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Electric Sensors on Shabbos – 2

Matos-Masei 5783

302

Light-Activating Motion Sensors on Shabbos

Some Principles about Turning On Electric Devices on Shabbos

- The issur.** We discussed in the previous issue (301) several principles about turning on electric devices on Shabbos. We discussed the topic of whether electric devices unconnected to a heating element entail the d'oraisa issurim of boneh or makeh b'patish (11); or whether there is only an issur d'rabanen of boneh (14); or perhaps an issur of making noise [אוישא מילתא] or disgracing Shabbos [זלזול שבת] (24).
- Electric eye.** We also mentioned (26) that if one intentionally activates a device via a sensor, e.g., he intentionally approaches a door operated by an electric eye to open it, it is considered that he did the action. Although it might only be an indirect action with respect to how the sensor works, that is the normal way to open such a door (26). The same is true for a sensor-activated light – activating the sensor is considered turning on the light since that is the normal way to turn it on.
- His action isn't attributed to him.** Another major principle we mentioned (27) is that one is only considered to have done melachah if the act of turning something on can be attributed to him as his intentional action. However, if someone was innocently walking at a distance and caused something to go on with no intention to do so, and no benefit can be attributed to him, he did not do the מלאכת forbidden by the Torah (גדולי הפוסקים).

Halachos of רישא פסיק

- As an introduction to these halachos, we will start with some rules about melachah on Shabbos. This will help us understand different angles of the issur or heter. Through this, we will also gain some general knowledge about melachah on Shabbos with particular relevance to the current topic.
- דבר שאינו מתכוון.** If someone is involved in a permissible action [e.g., dragging a bench across the ground] that can cause another action which is a forbidden melachah [e.g., making a furrow in the ground], but he has no intention for that melachah, that is called a דבר שאינו מתכוון. We pasken like R' Shimon (שבת כב:), who holds a דבר שאינו מתכוון – it just happened on its own – it is not attributed to him (חזו"א א"ח סי' נ"ג סק"א).
- פסיק רישא.** However, if the person doing the permissible action [e.g., dragging a bench] knows a forbidden melachah will definitely occur [פסיק רישא], he has no heter of מתכוון. The heter of מתכוון only applies when it is uncertain whether the forbidden melachah will occur (גמ' שבת דף קל"ג ע"א).
- D'rabanen issur.** Some poskim allow a פסיק רישא for a d'rabanen issur (תרומת הדשן). However, most poskim hold the issur of רישא applies even when the melachah resulting from a person's action is only assur d'rabanen (מג"א סי' ש"ד סק"ה, מ"ב שם סק"א, סי' שט"ז סק"ח).
- פסיק רישא דלא ניהא ליה.** The poskim argue about a פסיק רישא דלא ניהא ליה, i.e., a case where one is not interested and has no benefit in the forbidden melachah occurring or even does not want it.
- The Aruch's opinion (הובא בתוס' שבת דף ק"ג ע"א ד"ה לא) is that if one does not care whether or not the forbidden melachah will occur, the heter of מתכוון still exists (דבר שאינו מתכוון). (וכן הסכים הרשב"א כתובות דף ו' ע"א).
- However, other Rishonim hold that while one is not liable d'oraisa for a מלאכה שאינה [either because it is a פסיק רישא דלא ניהא ליה or it is an independent petur (תוס' שם, ובד"ה בארעא) צריכה לגופה (תוס' שם)], it is still assur d'rabanen (תוס' שם).

- In practice, the poskim hold a פסיק רישא דלא ניהא ליה is assur (שו"ע סי' (ש"כ ס"י). However, some write that people are meikel in accordance with the Aruch's opinion (עי' חזו"א א"ח סי' נ"ו אות ה'). Others utilize the Aruch's opinion as a consideration to be meikel when there are other factors present.
- פסיק רישא דלא ניהא ליה for an issur d'rabanen.** The poskim hold that even for an issur d'rabanen, a פסיק רישא should not be allowed. However, if one is in pain or there is some other great need, it can be allowed (נשמת אדם כלל ל' אות א', מ"ב סי' שט"ז סק"ה).
- פסיק רישא דלא ניהא ליה for a double d'rabanen.** The poskim discuss whether a פסיק רישא דלא ניהא ליה can be allowed when there is a double d'rabanen (דגול מרבבה סי' ש"מ על המג"א (סק"ו, מ"ב שם סק"ז ע"י שעה"צ סי' של"ז סק"ב, דגול מרבבה סי' ש"מ על המג"א (סק"ו, מ"ב שם סק"ז ע"י שעה"צ סי' (ארחות שבת פ"ל הע"י י"ג)). but in a situation of necessity, it is common to rule leniently (י"ג).

Causing a Building's Light to Go On by Walking in the Street

- Sometimes, one is walking in the street and knows that at the entrance to a certain building, there is a light installed by the owner for security that will go on when he passes it, but he is just walking along his way, not planning on entering there. The great poskim ruled that strictly speaking there is no issur involved, so if necessary, one may walk there. All the person is doing is innocently walking; he is not interested in the light at all. It is getting activated at a distance from him, he has no direct connection to the melachah, and there is no benefit attributed to him at all (above, 3) (שו"ת חשב האפוד ח"ג סי' (פ"ג, שו"ת שבט הלוי ח"ט סי' ט"ט). However, it would make sense that if he can easily walk another way, he should do so.

Causing a Light to Go On by Entering a Building

- Due to a worldwide effort to save energy and minimize electricity consumption in an attempt to slow the phenomenon of global warming [as if we need to help Hashem keep His world going according to nature, like the Dor Haflagah... We know the world exists only through keeping Torah and mitzvos], it is common in many places in the world to have sensor-activated lighting in a stairwell that goes on when a person enters the stairwell. Generally speaking, the lights are usually from LED bulbs, which are also more efficient in their electricity consumption. During summer vacation, many Jews all over the world rent non-Jewish-owned homes. Also, hotels all year round have these lights in bedrooms, stairwells, and corridors. These situations cause many shailos in these areas, and we will attempt to explain some approaches and heterim.
- L'chatchilah.** L'chatchilah, one should not enter a building with a system that turns on lights when one enters, as it is a פסיק רישא that he will cause the light to go on, and he benefits from the light. Thus, where possible, one should try very hard not to cause devices to go on through his motion.
- One should certainly not install these things in his house out of concern he might end up violating issurim on Shabbos. It is improper to l'chatchilah rely on kulos. If one has sensors in his home, he should remember to deactivate them before Shabbos, just as one must check his pockets before Shabbos. All the heterim we will discuss below are only when there is no other option, as will be explained.

18. **B'dieved.** However, oftentimes one is stuck in a situation where he already rented an apartment in a building with sensors at its entrance, or one is already in a hotel and has no other options. Thus, we will suggest some approaches to solve the problems.
19. **Ascertain the facts and ask a rav.** An important rule in these areas is that as soon as one gets to a place rented from a non-Jew, a vacation home, or a hotel, he should check the electric workings in the room and identify potential problems that might come up during his stay. This way, he will be able to ask his shailos to a rav and receive guidance and advice accordingly. Many times, poskim receive shailos at the last minute before Shabbos comes, when there is already no time to take care of things or set up the place properly. This can leave a person in a tight spot.
20. **LED bulbs.** It should be noted that our discussion here applies to LED lighting [and today, almost all efficient bulbs are LED], which, according to most poskim, does not involve the d'oraisa melachah of mav'ir [kindling], but only the d'rabanan issur of boneh, makeh b'patish, or molid, as we discussed at length in the previous issue (301, par. 10 and on). Thus, together with additional considerations to be meikel, we will explain several approaches for a heter, as will be explained.

Ways to Enter a Building with Sensor-Activated Lights

21. **Deactivate the sensors.** In some buildings, it is possible to deactivate the sensors so that the light remains on constantly. Thus, if one stays in a non-Jewish owned building, after explaining to the non-Jewish neighbors the problem a Jew has on Shabbos, one should ask them if it is possible to deactivate the sensors for Shabbos. One can even offer to pay for the extra electricity used due to the lights not going off – that is included in one's Shabbos expenses...
22. **Cover the sensors.** If there are no other non-Jews in the building, one suggestion is to cover the sensors with a piece of paper or the like so that they will not sense movement on Shabbos. However, if there are other non-Jews in the building who will notice, one should ask permission before doing this type of thing so that a chillul Hashem does not result, ח"ו.
23. **Enter after a non-Jew.** Another suggestion is to wait until a non-Jew enters the stairwell, causing the lights to go on, and then enter after him (see Issue 301, par. 30). If one needs to enter the stairwell for a mitzvah purpose, e.g., to go daven in shul or for the seudos, one may even ask a non-Jew to enter, as it is a double d'rabanan with a mitzvah-related need [שבות דשבות במקום מצוה].
24. **Enter after a small child.** If there is no non-Jew but there is a small child, one can allow the child to go in first, especially if the child does not know that his entering the stairwell will cause the lights to go on. Then, one can enter behind the child.

Illuminated Even without the Lights Going On

25. Sometimes, there is a basic amount of light in a stairwell, e.g., from windows by day or from some basic lighting that is always on, but when one passes the sensor, extra lighting comes on. Or sometimes private lights are always on outside apartments on each floor and the area is somewhat illuminated. This is also often the case in hotel corridors. The poskim discuss whether there is a heter to enter such a stairwell or other place if doing so will activate lights.
26. **Doesn't care.** The consensus of many poskim is that if necessary and with no other option, this can be allowed. The main heter is because one is not interested in the additional lights going on as the area is already light enough for him to make his way to where he needs to go. He does not gain anything by causing additional lights to go on when he enters the area, and he is not remaining in the stairwell for enough time to benefit more from the extra light.
27. The reasons for the heter are as follows: in terms of the d'oraisa issue, it is a דבר שאינו מתכוון; as a פסיק רישא, it is an issur d'rabanan (above, 10); LED lights are an issur d'rabanan (7, 20); he does not care at all that they are going on (9); and for pain or another great need, this can be allowed (12). A person's need to enter his apartment is considered a great need.
28. **After a non-Jew.** If there is some light already, one may l'chatchilah ask a non-Jew to enter, causing additional lighting to go on, as he has no benefit from the extra light (שש"כ פכ"ג הע' ק"פ).
29. **Adding light before Shabbos.** If one cannot avoid activating lights via sensors on Shabbos, one suggestion is to put out extra lights, e.g., corded lamps or flashlights with batteries, before Shabbos in the areas of the stairwell he will need to go through so that the area is illuminated even without the sensor-activated lights. The benefit of doing so is that the above heter – that he does not care about the extra lights that go on – applies.
30. **Carrying an LED flashlight.** A similar suggestion: According to some poskim (שו"ת אג"מ אור"ח ח"ג סי' ס"ג, שו"ת מנחת שלמה ח"א סי' י"ד), one may turn on an LED flashlight with batteries before Shabbos and then carry it around on Shabbos. As long as a light does not heat up like a fire, one may, strictly speaking, move it around on Shabbos, as there is no muktzeh issue of a flame. It is no worse than a battery-powered hand-watch, which may be moved on Shabbos. Therefore, in a place where carrying is permissible, e.g., there is an eiruv inside the building, one can set up a flashlight before Shabbos and carry it around on Shabbos to produce enough light to see. Then, he no longer needs the light activated by his motion and the sensor.
31. However, some reject this suggestion of carrying an electric flashlight on Shabbos, as it is a disgrace to Shabbos and a weekday-type of activity [עובדא דחול]. Also, it might lead one to think that a flashlight may be turned on or off on Shabbos. Perhaps one might also end up using a light that heats up, which is really muktzeh like a flame according to some poskim (מאורי אש פ"ב ד"ה אמנם זאת).
32. **Two people together.** Besides for the above heterim, some suggest one can enter together with another person, utilizing an additional factor – the rule that two people who do a melachah together are patur. Although the petur is only from a punishment, and it does not permit doing melachah, the issur is still less severe when two people do a melachah. One can rely on this as an additional factor to be meikel [but of course not on this alone].
33. **Eyes closed.** Even if there is no additional lighting, and without the lights going on, there is complete darkness – meaning one certainly benefits from the light – there is another suggestion: One can enter with his eyes closed and grope around until he reaches the door to his apartment. This way, he does not benefit at all from the light he causes to go on by entering the stairwell.

Does Walking in Backward Help as a Shinui?

34. Some suggest that if there is no other option and to add to the factors to be meikel, one should walk backward – a shinui – into the area with the sensor. This way, he activates the lights with a shinui (שמעתי בשם הגר"ש פריעדמאן סגאב"ד לונדון). This is based on the heter given for a Jew to do melachah for a non-dangerously ill choleh when there is no non-Jew present – namely, that it should be done with a shinui (שו"ת הרב סי' ס"ט).
35. However, it would seem this is not a shinui at all – not according to the poskim who hold it is enough to do the melachah action with a shinui (אגלי טל פתיחה אות ג', שער הציון סי' של"ו אות מ"ג), and certainly not according to the poskim who require a shinui in the result of the melachah (מהר"ח אר"ז סי' ל"א, שו"ת אג"מ אה"ע"ז ח"ד סי' ע"ג אות ד'). It is one thing when there is a normal way to do a melachah and one does it in an unusual way – that is at least considered a shinui in the action. E.g., if there is a normal way to press a button, pressing it with one's elbow is a shinui in action (שש"כ פ"ב ס"ד).
36. However, in this case, the action to activate a sensor is motion. Thus, with any motion one makes, he activates the sensor which subsequently activates the lights. It makes no difference whether one enters the room normally or with his hands up or backward – all of these are considered forms of motion that cause the lights to go on. It is not a shinui whatsoever, not even in the action of the melachah. I saw this idea quoted in the name of great poskim (הגר"ש מילר ועוד).

Hotel Room with Sensors

37. In hotel rooms today, the lights and air conditioner are often activated via a sensor that identifies when a person enters the room. I.e., they are really turned on with buttons or switches, but to save energy, the sensor identifies that there is no motion in the room after one leaves, and then it shuts off the electricity. When it subsequently identifies motion in the room when one enters, the electricity goes back on.
38. This also entails issurim of Shabbos, as one benefits from the light and air conditioning in his room. [The abovementioned suggestion of closing one's eyes in his room (33) will not apply here...]
39. **Suggestions.** Here too, one must come up with a strategy. It is best to deactivate the sensor (21) or cover it with a piece of paper (22) before Shabbos. Alternatively, one can leave a side light on, e.g., a nightlight or lamp plugged into the wall outlet, which generally does not turn off from the sensor. This way, the light one causes to go on by entering is only additional lighting (above, 25 and on).



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