



Parshas Vayetze 5765

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If a woman is in labor before Shabbos, must she go to hospital before Shabbos, or can she wait until she is ready and then go on Shabbos?

It will largely depend on whether the driver will be a Jew or gentile. If the driver will be a Jew, normally, we would say that since she knows before Shabbos that she requires to be hospitalized on Shabbos, we would want her to avoid the unnecessary violation and go to hospital before Shabbos.¹

However, if for example there is doubt as to whether the birth will be on Shabbos and if she did go to hospital before Shabbos, thus having to spend most of the Shabbos in a foreign and sometimes awkward environment, we would say that she need not sacrifice her mitzvah of *Oneg Shabbos* (enjoying the Shabbos) in order to avoid traveling on Shabbos, as when she does travel on Shabbos, it will be for the sake of *pikuach nefesh*.²

What if one must sign a consent for surgery on Shabbos?

Obviously when surgery is necessary on Shabbos it must be a case of *pikuach nefesh*, or even a *safeik pikuach nefesh* (doubt) and as such everything should be performed to facilitate for surgery. In some countries, the patient or his representative is required to sign documents, failing which the surgeons will not operate. Accordingly one may sign.

However, since signing the documents is not a direct act of *pikuach nefesh*, everyone agrees³ that

if it can be done *b'shinui* it must be done *b'shinui*, because in that way it will downplay the *melacha* of writing from a *d'oraisso* to a *d'rabanan*.

How is the shinui implemented?

The basic *shinui* with regards to writing is to write with one's left hand.⁴ Another option is to scribble a signature, as it is common knowledge that many people scribble something for a signature, and when the scribble is not comprised of letters or specific shapes it would not be called "writing" *mid'oraisso*. (One might even "scribble" with one's left hand, thereby minimizing the *issur* even more).

How is one to walk through the electronic doors?

Devices that sense your presence are either bouncing some wave off your body or are passively detecting waves that you emit or reflect. The wave-bouncing detectors emit high frequency (ultrasonic) sound waves or radio waves and then search for reflections. The door is opened when changes in the intensity or frequency pattern of the reflected waves are detected. Passive detectors look for changes in the infrared or visible light patterns reaching a detector and open the door when they detect such changes. Therefore, one is normally forbidden to open such a door on Shabbos. In a case of a dire emergency and one must enter a hospital through such doors, one may do so without hindrance. When it is not an emergency but a case where the patient must be admitted to

¹ Based on the Sha'ar Hatsiun 344:9.

² Rav Sternbuch shlita.

³ See the SS"K 32:28. Rav Bezion Abba Shaul says that in such a case even the Mechaber would agree

that a *shinui* may and should be implemented. See the "Shabbos sheet vol. III #41".

⁴ See M"B 340:22-7.

hospital, the best alternative is to request a gentile to open the doors.
One cannot argue and say that since one does not open the doors with one's hands that it is called a *shinui*, because the regular method for opening the doors is designed to operate ultrasonically.

If I merely wish to visit an ill person in hospital and the only way to enter is through electronic doors, may I do so?

You yourself may not activate the system to open the doors but you may ask a gentile to open the doors for you, when your presence is needed for the wellbeing of the patient. This is based on the *halacha* that a gentile may even violate an *issur d'oraisso* for the sake of an ill person on Shabbos. There is room for speculation whether the *choleh* (ill person) needs every visitor, but when the aid is needed it would be permitted.

If a Jew activated the electronic doors in a forbidden manner (not for a choleh), i.e. when it is not for pikuach nefesh such as at a hotel entrance, may I enter once the doors are open?

The basis of the question is that since one may not benefit from another Jew's *chilul Shabbos* (violation of the Shabbos) ⁵ is walking through the open doors considered benefiting from the *chilul Shabbos*?

We can learn from a similar case. If one opens a package or a bottle in a forbidden manner, the contents of the packet or bottle may be consumed. ⁶ Part of the reason is because the actual contents were not altered or modified by the *issur* and thus it is not prohibited on account of the *issur*. In this case as well, since one is not benefiting directly from the Shabbos violation, because being in the hospital is an indirect benefit of the fact that the doors are open, one may pass through the doors.

⁵ *Simon* 318:1.

⁶ *SS"K* 9:23.

However, other *poskim* say ⁷ that if without the Jew, the doors would not have opened, one may not pass through the doors when opened by a Jew.

Vort on the Parsha

When Yosef was born to Rachel, Rachel said Hashem has gathered up my shame. The *K'sav Sofer* explains that as sons were born to Leah and the other wives, this caused her shame and unpleasantness (the *Ramban* says that she was the talk of the town), but when Yosef was born, even though he was only one son and the other wives had already born Ya'akov ten sons, she knew that he was equal to all the others and therefore all her shame was gathered up.

In the instant world we live in, we all too often want to taste instant success, and when we do not, we cannot understand why Hashem does not fulfill our every wish and whim. It is only later that we realize, when success finally becomes our share, that the success is far greater than our expectations and that Hashem "plans" the world differently.

Food For Thought

What melachos may a Jew perform for an ill person whose life is not in danger?

What may one ask a gentile to do for an ill person on Shabbos?

When is one permitted to take tablets on Shabbos?

Are there any restrictions as far as using thermometers on Shabbos?

Answers coming next week.

⁷ אגרות משה או"ח ח"ב סי' ע"ז, ושו"ת בצל החכמה ח"ו סי' ס"י.
ס"ה ט"ז.

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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.