

THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS

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These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

Parshas Terumah 5771

In the previous shiur we dealt with the issue of *under what circumstances may I ask a gentile to perform a melacha for an ill person* and we laid down several foundations.

Can you present a few examples of the above halacha?

A gentile ¹ may cook a hot meal for an ill person if there is no other hot food available and it is necessary for the ill person's recuperation. Obviously this is not a blank *heter* to have a gentile bake and cook at whim for the ill person, rather only when necessary, such as for a woman after birth (within 30 days of the birth) who needs hot food etc.

- A gentile may turn on the lights in order to treat an ill person and turn off the lights to enable the ill person to sleep.
- A gentile may write a prescription if needed on *Shabbos*.
- A gentile may turn on the heating system for an ill person and in the summer, when the heat is disturbing the ill person, a gentile may turn on the air-conditioning.

Rav Sternbuch *shlita* added that if one knows before *Shabbos* that certain things will be needed, one should instruct a gentile to prepare them before *Shabbos*.

How ill must a person be to permit a gentile to violate the Shabbos?

We previously defined the severity of a person's illness that would permit ² *אֲמִירָה לְעַכּוּם*. A person who is less ill than that, which is defined as a 'slight illness', or one has a discomforting pain that does not paralyze one's body nor does it

¹ See the *SS"K* chapter 30:11.

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cause one to be bedridden, is not considered a *holah shanah bo sakena* and a gentile may not be told to violate the Shabbos with an *issur d'oraissa*.

However, one may request a gentile to violate an *issur d'rabanan* for the sake of such a person.²

What is the source to permit this?

The *Rambam* writes (6:9-10) that one may ask a gentile to violate the Shabbos with a *sh'vus* (an *issur d'rabanan*)³ when a slight illness is involved.

What is the Rambam's source?

The *gemora Eiruvin* 67b says that a gentile may bring water via a rabbinical domain on Shabbos for the sake of a *b'ris*. The *Maggid Mishne* explains that the water was merely used to relieve the baby's pain and nevertheless it is permitted. Other *Rishonim* however learn that it is a local *heter* for a *b'ris*, because the actual *b'ris* can be done on Shabbos and therefore other violations were permitted by *Chazal* relating to the *b'ris*, but in other instances *Chazal* never permitted anything. The *Maggid Mishne* concludes that the *halacha* is in accordance with the *Rambam*, and as mentioned, that is the *p'sak* of the *Shulchan Aruch*. The problem is that one must be well versed in the intricacies of *Hilchos Shabbos* in order to know whether an action is an *issur d'oraissa* or a *d'rabanan*, and therefore when a doubt arises a Rav must be asked.

May a gentile be requested to violate a rabbinical violation even for the sake of a slight ache or pain?

To summarize - we learned that one may request a gentile to 'violate' the Shabbos and

² *Siman* 307:5.

³ A rabbinical prohibition.

perform *melachos d'oraissos* for the health and medical needs of a slightly ill person, **חוליה שאין בו סכנה**,⁴ and the gentile may ‘violate’ rabbinical prohibitions for the sake of a slightly ill person.

However, a person who is suffering from a slight ache or minor pain is not considered as being ill and a gentile may not be requested to violate any prohibitions in such instances.⁵ *Chazal* did not permit the violation of any *issurim* under such circumstances.

Is it possible to be a bit more specific?

It is difficult to draw the fine line between one who is slightly ill and one who has a minor ache or pain. It would be fairly safe to say though, that a light headache or a very mild sore throat does not permit having a gentile violate anything at all. In such cases there is another issue that involves the administration of medication. Even if one is permitted to request a gentile to violate an *issur d'rabanan*, it must be understood how one is to administer the medication being that only one who is defined as a **חוליה שאין בו סכנה** (bedridden or sick) may take medication. *B'ezras Hashem*, when we learn about medication on Shabbos we will deal with this question.

When may I request that a gentile violate the Shabbos for the sake of a mitzvah?

The question should be ‘is it permitted to request a gentile to violate an *issur* for the sake of a *mitzvah*? The answer is not so simple. We find a big *machlokes* between the *Rishonim* on the following issue: we know that there is a *mitzvah* to perform a *B'ris Milah* on an 8-day-old baby even on Shabbos. What happens if the *mohel* realizes before the *B'ris* that he forgot the knife at home? Is he permitted to request a gentile to perform a *melacha d'oraissos* and bring the knife to the baby's house through a *reshus harabim* (a public domain)?

Most *Rishonim*⁶ learn that although one may perform the actual *B'ris* on Shabbos, one may not

instruct a gentile to violate an *issur d'oraissos* for the sake of the *B'ris*, only an *issur d'rabanan*.

Accordingly a gentile may not sharpen the knife but a gentile is permitted to fetch a knife and carry it through a *carmelis* (a rabbinic domain). However the *Ba'al Halachos Gedolos* learns that one may request a gentile to violate even an *issur d'oraissos* for the sake of the *B'ris*.

What is the halacha?

We will see next week *b'ezras Hashem*.

Orchos Chaim LaRosh

ולהרבות חסדי בוראך, ויווצרך מבטן, ונונן אכלך – elaborate on your creator's acts of chessed, the one who gives you your sustenance at the right time.

Hashem created us dependant; dependant on people, on nature on everything. Our real dependence is on *Hashem*, and He wants it that way. He wants us to know that everything comes from Him and He wants us to turn to Him and ask for everything we need want. And indeed we receive an unimaginable amount. However, we tend to minimize what we receive from Him and take everything totally for granted, and focus only on what we are asking for and not getting.

There are many reasons why He does not grant us everything we ask for as soon as we pray for it, which is reason to strengthen our commitments and increase our prayers to Him, and at the same time realize how much we really have. The more we realize how fortunate we are, the more we will appreciate His love for us and try increasing our devotion and *tefillos*.

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⁴ See the previous sheet for the definition of a **חוליה שאין בו סכנה**.

⁵ *Mechaber* in *siman* 328:1 and *M'B* 3.

⁶ Namely the *Rif* (*Shabbos* 56a), the *Rosh* (*perek* 19:2, *Rambam* (*Milah* 2:9) cited in the *Bais Yosef* in *siman* 331.

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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*.