



THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS

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In the previous shiur we learned that when Shabbos needs to be violated for the ill, it is preferable to use Jewish adults or wise men rather than women.

Would the same apply to children and to gentiles?

The *Mechaber* learns (and we will soon see that there is a *machlokes*) that the same applies to gentiles and children. If only children and gentiles were instructed to deal with the *pikuach nefesh* people might think that it is only they who are permitted to violate the Shabbos.

There is another reason. A Jew appreciates the life of another Jew and will deal with *pikuach nefesh* in a much quicker fashion, which will often save the patient's life.

Is this opinion not accepted by all?

No, the *Rama*¹ writes that when possible to deal with the patient without any adverse effects by performing a *melacha b'shinui* (in a backhanded manner, such as turning on the lights with one's elbow) or telling a gentile to treat the patient, one should do so. He maintains that if the treatment will be the same, whether administered by a gentile or a Jew, why should the Jew violate the Shabbos unnecessarily?

What is the halacha, who do we follow?

Sephardim, who follow the rulings of the *Mechaber*, are in a more clear cut position and they should follow the *Mechaber*, i.e. Jewish males must violate the Shabbos for *pikuach nefesh* and not women, children or gentiles. We are obviously

talking about a case where the men share as much medical knowledge as the women present or it is a matter such as turning on lights, calling an ambulance and so forth, where medical knowledge is not required. If the women present are more educated medically than the men present, and the situation requires medical knowhow, it is obvious that the women should deal with the situation.

If, for example, a critically ill person needs the heating turned on, why should one not instruct a gentile to do so - there is no rush involved?

Rav Bentzion Abba Shaul זצ"ל writes² that Sephardim should follow the *p'sak* of the *Mechaber* but it depends for what. He writes that when dealing with direct medical care such as operating a lung machine, inserting an IV etc. a Jew must be used, for the reasons mentioned above. But when turning on a heater, recording details regarding medication administered to a patient etc, since these functions can be carried out just as well by a gentile or *b'shinui*, Rav Bentzion Abba Shaul says that even the *Mechaber* would agree that a gentile may be used.

Do the Ashkenazim follow the p'sak of the Rama with regards to pikuach nefesh?

The *Taz*³ however argues with the *Rama* and says that when a Jew's life is in danger, even if a gentile is present he should not be used and the Jew should be speedy and save a life.

¹ *Simon* 328:12.

² שו"ת אור לציון ח"ב.

³ *Simon* 328:5.

The *Mishna Berura*⁴ cites the *Taz*, which implies that he favors this opinion and indeed when a Jew's life is in imminent danger, a Jew should do all that is possible and as quickly as possible to save another Jew's life.

Does that disqualify the use of a gentile or doing anything b'shinui?

Not exactly. We must differentiate between an imminent life threatening situation where every minute counts, in which case we say that a Jew should deal with the situation and not dally, and between a case of *pikuach nefesh* where the patient is not in any immediate danger, in which case one may request a gentile to violate the Shabbos and one should do a *shinui* if possible.

For example, a newborn baby is placed beneath a heater in order to provide the heat the child had in the mother's womb. This heater must be turned on Shabbos for the baby, but it can easily be done by asking a gentile to turn it on or by activating the switch *b'shinui*.

A patient must be taken for a CAT scan, which involves wheeling him from his room to the CT room. Although he must ride the elevator, there is no need to press the button in the normal manner and there is nothing wrong asking a gentile to press the button instead of a Jew.

One of the reasons not to use a gentile is because people are liable to think that only a gentile may be used for pikuach nefesh. If so, they may think the same when turning on the heater for the newborn baby?

Correct, and the same problem exists when turning it on *b'shinui*.

Rav Shlomo Zalman Auerbach *ז"ל* writes⁵ that when doing it *b'shinui* one should announce to people in the vicinity that halachically one may do it in the normal manner when there is a possibility that doing it *b'shinui* will be cause for a delay in treating the patient.

We can say the same when using a gentile for the abovementioned examples. The bottom line is that when the threat is immediate a gentile

must not be used nor should anything be done *b'shinui*, but when there is no rush one can request that a gentile to do the deed or try to do it *b'shinui*. Even in the latter case it is expected that there be no adverse effects to the treatment because a Jew did not do it or because of the *shinui*.

Can you provide a few examples of the above?

- When it is necessary to call a doctor or an ambulance on Shabbos, one should lift the phone receiver *b'shinui* – with one's elbow etc. or turn on the phone and dial with a spoon in one's hand, because this is called a *shinui*. Some situations cause panic and one's wits are not always in control to remember these things. If however one can calculate one's moves and it is not a dire emergency, a *shinui* should be implemented.
- The lights in the patient's room must be turned on for the doctor to examine the patient. In most cases it suffices to turn on the lights with one's elbow and thus avoid an *issur d'oraissa*.
- A patient requires the insertion of an intravenous feed. There is reason to believe that this involves an *issur d'oraissa* because blood is drawn purposely through the needle to see whether the needle has indeed entered the vein, and drawing blood for a purpose involves the *melacha* of *Netilas Neshama*. I do not suggest that an IV be inserted *b'shinui* (unless one practices on one's own arm) but it is possible to ask a gentile to do it if there is no rush.
- In certain countries one must sign a document before surgery. This is permitted on Shabbos as well in a case of *pikuach nefesh* but obviously there is no rush in actual signing. Therefore, if one is able to sign with one's left hand one must do so because it downgrades the action from a *d'oraissa* to a *d'rabanan*.

⁴ *Simon* 328:37.

⁵ *SS"K* 32 footnote 86.

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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.