning.

22. Most dishwashers heat their own water and do not rely on hot water from the boiler system in the home.

23. It is clear in halacha that bishul also applies to non-foods. Indeed the origin of the melacha in the Mishkan was the cooking of herbs to make the dyes for the curtains.

24. This may depend on whether the detergent is solid or liquid. Liquid detergent is less likely to be subject to the aspect of bishul which relates to softening a solid into a liquid. Even if solid detergent was placed in the machine before Shabbat this is still a problem since it usually goes in the door which is then actively closed to bring the soap into the machine.

25. There are often such scraps on the plates. However, most poskim regard cooking these to be a *psik reisha delo nicha lei* - an unwanted inevitable but unintended outcome. Although this is still prohibited lechatchila on a rabbinic level, there may be grounds for leniency such as: (i) that the food is being cooked to be immediately thrown away; (ii) that the food is being cooked indirectly through a grama. Some poskim understand that one intends the scraps to get hot so that they can be washed away. Even if one's agenda was simply to wash them away, heating/cooking for a different agenda could still be a *melacha she'eina tzeriach legufa*. Washing dirty plates with hot water in a sink will be less of an issue since this will be a *kli sheni* whereas the dishwasher is a *kli rishon* on the fire. Even in a sink, it would be prohibited to pour hot water from a *kli rishon* onto food. In practice this is unlikely to happen with our kitchen set up where many people do not use hot water to wash the dishes.

26. For more detail on this see <https://rabbimanning.com/shabbat-and-electricity/>.

9. **גמרא.** אמר רב יהודה אמר רב: טלית שאחז בה האור מצד אחד - נותנין עליה מים מצד אחר ואם כבתה - כבתה. .... כתיב (שמות כ"ז): לֹא תַעֲשֶׂה כָל־מְלָאכָה - עשייה הוא דאסור, גרמא שרי.

שבת קכ:

*The Gemara explains that the halachic heter here is 'grama' - indirect causation. The Torah prohibits the doing of melacha on Shabbat<sup>27</sup> in a direct and normal manner - 'assiya', and not in an indirect manner. It also adds another case in the name of Rav who rules that if a piece of clothing catches fire on one side one may pour water on the other side which could extinguish the flames.*

10. **משנה.** נותנין כלי תחת הנר לקבל ניצוצות. ולא יתן לתוכו מים - מפני שהוא מכבה.  
**גמרא.** .... אמר רב אשי: אפילו תימא רבנן, שאני הכא - מפני שמקרב את כיבוי.

שבת מז:

*Yet the Mishna also rules that one may not put water into a bowl on Shabbat (and even before Shabbat as a fence in case one does so on Shabbat) and place it near to a flame to catch sparks from the flame since this is the melacha of extinguishing. The Gemara explains that this is prohibited EVEN according to the opinion that permits grama since this case is more direct.*

11. **אלא אמר רב אשי -** מתניתין אפילו לרבנן דלא דמי לגרם כיבוי. דהתם כי מטי דליקה לכלים - דליקה הוא דפקע לכו וגרמא צעלמא הוא. אבל זה שנתן המים ממש תחת הנר - מכבה ממש הוא, וגזירה מצדד יום אטו משחשכה. **שמקרב את כיבוי -** זימן כיבוי להדיא והוא ליה מכבה ממש אי הוה יהיב ליה צשצת.

רש"י שבת מז:

*Rashi explains that, in the case of the spreading fire, the flame cracks the jugs and then the water makes contact with the flames, i.e.<sup>28</sup> there is a causal barrier between the water and the flames. However, in the case of the bowl of water near to a sparking flame, the person puts the water directly next to the flame. This is considered a DIRECT melacha of kibui.*

• The Rishonim discuss how exactly these two cases fit together<sup>29</sup>:

- Some Rishonim<sup>30</sup> explains that Rav Ashi (in the case of the sparks) is ruling against Rav (in the case of the clothing on fire). Rav Ashi rules that that case is direct action and not melacha.

- Other Rishonim<sup>31</sup> explain that the case of the jugs remains a safek - maybe the flames will spread to the jugs and maybe they will not. But they understand the case of the sparks to be a vadai - the candle is currently sparking and placing water in the bowl to catch the sparks will definitely lead to extinguishing. But Tosafot understand differently:

12. **מפני שמקרב את כבוי -** .... וצשצת יכול לנא לידי כיבוי אם יגזיר הכלי צשצת נפילת הנילוות

תוספות שבת מז: ד"ה מפני שמקרב

*Tosafot understand that the case of the sparks will only be a Torah prohibition if the person actually lifts the bowl of water and moves it towards the flame to catch the sparks. But if it is simply left on the table this will still be a grama.*

13. **תיבה שאחז בה האור יכול לפרוס עור של גדי מצדה האחר שלא תשרף.** ועושים מחיצה בכל הכלים להפסיק בין הדליקה, אפילו כלי חרס חדשים מלאים מים שודאי יתבקעו כשתגיע להם הדליקה דגרם כיבוי מותר. הכה: צמקום פסידא.

שולחן ערוך אורח חיים הלכות שבת סימן שלד סעיף כב

*The Shulchan Aruch permits<sup>32</sup> extinguishing a fire<sup>33</sup> on Shabbat indirectly through grama - eg placing a barrier (such as bags of water) to the fire which will extinguish it shortly when the fire reaches the barrier<sup>34</sup>. The Rema rules<sup>35</sup> that this use of grama is only permitted (on Shabbat) in a situation of loss<sup>36</sup>.*

27. Note that this principle does not apply in the case of torts. In most cases, if a person indirectly causes damage to another they will still be liable.

28. I have explained the distinction between the cases according to Rashi, but see below for other important ways to differentiate between the cases.

29. See R. Shlomo Levi's article in Tehumin 11 who presents in detail four different approaches in the Rishonim.

30. See Rif explained by the Ran in the name of the Ravad and Ramban.

31. See Chiddushei Ramban Shabbat 120 and Chiddushei Rashba Shabbat 47b.

32. This is a minority position in the Rishonim - see Magen Avraham (OC 514:3) explaining the Rosh (Beitza 22a) and the comments of Korban Netanel, Beitza 22b.

33. The Biur Halacha (334:22 s.v. *degram kibui mutar*) notes that the accepted opinion is that grama is permitted in all categories of prohibited work, and not just extinguishing.

34. There is considerable debate in the Acharonim as to how we to understand this psak. On the one hand, the Shulchan Aruch omits the case of pouring water on the other side of the clothing so that it will extinguish the fire when the flames spread. Does this mean that he rules against Rav and, like the Rif, holds that this case is not considered grama? On the other hand, it seems clear from the Beit Yosef that he does rule like Rav. See R. Levi's article for more on this.

35. This position follows many of the Rishonim and many of the Sefardi poskim (including R. Ovadia Yosef) follow this position, notwithstanding that it that of the Rema. See Tosafot, Beitza 22a; Mamar Mordechai, Orach Chaim 514:10; Rashba, Avodat Hakodesh, Shaar 3:3; Ran, Shabbat 120b; Meiri, Shabbat 120b; Rama, Shulchan Aruch, Orach Chaim 334:22; Maharam Shick 157; Yabia Omer 1 Orach Chaim 21:14; Chazon Ish, Orach Chaim 38:2.

36. The loss would need to be significant and not minimal - note that the cases in the Gemara related to items of value which had caught fire! The heter would also include to facilitate a mitzva or for a sick person, even if not dangerously so. Examples may include (i) moving forward the timer to turn on the lights when the house is completely dark and guests are

• Note that grama is permitted<sup>37</sup> on Yom Tov. As such, the discussion below concerning adjusting timers is specific to Shabbat. On Yom Tov adjustment of a timer will be permitted according to most poskim<sup>38</sup>, taking care of course not to turn the power on or off directly.

### C3] GRAMA AND SHABBAT TIMERS

- How does the above discussion relate to the use of Shabbat timers<sup>39</sup>? Setting a timer BEFORE Shabbat is certainly not a problem of grama and most poskim permit this<sup>40</sup>, notwithstanding R. Moshe Feinstein's dissenting view (above).
- Adjusting a timer ON Shabbat is much more problematic. At the very least it will be a grama - indirect causation of a melacha. As we saw above, although the Shulchan Aruch rules that grama is permitted on Shabbat, the Rema rules that it is only permitted in a case of financial loss (see below).
- However, some poskim understand that adjusting a Shabbat timer on Shabbat could even involve a Torah prohibition if melacha then occurs as a result of the adjustment.

14. ד] אם מותר להזיז שעון שבת בשבת. ובדבר אם מותר להזיז את השעון שיכבה באחור זמן מכפי שהועמד או שלא יכבה כלל או בקרוב זמן. וכן שידלק באחור זמן או בקרוב זמן או שלא ידלק כלל. הנה אסור בכל אופן אבל יש גם איזה אופן שהוא מלאכה דאורייתא - כגון שעושה שידלק בין באחור זמן בין בקרוב זמן הוא מלאכה. וכן שיכבה בין באחור זמן בין בקרוב זמן הוא מלאכה, אך כבוי הוא מלאכה שאינה צריכה לגופה ופליגי רבוותא דלהרמב"ם הלכה כר' יהודה שחייב ולהתוס' הלכה כר' יוסי ור"ש שפטרי. ובעושה שלא ידלק כלל אלא שישאר כמו שהוא עתה וכן כשעושה שלא יכבה כלל ליכא איסור מלאכה אבל עכ"פ אסור מדין מוקצה.

ש"ת אגרות משה יורה דעה חלק ג סימן מז

*R. Moshe Feinstein rules that timers may never be adjusted on Shabbat. First, he rules that they are muktze, presumably since they are operating an electrical system. He also understands that an new activity ensuing as a result of the adjustment on Shabbat will be considered to be a 'ma'aseh' of the person. So if the lights now turn on (or on earlier) due to the person's intervention on Shabbat by adjusting the timer, this is a full Torah prohibition. If the lights turn off (or off earlier) this will be a rabbinic prohibition<sup>41</sup>. If the status quo is maintained through adjusting the timer (ie lights stay on or off for longer) this will not be an independent infringement of a melacha but a breach of the laws of muktze<sup>42</sup>.*

- Nevertheless, many poskim rules that the Shabbat timer itself is not muktze<sup>43</sup> and rule that adjusting a timer would indeed be a grama and not a direct action.
- On that basis, there are four distinct cases that we need to address:

unable to eat; (ii) moving forward the timer to turn on the heating system when the house is very cold and there are sensitive people or children who are suffering; (iii) moving forward the timer so that there will be some hot food on Shabbat day. A posek should be consulted on these applications. Moving forward to timer to activate the AC when the house is very hot may be less obviously permitted since people can manage in the heat, but this is case specific and there may be situations of real need.

37. Shulchan Aruch, Orach Chaim 334:22 and Biur Halacha.

38. See Tzitz Eliezer I, 20:5. R. Moshe Feinstein would probably still prohibit this on the basis that he rules the timer to be muktze.

39. The contemporary poskim debate the conceptual framework for the final psak on grama. What exactly makes an activity a grama as opposed to a direct melacha? There are three main approaches to this question:

(i) The first answer rules that the critical distinction is the time delay. Shabbat timers clearly fall within this definition and, as such, adjusting timers, whether to accelerate or delay an outcome, would be permitted on Shabbat in certain situations - see below. This is the view of Rabbi Ovadia Yosef and others. (Yabia Omer 3:18; Ketav Sofer, Orach Chaim 55; Zera Emet, Orach Chaim 44. See also, Maharam Shick, Orach Chaim 157; Chazon Ish, Orach Chaim 38:2; Chelkat Ya'akov 1:49.)

(ii) The second position understands that the critical factor is whether the additional force needed to finish the action is 'present' at the time of the human activity. Only where the additional force is NOT present at the time of human activity is the action considered a grama. This is the position of R. Joseph B. Soloveitchik and others. He understands that the case of the fire and jugs of water is permitted only if one places the jugs away from the fire but placing the barrels actually in the fire would be prohibited. As such, adjusting times to accelerate an outcome would always be prohibited since when adjusting the timer the additional force needed to finish the action, namely the rotation of the dial, is present. Adjusting a timer to delay an outcome may still be permitted. Rabbi Soloveitchik's position is fully explained in an article by R. Hershel Schachter, Maaseh Ugrama Behalacha, Beit Yosef Shaul 1 70-72 (1985). Rabbi Schachter cites both earlier and later authorities who agree with this approach.

(iii) A third view asserts that the critical factor is whether the indirect process used is the normal process. If the indirect process is the normal one, it will be prohibited on Shabbat; otherwise it is permitted. Hence the case of the jugs is permitted only because it is not the normal manner to extinguish fire. According to this approach, adjusting a timer is prohibited since it was designed to be used in this manner.

40. This is the position of most poskim - see Tzitz Eliezer 1:20:9; Chelkat Ya'akov 1:49; Edut Leyisrael p. 122; Minchat Shlomo p. 66; Yechave Daat 2:57; Chazon Ish, Orach Chaim 38:3 and 38:4; Maharam Shick, Orach Chaim 157; Minchat Moshe 8; Even Yekara 3:85; Yaskil Avdi, Orach Chaim 4:17.

41. This is because we rule that extinguishing a flame is a *melacha sheaina tzericha legufa* - i.e. (in simplified terms) done for a different purpose than the technical purpose in the construction of the mishkan. In the case of extinguishing a flame, this purpose was to produce coals for use in dye-making and not simply to remove the flame.

42. R. Feinstein does not clarify which type of muktze the timer could be. Some have suggested that it could be *muktze machmat chisaron kis* which applies to items of value which one would not use or leave lying around on Shabbat. This is difficult to apply to timers since (a) they are not at all valuable and people do leave them lying around; and (ii) one is actually using it on Shabbat! Others have suggested that timers could be seen as a *kli shemelachto leissur* - utensils of prohibited usage on Shabbat. Again, this is difficult to argue since since timers (according to most poskim) only indirectly cause melacha to be done through grama.

43. This is the position of R. Shlomo Zalman Auerbach (Minchat Shlomo page 111) and R. Ovadia Yosef (Yabia Omer 3:18:2). See also Minchat Shlomo I:13 and II:27. R. Auerbach adds that since it is permitted to adjust the timer, the "clicks" on the timer are not considered muktze. It is important to note that the status of muktze is a CONSEQUENCE of a halachic prohibition of use or a lack of 'hachana' for Shabbat. Muktze itself is not a CAUSE of a halachic prohibition. It is misleading to tell children things like 'you can't turn on the lights because they are muktze', which is incorrect. One cannot turn on lights because of the melacha involved, and due to that prohibition the switch becomes muktze.

[1] Accelerated activation of an appliance

- Can you adjust a timer to accelerate an outcome and cause an appliance to activate earlier than originally intended (e.g. move the dial so that a light scheduled to go on at midday goes on at 10 a.m.)?
- The answer will depend on the conceptual definition of grama<sup>44</sup>. According to R. Ovadia Yosef, the key halachic issue is the time delay and adjusting a timer will be considered grama since the outcome is delayed. As such, accelerating an outcome will be permitted in a case of loss or to facilitate a mitzva.
- According to the other understandings of grama, including that of R. Soloveitchik, this will be prohibited<sup>45</sup>.

[2] Delayed activation of an appliance

- Can you adjust a timer to delay an outcome and cause an appliance to activate later than originally intended (e.g. move the dial so that a light scheduled to go on at midday goes on at 2 p.m.)?
- Most poskim<sup>46</sup> would permit this since one is merely extending the status quo.
- However, some older timers worked by removing and replacing a pin from holes marking the relevant time. R. Shlomo Zalman Auerbach rules that it is prohibited to use this type of timer even to delay an outcome. Removing the peg effectively deactivates the timer (which he permits, since this simply deactivates the timer and extends the status quo) but reinserting the pin, even for a later time, reactivates the timer and effectively accelerates a new outcome. This would only be permitted according to those poskim who permit [1] above. Almost all timers now work by a rotating clock dial and pegs to set the timer and R. Auerbach would permit adjusting these to delay an outcome<sup>47</sup>.

[3] Accelerated deactivation of an appliance

- Can you adjust a timer to accelerate an outcome and cause an appliance to deactivate earlier than originally intended (e.g. move the dial so that a light scheduled to go OFF at midday goes off instead at 10 a.m.)?
- The answer is similar to [1] above and will depend on the conceptual definition of grama. According to R. Ovadia Yosef, for whom the key halachic issue is time delay, accelerating an outcome will be permitted in a case of loss or to facilitate a mitzva.
- According to the other understandings of grama, including that of R. Soloveitchik, this will be prohibited<sup>48</sup>.

[4] Delayed deactivation of an appliance

- Can you adjust a timer to delay an outcome and cause an appliance to deactivate later than originally intended (e.g. move the dial so that a light scheduled to go OFF at midday goes off instead at 2 p.m.)?
- Some poskim<sup>49</sup> rule that this case may be more problematic than delaying an activation since it may be analogous to adding fuel to a fire to extend its life, which is a violation of mavir. However, most poskim<sup>50</sup> disagree with this and rather compare it to shutting a window to prevent the wind from extinguishing a flame – here one is maintaining the status quo by removing an impediment to its continuation.

C4] CONCLUSIONS REGARDING DISHWASHERS

- Most Ashkenazi poskim<sup>51</sup> rule that one may not run a dishwasher on a Shabbat timer since it makes too much noise<sup>52</sup> and is a zilzul Shabbat. But this will not apply to a very quiet dishwasher which does not beep etc.
- Ashkenazi poskim are also concerned for the psak of the Rema that other people may assume you operated it manually since most people DO operate dishwashers manually.

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44. See footnote 39 above.

45. Either because the cause of the outcome (the movement of the clock on the timer) is present at the point of the human action (reason 2) or because this is the normal way of adjusting timers and operating the equipment (reason 3). R. Shlomo Zalman Auerbach (Minchat Shlomo 110) rules that since the halacha is unclear as to which definition of indirect causation is correct, one should avoid deliberately doing a grama which, if prohibited, would be a biblical violation. R. Ovadia Yosef (Yabia Omer 3:18) clearly adopts the position that the first view is normative.

46. See Minchat Shlomo p.111 who permits this. Rabbi Feinstein (Igrot Moshe, OC 4:60) rules that delaying the onset of current is a violation of Shabbat but does not elaborate. See Az Nidberu 8:32 where Rabbi Silber argues that any adjustment of a timer is a violation of building (boneh). This may also be the position of the Chazon Ish (OC 38:2).

47. Shemirat Shabbat Kehilchata 13:25 n. 94 cites Rabbi Auerbach as ruling that one may also delay the onset of current in those timers whose adjustment involves the pressing of a button to allow movement of the dial and releasing this button to set the dial.

48. However, in this case, R. Auerbach would be more lenient since he advises stringency only when the outcome of the action could be a biblical violation. In this case the outcome would be a rabbinic violation so he would permit adjusting the timer in a case of loss or mitzva.

49. Yaskil Avdi, Orach Chaim 7:23 and Az Nidberu 8:32.

50. Minchat Shlomo, p. 111; Yabia Omer 3:18.

51. For modern poskim addressing issues around dishwashers see Shemirat Shabbat Kehilchata 12:35 and footnote 95, Igrot Moshe OC 4:60, Meor HaShabbat Part 4 14:138 and footnotes, R. Shlomo Zalman Auerbach Writings 45:3 and footnotes. This issue was dealt with in a number of articles in Tehumin 11 (1990).

52. R. Ovadia Yosef (Yechaveh Da'at 3:18) and R. Nachum Rabinowitz (Si'ach Nachum OC 15) rule that avsha milta applies in principle to dishwashers.

- Even for Sefardim, who do NOT have an halachic issue with *avsha milta*, or for Ashkenazim who have a very quiet dishwasher, operating a regular dishwasher on a Shabbat timer will usually be prohibited since closing the door is at least<sup>53</sup> a grama causing the later operation of the machine and the melachot involved. This is rabbinically prohibited other than in a case of significant loss, which will not be relevant in most cases<sup>54</sup>. Most dishwashers have an automatic override switch which prevents the machine from working when the door is open. As such, closing the door on the dishwasher enables the system to work later and is therefore an act of grama for later melachot, which is prohibited on Shabbat
- If the override button on the dishwasher is disabled<sup>55</sup> so that the machine would continue to work even with the door open, many poskim would permit this.
- Another important halachic consideration is the rabbinic prohibition of Shehiya - not leaving uncooked food on a regular flame on Shabbat which will proceed to cook on Shabbat. Chazal were concerned that one may increase the flame to make the food cook faster. This appears to be a problem for the dishwasher which is set up before Shabbat in such a way that will cook water during Shabbat<sup>56</sup>. As such, if there is a knob or lever<sup>57</sup> which can be used to change the heat settings on the dishwasher, it will be prohibited to have it running on Shabbat due to Shehiya<sup>58</sup>.

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53. As we saw above, R. Moshe Feinstein may regard this as a direct action and a Torah prohibition.

54. In large industrial kitchens, such as army bases, hospitals, perhaps even large summer camps the situation may be different. In these cases many poskim will permit non-Jewish workers to operate dishwashers on Shabbat.

55. It may be possible to fit some kind of bypass which prevents the override such that the dishwasher will continue to operate even when the door is open. This could avoid the grama issue but is likely to be dangerous, with the risk of boiling water shooting out over someone (especially children) who opened the door during a wash cycle. If so, having this dangerous possibility in one's home may itself be halachically prohibited.

56. The Chazon Ish understands that the prohibition of *Shehiya* is not a 'prohibited act' on Friday (since one is permitted to do whatever melacha one wishes before Shabbat). Rather, the prohibition is the situation. Chazal forbade setting up a situation whereby food will be cooking on Shabbat unless there is some kind of visible reminder (such as a blech) not to turn up the flame. As such, all poskim agree that it is prohibited to set up uncooked food on a timer to turn on the stove and cook on Shabbat.

57. Although R. Aharon Kotler ruled that the knobs alone can be covered to avoid the prohibition of Shehiya, most poskim do not accept this leniency and require the flame (and perhaps also the knobs) to be covered. In the case of the dishwasher there is no way to cover (in an unusual and recognizable manner) the flame, ie the heating element which is built into the machine. If there is no way to manually change the heat settings, or if the knob can be removed, this will solve this halachic concern.

58. It is clear that the prohibition of Shehiya also applies to non-foods. One of the cases in the Gemara is a dye-pot for material.