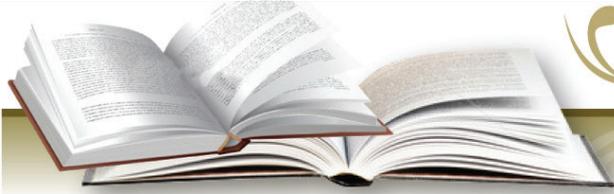


TORAH & HORAHAH



Beshalach 5777

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Dear Reader,

The manna that the Children of Israel ate in the wilderness is described by the verse in Tehillim (78:25) as *lechem abirim*, meaning (according to the Targum and most commentaries) “bread of angels.” The manna was unlike all ordinary foods; it was essentially spiritual, keeping alive the body–soul connection by feeding the soul rather than the body.

As the verses of our *parashah* teach, the manna stopped falling upon entry into the Land of Israel: “The Children of Israel ate the manna for forty years, until they came to a land that was settled; they ate manna until they reached the border of Canaan” (Shemos 16:35).

The Land of Israel, as we know, is the most spiritual of lands—the place

This week’s article discusses one of the most frequently occurring set of halachic questions: taking care of the sick on Shabbos. When is it permitted to take medicines and perform other forms of healing on Shabbos, and when is it forbidden? Which preparations must be made before Shabbos? It is permitted to administer stitches on Shabbos? We will discuss these questions, among others, in this week’s article.

This week’s Q & A discusses the question of activating lights sensors in hotels on Shabbos.

Select Halachos of Medical Treatment on Shabbos¹

Parashas Beshalach includes the promise, given by Hashem to the Children of Israel, that they will not suffer the ailments of Egypt: “If you will give earnest heed to the voice of Hashem, your God, and do what is right in His eyes, and listen to His commandments, and keep all His statutes, I will put none of the diseases on you which I have put on Egypt; for I, Hashem, am your healer” (*Shemos 15:26*).

Though Hashem is our healer, the agent of healing is often the doctor, or the medicine he prescribes. In the present article we combine the idea of healing, as mentioned in the passage above, with the concept of the Shabbos, which appears later in Parashas Beshalach concerning the double portion of manna that fell on Friday.

1. Some of the sources in this article are garnered from Dov Karrol, *Laws of Medical Treatment on Shabbat*; the full article is available at <https://goo.gl/Tvr8Ka>. ➤➤

designated for fulfilling the Torah. Why, if so, did the manna stop falling precisely as we came to the gates of the Holy Land?

The *Sefas Emes* (Shavuot 5634) addresses this question, explaining that the nation of Israel stopped eating the manna upon entry into the Land not because the Land was unworthy of the spiritual elevation, but because the spiritual level of the Land is *higher* than that of the manna.

The manna, as noted, is bread of angels, creatures who cannot combine the spiritual with the physical. The nature of the Land, however, is the combination of the physical with the spiritual, the bread of the earth, together with the bread of the heavens. This combination transcends the level of angels; it is reserved for Man.

The virtue of the Holy Land is the virtue of the Torah, whose performance is specific to the Land (see *Ramban, Vayikra 18*). *Mitzvos* take a spiritual essence – the Torah – and apply it to the physical world. They are suited specifically to the Land, where bread

One of the most common and most practical questions of Shabbos observance is the use of medicine and other healing techniques on Shabbos. When is it permitted to administer medical assistance to somebody who requires it, and when is it forbidden? What is the halacha concerning medicines, lotions, stitches, and other medical procedures? Which preparations should be made before Shabbos?

These questions, among others, are discussed below.

Treatment of Patients at Risk

The first halacha one needs to know concerning healing on Shabbos relates to somebody who might be endangered by his illness. Of this the Rambam writes (*Hilchos Shabbos 2:3*):

“It is forbidden to delay violating the Shabbos for a person who is dangerously ill, as it says: ‘Man shall fulfill them, and live,’ and not fulfill them and die. We learn from here that the laws of the Torah do not mean to achieve vengeance in the world, but rather they bring compassion, kindness, and peace to the world. And those heretics who claim that this is a violation of Shabbat and it is prohibited, of them the verse states: ‘and I have given them evil decrees, and laws by which they cannot live.’”

This halacha refers to somebody who is dangerously ill or wounded, and applies to cases in which there is even a slight element of danger to life (or of deterioration to this condition), and not only to cases of imminent danger.

The source for this ruling is the Gemara in Yoma (85a), which notes a number of sources for the unanimously agreed halacha permitting violation of the Shabbos to save a life. Another source mentioned in the Gemara is logical proof: One should violate the Shabbos to save a life, since the Jew whose life is saved will be able to go on to observe the Shabbos on many weeks. Although the Gemara ultimately prefers the source noted by the Rambam, which is derived from a biblical verse, authorities also make use of the logical proof for a number of halachic dilemmas.

As is clear from the words of the Rambam, it is not only permitted

to violate the Shabbos to save a life, but absolutely obligatory to do so, and wherever the possibility of saving a life rises, one must behave on Shabbos just as one would on an ordinary weekday (*Rambam 2:2*).

As the Gemara and the Rambam also rule, one should not seek to carry out the required actions by means of children or non-Jews, but rather by adult Jews. These halachos are also noted by the Shulchan Aruch (*Orach Chaim 328*). The *Mishnah Berurah* (6) adds that if the sick person objects to the violation of Shabbos on his behalf, he should be informed that this is nothing but “foolish piety.”

Huttra or Dechuya: Minimizing the Violation

There is an important dispute in characterizing the nature of Shabbos violation for purposes of saving a life. According to one opinion, the Shabbos is entirely permitted in the face of danger to life (*huttra*); according to another, Shabbos is set aside for the purpose of saving a life (*dechuya*), but not entirely permitted.

The practical difference between these opinions arises where it is possible to diminish the gravity of Shabbos violation without causing any delay or lowering in any way the quality of the treatment. According to the first approach (*huttra*), even under such circumstances there is no need to lessen Shabbos violation, since Shabbos is entirely permitted in the face of danger to life (see *Mishnah Berurah 328:39*; *Shut Tashbatz 3:37*; *Shut Avnei Nezer 2:455*).

However, the Rema (*328:12*) and the *Mishnah Berurah* (*328:35*) rule in accordance with the second approach, so that if the level of Shabbos desecration can be lessened, without any effect on the treatment—such as performing an auxiliary action with a *shinuy* (in an unusual way)—one must do so.

Another important point to note is that while it is permitted to violate the Shabbos to save a life, wherever possible one must do whatever can be done before Shabbos, so as to minimize Shabbos violation. In this light we find that when a *bris milah* takes place

of the heavens and bread of the earth combine.

Yet, in order to achieve this combination, the Children of Israel first needed to consume the manna—which they did for forty years. Before interacting with the physical world, the people had to undergo the experience of the purely spiritual. Even for receiving the Torah, which implies the physical-spiritual amalgam, the consumption of the manna was essential (see *Mechilta, Beshalach*).

The manna teaches us that even today, as we consume the bread of the earth, we remain aware that the spiritual essence of the bread, and not only its physical nature, which sustains us. The initial experience of the manna was essential in strengthening the spiritual awareness of the nation, readying the people for the trials of the Land.

May we, too, succeed in integrating the eternal lesson of the manna, to know “that man does not live on bread alone, but man lives by every word that comes from the mouth of Hashem” (*Devarim 8:3*).

on Shabbos, all possible preparations must be made in advance (*Orach Chaim* 331:6).

Where there is a high likelihood of needing to administer life-saving treatment on Shabbos, one must thus take care of whatever can be done in advance of Shabbos (*Mishnah Berurah* 330:1). However, where doing so involves a major inconvenience, there is no obligation to do so (*Shemiras Shabbos Kehilchasa* 32:34, and note 104).

Medicine Prohibitions

Danger to life permits medical procedures that involve both biblical and rabbinic violations of Shabbos. However the sages prohibited even the use of medicine on Shabbos for a person who suffers from a minor ailment. This was done out of concern that a person would come to grind the medicine on Shabbos, grinding (*tochen*) being a Torah violation of Shabbos.

While it is uncommon for people to grind their own medicines today and virtually all medications we use are ready-made, the great majority of authorities state that the prohibition remains in place. However, in some instances authorities are lenient, and they sometimes mention the changes in preparations of medicines as a factor in deciding that the treatment was not part of the original decree.

For instance, Rav Shlomo Kluger (*Sefer Hachaim* 328:6) writes that medicines one began taking before Shabbat are excluded from the decree, since even in times of Chazal these were prepared in advance, so that there is no concern for grinding. He also makes a

distinction between medicines that are ground, where the decree was made and still stands, to medicines that are boiled, where the decree was never made.

According to some authorities it is permitted to continue taking medicine on Shabbos if the medication (even for a minor malady) is effective only when taken every day (*Shemiras Shabbos Kehilchasa* 34, note 76, citing Rav Shlomo Kluger and the *Chazon Ish*). According to other authorities, this is only permitted where refraining from taking the medicine will cause a person to fall ill (see *Shemiras Shabbos*, citing Rav Shlomo Zalman Auerbach; *Iggros Moshe, Orach Chaim* 3:54).

Note that the decree only applies to medicines meant for sick people. Products intended for the healthy are not included. Thus, healthy foods, deodorant, vitamins (according to some authorities), nutritional supplements and even preventative medicine (meant for the healthy), are not included in the decree (see *Iggros Moshe, Orach Chaim* 3:54, *anaf* 4).

Sick But Not Endangered

The rabbinic decree against taking medicine only applies to people suffering from a minor ailment or malady. To a person who is classified even as a *choleh she-ein bo sakana*, a sick but not endangered person, the decree does not apply, and it is permitted for him to take medicine on Shabbos. As the *Mishnah Berurah* (328:1) explains, in these cases the decree was never made.

The rule for this type of illness is somebody who

is so sick that he needs to lie down, and cannot function regularly and move around freely. Another good indication of illness is high fever. A third is great pain, that also restricts regular function. In all of these cases, it is permitted to take medicine to alleviate the condition. Sometimes, the threat of losing a limb is not considered to be in this category, but falls under the category of a life-threatening condition, since the loss of a limb may deteriorate into life-threatening conditions.

If a person in the state of a sick but not endangered person requires medical care that violates Torah laws, it is only permitted to perform these by means of a non-Jew (*Shulchan Aruch* 328:17). Concerning care that only involves rabbinic prohibitions, the *Shulchan Aruch* rules that it is permitted to perform actions that are required for treatment that cannot wait until after Shabbos, but these must be performed with a *shinuy* (in an unusual way) unless there is danger of the loss of a limb. It is likewise permitted to move or utilize an item that is *muktzeh* when this is necessary for the treatment (see *Shemiras Shabbos* 33:6; concerning a Torah prohibition with a *shinuy*, see *Shemiras Shabbos* 33:2, note 17).

Stitches on Shabbos

It is permitted to administer stitches on Shabbos?

Shemiras Shabbos Kehilchasa (34:4) writes that one should not administer stitches on Shabbos.

However, lenient rulings were given by *Tzitz Eliezer* (20:18) and Rav Yechezkel Abramsky (cited in *Nishmas Avraham* 340:7).

Nishmas Avraham quotes a lengthy and ongoing dialogue with Rav Shlomo Zalman Auerbach on this topic, of which the final conclusion is that the actual stitches do involve a Torah prohibition, and are therefore prohibited in a non-life threatening situation.

On the other hand, it is permitted to use other adhesive techniques which don't actually join two parts of the skin together, but only prevent them from coming apart. *Shut Shevet Halevi* (9:74) also mentions that in adhesive techniques each part of the skin acts of its own accord to join together with the other part, so that the prohibition of *tofer* is not transgressed (though Rav Wosner leaves the question undecided).

Rav Elyashiv zt"l, however, is quoted as being stringent concerning all forms of stitches and adhesives, as being potential Torah transgressions, and prohibited in non-life-threatening situations. Concerning a knot, Rav Elyashiv is quoted as ruling that the knot can involve a Torah desecration of Shabbos if the stitches are later cut out, and only if the knot is later untied do the stitches involve a rabbinic prohibition alone.

Thus, the best course of action for non-life-threatening situations is to find a non-Jewish doctor, who can administer stitches—to prevent suffering, and to aid the full (and aesthetic) healing of the wound.



The Question:

1. What do you do if you check in to a hotel on Friday and you see that the hallways have automatic lights, meaning that when you step into the hall the lights go on? You can see without these lights, as there are other smaller lights that stay on, but the big lights only go on when you walk down the hall. Is it permitted to leave the room on Shabbat?
2. Assuming it is permitted to leave the room, is this only because it is a *sha'as ha-dechak*, or can you even make a reservation at this hotel knowing ahead of time the situation with the lights?



Answer:

To answer the second question first, one should definitely not make a reservation in this kind of hotel, and thereby get oneself into a difficult halachic quandary. It is important to check hotels for this issue before checking in, and to ensure that one won't run into this problem.

Post factum, if one finds oneself in this tricky situation after checking in, there are a number of factors that can mitigate the severity of the problem.

If there is sufficient light to see comfortably without the extra lighting, it follows that activating the lights will be a *pesik reisha de-lo ichpat lei*. The result of having the lights go on is not “desirable.” Although we rule that this remains forbidden (see *Shulchan Aruch 320:18*, and *Magen Avraham 20*), it mitigates the severity of the action.

Another cause for mitigating the severity is the fact that the new types of fluorescent bulbs in common use today do not involve an actual “fire,” and therefore activating them might not involve a full Torah prohibition.

In addition to the above, one can also walk backwards. According to many opinions, this will be sufficient in rendering the action of activating the lights a *shinui*, and therefore only a rabbinic prohibition — meaning that the case will be a *pesik reisha* for a rabbinic prohibition.

Under the circumstances, leaving the room will certainly be a *mitzvah* (for the purpose of prayer and for Shabbos meals), and therefore there might be some room for leniency. However, this remains a very strained *heter*, and it depends on the particular circumstances of the case.

The best solution to the problem is to ask a non-Jew to accompany you. This will be a *pesik reisha* by means of a non-Jew, which the *Mishnah Berurah* rules as permitted. If this is not possible, one should try to crawl under the sensors, thereby avoiding the issue.

After saying all this, we should repeat that one should certainly be careful to avoid the problem by ensuring in advance that the hotel does not have such light-activating sensors.



Sources:

See *Shemiras Shabbos Kehilchatsa 23:53*, and sources supplied.