



Parshas Vayeshev 5765

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

This section deals with a person who is defined by *Chazal* as a חולה שאין בו סכנה – one who is bedridden on account of illness, or whose entire body aches even though the person is not lying in bed. In other words, a person whose life is not in danger.

We find several opinions amongst the *Rishonim*. As we will see, ¹ their opinions are derived from the different interpretations of the *gemora* that deal with the treatment of the ill.

The *gemora* in *Avodah Zarah* 29a writes about a certain medical condition where the Unkli (tonsils – Aruch) would obstruct the esophagus, and the *Rambam* writes (2:10) that one may “raise” the Unkli on Shabbos. A *gemora* in *Shabbos* 148a says that מחזירין את השבר, which could either mean that one may set a broken bone on Shabbos (when it does not involve a *melacha d'oraisso*), or one may reinstate a shoulder that came out of its socket (or any other limb). ²

The *Rambam* sees that one may violate an *issur d'rabanen* for the sake of an ill person on Shabbos.

On the other hand, the *Ramban* interprets these *gemoras* differently and says that in both cases the limb is in danger and that is why one may violate an *issur d'rabanen* in the

normal manner, but when a limb is not in danger the *halacha* is different.

The *gemora* in *Shabbos* 134a cites the *Chachamim* who say that one may not mix wine and oil vigorously on Shabbos for the sake of an ill person. ³ The *Ramban* ⁴ sees from this *gemora* that a Jew may not violate an *issur d'rabanen* in the normal manner for the sake of an ill person. However, if the medication is administered *b'shinui* (in a deviation from the normal manner) it is permitted. ⁵

How does the Ramban explain the gemora of “raising the Unkli”, is it not proof that one may apply a therapy on Shabbos?

The *Maggid Mishne* says that the *Ramban* understands that the Unkli presents a danger to the organ, which is defined as a סכנת אבר, in which case one may violate an *issur d'rabanen* in the normal manner, unlike a case of an ill person when a limb is not endangered (*Rashi* in *Avodah Zarah* understands the case mentioned there with regards to ears as one in danger of causing damage to one's ears).

How would the Rambam explain the gemora of the oil and wine?

Previously we only mentioned the opinion of the *Chachamim* but in fact R' Me'ir argues

¹ Based on the *Beis Yosef* in *simon* 328:17.

² It is a *machlokes haposkim* who explain this *gemora*, between the *M"A* and other *poskim*. See the *M"B* 328:145.

³ It is something that is only done for the sake of an ill person and is considered medication on Shabbos.

⁴ *Toras Ha'Adam* in *Sha'ar HaMichush*, cited in the *Beis Yosef* and the *Maggid Mishne* (2:10).

⁵ The *gemora* there says that one may place the oil and the wine separately or mix them gently.

and holds that one may mix the oil and wine in the regular manner, and the *Maggid Mishne* says that the *Rambam paskens* in this case like R' Me'ir.

What is the halacha? How are we to conduct ourselves when the need arises?

The *Shulchan Aruch* cites these two opinions (together with another opinion and the *Beis Yosef's* own interpretation of the *Rambam*) and says that the *halacha* is according to the *Ramban*. The *Mishna Berura*⁶ writes that many *Achronim* rule in accordance with this opinion.

This means that one may apply therapy or medication *b'shinui*, when it involves a regular ill person, and one may apply therapy or medication in the regular fashion when a limb is endangered.

This is quite complicated because one would need to be well versed in medicine and *halacha* in order not to make a mistake.

This indeed requires one to define the status of the patient, i.e. ill to the point of being classified as a סכנה, or one with only a slight pain, in which case one may not do anything⁷ and to know what is a *melacha d'oraisso* and *d'rabanan*, and how to implement a *shinui*. The only way to know the latter is by learning *hilchos Shabbos*, and no, there are no shortcuts.

When is one permitted to take tablets on Shabbos?

One might ask as to what is the problem with taking tablets, being that it does not involve a *melacha* in any way. The answer is that since medication is produced mainly from herbs that are ground into fine particles which is an *issur d'oraisso*, *Chazal* prohibited medication in almost all its forms on Shabbos lest one grind herbs.

⁶ *Simon* 328:57.

⁷ *Simon* 328:1.

Why would I suspect that one would grind on Shabbos - is it not a bit far-fetched?

Chazal were masters of understanding human nature, and since one often gets flustered when something is physically wrong, *Chazal* were concerned that one would rationalize a *melacha* being done for the sake of one's health, or one might panic and forget that it was prohibited on Shabbos. Whatever the case, it is *assur*. We will *be"H* answer this question next week.

Vort on the Parsha

The *Meshech Chochma* writes that *Hashem* purposely arranged for the wine minister and the baking minister to be locked up together with Yosef in order for him to learn from them and be acquainted with the ways of the kings, being that he was destined to rule shortly thereafter. It is for this reason that they dreamed three days before Pharaoh's birthday and not before (they were judged on Pharaoh's birthday and the verdicts were passed and implemented that very day). Had they dreamed during the early days of imprisonment, the baking minister upon hearing the sinister interpretation to his dream would have refused to continue teaching Yosef all he knew. Part of the objective of him being there was for that very purpose.

Food For Thought

When may one take tablets on Shabbos?

What is the *halacha* with regards to taking vitamins 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.

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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.