



Parshas Vayishlach 5765

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

Up until now we have dealt with many of the *halachos* relating to the critically ill (*pikuach nefesh*) on Shabbos. We will now attempt to clarify certain *halachos* that relate to ill people who are not in critical danger. Asking a gentile to do a *melacha* for one on Shabbos is an *issur d'raban* and as such, the *Rambam*¹ writes "one may ask a gentile to attend to all the needs of an ill person. How is this done? One asks the gentile to cook, bake, fetch medication from a different domain etc." The reason for this *heter* is because *Chazal* did not implement their restrictions when illness is involved.

The *Maggid Mishne* explains that the type of illness referred to is one which sends the patient to bed or a person whose entire body is in pain from an illness. It does not apply to slight ailments, as one is not permitted to ask a gentile to violate an *issur d'oraisa* under such circumstances.

The *Shulchan Aruch*² concurs with the *Rambam*, and the *Mishna Berura* adding³ that one may only ask a gentile to violate a *melacha* when the medication or food is necessary on Shabbos. Rav Shlomo Zalman Auerbach *ztz"l* added⁴ that it is permitted to have a gentile prepare medication on Shabbos if it will alleviate the patient's condition after Shabbos earlier than if it was

only prepared after Shabbos. One may not request attention to weekday needs when these tasks can be performed after Shabbos. In other words, asking a gentile to perform deeds using the illness as the basis does not grant blanket permission to do whatever one needs.

Are there limitations with respect to making requests of a gentile?

One may not request a gentile to violate an *issur d'oraisa* for the sake of a person who is only slightly ill. For example, someone with a slight pain, which is not defined as an illness, may not ask a gentile to bring him food from a *reshus harabim*. However, one may request that food be brought via a *karmelis*, which involves carrying through a domain normally forbidden *mid'raban*. The logic of this *halacha* is that asking a gentile to violate an *issur* is defined as an *issur d'raban* – a *sh'vus*, and when the nature of the prohibition is an *issur d'raban* it is called a *sh'vus dishvus* – a double *d'raban*, which via a gentile, may be performed for the sake of someone slightly ill.

What if one is even less ill than that, such as having a slight headache etc?

The *Shulchan Aruch* says⁵ one with a very minor pain etc. may not have anything done for him on Shabbos, and the *Mishna Berura* explains⁶ that one may not even request a gentile to violate an *issur d'raban*.

¹ *Hilchos Shabbos* 2:10.

² *Simon* 328:17.

³ *Simon* 328:46.

⁴ *SS"K* chapter 33 footnote 13.

⁵ *Simon* 328:1.

⁶ *Simon* 328:3.

To summarize the rules:

- **Ill person** - one may request a gentile to violate even an *issur d'oraisso*. This would include turning on lights and heating, cooking, heating water, writing prescriptions, bringing medication or food via a *reshus harabim* (a public domain) and operating necessary medical equipment.
- **Slightly ill person** – one may request a gentile to violate an *issur d'rabanan*. This would include bringing necessary items via a *karmelis*.

Slight aches and pains – one may not request a gentile to violate any *issurim* on Shabbos.

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

Since we are not dealing with *pikuach nefesh*, the general rule is that one may not perform a *melacha* for the sake of an ill person in Shabbos.⁷ The reason is that Shabbos may only be violated with an *issur d'oraisso* for the sake of saving a life and not for any other reason.

What if the person is in danger of losing a limb (Heaven forbid)?

The *Shulchan Aruch* goes so far as to say that even when there is danger of losing a limb one may not violate an *issur d'oraisso*. However, doctors are of the opinion that in many cases where a loss of limb is an issue it almost always involves *pikuach nefesh*, which permits the violation of an *issur d'oraisso*. For example, a severed finger requires stitching and disinfection otherwise infection can set in, which would ultimately endanger

the entire body. A broken leg could easily lead to poisoning of the blood-stream which again involves *pikuach nefesh*. Therefore (this *be"H* should never happen) but if it does, one must ask a competent rav whether one may violate Shabbos in order to save a limb.

Vort on the Parsha

Ya'akov Avinu told his sons to change their clothes (35:2) in order to prepare themselves for the *mizbe'ach* Ya'akov wanted to erect in Beis El.

The Ibn Ezra learns from here that one's body and clothing must be clean when going to pray. Rav Sternbuch *shlita* points out that *Rashi* in *Shabbos* 113 also writes that one's clothing must be honorable when standing in prayer before *Hashem*.

The *Chida* goes so far as to say that one should wear special clothes when performing a mitzvah, learning or praying!

This just comes to show the right attitude one should have when performing one of *Hashem's mitzvos*, and just as one would prepare oneself before appearing before a king, we should at least prepare ourselves mentally and have the correct attitude when appearing before *Hashem* or performing one of his *mitzvos*.

Food For Thought

May a Jew violate an issur d'rabanan for the sake of an ill person?

When is one permitted to take tablets on Shabbos?

What about the use of creams and lotions on rashes etc?

May a doctor turn on his otoscope on Shabbos?

Answers coming next week.

⁷ *Simon* 328:17.

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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.