



Parshas Ki Savo 5764

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Do the Ashkenazim follow the p'sak of the Rama with regards to pikuach nefesh?

In the last shiur we mentioned the *Rama*¹ who says that provided there are no adverse effects to the patient, one should deal with *pikuach nefesh b'shinui*, e.g. with the back of one's hand, or if possible, request a gentile to violate the Shabbos.

The *Taz*² however argues and says that when a Jew's life is in danger, even if a gentile is present he should not be used and the Jew should be speedy and save a life.

The *Mishna Berura*³ cites the *Taz*, which implies that he favors this opinion and indeed when a Jew's life is in imminent danger, a Jew should do all that is possible and as quickly as possible to save another Jew's life.

Does that disqualify the use of a gentile or doing anything b'shinui?

Not exactly. We must differentiate between an imminent life threatening situation, where every minute counts, in which case we say that a Jew should deal with the situation and not dally and between a case of *pikuach nefesh* where the patient is not in any immediate danger, in which case one may request a gentile to violate the Shabbos and one should do a *shinui* if possible.

For example, a newborn baby is placed beneath a heater in order to provide the heat the child had in the mother's womb. This

heater must be turned on Shabbos for the baby, but it can easily be done by asking a gentile to turn it on or by activating the switch *b'shinui*.

A patient must be taken for a CAT scan, which involves wheeling him from his room to the CT room. Although he must ride the elevator, there is no need to press the button in the normal manner and there is nothing wrong in asking a gentile to press the button instead of a Jew.

One of the reasons not to use a gentile is because people are liable to think that only a gentile may be used for pikuach nefesh. If so, they may think the same when turning on the heater for the newborn baby?

Correct, and the same problem exists when turning it on *b'shinui*.

Rav Shlomo Zalman Auerbach ztz"l writes⁴ that when doing it *b'shinui* one should announce to people in the vicinity that halachically one may do it in the normal manner when there is a possibility that doing it *b'shinui* will be cause for a delay in treating the patient.

We can say the same when using a gentile for the abovementioned examples.

The bottom line is that when the threat is immediate a gentile must not be used nor should anything be done *b'shinui*, but when there is no rush one can request that a gentile do the deed or try and do it *b'shinui*. Even in the latter case it is expected that

¹ Simon 328:12.

² Simon 328:5.

³ Simon 328:37.

⁴ SS"K 32 footnote 86.

there be no adverse effects to the treatment because a Jew did not do it or because of the *shinui*.

Can you provide a few examples of the above?

- When it is necessary to call a doctor or an ambulance on Shabbos, one should lift the phone receiver *b'shinui* – with one's elbow etc. or turn on the phone and dial with a spoon in one's hand, because this is called a *shinui*. Some situations cause panic and one's wits are not always in control to remember these things. If however one can calculate one's moves and it is not a dire emergency, a *shinui* should be implemented.
- The lights in the patient's room must be turned on in order for the doctor to examine the patient. In most cases it suffices to turn on the lights with one's elbow and thus avoiding an *issur d'oraisso*.
- A patient requires the insertion of an intravenous feed. There is reason to believe that this involves an *issur d'oraisso* because blood is drawn purposely through the needle to see whether the needle has indeed entered the vein, and drawing blood for a purpose involves the *melacha* of *Netilas Neshama*. I do not suggest that an IV be inserted *b'shinui* (unless one practices on one's own arm) but it is possible to ask a gentile to do it if there is no rush.
- In certain countries one must sign a document before surgery. This is permitted on Shabbos as well in a case of *pikuach nefesh* but obviously there is no rush in the actual signing. Therefore, if one is able to sign with one's left hand one must do so

because it downgrades the action from a *d'oraisso* to a *d'rabanan*.

Vort on the Parsha

היום הזה נהיית לעם – Moshe Rabeinu says to Am Yisrael, **today** you have become a nation, and *Rashi* says that one should think that each day one enters a new covenant with *Hashem*. R' Sa'adia Gaon would say that every day he must do *teshuva* because he realizes that his *avodas Hashem* (heavenly service) yesterday was not up to par according to his perception of *Hashem today*.

Rashi is advising us that we must continuously strive to rise in our *avodas Hashem* and thus each day we will make a new *b'ris* with *Hashem* because our *avodah* is of a different level.

Food For Thought

Should one call a Jewish ambulance service or a regular one?

What if one violated the Shabbos for pikuach nefesh and the patient did not require it, does one need to do teshuva?

What if we are not sure whether it is pikuach nefesh, is it permitted to violate the Shabbos?

If, for example, there is treif food in the hospital, is one permitted to traverse the reshus harabim to bring kosher food or must the patient eat the treif food?

Answers coming next week.

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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.