



לעילוי נשמת
יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Using a Dog to Do Work on Shabbat

Question: My young grandson found the light on in his room on Shabbat. He got it off with his dog's help. He held food the dog wanted near the light switch, so the dog jumped toward it until he inadvertently shut the light. Was that permitted? [*This is a real case!*]

Answer: You have a sharp grandchild, and it is a pleasure to see how well he did regarding the laws of Shabbat.

One can violate Shabbat by an animal performance of “*chillul Shabbat*” in two ways. If one causes an animal to do any *melacha* (Shemirat Shabbat K'hilchata 27:2), he violates the prohibition of *mechamer*, as one of the *p'sukim* (Shemot 20:10) that forbids doing *melacha* mentions “and your animal” (Shabbat 153b). While your grandson's (=gs) plan was close, it appears that this line was not crossed because gs only set up a situation in which the dog “decided” to lunge for something, and gs did not physically lead him or command him to do the *melacha* (see Orchoth Shabbat 31:(8)).

The other violation is when one allows his

own animal to do *melacha* even if he was not involved or even around when it happened (*shevitat beheima* = *sb*). This is likely derived from Shemot 23:12 – “in order that [your animal] will rest” (see Mechilta ad loc.). While most of the halachic sources deal with the common use of animals, carrying a load (see Shulchan Aruch, Orach Chayim 305), it applies to all *melachot*. So, we need to identify grounds for leniency.

If a person reached for something and accidentally switched off a light, it would be a case of “*mitasek*” in the *melacha* (he did not intend to do the physical action that came out), and is exempt from a *korban* (Kritot 19b). There is a broad discussion over the extent there was an act of violation of Shabbat with reduced consequences, or no act of *melacha* at all, (see Shut R. Akiva Eiger, I:8), and so perhaps the dog did not do *melacha*. However, paradoxically, an animal is worse than a human here. Because an animal never acts with *da'at* (halachically recognized intent), there is no exemption of *mitasek* (see Yalkut Yosef XIV, p. 51; Na'ot Mordechai XIII, p. 63). The only consideration is when the human side of a *shevitat beheima* situation was *mitasek* (see *ibid.*), but here gs was aiming for the “*melacha* outcome.”

The plausible grounds gs's trick relate to the rule that when an action is forbidden only Rabbinically, *sb* does not apply to it (Shemirat Shabbat K'hilchata 27:4). Here, it may be Rabbinic for a few reasons. For one, our orientation is that the turning on and off all but incandescent lights is only a Rabbinic

prohibition (analysis is beyond our scope). Second, shutting off a light is not positive benefit from the *melacha* (which exists when we extinguish to use the charcoal produced – see discussion in Yabia Omer, I, OC 31). Therefore, the situation is one of *melacha she'eina tzricha l'gufa* (=mshetlg), which is forbidden only Rabbinically. On the other hand, there are cases of Rabbinic prohibitions which are forbidden (see Mishna Berura 305:43). It is particularly likely that *mshetlg*, which is subjective and related to context more than the action itself, might not weaken the *melacha* enough to eliminate the prohibition of *sb*.

We mentioned that *sb* applies to one's own animal. There is a possibility that the dog is owned by *gs*'s father, not *gs*, even if the dog is for *gs*' enjoyment (we will not get into the monetary law or the sociology behind this). If so, it would not be *gs*' violation if the dog did forbidden *melacha*. On the other hand, if the father owns it, it is his responsibility to ensure that the dog does not do *melacha*. Therefore, if the *kulot* above do not work, the father is required to stop his son, whether immediately if he was there, or when he finds out about

it, he must tell *gs* not to create a ongoing phenomenon

In short, there is a fair chance that *gs* did nothing wrong when he "choreographed" his dog shutting off a light, particularly if the light was not incandescent. We would not, though, recommend making a practice of using what we could call a "Shabbos dog." At the least, it could lead to mistakes. ■

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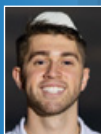
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