



Just How Kosher?

The newly developed Kosher Switch claims to circumvent halachic prohibitions so lights can be turned on and off on Shabbos. Is it a brilliant and brave step forward, a well-meaning albeit flawed effort, or a severe misstep that will unravel the fabric of our holiest day?

At the turn of the previous century, mankind encountered an explosion of technological advances, all of which had to be examined through the prism of halachah. The advance that generated the greatest degree of halachic discussion was undoubtedly electricity. When it came to igniting lightbulbs, the halachah was straightforward: Since electricity caused the bulb's filament to burn, as evidenced by the emitted light and heat, activating an (incandescent) light on Shabbos was Biblically proscribed.

There was much discussion, however, as to the halachic status of electricity in other cases, such as in the case of an electric fan. The *rabbanim* debated the details of the prohibition. Is the activation of electricity on Shabbos Rabbinically or Biblically prohibited? What is the nature of the prohibition? (*Molid? Boneh? Makeh b'patish?* Creating sparks?) But all agreed on one matter: The activation of electricity on Shabbos is categorically prohibited. The task was merely to figure out why.

What was the source of this intuition?

One more point: A young scholar by the name of Rav Shlomo Zalman Auerbach came along several years later and carefully examined the various arguments against the activation of electricity on Shabbos. He delineated these considerations one by one in his seminal work *Meorei Eish* and questioned each. After that

thorough examination, did he ultimately conclude that electricity is permitted? *Chas V'shalom!* In fact, although he worked very closely with organizations that constructed sophisticated gadgetry to permit the usage of electricity through *gerama* (indirect actions), he allowed these gadgets to be used only in extenuating circumstances, such as for the sake of the ill and infirm. But why? *Gerama* on Shabbos is anyway only Rabbinically prohibited, and he, of all *poskim*, was most lenient on matters of electricity. So why did he maintain the underlying bedrock prohibition?

The answer is that the *gedolei haTorah* — yes, even in the 20th century and even in the 21st century — have a feel for the *ruach haTorah* and they knew in their bones that electricity cannot be activated on Shabbos. When electricity was first developed, the *rabbanim* of that time examined the relevant *sugyos* and found a halachic foundation in sync with their intuition. And they agreed: The activation of electricity is not permitted on Shabbos.

This has nothing to do with “*daas Torah*.” Those cynics who wish to dismiss this concept argue that rabbis should stick to the books, their area of their expertise. Well, this *is* their field of expertise. The *ruach* of the Torah, in which they are steeped their entire lives, flows within their blood, and they know and feel what the spirit of Shabbos is.

The truth is that we all do.

In fact, aside from the letter of the law, there is always the spirit

of the law. But in the case of Shabbos, they merge: The spirit of the law *is* the law. The Torah says so explicitly with one word: “On the seventh day *tishbos* — you shall rest.” Allow me to excerpt the words of Rav Dovid Ribiat *shlita* in his magnum opus, *Sefer Lamed-Tes Melachos*, as he presents the Ramban's words explaining the term *tishbos*:

The principle of Tishbos is... the basis for many Rabbinic restrictions on Shabbos. Activities closely resembling Melocho... are particularly affected by this principle. The Torah does not specify what might be included in the category of Melocho-like activities. The task of defining Halachic guidelines and determining what sort of activities possess a “Melocho-like” character was left to the discretion and superior judgment of the Sages... What would Shabbos would be like without the Rabbinic ordinances?... If people were to regularly avail themselves of the full measure of leniencies allowed by unprotected Torah Law, the resplendence and beauty of the Shabbos day would fade away; its special significance and sanctity of character would be reduced and profaned to that of any ordinary weekday.

The Ramban in his master-commentary on the Torah offers a rather sobering and thought-provoking portrait of a Shabbos (and Yom Tov) without Rabbinic ordinances. The following is an interpretation, in contemporary terms, of a segment of the Ramban's timeless words:

Shabbos on a farm: A farmer could perform many of his strenuous chores on Shabbos. Bushels of produce and sacks of flour could be measured and weighed. These heavy items could then be carried into silos or storage buildings. A barn or garage could be cleared of rocks, hay, or heavy tools to make needed storage space. Eggs could be collected from chickens and used on Shabbos. On a dairy farm, large vats of milk (milked before Shabbos) could be poured into smaller containers or bottles and stored in refrigerators.

Shabbos in the city: It would be possible for many people to ply their professions, and work almost as usual on Shabbos. In a properly enclosed city (e.g. with an Eruv), Jewish workers could commute to work using public transportation (when the buses, trains, etc. are operated by non-Jews). Bus passes, and even money, could be used to pay for the ride. Jewish stores could buy and sell as usual. Deliveries could be accepted and inventory could be stocked, with many of these activities performed by Jewish workers. Banks and currency exchanges could handle money and conduct business as usual. Modern office equipment such as typewriters, printers, computers, telephones, electric lights, etc. could all be operated by non-Jewish employees.

What kind of Shabbos would this be...?

In fact, the activation of electricity on Shabbos is such anathema to the spirit of Shabbos that the noted *posek*, Rav Asher Weiss, ruled in a recent response that it is Biblically prohibited, because the creative change of bringing something to life by turning on an appliance is inherently a *melachah*.

But all that is now in the past. A new dawn has broken.

Last week a cataclysmic change in *shemiras Shabbos* occurred, and the use of

electricity on Shabbos is apparently no longer problematic. Through a brilliant new technology, one can now turn off and on lights on Shabbos at will. In the near future, presumably, with some minor modifications, all electrical appliances will also be similarly adjustable. This device may even be modified to eventually permit us to drive an electric car! Who knows? The sky is the limit. This innovation was introduced to Klal Yisrael through a YouTube video featuring slick production, a double-entendre joke, and direct marketing to the public. Welcome to Kosher Switch, a product whose usage will save us from all the annoyances and aggravations created by Shabbos observance!

The Kosher Switch developers have prepared a presentation including several rabbinic opinions and *haskamos*. Those viewers relying on the permissibility of the device on the basis of the credentials of the *rabbanim* quoted and referenced should be advised that each *haskamah* must be examined carefully. Hear what these *rabbanim* actually say, or read what they write. Are they really saying it's permitted?

On the Machon Zomet website, founder Rav Yisrael Rozen cites Rav Yehoshua Neuwirth, the noted author of *Shemiras Shabbos K'Hilchasah*, as appealing to the makers of the Kosher Switch to clarify in his name that their switch may be used only for the ill and for security purposes.

Rav Peretz Steinberg *shlita*, one of the *rabbanim* to appear on the website, expressed gratitude for the opportunity to clarify his position.

"They approached me seven years ago," Rav Steinberg says. "I repeatedly told them that I am not a *posek* for these matters, and they must get *haskamos* from both the Sephardi and Ashkenazi communities. He [the developer] told me that the point of this device is for well-meaning traditional Jews who are not ready to keep the laws of Shabbos. I told him that I am not giving a *haskamah* but merely wishing him *hatzlachah* on his endeavors. If you look at the video clip, that is all I say."

Rav Dovid Ribiat has spoken to his uncle, the renowned *posek* Rav Yisroel Belsky, about the matter, and Rav Belsky prohibited its usage with extremely strong terminology.

Rav Tzvi Ortner, a leading expert in the field of technology and Shabbos, whose clear treatment of the halachic issues is included in the accompanying halachic analysis, also weighed in with his view that disputes claims about the permissibility of the use of the device:

One marketing point that has been floated is that the device is appropriate for *baalei teshuvah* who are still getting used to Shabbos observance. In the words of Rav Shlomo Leib Weinberger, a Satmar *dayan*, "I had no idea that there were two Torahs — one for *frum* people and a separate one for *baalei teshuvah*!"

Rav Yisroel Dovid Harfenes, the author of the monumental *Yisrael V'hazmanim*, writes in an endorsement for the Zman Switch more than a year ago that he would like to utilize this opportunity to clarify that any endorsement for the Kosher Switch is only for the sick, for use in hospitals.

Rabbi Yisrael Rozen, the founder of Zomet, which is geared to innovations *al pi halachah*, made clear that he only uses this technology in the case of a *choleh*. He further explained that he has personally gone back to many of the *rabbanim* in Eretz Yisrael, including Rav Avigdor Nevenzahl, who said that it is impossible to permit this *l'hatchilah*, and any *heter* that he may have given was for the benefit of a sick person, in which

case one may rely on the leniency of *gerama*.

In light of all of the above, it is thus clear, and the overwhelming consensus of the *poskim*, that any G-d fearing Torah Jew may not use the Kosher Switch, surely not *l'hatchilah*. In extenuating circumstances (illness, etc.) one should consult with his *rav* or *posek*.

So we are now faced with a choice:

Do we embrace the Shabbos our *zeides* and *bubbes* knew, where we are alone with our family, friends and Creator, where we appreciate the *melachos* as the safeguards of these treasured relationships? Or do we rid ourselves of all these aggravating strictures, rules, and regulations, and embrace the "new" vision of Shabbos of the well-made YouTube clip?

We all know what is right. Torah is immutable, Shabbos is sacrosanct. *Zos haTorah lo sehei muchlefes*.

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The Kosher Switch’s Flawed Foundation



A HALACHIC ANALYSIS

By Rabbi Tzvi Ortner
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Kosher consumers throughout the world looked on with anticipation at the launch of a product marketed as a historic achievement, one that would “ease” Shabbos observance by employing a process that circumvents the *issur* of Shabbos and ostensibly allows for the use of light switches.

Let us analyze the halachic permissibility of this technology. At the outset it must be made clear that the arguments presented here in no way address the serious but perhaps more vague aspects of *zilusa d’Shabbos* and *uvdah d’chol*. Our analysis presented is purely halachic in nature, addressing the serious issues inherent in the use of the so-called Kosher Switch in standard households, absent extenuating circumstances.

In the interests of full disclosure, although I am the *rav hamachshir* of the Zman Switch and Prochef — a sophisticated and revolutionary timer system, which has been featured in *Hamodia*, and which could not be more different from the Kosher Switch — I have written extensively and with great concern about the serious issues inherent in this technology as far back as 2011, long before the Zman Switch was even a concept. Having toiled through the relevant Gemaras, Rishonim, Acharonim, and the *poskim*, including the contemporary ones, it is my opinion — after consultation with many leading *rabbanim* —that the use of the Kosher Switch technology is *assur* on Shabbos. I respectfully ask the reader to consider the truth of the points laid out herein.

The mechanism of the Kosher Switch functions as follows:

- Intermittently, light pulses are emitted from one side inside the switch to the other. When the pulses are successfully received, the appliance (e.g., the light) remains on. When the light pulses are blocked, the appliance is turned off.
- A small light on the outside of the switch indicates whether the light pulse function inside the switch is active or inactive. A green

light indicates that it is not active; a red light indicates that it is.

- When the function is inactive (as indicted by the green light), one can move or remove a plastic blocker within the space through which the pulse travels without it having any immediate effect.
- When the function is reactivated and the light pulses are emitted again, the light will go on if the blocker has been removed. The light will remain off if the plastic is now blocking the pulse.
- This process repeats itself every few minutes, allowing the user ample opportunities to flip the light switch on or off throughout Shabbos during the inactive phase.

Performing a *melachah* through a *gerama* — an indirect action — is prohibited *mid’Rabbanan* and permitted only on behalf of a sick person or another acute need, such as providing security in a dangerous area.

The purported permissibility of the Kosher Switch is based on the premise that the user’s actions are even *less* than a *gerama* because the switch is flipped during the light’s inactive period. Since the light pulses controlling the power of the switch are *not even in existence*, the action of flipping the switch, which will later block the light beam — when the mechanism is reactivated — has absolutely no consequence, not even an indirect one. It is not even a *koach sheini*, a “second power.”

This is a serious miscalculation, as we will see.

Hasaras monei’a, removing an obstruction, can be deemed an action. For example, one who releases water held by a dam, which then drowns a person bound to a tree, is deemed a murderer since his actions led to the person’s death.¹ Similarly, says the *Biur Halachah* (252:5), one who causes a mill to function on Shabbos by releasing a flow of water is liable for performing a *melachah*.

Hasaras monei’a is also why one may not open a door facing a

fire, thereby allowing a wind to extinguish it (*Shulchan Aruch Orach Chayim* 277:2). Since the wind is already at the door, opening the door is tantamount to blowing the wind onto the fire. It is deemed a direct force.

If, however, the force is certain to come eventually, but is not here yet, the action constitutes a *gerama*, which is still Rabbinically forbidden. The question remains: What if, theoretically, one removes an obstacle that allows for the action of a force which does not exist presently at all? Is this still a *gerama*, or is perhaps even less than a *gerama* and permitted?

The Kosher Switch manufacturers posit that: a) whenever the force does not yet exist, it is even less than a *gerama*; and b) the “force” in the Kosher Switch does not exist altogether when the switch is inactive. Since the light pulses within the switch are not in existence when the switch is flipped, this case is not likened to wind which will eventually come, which constitutes a *gerama*, but is even less than a *gerama*. Hence, it is permitted.

But the manufacturers of the Kosher Switch are mistaken on both counts.

A. We must question whether a case can be built for permissibility based on what the Gemara does *not* say. That is, the fact that the Gemara does not speak of the halachah of something that has not entered the world does not prove that this case is less than a *gerama*. Perhaps this case is deemed a *gerama* too!

B. Even should this logic be sound, one can hardly call the pulses “not in this world,” since the switch is designed for the function to turn on intermittently. It is an absolute certainty that the force will come back into existence, and this is by design. Even if we could find a case of wind that is not “in this world” that *is* permissible, this is only because the effect is not under man’s control, which thus “distances” his action from the eventual force (see *Magen Avraham* 328:53). However, the pulses in the Kosher Switch are designed and controlled by man to arrive with continuity, and thus bear no comparison to the case of the wind, which is beyond his control.

One more salient point: It is well established in halachah that *gerama* is permitted when the action is performed without intent. This applies even in cases of *pesik reisha*, when the effect will certainly happen. Therefore, one is permitted to open the door facing a fire although this will certainly extinguish the fire, so long as the effect is a *gerama* and this is not his intent.² However, in the case of the Kosher Switch, the action of flipping the switch

is done with the deliberate intention of turning the light on or off. It is impossible to derive a *heter* from a case without intention to the case of the Kosher Switch, where one’s intention is clear and obvious.

Indeed, we find a case in *Shulchan Aruch* (265:3) that is remarkably similar to the case of the Kosher Switch: a lamp that drips oil onto the table.

One may not render a utensil useless on the Sabbath, and thus one may not place a utensil beneath dripping oil (which is *muktzeh*). Say that oil is dripping on the table and by pulling the table away, the oil will fall into a vessel directly under the lamp, thus rendering that vessel *muktzeh* — is this allowed? [The pulses of light of the Kosher Switch seem quite similar to the dripping of the oil!] Yes, he may do so. However, the *Magen Avraham*³ explains that this is permitted *only* because we are dealing with an *issur d’Rabbanan* (such as *muktzeh*), and because he is not *mechavein* — he does not do it to salvage the oil, but rather because he wants to move the table elsewhere.

The obvious conclusion is that when one *does* want the result (as in the case of the Kosher Switch) and certainly when that result is an *issur d’Oraisa* (such as a light being turned on), it is absolutely *assur*. (Rav Yisroel Belsky *shlita* approved of this proof.)

The entire saga of the Kosher Switch is a painful one. The people behind the Kosher Switch have invested untold amounts of time, money, and toil in order to produce what they probably thought was a valuable innovation that would benefit the Torah-observant public.

I am reminded of the time that we produced the Zman Switch, and some questioned the need for rabbinic endorsement of the device. The saga of the Kosher Switch has taught us that in all situations we must look to the *einei ha’eidah*, the Torah leaders who constantly illuminate the way amid a furiously changing and technologically evolving world, so that we continue to follow Toras Moshe, pure and unadulterated.

Endnotes:

- 1 The varying interpretations among the *meforshim* and *poskim* (see Rashi and *Yad Ramah*, and *Nimukei Orach Chayim*, 259:5) who explain that exact criteria for first-degree action, and *koach sheini*, which are *gerama*, causing, are difficult to quantify.
- 2 See Meiri *Shabbos* 120, *Avnei Nezer* 194, *Har Tzvi* 133, *Vaya’an Yosef* 117. But see *Shemiras Shabbos K’hilchasah* 124:95, 118.
- 3 See *Machatzis Hashekel*, *Shemiras Shabbos K’hilchasah* 28:65, 22:48. But see *Minchas Shlomo* page 76, parentheses.