

The Use of Hearing Aids on Shabbos and Yom Tov: Issues Relating to Changing or Recharging Batteries

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Before addressing the halachic issues relating to the use of hearing aids on Shabbos, it is appropriate to focus on their use and need. While they are not nearly as ubiquitous as eyeglasses, their use is quite common, and their need is even greater.¹ As illustrated below, their need increases significantly with age, so with an increasingly older society a larger percentage of the population will need them. At the same time, it would be a mistake to think that this is only an issue affecting a limited segment of society, as increasingly, hearing aids are used by people of all ages, many schoolchildren included.

For the observant Jewish community this presents unique challenges. Some of these challenges were addressed in previous generations, some are ongoing and even newly developing, and some have resolved themselves. The primary “old” issue is the use and the wearing of the hearing aids on Shabbos since ultimately these are electronic appliances. This issue has been adequately addressed in several places and is not the focus of this paper; we will address it only in a summary manner. It should be noted that this is less of an issue than in the past. Hearing aids of previous generations would often emit noises, making it necessary for their users

¹ Unlike eyeglasses, a significant number of people who could greatly benefit from the use of hearing aids do not wear them. The reasons are many, including their high cost, possible or perceived stigmas, or clashes with the potential wearer’s self-image.

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to adjust the devices while wearing them to stop these disturbing noises.² Today this does not happen.

To illustrate the scope of the need and/or use of hearing aids, we present the following data from the website of the National Institute on Deafness and Other Communication Disorders. As seen from this data, the need for hearing aids increases significantly with age, and with an aging population an even larger percentage of the populace will have such needs.

- Approximately 15 percent of American adults (37.5 million) aged 18 and over report some trouble hearing.
- One in eight people in the United States (13 percent, or 30 million) aged 12 years or older has hearing loss in both ears, based on standard hearing examinations.
- About 2 percent of adults aged 45 to 54 have disabling hearing loss. The rate increases to 8.5 percent for adults aged 55 to 64. Nearly 25 percent of those aged 65 to 74 and 50 percent of those who are 75 and older have disabling hearing loss.
- About 28.8 million U.S. adults could benefit from using hearing aids.
- Among adults aged 70 and older with hearing loss who could benefit from hearing aids, fewer than one in three (30 percent) has ever used them. Even fewer adults aged 20 to 69 (approximately 16 percent) who could benefit from wearing hearing aids have ever used them.

While many of this large number of people with hearing loss use hearing aids, significant numbers do not, and as seen in the above data, a large percentage of the population could greatly benefit from their use. The U.S. Food and Drug Administration finalized a ruling on October 17, 2022, that will make hearing aids available over the counter without a prescription or appointment. Whether this will enhance quality is beyond the scope of this paper, but there is little doubt this will lead to lower prices and will increase their availability and use.

I write this paper now since in the past few months people have asked me numerous questions regarding batteries and charging hearing aids on Shabbos and Yom Tov, as well as because this has become increasingly

² This may have led to the ruling of Rav Yosef Eliyahu Henkin (this is mentioned in his correspondence with Rav Shlomo Zalman Auerbach and is reprinted in the works of Rav Auerbach [כ"י אות ב' (שו"ת מנחת שלמה תנינא סי' כ"י אות ב')] where he insists that a piece of tape or the like be placed on hearing aids before Shabbos to serve as a reminder not to adjust them on Shabbos, similar to a *blech*. Rav Auerbach rejects this stringency.

personal. It has also come to my attention that some observant Jews refrain from using their hearing aids on Shabbos or Yom Tov either because they believe they may not use them or because the devices may run out of power. The result of this is a drastically reduced quality of life on Shabbos or Yom Tov, where their ability to interact with friends and family can be significantly limited, as can be their ability to participate in *tefillah b'tzibbur*³ or to attend *shiurim*. I hope these words will provide direction that will enable hearing-impaired religious Jews to remove as many of these impediments as possible while observing Shabbos properly.

Wearing Hearing Aids on Shabbos

It is not the purpose of this article to address the general use of hearing aids on Shabbos; however, the rulings of several leading *poskim* will be quoted so that this issue will not be viewed as an impediment.

Rav Moshe Feinstein⁴ found no grounds to prohibit the wearing of hearing aids on Shabbos. Strikingly, he was far more ambivalent regarding

³ The issue of whether one can fulfill those *mitzvos* requiring hearing such as *Shofar*, *Megillah*, Torah reading, and *Kiddush* is subject to substantial debate. Rav Moshe Feinstein (שו"ת אגרות משה, או"ח ה"ב סי' ק"ח, וה"ד סי' קכ"ו), writing in regard to the use of a microphone for *Megillah* reading, found room to be lenient, even though he did not recommend it. That ambivalence would likely not apply for people who could not hear without their hearing aids, as this would be their only option.

However, Rav Shlomo Zalman Auerbach (שו"ת מנחת שלמה סי' ט) fully rejected the use of a microphone even for *Megillah*, where there are no Shabbos/Yom Tov issues. It should be noted that even following this ruling, if a person could hear without the hearing aids but the hearing aids provided a needed boost to their hearing, he too would say that they have fulfilled the *mitzvah*.

Rav Waldenberg (שו"ת ציץ אליעזר ה"ו סי' ו' אות ג') took for granted that one can fulfill the various *mitzvos* through hearing aids, as part of his reasoning for permitting their use on Shabbos is that only when using them can the wearer fulfill *mitzvos* like קריאת התורה, קדושה, and אמן יהא שמיה רבה.

⁴ שו"ת אגרות משה או"ח ה"ד סי' פ"ה. Somewhat surprisingly, Rav Feinstein distinguished between the wearer, for whom he found no grounds to prohibit, and those who speak to a person wearing hearing aids, where he was far less comfortable. In the case of the speaker, even though it is not clear if there would be a violation, he wrote that it would be best not to speak directly with or to a person wearing hearing aids. However, when speaking to a group, even if one or more members of that group are wearing hearing aids, the speaker does not specifically intend to speak to the wearer(s); accordingly, that would be a *דבר שאין מתכוין* and is permitted. However, Rav Feinstein viewed speaking only with a person wearing hearing aids as a *דבר המתכוין*, an intended act, which is not

speaking to a person who is wearing them. It should be noted, however, that the common practice is not in accordance with this ruling, as it is generally accepted to speak in the normal manner with wearers of hearing aids on both Shabbos and Yom Tov.⁵

Rav Shlomo Zalman Auerbach⁶ permits the wearing of hearing aids on Shabbos provided they are turned on before Shabbos.⁷ Rejecting the concerns of Rav Moshe Feinstein, Rav Auerbach ruled unambiguously that one may speak directly to a person wearing hearing aids on Shabbos. He argues that even according to the Chazon Ish, whose understanding of electricity leads to numerous stringencies regarding Shabbos, it would still be permitted, since any changes caused by the sounds are so brief and temporary, the concept of *בונה*, building, cannot apply.

Following the ruling of Rav Auerbach, Rav Yehoshua Neuwirth writes⁸ that the use of hearing aids is permitted on Shabbos provided they are turned on before the start of Shabbos.

permitted even if it is not a *פסיק רישיה*. He pointed out that even with this limitation, most of the needs of hearing-impaired persons would be addressed. They would still be able to hear what was said in public settings, like shul, and be able to better avoid danger such as by hearing approaching vehicles when crossing a street.

This approach is not accepted by most *poskim*, and the common practice is to speak directly to a person wearing hearing aids, whether based on the assumption that there is no prohibition for the speaker just like there is none for the wearer, or that even if there may be a (Rabbinic) prohibition, the ensuing lack of *כבוד הבריות* would be sufficient grounds to permit speaking directly with this person.

It should be noted that the premise that “most” needs of the hearing-impaired person would still be met is highly subjective, and in many cases would not seem to be correct, as basic personal conversations, including a family Shabbos meal, would still be excluded, leading to social isolation and issues of *shalom bayis*.

⁵ This distinction between the wearing of hearing aids and talking into a hearing aid, that served as the basis of Rav Feinstein’s ruling, is generally not acknowledged by most *poskim*. As noted below, Rav Shlomo Zalman Auerbach specifically permitted speaking with this person, while most *poskim* did so by implication, as they permitted their use and simply did not mention such a restriction.

⁶ Quoted in *ע"ב עמ' ע"ו*.

⁷ He is quoted (*ד* 2,) *ע"ב עמ' ע"ו* as going farther to actually permit adjusting the volume of the hearing aids. He does limit this leniency to cases where there is no significant heat generated by adjusting the volume (this concern he raised is not something seen in modern hearing aids). This ruling of Rav Auerbach’s is not quoted by most *poskim* and is not the common practice.

⁸ *שמירת שבת כהלכתה*, פרק ל"ד הלכה כ"ח.

Rav Ovadiah Yosef⁹ permitted wearing hearing aids on Shabbos provided they were turned on beforehand, dismissing concerns raised by others that perhaps there might be a reason to restrict their use due to the fear that one might raise the current by adjusting the setting. Among the authorities he quotes agreeing with his ruling are Rav Auerbach, Rav Yosef Eliyahu Henkin, and Rav Yitzchak Weiss.

Changing Batteries on Shabbos and Yom Tov

Traditional hearing aids use batteries that need to be changed on a regular basis. While many factors can affect the life of batteries, for most contemporary hearing aids the batteries can last three or four days or longer, so that with proper planning there should not be a problem for a regular Shabbos or even a “three-day Yom Tov.” Proper planning would likely mean changing the batteries shortly before Shabbos or Yom Tov, a minimal effort.

There are, however, some specialized varieties of hearing aids that use far more power and cannot last as long. While details will be addressed below, it is important to note that such cases most likely involve more severe hearing loss and may thus warrant the application of appropriate leniencies. These potential leniencies, however, are not just for such cases, as even on a regular Shabbos a person with more standard hearing aids may have forgotten to change the batteries in advance, may have miscalculated when they were last changed, or the batteries may malfunction and die sooner than usual.

Before addressing ways which may possibly be permitted to change batteries when needed, the more basic question is: What is the problem with changing them?

Rav Shlomo Zalman Auerbach ruled¹⁰ that changing a battery is a violation of *מלאכת בונה*, the act of building on Shabbos. He says that changing a battery is like bringing the object “back to life”; the totally unusable object can now function properly. He ruled this way regarding the changing of batteries even though he does not agree with the Chazon Ish that the completion of (non-heat-generating) electrical circuits is a violation of

⁹ שו"ת יביע אומר ח"א סי' י"ט אות י"ט.

¹⁰ וז"ל שהחלפת סוללה במכשיר רפואי בשבת יתכן, ספר נשמת אברהם, או"ח סי' ש"ו ב שיש בה איסור תורה משום בונה כי הוא מחיה דבר מת, ספר נשמת אברהם, או"ח סי' ש"ו ב 1 who records that he and Rav Yehoshua Neuwirth were told this together by Rav Auerbach. This seems to have been confirmed by his son, Rav Azriel Auerbach, who addressed why his father ruled this to be a Torah violation while returning a plug to a socket might not be. See סוף ד"ה כתבתי 1, ש"ח ב 1.

the Torah's law of **בונה**, building. Accordingly, changing batteries in hearing aids could well be a violation of Torah law.

Asking a Non-Jew to Change the Batteries

Rav Yehoshua Neuwirth wrote¹¹ that when the batteries run out it is not permitted for a Jew to replace them himself on Shabbos. He may, however, hint to a non-Jew that they need to be changed so that he will understand the situation and change them for the Jew.

This ruling that prohibits directly asking a non-Jew but permits hinting to him assumes that the use of hearing aids (or the lack thereof) would be viewed as a case of **צורך גדול**, significant need, or perhaps as **הפסד**, a significant loss, cases where one may only hint but not ask the Gentile directly.¹²

However, both Rav Hershel Schachter¹³ and Rav Mordechai Willig¹⁴ view the person who has significant needs for hearing aids as a **חולה שאין בו סכנה**, a seriously ill person who is not in danger.¹⁵ Accordingly, it would be permitted to ask the Gentile directly.

¹¹ סי' ש"ז סע' י"ט מ"ב ס"ק ס"ה, וסי' של"ד סע' כ"ו. פרק ל"ד הלכה כ"ח. for further explanation see end of note 16.

¹² סי' ש"ז סע' י"ט מ"ב ס"ק ס"ה, וסי' של"ד סע' כ"ו.

¹³ Personal communication, Jan. 2023. While he has not written about this in reference to hearing loss, this is an understanding Rav Schachter has presented in other contexts as seen in his writings: **ספר בעקבי הצאן** (סי' י' אות א'), **וכ"כ בחוברת**: אור המזרח כרך ל"ח חו' ג-ד ע' 216) שהרי כבר כתב הרמ"א בהל' שבת דגדר חולה שאין בו סכנה היינו כל שחולה כל גופו או שמוטל למשכב, כלומר, כל שנמנע האדם מלפעול פעולותיו באופן גורמלי מחמת חוליו.

¹⁴ Personal communication, Dec. 2022.

¹⁵ Based on the ruling (או"ח סי' שכ"ח סע' י"ז, ורמ"א שם). Even though there are four opinions recorded in the *Shulchan Aruch* regarding what may be done on behalf of this sick person, this is only regarding what a fellow Jew may do, but all agree that asking a non-Jew is permitted even if he will do an act that the Torah prohibits a Jew to do.

As seen in the *Shulchan Aruch*, the standard definition of a **חולה שאין בו סכנה** is **חולה שנפל מחמת חליו למשכב ואין בו סכנה**, a sick person who is bedridden due to illness even though he is not in danger. Both Rav Schachter and Rav Willig understand that this does not specifically mean the person is bedridden, nor even actually ill as seen in our case. The reason they view this person as a *choleh* is based on the words of Rama, who writes **או שיש לו מיחוש שמצטער וחלה ממנו כל** או שיש לו מיחוש שמצטער וחלה ממנו כל **גופו או אע"פ שהולך כנפל למשכב דמי**, that this problem affects his entire ability to function even though he is not at all bedridden. This is certainly true for a person who cannot hear (much) without his hearing aids, as the inability to hear would prevent normal social interactions.

Additionally, there are good grounds to view the need for hearing aids as a matter of *כבוד הבריות*/human dignity, as being without one's hearing aids would often lead to awkward or embarrassing situations. This understanding is accepted by both Rav Yitzchak Yaakov Weiss¹⁶ and Rav Eliezer Yehudah Waldenberg.¹⁷ That, too, would seem to permit directly asking the Gentile to change the batteries.¹⁸

It should be noted that Rav Yitzchak Yaakov Weiss rejected this idea. His two primary reasons are that, firstly, this person is fully healthy and does not in any way feel sick or in pain. Secondly, the hearing aids in no way serve as a cure or treatment, so it would be extremely difficult to view them as part of the treatment of a sick patient (שו"ת מנחת יצחק ח"ג סי' מ"א אות ז').

¹⁶ Even though the case he quotes from the (או"ח סי' פ"ג) *שו"ת חתם סופר* rejected the application of *כבוד הבריות*, that was due to the fact that the child may have had the status of a *שוטה*, and as a mentally incompetent person might have a lesser standard of *כבוד הבריות*. Otherwise, this approach is accepted by Rav Yitzchak Yaakov Weiss (שם אות ט"ו). Accordingly, a fully competent person who happens to suffer hearing loss would indeed be in this category according to Rav Weiss, with leniencies available, even though he did not view the hearing-impaired person as being in the category of a sick person.

¹⁷ *שו"ת ציץ אליעזר* ח"ו סי' ו' אות ג'. He unambiguously views a hearing-impaired person as being in a situation of *כבוד הבריות*, writing וא"כ לפי זה הרי נדמה דאין לך *כבוד הבריות* גדול מזה כמניעת בושח ובזיון מהחרש מאי שמעו לקול המדברים אליו, דאין לתאר גדול החרפה ובושת הפנים ואי הנעימות הנגרמת לו מדי בואו בין אנשים ובבהכ"נ והא בודד לו, אינו מקשיב להנעשה, ולא יכול להשיב למה ששואלים אותו, באופן שאיכא בזה משום *כבוד הבריות* יותר מהנידונים האמורים. ועוד זאת, בבשתו זאת מעורב גם צער רב על ביטול תפלה בצבור ושמיעת הקריאת התורה ואיש"ר וקדושה ובכדומה בביטול קיום חבילות מצות קלות וחמורות.

¹⁸ The Talmud (ברכות יט:) discusses which prohibitions may or should be suspended in the event of a situation where *כבוד הבריות* would be lacking, and this lack of human dignity could only be alleviated by violating that law. While it does not fully resolve the question regarding the violation of Torah laws, it clearly rules that all Rabbinic laws can be suspended in cases of *כבוד הבריות*. A well-known example of this relates to the use of a lavatory which would entail the violation of the laws of *muktzeb* and the various more modern permutations. This does not seem to be the position of Rav Feinstein, who hesitated regarding permitting others to speak directly with this person. He saw the role of hearing aids on Shabbos for addressing possible safety concerns (such as hearing cars when walking outdoors) and hearing public speeches and *tefillas*, but seemingly not considering the role and value of *כבוד הבריות* in personal interactions. While it is difficult to speculate what he might say today, the fact is that the use of hearing aids today is far more widespread, not just reserved for the very elderly, and a far more intrinsic part of the daily life of many wearers of all ages. Accordingly, the possibility of *כבוד הבריות* taking on added significance should not be dismissed even within his ruling.

This distinction of whether one may ask a Gentile directly or must do so in an indirect/hinting manner, could be quite significant. Merely informing most people that one's hearing aid batteries have died will generally not be understood as a call to help unless the non-Jew already has an existing relationship with the Jew, as a friendly neighbor, perhaps, or the family's housekeeper. Similarly, even if this person does understand what is wanted, it is very likely that he or she will need specific instructions regarding how to do it, likely crossing the line of "hinting," unless they have previously been shown how to change the batteries.

Even according to the ruling that permits directly asking a Gentile to change the batteries, this is far from a simple matter for most people unless they have a friendly neighbor to ask. Otherwise, the idea of looking for a random Gentile is quite awkward and often not realistic. This would then lead to the provocative question of whether there could ever be room to permit Jews to change the batteries themselves.

The *Shulchan Aruch*¹⁹ ruled on how and when one is permitted to break off a piece of straw or small wood pieces to use as a toothpick on Shabbos. It permits the use of straw but not wood, as this would be fashioning a utensil, which is not the case for straw since it is really just animal food and therefore not subject to becoming a utensil. The *Mishnah Berurah*²⁰ added that this is forbidden with wood even though there is an element of *כבוד הבריות*, human dignity (since one may be embarrassed to be seen in public with meat sticking out from between one's teeth), nevertheless it is prohibited since one should have planned in advance. However, if this was not possible, such as when invited to a friend's house, he ruled that one is permitted to fashion this ad hoc toothpick by hand (without the use of a tool, thereby being a *שינוי*) on Shabbos if the alternative is awkward embarrassment. With this as a source, it could be suggested that this approach could possibly be applied to a person whose hearing aid batteries unexpectedly died.

¹⁹ או"ה סי' שכ"ב סע' ד'.

²⁰ ע"י בפרי מגדים שמצדד שהוא הדין דמותר לקטום הקיסם *שינוי*, writing significantly, he explains in (שם אות י"ב) why this act is permitted with a *שינוי*, *ביד כדי לחצוץ בו שניו אם אי אפשר לו לחצוץ בו בלא זה, וכפי מה שכתבנו מקודם דקטימת הקיסם ביד הוא רק משום שבות*. This is understood by Rav Shlomo Zalman Auerbach (see note 22 below) as permitting an activity using a *שינוי*, that if done in the regular without the *שינוי*, would have been a Torah violation, for the sake of *כבוד הבריות*.

This ruling of the *Mishnah Berurah* is understood²¹ to provide a precedent to permit violation of Rabbinic laws (or even what would have been a Torah violation if not for the fact that it was done in an unusual manner, שינוי) in cases where human dignity is a stake. A specific example of such a ruling is the case where a hospital patient was connected to an electronic IV or electronic monitoring devices, and in order to use a private lavatory had to disconnect himself from the machinery (and subsequently reconnect to it). Both Rav Shlomo Zalman Auerbach and Rav Yehoshua Neuwirth permitted this as being an example of human dignity suspending even a Torah violation when done with a שינוי, in an unusual manner. Accordingly, even if changing the battery and subsequently turning the hearing aids back on would be forbidden by Torah law, when done in this unusual manner it may perhaps be permitted.

However, given the very small size of typical hearing aid batteries, changing them in an unusual manner, such as between one's knuckles, would be extremely difficult—likely impossible for most people—and would seem to render this last possibility merely academic.²² However, *poskim*²³ do mention that for a חולה, sick person, if necessary, it is permitted to carry *muktzeh* items, so the actual placement of these very small batteries could be done in the regular way since that is not an act of בונה, building; that is only accomplished with the opening and the closing of the battery chamber which would still require a שינוי, something that is more realistic in most cases.²⁴

²¹ See I (ב) ט' ש"ה סע' ט' where this ruling of Rav Shlomo Zalman Auerbach and Rav Neuwirth is detailed.

²² This same leniency could also apply following the approach that the use of hearing aids is viewed as a situation of a סכנה בו שאין בו סכנה, which also permits doing a מלאכה דרבנן with a שינוי, unusual manner. This is not yet addressed here since it has limited practical application. Additionally, whether changing batteries is a Torah prohibition or Rabbinic prohibition has not yet been addressed but will be below.

²³ מ"ב סי' שכ"ה ס"ק נ"ח, שמירת שבת כהלכתה פ' ל"ג הל' ו', ופ' מ' הערה מ"ד

²⁴ It should be noted that even though the consensus of the *poskim* is to require a שינוי, the (הל' שבת, כלל ס"ט סי' י"ב) חיי אדם, writes ולעשות ישראל דבר שאינו אלא ומתירין, אבל דעת רוב הפוסקים דאסור אלא יעשו ע"י שינוי וכן נ"ל, ואם א"א ע"י שינוי ולא ע"י נכרי, מותר לעשות כדרכו, כן נ"ל. Following this ruling, if no alternative exists and a שינוי was not possible—such as with a person with limited dexterity—there might even be room to permit closing the battery chamber in the normal way.

Rechargeable Batteries

In the past few years, hearing aids have increasingly been made with non-removable rechargeable batteries, designed to be charged each night while their user is asleep. For many, particularly elderly users of hearing aids who may have arthritis or dexterity issues and may have difficulty opening the battery door or removing and inserting the small batteries, this is a great convenience. It should be noted that many of these newer model hearing aids no longer offer the option of changeable batteries.

Typically, a hearing aid with rechargeable batteries needs three to four hours to recharge. This charge lasts for about 24 hours, in some cases 30–35 hours. Accordingly, even for a regular Shabbos this requires planning and/or choices. If they are charged Thursday night while sleeping (as would be done on a normal weekday), that would leave the wearer without hearing aids for all or most of Shabbos day, since they would run out of power before Shabbos morning. Charging them Friday afternoon shortly before Shabbos would provide hearing aids for all or almost all of Shabbos, but that would leave the wearer without them for a number of hours on Friday afternoon when they may be needed. Also, the wearer may still be at work and/or traveling home from work during part of this time and will not be able to charge them during this time. Charging them Friday night would enable the wearer to have the use of hearing aids for the entire Shabbos but leads to the far larger concern, namely this issue of charging them on Shabbos itself.

So, while there may not be a perfect solution short of purchasing a second pair of hearing aids—a very expensive and not very realistic idea for most people—many observant wearers of hearing aids simply charge them before Shabbos, the result being that for several hours before Shabbos they do not have their hearing aids. (This solution, however, would not solve the problem of a two-day or three-day Yom Tov, i.e., when Shabbos and Yom Tov are contiguous.) Others have suggested the use of a timer to activate the charger, an issue we address below.

The Problem With Recharging a Battery

As mentioned above, changing, or charging batteries is viewed by Rav Auerbach as a violation of *בונה*. Presumably this would also apply to recharging batteries as a formerly “dead” item is brought back to life and made suitable for use. However, taking Rav Auerbach’s words at face value that this is viewed like ‘bringing a dead object back to life’, it could be argued that if these batteries still had some power left and were not fully dead this would not apply. This would perhaps be analogous to the

fact that *poskim*²⁵ permitted winding a (mechanical) watch that was still operating to prolong its ability to function, but not a watch that had totally stopped. While in regard to changing batteries this difference may seem to be only academic, it may be relevant regarding charging batteries, the difference between being a Torah violation or a Rabbinic violation, with significant ramifications, as will be addressed below.

Having a Non-Jew Charge the Hearing Aids

As seen above in the case of a regular battery, the use of a Gentile would be a legitimate option. Following the approach of Rav Schachter and Rav Willig that a person who needs hearing aids is viewed as a *חולה*, infirm person, this would permit asking directly. According to Rav Neuwirth, who did not permit asking the Gentile directly to change the batteries, the same should apply to placing the hearing aids into the charger, and this would only be permitted if one indirectly hinted about the need. Following Rav Weiss and Rav Waldenberg, who invoked the concept of *כבוד הבריות*, human dignity, this would also give reason to permit asking a Gentile, as Rabbinic prohibitions such as *אמירה לנכרי*, asking a non-Jew, are pushed aside for the sake of human dignity.

From the perspective of Halachah these are certainly good solutions. The problem is that this may not be a very practical solution, since the typical method of charging is to do it right before going to bed for the night (when one does not need one's hearing aids). This means that recharging of hearing aids will typically be done at a rather late hour of the night. So, unless a person has live-in help at home, this may not be realistic.

The Use of a Timer

Of those who have asked me this question, some report that they are able to place their hearing aids into the charger even when the charger is off and is only later activated by means of a timer. Accordingly, this would enable one to remove one's hearing aids before going to sleep, placing them into the inactive charger which would go on at a preset time after the wearer's usual bedtime. While definitely an appealing option, this is not such a simple matter, as it is ordinarily prohibited to plug a lamp or other appliance into a timer during the "off time" so that it will subsequently turn the light on.²⁶ Accordingly, if this option is to be utilized, we

²⁵ שמירת שבת כהלכתה פ' כ"ה הל' י"ט-כ"

²⁶ שמירת שבת כהלכתה, פ' י"ג הל' כ"ה

would need to address what might be different about the case of the hearing aid.

Quoting from Rav Auerbach, Rav Neuwirth wrote²⁷ that in general plugging an appliance into a timer while it is in the “off” setting would be prohibited on Shabbos based on the concept of גרמא, indirect causation. He writes, however, in cases of great urgency there is room to permit actions which are only done via גרמא. Accordingly, viewing the need for hearing aids as being an example of this significant need, there would be room to permit placing one’s hearing aids into the charger while it is off and will later be activated by the timer.

As will be noted in the following section, it is always best to minimize potential violations²⁸ and thus even in this case it would still be proper to place the hearing aids into the charger via a שינוי, in an unusual manner (such as holding them between one’s knuckles) and to subsequently remove them from the charger using a שינוי as well.

When Timers Do Not Work

As mentioned, not all hearing aid chargers will work when activated via a timer (like many digital appliances, they must be directly turned on in order to activate), so unless the charging device is on when the hearing aids are placed in it, they will not charge. (Also, some chargers have a built-in battery and thus they are charging the hearing aids even if they are disconnected from an electric outlet.) Accordingly, the option of a timer is not available, and lacking a Gentile, this would then lead to what is likely the most difficult question addressed in this paper, namely: Is there any way to permit the wearer himself to charge the hearing aids on Shabbos or Yom Tov?

Regarding which activities may be done on Shabbos on behalf of a person who is a חולה שאין בו סכנה, sick but not in danger, the *Shulchan Aruch*²⁹ presents four opinions. All four prohibit violations of Torah law by a Jew for the sake of the patient, and all permit asking a non-Jew to attend to the needs of this sick person. The four opinions are:

- a) Rabbinic prohibitions may be violated even if there is no danger to any limb.

²⁷ שמירת שבת כהלכתה, פ' י"ג, הל' כ"ה, הערה קג*. וז"ל "ככל גרמא שמוותר לעשותו במקום הפסד וצורך גדול, ולא דמי להא דסי' רנ"ג סע' ה' ברמ"א ובמ"ב ס"ק ק', דשאני התם שמביא ממש את התבשיל, משא"כ הכא דקעביד רק גרמא בעלמא, והרי זה דומה להא דסי' תקי"ד סע' ג' ברמ"א ובמ"ב ס"ק כ"ה וסי' רע"ז במ"ב ס"ק ג', שמעתי מהגרש"ז אויערבך

²⁸ שער הציון סי' שמ"ד ס"ק ה'.

²⁹ או"ח סי' שכ"ח סע' י"ז.

- b) Even Rabbinic prohibitions may be violated only in cases where there is danger to a limb.
- c) If there is no danger to a limb then even Rabbinic prohibitions may only be done with a שינוי. If there is danger to a limb then one may do the activity in the normal way.
- d) Even in cases of danger to limb, those activities that closely resemble a Torah prohibition may not be done, but those that do not resemble a Torah violation should be done.

Significantly, after quoting these four opinions, the *Shulchan Aruch* rules like the third opinion that when done with a *shinui*, Rabbinic prohibitions may be violated for this person. Even though Rav Shlomo Zalman Auerbach had suggested that recharging the hearing aids might be a Torah violation, as an act of בונה, “building,” in restoring dead batteries, if the hearing aids were not fully dead and still had some power, this would not be a Torah violation, and all should agree that they may be recharged when placed into the charger in an unusual manner. However, this solution may not help in cases where the power has been fully exhausted.

While it is not the ruling of most *poskim*, the *Shulchan Aruch HaRav*³⁰ and Rav Avraham Borenstein in ³¹אגלי טל both rule that even a Torah prohibition can be violated for this patient when done with a *shinui*. Based on this, even if recharging hearing aids would be a Torah violation (of בונה), it would still be permitted to do through a שינוי, an unusual manner.

While not accepting this ruling, the *Mishnah Berurah*³² struggled with the difference between the case of גונה יונק חלב בשבת (a case where a sick person was permitted to suckle milk directly from the goat on Shabbos) which the Talmud³³ accepts based on שינוי in case of sickness and distress, similar to the many cases spoken of in the above-quoted section of the *Shulchan Aruch* where one may not violate a Torah prohibition for the sake of this sick person. He writes³⁴ that the case of the milking is not just a

³⁰ שו"ע הגרש"ז סי' שכ"ה סע' י"ט - אבל אם אין בו סכנת אבר אלא שנפל למשכב או שמצטער כל כך עד שחלה ממנו כל גופו, אין עושין לו דבר האסור מדברי סופרים על ידי ישראל אלא בשינוי מדרך החול, ועל ידי שינוי מותר לעשות אפילו מלאכה גמורה.

³¹ אגלי טל, מלאכת טוחן אות י"ח.

³² סי' תצ"ו שער הציון ס"ק ט'.

³³ כתובות ס.

³⁴ שם, יש לומר התם דאין דרכו של מפרק כך לא חשיבא מלאכה כלל וגרע הדבר מסתם שנוי בעלמא. The question that this provokes but does not resolve is: Exactly what are the parameters of this very substantial שינוי as opposed to a more common one? The ramifications of this question are quite significant for this and many other cases.

different way to do the activity, but it is far more different than standard cases of שינוי, unusual methods. While many cases are clearly relatively small variations in the way an activity is done, others are far more ambiguous and would require further clarification; Rav Schachter³⁵ understands the words of the *Mishnah Berurah* as viewing this case to be משונה לגמרי, “completely different” and not just a normal case of שינוי.

Quoting from Rav Shlomo Zalman Auerbach, Rav Neuwirth³⁶ points out that a number of other later *poskim* also rule this way, and if one cannot find a non-Jew to attend to this need of the *choleh*, one may certainly be lenient and do it oneself with a שינוי. Both Rav Schachter and Rav Willig ruled to permit placing hearing aids into the charger using a שינוי, in the absence of a non-Jew, even if they were fully dead; this would certainly accord with the ruling of Rav Auerbach.

Additionally, following the ruling of Rav Waldenberg and Rav Yitzchak Weiss that the use of hearing aids is a matter of כבוד הבריות, human dignity, when no alternative exists, one is even permitted to violate a Torah prohibition when done with a שינוי, in an unusual manner.³⁷ This would provide further grounds to permit placing them into the charger using a שינוי when there is no non-Jew available.

A similar-sounding ruling, albeit in a far more extreme case, was given by Rav Asher Weiss³⁸ regarding a patient with ALS whose only way to communicate is through machinery. Prefacing his approach with the fact that under normal circumstances, this is not an activity that a person would want to do, this would render the act to be as if it was done with a שינוי, making it a שבות, a Rabbinic prohibition. Given that without this assistance this person would be utterly cut off from human communication, he found room to combine that fact with the possible Rabbinic nature of the prohibition, thus permitting its use. While not suggesting that this ruling should necessarily extend to a case of recharging hearing aids,

³⁵ ספר ארץ הצבי, סי' ו' אות ב'.

³⁶ שמירת שבת כהלכתה פ' ל"ג הל' ב' הערה י"ז*.

³⁷ See notes 19-21 above.

³⁸ קובץ זכרון שבתי ואריה: הלכות רפואה ופיקוח נפש בשבת, עמ' לא, וז"ל "מכשירים אלקטרוניים משוכללים המיועדים לאנשים עם מוגבלויות, שעצם השימוש במכשיר מאד לא נוח ואנשים נמנעים מלהשתמש במכשיר כזה (לדוגמא: מכשיר לחולי א.ס. המזהה תנועות העיניים ועי"ז מקליד ומדבר עבור החולה), יש להחשיב את השימוש במכשיר כעשייה בשינוי, שמחשיבו 'לשבות'. ולכן, במקום צורך גדול (שהרי לולא המכשיר יהיו כלואים בחושך בלי אפשרות לזוז או לדבר מחמת מחלתם, וככה"ג) יש להקל ולדון את עצם השימוש בחשמל כאיסור שבות, וממילא יש כאן שבות דשבות שהותר לחולה שאין בו סכנה, וזה בתנאי שאין השימוש כרוך בשאר איסורים דאורייתא.

it is brought to show another example where a *posek* saw the significance of the isolation that comes from the inability to communicate.

Yom Tov that Falls Out on Erev Shabbos; Two Days Yom Tov

As mentioned above, the cases which are most prone to seeing a need to either change the batteries or recharge them is when there are multiple days of Yom Tov and Shabbos in a row. It is here that even the best of plans may not be able to address the needs of the wearer, especially for rechargeable hearing aids.

All of the above leniencies notwithstanding, the less one need rely on them, the better, as even when it comes to needed eating on Yom Kippur the Mishnah teaches that minimizing violations is proper whenever possible.³⁹ It is in this regard that the question is asked whether it would be better to recharge/change batteries on Friday, which is Yom Tov, to avoid doing so on Shabbos, even though the batteries are not yet dead, or is it necessary to wait until they are fully drained of power before resorting to any of these leniencies. Alternatively, as pointed out above, the violation may be greater in cases where there is no power left, so recharging earlier might be less problematic.

Quoting from Rav Neuwirth, Dr. Avraham⁴⁰ wrote that in cases when Shabbos and Yom Tov follow, whether two days or three, one should change the batteries on Yom Tov rather than on Shabbos. Based on the ruling of Rav Auerbach that changing a battery may be a Torah violation of *בונה*, he added that those batteries which are changed frequently can even be changed by a Jew for a *סכנה* *בו שאין בו סכנה* if there is no Gentile present. Apparently, even according to Rav Auerbach that this could entail a Torah violation, this does not apply to batteries that are changed regularly, only to those made to last a long time (like a flashlight or smoke detector/alarm). The fact that he still said that it was better to do so on Yom Tov and not on Shabbos would likely reflect the gravity of the laws of Shabbos. Accordingly, whether Yom Tov preceded Shabbos or followed it, it would always be preferable to do it on Yom Tov.⁴¹

³⁹ יומא פג. This is described with the phrase *הקל הקל תחילה*, that even when eating is needed in cases of potential danger on Yom Kippur, whenever possible the smaller the violation the better.

⁴⁰ ספר נשמת אברהם סי' ש"א סע' י"ז (י) 5.

⁴¹ It is also possible that another factor was the *balachab* of *מתוך*, which extends activities permitted for food preparation on Yom Tov, allowing them for non-food activities as well. Whether this should be applied to *בונה* is a matter addressed by *הרודה* (ד"ה *שבת צה*). In a similar vein, Rav Shlomo Zalman

While Rav Neuwirth only gave this ruling regarding changing batteries (in medical equipment), it would certainly seem to pertain to recharging hearing aids as well. Accordingly, if one had a choice⁴² to recharge the hearing aids on Shabbos or Yom Tov, it would certainly be better to do so on Yom Tov. This mild language of “better” is used as even on Shabbos itself there are ways and situations where it could be permitted, and it is not to be taken for granted that recharging on Yom Tov is always feasible, especially when it falls out on Erev Shabbos, and the person may still need to wear their hearing aids for any or all of the reasons mentioned above.

Conclusion

While the need to address these issues is significant, these words are written and shared with great trepidation, as many of the leniencies described herein could well be misunderstood and applied to cases where they do not fit. Nevertheless, knowing this risk, these words are still presented to help address what has increasingly become a significant life dilemma for many observant Jews, often leading to a lack of *שלום בית* and *כבוד הבריות*, and simply not being able to enjoy Shabbos, each of which are among the highest values. At the same time, it is reasonable to expect that unique leniencies employed in life-altering extenuating circumstances will be understood to be exactly that and will not be taken in the wrong way.

There is a somewhat surprising *mitzvah* written in the Torah⁴³ regarding those who cannot hear: *לא תקלל הרש*, “Do not curse the deaf.” While our Sages offered many meaningful interpretations and applications, the most basic question seems to receive the least focus, namely, who would think of cursing a deaf person, and why? Yes, it speaks about saying strong or hurtful words that cannot be heard, speaking behind one’s back, being two-faced, and many other cases where a person thinks that they can “get away with doing it.” It also speaks of a person who thinks that their words will not really harm the person since they cannot hear what is being said about them.

But first and foremost, it speaks of a person physically incapable of hearing what is being said. That most basic case is very simple and very real, something that perhaps those who have not lived with it are just not

Auerbach (שו"ת מנחת שלמה מהדור"ת סי' ס' אות כ"ח) addressed the question of applying *מתוך* to permit killing insects on Yom Tov (also see שו"ת שואל בשלמה ה"ב (סי' ל"א).

⁴² See notes 38 and 39.

⁴³ ויקרא יט:יד.

aware of. Reuven* speaks to Shimon,* who is either deaf or hard of hearing and, unsurprisingly, Shimon does not hear what Reuven said. Rather than trying to find out why, or perhaps realizing that he had unrealistic expectations, Reuven may get frustrated—even angry—and say all sorts of words that should not be said. This is very likely the prime case of the Torah, reflecting the frustration others have when they speak and expect a response or reaction but there is none. This is exactly the opposite of the **כבוד הבריות** that Rav Waldenberg wrote about so powerfully. Through the use of hearing aids, a person with significant hearing loss is able to participate in normal family and social interactions and be treated with the respect and dignity that all too often gets forgotten in moments of frustration. So, aside from the many reasons written above to justify some of these leniencies, it may also be the key to fulfilling these often-overlooked words of the Torah.

While a number of significant leniencies are mentioned above, in many cases the needs are great and the alternatives are few, but in all cases, decisions should be made to protect the sanctity of Shabbos and Yom Tov. Many of these alternatives have been addressed in their technical detail, but the largest and most important of these is the initial purchase of the hearing aids, so that whenever possible, one should purchase hearing aids with changeable batteries and not the rechargeable variety, as this will solve the overwhelming majority of the problems.

One final thought. While we stated it at the onset, it is necessary to reiterate that the purpose in writing this article was to address some of the real and difficult situations faced daily by people with hearing loss, and even more so on Shabbos and Yom Tov. At the same time, it is inappropriate to take these rulings which are directed for such situations and to assume that they have general application. This is clearly not the case. As in all areas of Torah, questions of this nature should be brought to the appropriate Rabbanim for their rulings and guidance. ❧