

# HALACHICALLY SPEAKING

Volume 13 Issue 5



{ TOPIC }

## NOISE AND SHABBOS



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky zt"l*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, zt"l* on current issues.

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# NOISE AND SHABBOS

With the advent of many diverse electric and battery operated items, the questions on noise and Shabbos is very common. For example, is it permitted to set an alarm clock for Shabbos morning? What about turning on a dishwasher, or a washing machine or dryer, to run on Shabbos? May one set an air conditioner on Erev Shabbos to go on during Shabbos? Is it permitted to use a sound machine? Is one required to shut off his phone or fax machine before Shabbos since it may make noise on Shabbos from incoming calls?

In this issue, we will deal with cases of noise and how it relates to *hilchos Shabbos*.

## Source and Reasons

The Gemara<sup>1</sup> says that one may open a water channel from a spring to a garden before Shabbos and it may continue to fill with water the entire Shabbos.<sup>2</sup> The Rambam<sup>3</sup> explains that only the initial labor act is forbidden on Shabbos, not the outcome of the labor which follows on its own.

Nevertheless, the Gemara<sup>4</sup> prohibits placing wheat in a water mill before Shabbos unless there is enough time to complete the milling before sunset, since the process is noisy.<sup>5</sup> One explanation is that it is a disgrace for Shabbos.<sup>6</sup>

1. *Maseches Shabbos* 18a.

2. In regard to an automatic sprinkler system and leaving it to work with a thermostat on Shabbos see *Tzitz Eliezer* 4:31; *Nishmas Shabbos* 6:221-222; *Be'er Moshe* 7:electric 71; *Chelkas Yaakov* 1:49; *V'aleihu Lo Yibol* 1:page 134; *Shulchan Shlomo* 2:252:footnote 3:page 47; *Shulchan Halevi* 1:page 97.

3. *Hilchos Shabbos* 3:1-2; *Shulchan Aruch* 252:1.

4. *Maseches Shabbos* *ibid*.

5. *Ibid*.

6. *Rashi*, *Maseches Shabbos* *ibid*. "sheyitchenu." See *Tur* 252; *Bach* 248; *Mishnah*

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Others explain that people will say that the mill was operated on Shabbos.<sup>7</sup> This seems to be the main reason for the halachah.<sup>8</sup> Therefore, where the suspicion does not exist there would be no issue (see below).

Others say that the prohibition is not because of noise, but because utensils must also rest on Shabbos.<sup>9</sup> However, we do not rule that this is an issue, and the reason is because of noisemaking.<sup>10</sup> Nonetheless, many do maintain that there is no issue of noisemaking on Shabbos,<sup>11</sup> while others argue<sup>12</sup> (see below).

## Opinions

The *Shulchan Aruch*<sup>13</sup> rules that it is permitted to place wheat into a water mill and there is no issue of noise. However, the Rama<sup>14</sup> argues and prohibits this practice.<sup>15</sup> In a case of financial loss,<sup>16</sup> mitzvah,<sup>17</sup> or to relieve discomfort,<sup>18</sup> one may rely on the lenient opinion.<sup>19</sup>

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*Berurah* 252:48.

7. *Agur* 519; *Sefer Haterumah* 220; see *Ohr Zarua Hilchos Erev Shabbos* 2.

8. *Rama* 252:5.

9. *Maseches Shabbos* *ibid.* See *Tosafos* *ibid.* “v’leima.”

10. *Maseches Shabbos* *ibid.*

11. Refer to *Tosafos*, *Maseches Shabbos* *ibid.* “v’leima”; *Ba’al Hameor*, *Maseches Shabbos* 6a; *Tashbeitz* 2:54. See *Pri Megadim Eishel Avraham* 252:21.

12. Refer to *Rosh*, *Maseches Shabbos* 1:33; *Sefer Haterumah* 220; *Ohr Zarua* 2:2; *Rokeach* 42; *Rama* 252; *Taz* 7; *Magen Avraham* 20; see *Biur Halachah* “v’hachi”; *Aruch Hashulchan* 8.

13. 252:5.

14. 252:5.

15. This halachah applies to Yom Tov as well (*Ohr HaShabbos* 4:page 19:1:3).

16. *Rama* 252:5; *Magen Avraham* 21; *Pri Megadim*, M.Z. 7; *Aruch Hashulchan* 8.

17. *Toras Shabbos* 252:5.

18. *The Aura of Shabbos* page 74:footnote 8.

19. *Rama* *ibid.* See *Pri Megadim Eishel Avraham* 21; *Mishnah Berurah* 49.

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The Rama<sup>20</sup> permits setting a clock before Shabbos, since it is known that it is done before Shabbos.<sup>21</sup> In his times, clocks were wound once per day, and it was obvious that the clock was set before Shabbos.<sup>22</sup>

## What Is Considered Noisy – Alarm Clock

Usually, one sets an alarm clock before he goes to sleep. Therefore, if it is heard people will assume that it was set on Shabbos.<sup>23</sup>

Harav Moshe Feinstein *zt"l*<sup>24</sup> maintains that an alarm clock that can be heard in one's own room is permitted since it is not considered noisy. However, if it can be heard outside the room it is not allowed. Others are lenient with this if it cannot be heard outside.<sup>25</sup>

Today's clocks can be set well in advance, so there is no reason to be concerned that if one hears the alarm he would assume that it was set on Shabbos. Therefore, even Harav Moshe Feinstein *zt"l* would permit it to be set before Shabbos to go on during Shabbos.<sup>26</sup>

## If One Knows It Is from Beforehand

The only time there would be a problem is when the people who hear the noise do not know that the device was

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20. 252:5; *Aruch Hashulchan* 8.

21. *Agur* 519. See *Shulchan Aruch Harav* 252:16. One can use a sand timer on Shabbos; it is not *muktzah* since it is meant for this (this comes with games) (*Pri Megadim*, M.Z. 252:7).

22. See *The Aura of Shabbos* page 74. Also see *Aruch Hashulchan* 8.

23. Refer to *Shulchan Halevi* 1:page 98.

24. *Igros Moshe*, O.C. 4:70:6.

25. *Ohr HaShabbos* 4:page 19:1:2.

26. Opinion of Harav Yisroel Belsky *zt"l* brought in *Shulchan Halevi* 1:pages 98-99. See *Hilchos Shabbos B'Shabbos* 1:pages 78-79:footnote 37; *Gray Matter* 4:page 307.

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set before Shabbos.<sup>27</sup> If one knows that it was set before Shabbos then there is no issue of noisemaking at all.<sup>28</sup>

## Timers on Electric Appliances

Many people use timers for air conditioners, clocks, lights, and other appliances to make them turn on and off on Shabbos. However, Harav Moshe Feinstein zt"l<sup>29</sup> was against this practice. Specifically, he was asked whether one can use a timer to turn on an oven during Shabbos so that the food for Shabbos afternoon would be freshly cooked. Even though there is technically no *issur* involved, Harav Moshe was very against it. He reasoned that if one were to permit this, one can perform all the forbidden actions on Shabbos and operate every factory. There is no greater disgrace to Shabbos than this. He also mentions that if the technology was available in the time of the Talmud they would have forbidden this, just as they forbade a non-Jew from doing work for a Jew.

Setting a timer for lights to go on and off on Shabbos is a widespread practice, and therefore there is no disgrace to Shabbos. Additionally, it is a mitzvah to have light in honor of the Shabbos meals.<sup>30</sup> Although using a timer for cooking

27. See *Igros Moshe*, O.C. 4:70:6.

28. *Rama* 252:5. See *Mishnah Berurah* 50. See *Chut Shani Yom Tov* pages 59-60 about a kettle making noise on Yom Tov.

29. *Igros Moshe*, O.C. 4:60.

30. *Igros Moshe*, O.C. 4:60, 5:24:5; *Be'er Moshe* 6:electric 38; *Yabea Omer*, O.C. 3:17-18; *Zekan Aron* 2:15; *Shevet Halevi* 1:47; *Shemiras Shabbos K'hilchasah* 12:13; see *Even Yekora* 3:85; *Az Nidberu* 2:38; *Chelkas Yaakov*, O.C. 71. It is very possible that timers were a more popular option in years past, rather than leaving lights on all Shabbos, due to the nature of how people lived years ago. Many times there were a lot of children in small apartments and the children slept in the same room as where the eating took place. Therefore, the lights could not remain on the entire Shabbos. In addition, it was very expensive to leave the lights on the entire Shabbos, and this was not something which people were able to afford (Harav Hershel Schachter *shlit"a*).

In regard to moving the tripper on the timer, see *Az Nidberu* 3:25; *Minchas Yitzchak* 1:58, 2:110; *Chelkas Yaakov* 1:58, 2:45; *Be'er Moshe* 3:61, 7:electric 19, 35, 71.

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should be the same as using it for lights, Harav Moshe *zt"l* did not allow it.<sup>31</sup>

The custom of most is to allow a timer for basic needs on Shabbos (not only to put on lights).<sup>32</sup>

### Air Conditioner

Many have the custom to set a timer to turn on an air conditioner during Shabbos.<sup>33</sup> Although it makes a lot of noise, since people know that this is a common practice, or will assume that the unit is controlled by a thermostat (such as in a *shul*, where it is definitely set before Shabbos),<sup>34</sup> there is no issue.<sup>35</sup> In addition, air conditioners are used when it is hot, so it is permitted for the mitzvah of *oneg Shabbos*.<sup>36</sup>

### Radio or Stereo

Under regular situations one is not permitted to set a recorder, stereo or radio to go on during Shabbos, since these

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31. *Igros Moshe*, O.C. 5:24:5.

32. *Be'er Moshe* 7:electric 71; *Menuchas Ahavah* 1:24:30; *Chelkas Yaakov* *ibid*; *Tzitz Eliezer* 1:20:9; *Minchas Shlomo* 1:9; *Yechaveh Daas* 2:66. See *Az Nidberu* 8:26.

33. *Be'er Moshe* 7:electric 71. Harav Yisroel Belsky *zt"l* said that *zilzul Shabbos* is not allowed because it looks like you may have done a *melachah* on Shabbos. That is - *avsha milsa* (making noise) is only *assur* where the action being done is *actually a melachah*. However, where there is no *melachah* being done in the noise creating action, then it is permitted. This would explain why everyone keeps their air conditioners on during the summer even though there is noise being created at the time that the compressor is going. That action of cooling the air is not *assur* on Shabbos. Therefore, even though it makes noise it is permitted to keep it on (submitted by Rabbi Moishe Brody).

34. Opinion of Harav Elyashiv *zt"l*, quoted in *Hilchos Shabbos B'Shabbos* 1:page 80:footnote 38\*.

35. See *The Aura of Shabbos* pages 74-75:footnote 10.

36. *Hilchos Shabbos B'Shabbos* 1:page 80:footnote 38\*; *Gray Matter* 4:page 308.



appliances make noise.<sup>37</sup> It is also prohibited to leave these items on from before Shabbos.<sup>38</sup>

## Dishwasher

One may not set a dishwasher on a timer before Shabbos to go on during Shabbos or leave it running from before Shabbos.<sup>39</sup>

## Washing Machine

The *Yechaveh Da'as*<sup>40</sup> was asked whether soldiers in the Israeli army who have leave just for Shabbos can place their clothing in the washing machine before Shabbos and it will clean on its own. Based on the above discussion, an Ashkenazi can be lenient in a time of need,<sup>41</sup> but a Sephardi would be permitted in all cases.<sup>42</sup>

## Dryer

Today's dryers are quieter than the older models, and there might be room to be lenient to keep clothing drying in a dryer on Shabbos, if one has the dryer going from before Shabbos.<sup>43</sup>

37. *Eretz Tzvi* 64; *Igros Moshe, O.C.* 4:84:3; *Yabia Omer, O.C.* 1:20; *Be'er Moshe* 7:electric 13; *Minchas Yitzchak* 1:107; *Az Nidberu* 3:30; *Teshuvos V'hanhagos* 2:188; *She'arim Metzuyanim B'halachah* 80:78; *Nishmas Shabbos* 6:310, 313, 314; *Tzitz Eliezer* 3:16:12, 13:54; see *Chelkas Yaakov, O.C.* 63-64 in regard to a sick person.

38. *Yesodei Yeshurin* 3:page 50; *Teshuvos V'hanhagos* 2:188; *Asei Lecha Rav* 1:35:page 113; *Gray Matter* 4:page 308.

39. *Minchas Shlomo* 2:20; *Nishmas Shabbos* 4:376; *Orchos Shabbos* 29:8; *Gray Matter* 4 ibid. In regard to dishwashers in Jewish hotels, see *Nishmas Shabbos* 4:376:2.

40. 3:18.

41. See *Shemiras Shabbos K'hilchasah* 42:43.

42. In regard to operating an automated Laundromat on Shabbos, see *Mishneh Halachos* 4:32; *Heichal Yitzchak, O.C.* 19; *Kol Mevaser* 1:11.

43. Harav Yisroel Belsky *zt"l*. See *Be'er Moshe* 6:electric 80. In regard to placing dirty clothing in a washing machine which is not on during Shabbos, see *Be'er Moshe* 1:32:14, 6:electric 79; *Chelkas Yaakov* 3:85. The *Igros Moshe, O.C.* 5:22 discusses hanging clothes on a clothes line to dry before Shabbos.



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## Vacuum Cleaner

It is forbidden to have a non-Jew operate a vacuum cleaner on Shabbos since the noise will cause people to think that the homeowner is desecrating Shabbos.<sup>44</sup>

## Fax Machine or Telephone

Since a fax machine is set up to receive faxes on its own before Shabbos, one does not have to shut the ringer on the fax machine before Shabbos. Even if an outsider hears the fax machine, there is no issue since he will assume that it was set up before Shabbos.<sup>45</sup> In addition, many fax machines today are so quiet that no one hears an incoming fax.<sup>46</sup> One does not have to lower the ringer on a telephone before Shabbos since a ringing phone in a home is not a suspicion of desecrating the Shabbos.<sup>47</sup> In addition, many times the call is a wrong number.<sup>48</sup>

Similarly, it is permitted to program the machine to send a fax on Shabbos since people know that it is automated.<sup>49</sup>

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44. Opinion of Harav Moshe Feinstein *zt"l*, quoted in *The Aura of Shabbos* page 77:footnote 15.

45. *Nishmas Shabbos* 340:pages 39-40, quoting the opinion of Harav Shlomo Zalman Auerbach *zt"l*; *The Aura of Shabbos* pages 77-78; *Be'er Moshe* 7:electric 25. For a nice discussion on this see *Tradition* 35:2:pages 45-55.

Refer to *Kinyan Torah* 6:17; *Beis Avi* 5:75. Harav Yisroel Belsky *zt"l* maintained that one is allowed to send a fax to a place where it is already Shabbos if the recipient of the fax will not read it on Shabbos. If one knows the recipient will read it on Shabbos then one may not send the fax (*Shulchan Halevi*, Hebrew, 1:page 43:4).

46. *Hilchos Shabbos B'Shabbos* 1:page 78:footnote 36\*. See *Nishmas Avraham* 340:pages 39-40.

47. *V'darashta V'chakarta* 1-2:26; *The Aura of Shabbos* pages 77-78. See *Hilchos Shabbos B'Shabbos* 1:page 77:22.

48. *Nishmas Shabbos* 5:108.

49. Opinion of Harav Shlomo Zalman Auerbach *zt"l*, quoted in *Nishmas Shabbos* 340:pages 39-40.

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## Generator

A question arises in regard to leaving a generator on from before Shabbos since it makes noise when being used. However, since not using it will cause a loss (such as a power outage), the issue is not relevant.<sup>50</sup>

## Bread Machine

Bread machines can be set up before Shabbos, and the delay switch can control the completion of the cycle for Shabbos morning. Is this permitted?

Since the bread is made fresh, people will hear noise and think that it was turned on during Shabbos. Therefore, it should not be used.<sup>51</sup>

## Sound Machine

Savvy hotel guests use a sound machine to mask any noise from other rooms.<sup>52</sup> May it be used on Shabbos?

Since there is no timer on the device, there is no reason to assume that anyone who hears it would think that it was turned on during Shabbos. In addition, this can also be part of *oneg Shabbos*, as one cannot sleep well without it and he will not be able to *daven* properly on Shabbos.

## Child Intercom

A baby intercom may be used on Shabbos as long as the receiver is set on low volume, so as to avoid a disgrace for Shabbos.<sup>53</sup> Although this is considered a need, there is no

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50. Opinion of the Chazon Ish, quoted in *Hilchos Shabbos B'Shabbos* 1:page 79:footnote 38. See *Shevet Halevi* 1:47.

51. *Avnei Yushfei* 5:49. See *Ohr Yisrael* 41:pages 131-136 in depth.

52. This is also used in many homes to drown out any outside noise.

53. *Minchas Osher* 2:34:page 244.

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need for a loud noise.<sup>54</sup> If a loud volume is necessary, then it is permitted.<sup>55</sup>

## Recording Sporting Events

Some people might want to record a sporting event on Shabbos. Even though the equipment is quiet and is not an issue of having noisy equipment on Shabbos, it is not in the spirit of Shabbos to do this.<sup>56</sup>

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54. *Teshuvos V'hanhagos* 1:230.

55. *Nishmas Shabbos* electric 65.

56. *Gray Matter* 4:page 309; *Mipinei Harav* page 79. Refer to *Igros Moshe, O.C.* 4:84:3; *Yabia Omer, O.C.* 6:34. The same is true for a microphone (*Igros Moshe, O.C.* 3:55, 4:84:3; *Nishmas Shabbos* 3:62; *Be'er Moshe* 6:electric 47; *Eidos LYisrael* page 122; *Teshuvos V'hanhagos* 1:216).

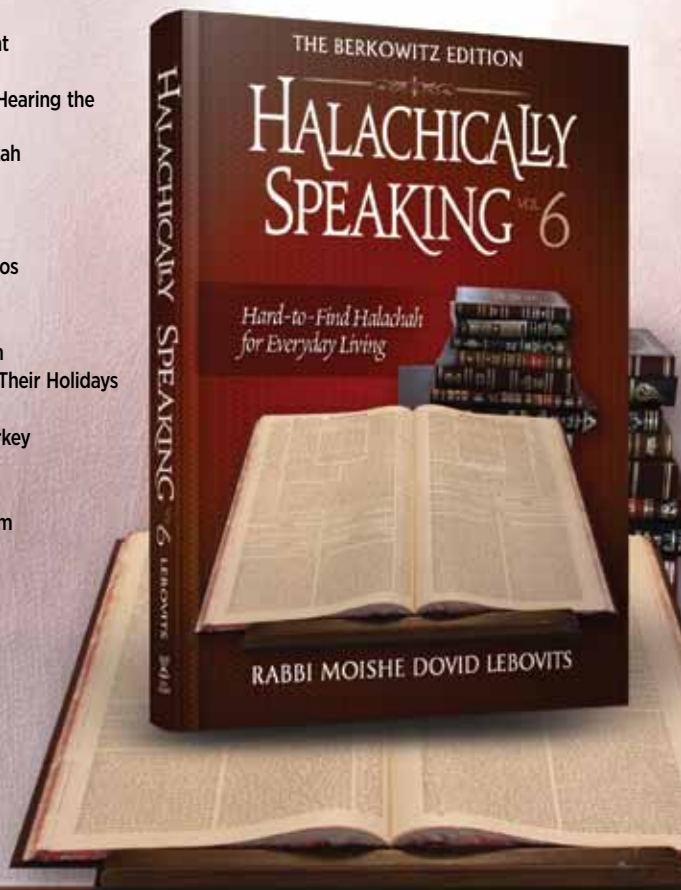


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