

# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS

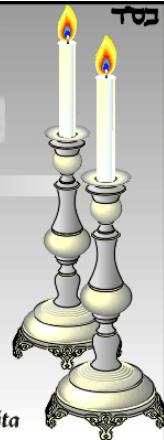
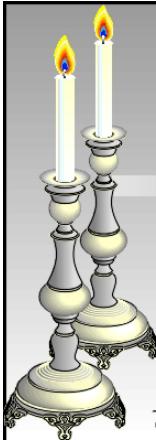
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*Under what circumstances may I ask a gentile to perform a melacha for an ill person?*

The *gemora Shabbos* 129a states that one may ask a gentile to fulfill the needs of an ill person on Shabbos. The ill person in the *gemora* is defined as a *חולה שאין בו סכנה* which is a person who is either bedridden,<sup>1</sup> or has pain that causes one's entire body to ache<sup>2</sup> such as a migraine. In either case one may ask a gentile to violate *issurei d'oraissa*<sup>3</sup> for the sake of the ill person.

The *Rambam* (2:10) adds that one may instruct a gentile to cook and bake for an ill person. In other words, the gentile may do anything necessary for the recuperation of the ill person.

This does not mean that a gentile may perform any task for an ill person. The *Mishna Berura* writes<sup>4</sup> that the gentile may only violate the Shabbos to bring relief during Shabbos and not after Shabbos. Rav Shlomo Zalman Auerbach *ztz"l*<sup>5</sup> however adds that if by violating the Shabbos, the recuperation will be faster, even though the ill person will only benefit from the *Shabbos* violation after *Shabbos*, one may ask the gentile to violate the Shabbos.

- For example, a gentile may drive to the pharmacy in order to purchase medication and carry it through a *reshus harabim* and bring it to the ill

person. If the medication is only required after Shabbos and it will not make a difference if the medication is purchased on Shabbos or after Shabbos, the gentile may only purchase it after Shabbos. If however, the pharmacy is say six hours away and it is important that the ill person be administered the medication earlier, the gentile may violate the Shabbos even though the ill person will only benefit from the medication after Shabbos.

*Can you present a few examples of the above halacha?*

A gentile<sup>6</sup> may cook a hot meal for an ill person if there is no other hot food available and it is necessary for the ill person's recuperation. Obviously this is not a blank *heter* to have a gentile bake and cook at whim for the ill person, rather only when necessary, such as for a woman after birth (within 30 days of the birth) who needs hot food etc.

- A gentile may turn on the lights in order to treat an ill person and turn off the lights to enable the ill person to sleep.
- A gentile may write a prescription if needed on *Shabbos*.
- A gentile may turn on the heating system for an ill person and in the summer, when the heat is disturbing

<sup>1</sup> *Mechaber* in *simon* 328:17.

<sup>2</sup> *Rama* *ibid.*

<sup>3</sup> Biblical violations.

<sup>4</sup> *Simon* 328:46 in the name of the *M"Z*.

<sup>5</sup> *SS"K* chapter 33 footnote 13.

<sup>6</sup> See the *SS"K* chapter 30:11.

the ill person, a gentile may turn on the air-conditioning.

Rav Sternbuch *shlita* added that if one knows before *Shabbos* that certain things will be needed, one should instruct a gentile to prepare them before *Shabbos*.

### *How ill must a person be to permit מ'עכ"ם – telling a gentile to violate the Shabbos?*

We previously defined the severity of a person's illness that would permit **אמירה מ'עכ"ם**. A person who is less ill than that, which is defined as a 'slight illness', or one has a discomforting pain that does not paralyze one's body nor does it cause one to be bedridden, is not considered a **חולה שאין בו סכנה** and a gentile may not be told to violate the *Shabbos* with an *issur d'oraissos*.

However, one may request a gentile to violate an *issur d'rabanan* for the sake of such a person.<sup>7</sup>

### *What is the source to permit this?*

The *Rambam* writes (6:9-10) that one may ask a gentile to violate the *Shabbos* with a *sh'vus* (an *issur d'rabanan*)<sup>8</sup> when a slight illness is involved.

### *What is the Rambam's source?*

The *gemora Eiruvin* 67b says that a gentile may bring water via a rabbinical domain on *Shabbos* for the sake of a *b'ris*. The *Maggid Mishne* explains that the water was merely used to relieve the baby's pain and nevertheless it is permitted. Other *Rishonim* however learn that it is a local *heter* for a *b'ris*, because the actual *b'ris* can be done on *Shabbos* and therefore other violations were permitted by *Chazal* relating to the *b'ris*, but in other instances *Chazal* never permitted anything. The *Maggid Mishne* concludes that the *halacha* is in accordance with the *Rambam*,

and as mentioned, that is the *p'sak* of the *Shulchan Aruch*.

The problem is that one must be well versed in the intricacies of *Hilchos Shabbos* in order to know whether an action is an *issur d'oraissos* or a *d'rabanan*, and therefore when a doubt arises a Rav must be asked.

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### **Vort on the Parsha**

The *possuk* says (14:44) that *Hashem* will cause leprosy to grow on the walls of the houses and the *Midrash* says that the additional benefit of dismantling the walls will be to find the treasures hidden by the gentiles who dwelled there.

The commentators ask why should a person be rewarded for speaking *Lashon harah* by finding a treasure? The *Aruch HaShulchan* answers<sup>9</sup> that it is to show the Jew that *Hashem* does not punish for the sake of being cruel and harsh - rather His purpose is for us to improve our ways. Therefore even though one might sin and will have to destroy part of one's house, one should know that *Hashem* loves him and the consequence of improving one's ways will be a reward.

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### **Food For Thought**

- *May a gentile be told to violate a rabbinical violation even for the sake of a slight ache or pain?*
- *When may I have a gentile violate the Shabbos for the sake of a mitzvah?*
- *Is the gentile permitted to turn on the lights in shul before davening? What about the air-conditioning?*
- *It happened that a gentile mistakenly removed the cholent from the stove on Friday night and turned off the gas. When it was realized that the food was for the morrow the fire was subsequently relit and the food returned. May it be eaten?*

Answers coming next week.

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<sup>7</sup> *Simon* 307:5.

<sup>8</sup> A rabbinical prohibition.

<sup>9</sup> Adapted from the *משלחן גבורה*.

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If you would like to send a question to Rav Ostroff, you can write to him at [shabbosweekly@shemayisrael.com](mailto:shabbosweekly@shemayisrael.com).

**Note:** The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p'sak*.