

HALOCHOSCOPE

Congregation Shaaray Teffillah, Pittsburgh, PA

As always, this week's issue is for informational and educational purposes. Please do not use it to rule on any situation. Certain details were purposely not dealt with because of their sensitivity. Medical questions on Shabbos should be raised with a competent Rabbi and with a doctor.

The question:

A surgeon has burned her fingers on Shabbos. She is not on call for emergencies on Shabbos, but is on call immediately after Shabbos, possibly for life-saving surgical procedures. Is there anything she can do to heal her fingers, including getting medication from a pharmacy, before Shabbos is over?

What are the issues?

- (A) *Refuah* - healing on Shabbos.
- (B) The problems involved in spreading an ointment on Shabbos.
- (C) *Pikuach Nefesh* - when there is danger to life on Shabbos.

(A) Refuah on Shabbos

Although taking medication today often does not involve a Melacha, and is Scripturally permitted, Refuah was forbidden Rabbinically as a safeguard against *Sh'chikas Samanim*, the grinding of the herbs needed to make the medication. This is a Melacha, a subcategory of *Tochen*, grinding. To avoid ever doing this Melacha, all medication produced from such herbs are forbidden Rabbinically on Shabbos, including medications ingested orally as well as dressings applied externally. Rather than distinguish between the different medications, the ordinance was made by forbidding *Refuah*, healing, of all types. One exception is a therapeutic measure that can never involve a medication. For example, in earlier times, a certain stomach pain was cured by placing a cup of hot water on the navel (something like a hot-water bottle). Such ailments are never cured with medication and can therefore be cured on Shabbos. Another exception is *Derech Bri'im*, something also done by normal, healthy people which has a therapeutic side effect such as sucking candy to relieve a sore throat. [See Shul. Aruch O.C. 328 in particular 35-38.]

The ordinance against Refuah is not applied to all patients equally. There is a graduated scale of sickness ranging from a minor complaint, *Meichush Be'alma*, to a dangerously ill person, *Choleh Sheyesh Bo Sakana*. Generally, if a person is sufficiently sick that he needs to lie down, he may use a lot of types of Refuah. It will be difficult to condense even the generalizations of these categories here, and we will focus on burns on fingers. A wound on the back of one's hand was deemed dangerous by the Talmud. However, the fingers are not included in this. [See Shabbos 109a. Sh. Ar. O.C. 328:6. Shemiras Shabbos Kehilchasa, 1st edition

19:3 notes 23-24.] A mild burn, despite the obvious pain it causes, is insufficient to warrant curing with medications. Even when putting it under cold water, one should not let it appear too much like a therapeutic measure. [See Shul. Aruch O.C. 328:46 commentaries] If one soaked a bandage or gauze in liquid before Shabbos, one may use it on Shabbos on a wound. [See Shabbos 108b commentaries. Sh. Ar. O.C. 328:20-21]

A severe burn, i.e. one that gives severe pain, may be considered a serious ailment and can be treated but only with medications that do not involve a Melacha. Oils or thin lotions may be poured over the burned area and gauze may be used as a dressing. [See Shmiras Shabbos Kehilchasa 22:23.] A gauze or bandaid may always be used to protect an open wound provided it does not have any healing effects such as to help the wound close up, only to prevent infection or further opening. [See Shabbos 134b. commentaries, Poskim. Shul. Ar. O.C. 328:23-24 commentaries.]

(B) Ointments

The process of smoothing the hides of animals by rubbing and scraping off some of the surface is a Melacha, *Memachek*. This also includes any process that removes part of the surface such as polishing silver or steel-wooling a pot. A *Tolda*, subcategory, of this is *Memareach*, smoothing a firm substance by spreading it. It is therefore forbidden to spread thick creams and ointments such as petroleum jelly onto the skin. Even the use of soaps has to be carefully checked into. (Solid soap raises the problem of *Nolad*, creating a liquid from a solid, which is similar to a Melacha.) Here we are not discussing another question: *Gozez*, shearing hair, which is also as Melacha and can be a problem when using certain agents which remove hair also. Oils can be poured, whereas thicker or waxy mixtures are not poured. Nevertheless the Rabbis added to the prohibition of *Memareach* any thick oils that could be confused with ointments and creams. Included in this Melacha is spreading ointment on a bandage. [See Shabbos 73a,75b, 141a-b,50a commentaries and Poskim Sh. Ar. O.C. 302:8, 303 end, 320:9-13, 326:9-10, 327. and many other places.] Therefore if there is sufficient pain that one has to apply an external ointment, and no lotion form is available, one may put some ointment on the skin but not spread it. There are opinions that one may then put gauze onto the wound even though it will invariably spread it. [See Kitzur Hilchos Shabbos 32 note 10. Shmiras Shabbos Kehilchasa 22:23, 20:7-8 and footnotes.]

(C) Pikuach Nefesh

Usually, we are expected to forgo inconveniences involved in the fulfillment of Torah and Mitzvos. However, in a life-threatening situation, one should rather violate a commandment of the Torah than put one's life in danger. The term used for this is *Pikuach Nefesh*. This comes from an example of violating a commandment mentioned in the Talmud where a wall has collapsed on Shabbos burying someone who may still be living, but could die if he is not dug out. Moving the debris would involve a Melacha but is permitted to save a life. If someone might be buried in the rubble, one may be *Mepakeach Hagal*, check through the pile of rubble, to find if there is a *Nefesh* - a live person there. Hence *Pikuach* - checking out of *Nefesh*. [See also Rashi Yoma 84b who explains it as "releasing", See Metargem. Rashi Kesubos 5a.] There are three exceptions to this rule, known as the three cardinal sins, where one is obligated to risk losing one's life rather than transgress. Shabbos is not one of these three and may therefore be violated in cases of *Pikuach*

Nefesh. There are various reasons given in the Talmud for Shabbos being violable for *Pikuach Nefesh*. The reason accepted as final is the one usually used for the rest of the Torah: that we were commanded to live by the Torah and not to die by it. This is based on a Possuk [in Parshas Acharei Mos 18:5]. [See Yoma 85b commentaries and Poskim. See Rashi Sanhedrin 74a Biur Halacha 329:4]

There are two views in the Poskim to how *Pikuach Nefesh* supercedes Shabbos: A. *Hutrah*, that with regard to *Pikuach Nefesh* it is as if it is not Shabbos. Everything is totally permitted. [See Rosh Yoma Perek 8:14. Teshuvos, Klal 26:5], and B. *Dechuyah*, that we do not totally ignore Shabbos as if it is non-existent, but treat it as a conflict between the obligation to keep Shabbos and the obligation to protect and save lives. In this conflict *Pikuach Nefesh* takes precedence. The difference between these is where it is possible to resolve the conflict without necessarily violating Shabbos. According to A., one may do any Melacha for a dangerously ill person as if it were a normal weekday, but according to B., there is no reason for Shabbos to be pushed aside since there is no real conflict. [See Rambam Hilchos Shabbos 2:1 and end 2. Teshuvos Rashba Vol 1 No 689. Beis Yosef and Bach Orach Chaim 328. Avnei Nezer O.C. 455:5, etc.]

The Halachos of *Pikuach Nefesh* are vast and complex and we will never do justice to the subject here; they must be studied carefully from the relevant sources. We will, however, select some of them to clarify the issue relevant to our case. A *Sofeik*, question or mere possibility of *Pikuach Nefesh* is usually sufficient reason to do a Melacha on Shabbos. [See Yoma 83a-85b.] In a case where there is no chance that the patient will die on this Shabbos, but the Melacha is necessary to prevent him from possibly dying later, one should still do the Melacha. [See Rashi Yoma 84b beginning "Lo Sofeik..."] Generally, one should not take any action on Shabbos in preparation for after Shabbos. [See Halochoscope Vol 1 No 18]. However, in this case, where *Pikuach Nefesh* is involved, all preparations necessary are allowed. Understandably, if a doctor is paged late on Shabbos afternoon and must drive on Shabbos but will only arrive after Shabbos is over, he is still obligated to go on grounds of *Pikuach Nefesh*. In the same way other measures may be taken on Shabbos to assure the availability of the doctor's services for *Pikuach Nefesh*.

When a situation of *Pikuach Nefesh* presents itself, one should not hesitate, but should run to save another Jew's life. Actually, it is even preferable in the majority of cases that an adult should occupy himself with this mitzvah and, according to some, the more learned the better. [See Sh. Ar. O.C. 329]

Included in the Halacha of *Pikuach Nefesh* is the Halacha that a professional doctor may not refuse to attend the sick - refraining is tantamount to murder!. Even if there is someone else available, one doctor should not step aside in favor of another because we say that "not every doctor is suited to the patient." Therefore, he should not assume that another doctor can do his job just as well. [See Shulchan Aruch Yoreh Deah 336:1] However, this only applies to a doctor who was specifically requested by a patient or to a doctor who was called on by the hospital. Otherwise, if there are other doctors available at the facility, this doctor should avoid *Chilul Shabbos* and should not volunteer his services. [See Igros Moshe Orach Chaim Vol 1 No 131.] (Although generally one should not rely on someone else in cases of *Pikuach Nefesh*, it appears that if the alternative is another professional doctor, and *Chilul Shabbos* can be avoided, one may stand aside, unless, as mentioned, he was requested.)

In conclusion: In our case, all avoidable Melacha should be avoided. The surgeon may go to the pharmacy and ask for the medication. If it is a lotion, she may apply it. Even a cream or ointment may be applied in the manner described in section B. She should avoid paying or signing her name and also taking it home where there is no Eruv. If she will need more applications later in the day, when the pharmacy will be closed, she may take it home but should try to carry it in an unusual way such as in her socks or hat so that no Scriptural Melacha will be violated.

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS MINCHA	8:25 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY - THURSDAY	8:40 PM
CANDLE-LIGHTING KORACH	8:31 PM
Plag Hamincha - Earliest time for candle-lighting	7:19 PM
MINCHA EREV SHABBOS KORACH	7:00 PM

SHIURIM:

GEMORO MAKOS	SUNDAY 7:15 AM
HALACHA B'IYUN	MONDAY 9:00 PM
HILCHOS SHABBOS	SHABBOS 8:15 AM

Kiddush this week is in honor of the Aufruf of Kalman Ziebzinner. Mazel Tov.

The Enock family invite all Mispallellim to Kiddush in the Kollel in honor of the Aufruf of their son, Mordechai. Mazel Tov.

This issue of HALOCHOSCOPE has been sponsored by Dr. Yossel Zipris in honor of the Yorzite of the Bostoner Rebbe, zt"l on the 12nd of Sivan.

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Any and all comments and suggestions are welcome and can be addressed to:
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