

THE SHABBOS WEEKLY

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Parshas Vayeira 5765

If the patient refuses to have Shabbos violated on his behalf must he be coerced to violate the Shabbos - or is it his choice?

Since the *halacha* is that Shabbos must be violated in the event of *pikuach nefesh*, an individual does not have the right to say that he does not want the Shabbos violated on his account, or that he refuses to violate the Shabbos in order to save his own life. It can be compared to the prohibition of taking of one's own life.

The *Mishna Berura* says ¹ that when the patient's cooperation is required and he does not want the Shabbos to be violated on his behalf, one must subtly explain that that sort of *frumkeit* is out of place, and if he does not relent he must be forced to cooperate.

We are not "owners" of our bodies and we must do all we can to look after ourselves.

What if he refuses to eat on Yom Kippur?

The same applies to eating or drinking on Yom Kippur. When one has to eat or drink on Yom Kippur because of *pikuach nefesh*, and the cases, unfortunately, are many, it is not merely a suggestion that one *may* eat if one feels like it, rather it is a necessity to break the fast and eat. It is a mitzvah. Abstention from food in such a case would be an aveira, not a mitzvah. Just as *Hashem yisborach* commanded us to abstain from all food and drink on Yom Kippur, He ordered the dangerously ill to eat on Yom Kippur.

How should a phone be used for pikuach nefesh on Shabbos?

¹ Simon 328:6.

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We have mentioned in the past that there are *poskim* who are of the opinion that when dealing with *pikuach nefesh* one must violate the Shabbos in a manner of *hakl hakl tchilah*, ² which means that if it will suffice to violate the Shabbos with an *issur d'rabanan* one must do so and only when that cannot be a viable solution may one violate the Shabbos with an *issur d'oraissa*. We stress though, that this is on condition that it will have no adverse effects on the patient's well being.

Lifting the receiver can set off two *melachos* – connecting the circuit, which according to the *Chazon Ish* involves *Boneh* – construction, and when certain lights are present - *Hav'arah* – creating a fire. ³

In order to minimize the *issur*, ⁴ one should lift the receiver *b'shinui* (a halachikally defined irregular manner), i.e. between one's palms or knock it off with one's elbow. The explanation being that any *melacha* done *b'shinui* automatically transforms it into a *d'rabanan*.

Pressing the buttons can also be modified by pressing them with a spoon or any other instrument, thus downgrading the severity of the *issur*.

One should replace the receiver in order that the doctor/ambulance service/medic are able to

² See the *SS"K* 32:28.

³ It is important to note that there are basically two types of lights. The regular bulbs are indeed halachikally called fire and turning on such a light is *hav'arah*. The other types used in most digital phones and electronics is called LED (light emitting diode), which although "light up" when current flows through them but it is not *hav'arah* and as such not an *issur d'oraissa*.

⁴ See the *SS"K* 32:40.

return a call if necessary, such as to get more details about the patient or to ask for more directions. Some systems work in such a way that if one does not hang up it will keep the line occupied for a while, which might prevent other callers from calling the doctor or ambulance service.

Nevertheless it should be replaced *b'shinui*, if possible, in order to minimize the *issur*. Once again we will stress that if time is crucial, such as in a case of a suspect heart attack, asthma attack, stroke etc. one should lift the receiver and dial in the regular manner in order to summon help as quickly as possible. Only when one has sufficient time on one's hands to coordinate one's moves should one act on the basis of *הקל הקל תחילה*, such as a case when a woman is in labor, but not an emergency.

May one accompany a patient in a car or ambulance on Shabbos?

The need for accompaniment is in some cases necessary to help the patient, which will obviously permit one to ride in the car with the patient. In other cases it is to offer emotional support,⁵ even by just being there with the patient, which will also be the reason to permit accompanying a patient.

Chazal tell us that if a person in danger becomes frightened it can have serious adverse effects on that person's health and one may even do *melachos* to appease the patient and allay his fears. If the hospital is not in the same town (outside the *t'chum*) there are problems that we will discuss *be'H* in future shiurim.

Do you have any examples?

Chazal tell us⁶ that one may turn on the lights in the room of a woman about to give birth, even though she is blind (*Hashem yishmor*), although the midwife may be able to manage without lights. The reason is because, in the natural way

⁵ See *SS"K* 32 footnote 107.

⁶ *Simon* 330:1.

of things, the woman in labor believes that if the midwife needs something, she must have light in order to find its whereabouts, and without lights they will be endangering her. (*The Magen Avraham* asks that since she is blind, they should tell her that they turned on the lights without having done so and thus appease her mind. The *Elya Raba* answers that she will feel them groping around and realize that the lights were not turned on).⁷

Vort on the Parsha

Hashem says that He now knows that Avraham has Fear of Heaven, which implies that prior thereto this was not demonstrated. Rav Sternbuch shlita says that he heard in the name of the *Vilna Ga'on* that although Avraham excelled in *chesed*, this could be because he was naturally inclined towards *chesed*, but when he demonstrated that he was prepared to slaughter his unique son – the diametrical opposite of *chesed*, he showed that his actions were divinely governed and not because he was naturally inclined to *chesed*.

Food For Thought

What could be the problem with accompanying a patient when the car is going to the hospital in any case?

May one play music in order to make the patient at ease?

If a patient is discharged from hospital on Shabbos, may he return home with a non-Jewish driver?

Answers coming next week.

⁷ *Sha'ar Hatsiun simon* 330:4.