



# HALACHA WEEKLY

Parshas Vayakhel

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## HEARING AIDS ON SHABBOS

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Modern technology has produced a wealth of discussion and analytics in contemporary halacha. One of the more famous discussions is that of the use of electricity on Shabbos. A lot has been written on the subject; our discussion here will relate specifically to the use of a hearing aid, which functions through electricity, on Shabbos<sup>1</sup>. May one use a hearing aid on Shabbos at all? What would be the halacha with regards to turning a hearing aid on or off on Shabbos? May one change the volume of the hearing aid if necessary, and, assuming its use is permitted in general, can anything be done if the battery of a hearing aid dies?

Let us discuss using electricity in general on Shabbos, and subsequently apply that background to our specific case of hearing aids. When analyzing the halacha of using electricity on Shabbos, two different aspects must be examined (see *Minchas Shlomo* 1:10:5, 1:10:9 [pg. 71]). We must first analyze the action being done by the medium of electricity. Second, we must analyze the use of electricity in its own right.

To explain, the consensus of all major *poskim* (halachic authorities) is that it is a *diOrayso* (Scriptural) prohibition to turn on an incandescent light bulb on Shabbos (see *Shu"t Bais Yitzchak Yoreh De'ah* 2:31 and *Hashmatos* *ibid.*; *Shu"t Achiezer* 3:60; *Minchas Shlomo* 1:12). This is due to the fact that in an incandescent light bulb, electricity is used to make a metal filament red hot, which constitutes the *melacha* (forbidden category of labor) of *havara*, kindling a fire. This is not based on the fact that the fire is being made through electricity. Rather, since the heating of the filament is a direct and immediate result of the action of flipping the light switch, it is deemed as the direct action of the one who turned on the light. The issue is accomplishment of the

electricity; the filament is glowing red hot, which is a problem, regardless of the means being used to accomplish that act.

Less clear is when the electricity is being used to produce an activity not prohibited on Shabbos; for example, turning on a fan. Technically, there is nothing inherently wrong with a fan rotating on Shabbos. One would definitely be allowed to turn the blades of the fan manually on Shabbos. What needs to be determined in this case is whether there is something inherently wrong with the use or production of electricity in its own right, not necessarily related to what it is being used to do.

While the *poskim* agree that using electricity on Shabbos is problematic, the reason behind the prohibition and whether it is a *diOrayso* or *deRabanan* is the subject of a great deal of debate. As a general overview, there are two main opinions. Rabbi Yitzchak Shmelkes (*Shu"t Bais Yitzchak* *ibid.*) was of the opinion that using electricity is forbidden *mideRabanan* (Rabbinically) under the prohibition of creating a new entity. Introducing electricity, a new entity, into wires or machinery would be similar to the case of adding fragrance to a garment. Such activity is considered creating a new entity - the smell in the garment - and, as such, is prohibited *mideRabanan* (*Baitza* 23a). The Chazon Ish (*Shabbos* 50:9, and in correspondence with Rabbi Shlomo Zalman Auerbach, recorded in *Minchas Shlomo* 1:11) was of the opinion that the act of closing a circuit, resulting in a flow of electricity between two wires, constitutes the *melacha diOrayso* of *boneh*, building. He provides two reasons for this. First, the electricity is considered creating a strong connection between the two sides of the circuit that are being connected, which is regarded as *boneh*. Second, by means of connecting a circuit, the

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<sup>1</sup> Although the halacha may not differ between the two, the details here are specific to standard hearing aids as opposed

to cochlear implants. For more details on cochlear implants one should consult a competent halachic authority.

electrified wire is transformed from an otherwise useless wire to a fully functional one, as it can now power a device. As such, the wire is being “built.” By the same token, breaking the circuit would constitute *stirah*, or breaking an item, also a *melacha diOrayso*. Rabbi Shlomo Zalman Auerbach (Minchas Shlomo 1:9 [pg. 72], 1:11) argued that since the intended use of electric appliances is by constantly turning the appliance (and electricity) on and off, adjusting the circuit would constitute regular use of the item, which would not be regarded as building or breaking it. Either way, the consensus of the *poskim* is that turning on an electric current would be prohibited, either *mideRabanan* or *miDiorayso*.

Now that we have a background for the general use of electricity, let us apply this to the case of hearing aid. First, some background to how a hearing aid works. Although there are many kinds of hearing aids, they all work under the same principle. Sound waves cause vibrations in the hearing aid, which are transformed into electric current, and subsequently transformed and amplified back to the ear of the wearer as more powerful sound waves. (Based on a statement from NICD [National Institute on Deafness and other Communication Disorders]). Is there any prohibited act taking place by means of the electricity? Although we find a prohibition restricting making music and playing instruments on Shabbos (Shulchan Aruch Orach Chaim 338), the *poskim* write that producing the sound of human speech would differ from music. (Shu”t Shevus Yaakov 3:31 s.v. *uviyichud*; Tzlach Hechadash Kuntres Acharon to Essay 1, based on Magen Avraham Orach Chaim 338:3; Minchas Shlomo 1:9:2 s.v. *ulam ra’isi*; see Shu”t Maharshag 3:7 and Shu”t Igros Moshe Orach Chaim 4:85 for other reasons why this is not an issue)

What about the use of electricity itself in the use of a hearing aid? The *poskim* are lenient with a hearing aid that was turned on before Shabbos (Minchas Shlomo 1:9 [pg. 74]; Minchas Yitzchak 2:17:18, 2:112, 3:41; Shu”t Igros Moshe *ibid.*). This is because the one wearing the hearing aid is not the one generating the electricity.

Rather, it is the speaker who causes the electricity to amplify his voice. There is therefore no problem with wearing a hearing aid; rather, the question would be if one may speak to someone wearing a hearing aid. The *poskim* say that this would not constitute a problem, either, and a number of reasons are given to explain why. One approach is that the one speaking often does not even realize that he is speaking to someone wearing a hearing aid, and even when he does, he does not analyze the fact that his speech is making sound waves which are generating electricity and turning back into sound, etc., but simply views himself as engaged in the act of speaking. As such, the act of generating electricity would be considered *misasek*, a non-related action which would be permitted<sup>2</sup> (Rabbi Tzvi Pesach Frank as quoted in Shu”t Minchas Yitzchak 2:112:4 s.v. *vigam*; Shu”t Tzitz Eliezer 6:6:15).

Note that this discussion only applies to a hearing aid. The *poskim* conclude that it is forbidden to use a microphone on Shabbos (see Shu”t Igros Moshe *ibid.* 84-85, Shu”t Minchas Yitzchak 2:17:3, 2:112:4, and Shulchan Shlomo *ibid.* 9:2 [pg. 68] for an explanation of the difference between the two).

Raising the volume of a hearing aid on Shabbos is subject to debate among the *poskim*. One should consult a competent halachic authority. Similarly, in the event that one forgot to turn on a hearing aid before Shabbos, a halachic authority should be consulted about the permissibility of asking a non-Jew to turn it on. If the battery of a hearing aid died, one may not replace the battery on Shabbos, as this would constitute fixing on Shabbos and, according to some opinions, would even be a *diOrayso* prohibition (Shulchan Shlomo Shabbos 1:308:19; Chut Shani, Mezuzah and Brachos pg. 378). One should consult a halachic authority as to whether a non-Jew may be asked to replace the battery.

In conclusion, these halachos are complex, and while wearing a hearing aid or speaking to one wearing one is permitted, anything beyond this basic allowance requires the guidance of a competent halachic authority.

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<sup>2</sup>The parameters of *misaseik* are very complex and cannot be applied from one case to another.