



Parshas Ki Seitzei 5771

September 9, '11
Volume X Issue 21

May one violate the Shabbos for someone who is ill?

Since there are many types of illnesses and ailments we must first categorize them and then see whether Shabbos may be violated for each category.

The first category belongs to the **critically ill**.

This includes a very large range of cases, beginning with the terminally ill (*Hashem Yishmor*) and concluding with injuries of various degrees that are life threatening.

The Torah says as follows (*Vayikra* 18:5):

ושמרתם את חקתי ואת משפטי אשר יעשה אתם האדם וחי בהם וגו'. The *gemora* in *Yumab* 85b learns from this *posuke* that one is not to surrender one's life in face or on account of a mitzvah (unless it involves one of the 3 cardinal sins: idolatry, adultery and murder).¹

Shabbos is not one of the cardinal sins and therefore Shabbos must not stand in the way of saving a Jewish life. Accordingly, when faced with the choice of either not violating the Shabbos or saving a person's life, one must save the person's life.

I understand this when dealing with an injury, assault attack etc. How does this relate to ill people?

People lying in the ICU (intensive care unit) are critically ill to the point that their life is in

danger. When treating these patients on Shabbos, one must not withhold any treatment that could or might have a positive effect on the patient. Even if the effect of the treatment would only be apparent after Shabbos, if it stabilizes his condition or improves it in any way, it must be done.

Does it make a difference whether one violates an issur d'oraissa or d'rabanan?

Not when treating the critically ill.

May Shabbos be violated in the normal manner for an ill person?

This is far more problematic, and although we will *be"H* attempt to lay down a few basic rules, one is obliged to learn these *halachos* thoroughly. As a matter of fact the *Shulchan Aruch* says the following:²

"One who is faced with a life threatening situation has a mitzvah to violate the Shabbos, and whoever is quick in doing so is praiseworthy, and one who asks (a Rav) is like a murderer. The *Yerushalmi* adds³ and the one who is asked is disgraceful".

The one who asks is like a murderer because if one is afraid to violate the Shabbos when faced with a life threatening situation before asking one's rav whether one is permitted to do certain actions, one will inevitably endanger that person more than necessary and thus bring about his demise. In such circumstances one must not ask any questions. This does not mean that one is exempt from learning the *halachos* of how to treat an ill person on Shabbos, because if one is able to

¹ One can understand the *posuke* as follows: *Hashem* commanded us to keep the mitzvos, as this *posuke* states, and one must **live** with these mitzvos – וחי בהם. If keeping one of the *mitzvos* will cause one to forfeit one's life, it will be contrary to the וחי בהם and one must not keep that particular mitzvah.

² *Siman* 328:2.

³ See *M"B* 6.

do it in the correct manner, as we will see that there are many details involved, one is obligated to do so.

The rav who is asked is disgraceful because he should have organized shiurim in *hilchos Shabbos* and thus teach his community the correct manner of action when dealing with *pikuach nefesh* – life threatening situations.⁴

If everything may be done in case of pikuach nefesh, what is there to teach (or ask)?

There are many details, as we will see. We must differentiate between treating patients who require immediate medical attention and others who do not require it immediately, and between direct and indirect treatment.

The *gemora*⁵ says the following: *Pikuach nefesh* is not attended to by gentiles or children,⁶ rather by the elders of Israel. Who are the “elders of Israel”?

From the *Rambam* we see that he understood it to mean the sages of Israel and not merely adults, as he used the term גדולי ישראל והכמיהם. The *Shulchan Aruch HaRav* 328:13 explains that when sages attend to *pikuach nefesh* it serves as a lesson as to the correct attitude one is to have when attending to *pikuach nefesh* and it shows the *halacha l’ma’aseh*.

The *Beis Yosef* understands that it means adults of Israel, i.e. males who are of bar-mitzvah age. Accordingly he rearranged the wording of this statement in the *Shulchan Aruch* and wrote ישראל גדולים ובני דעת, Jewish adults and of sound mind.

Should one preferably have a gentile violate the Shabbos for an ill person?

The advantage of a gentile violating the Shabbos as opposed to a Jew is that instructing a gentile is merely an *issur d’rabanen* whereas a Jew violating the Shabbos is an *issur d’oraissa*.

⁴ The bottom line is that one must ask one’s rav to organize shiurim in *hilchos Shabbos*.

⁵ B’*raiso* in *Yumab* 84b.

⁶ The version in the *gemora* says not by gentiles or *Kutiyim* and the *Vilna Ga’on* substitutes the word *Kutiyim* with the word **children**.

However, as mentioned, when it comes to *pikuach nefesh* (lifesaving) the *Rambam* prefers the wise men, the *Talmidei Chachamim*, to violate the Shabbos and not an average Jew. The *Beis Yosef* is not as demanding as it suffices if Jewish males deal with the *pikuach nefesh* as opposed to women, children and gentiles.

What is the advantage of wise men and adult Jewish males?

The *Shulchan Aruch HaRav* 328:13 explains that when sages attend to *pikuach nefesh* it serves as a lesson as to the correct attitude one is to have when attending to *pikuach nefesh*. A similar idea can be said when a male must deal with *pikuach nefesh*. The following narrative will elucidate this concept.

A lady in shul was not feeling well on the night of *kol nidrei* and medical attention was urgently needed. Nobody at the scene was prepared to “violate” Yom Kippur in order to summon an ambulance, save for one woman who dialled the medical service. From that day on she was labelled the “Shabbos Goy”.

This *halacha* teaches us that the contrary is correct. It is men, and some learn that *talmidei chachamim*, who must violate the Shabbos in order to demonstrate the vitality of the need to violate the Shabbos to save a Jewish life. In this case, the woman who called the ambulance service performed a huge mitzvah⁷ and the others who stood by, *Hashem Yerachem*...

Women must adhere to the laws of Shabbos just as much as men, so why does the Mechaber say that Jewish men should deal with pikuach nefesh?

The *poskim*⁸ explain that if one would instruct a woman to violate the Shabbos, people are liable to think that, for whatever reason, only women may violate the Shabbos, and when a case of *pikuach nefesh* arises and women are present, men will not want to violate the Shabbos.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim, Phone Numbers: U.S. and Canada 732-370-3344 Israel 972-3-616-6340

South Africa 076 187 1451 UK 44-020-8731-6666 Australia 61-296835626 Switzerland 0114143 333 0288

• e-mail: shabbosweekly@shemayisrael.com, or www.shemayisrael.com,

weekly sponsorships are available as well.

If you would like to send a question to Rav Ostroff, you can write to him at shabbosweekly@shemayisrael.com.

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.

⁷ See the *Mechaber siman* 328:15.

⁸ See the *M”B* 328:33.