

THE ORTHODOX UNION PRESENTS

# TORAH

—NEW YORK—

**INDOORS AT CITI FIELD** SUNDAY **APRIL 29** 2018, 8:45 am - 6:00 pm

## The Responsa That Led to Finding the Three Kidnapped Boys from Gush Etzion

**RABBI YOSEF TZVI RIMON**

**Porsche Grill**



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# The Kidnapping of the Three Boys

(Gilad Shaar, Naftali Fraenkel, Eyal Yifrach)

## Searching For Them (or their bodies) on Shabbat

**2**

### Preemptive Life Saving Procedures

**Responsa Machane Chaim** (Yorah De'ah II, 60 as brought down in the **Tzitz Eliezer IV- 14:7**)

**If there was no other option but to perform and prepare these medical experiments on Shabbat, then of course one could violate the Shabbat for medical studies that may be lifesaving... However,** concludes the Machane Chaim, **it seems clear that the Nodah BeYehuda was concerned lest they do *all* autopsies on Shabbat (even when it is not necessary medically).**

**1**

**Responsa Nodah BeYehuda** (Yorah De'ah 210)

**But in our case, there is no actual patient who needs this procedure done now. Rather, the medical professionals are experimenting in the event that a sick person comes along who needs it. Therefore, in a case of such low probability, we do not transgress any Torah or Rabbinic prohibitions. The reason for this is that if we were to say that this is in the category of “possibly (but not definitely) life threatening”, then all medical preparations such as grinding and cooking medications, preparing surgical instruments to draw blood, would be permitted on Shabbat on the chance that a sick person may need it later...**

**3**

**Rav Yisraeli (Amud HaYemini 17:5):**

From all of the things mentioned, we learn that the concept of “In order to prevent hesitation or refusal in future cases”...is a crucial foundation of the Gemara and accepted by all other Rishonim. **It is an irreplaceable cornerstone of all the laws of Pikuach Nefesh** (saving lives) ... and there is no room for hesitation and stringency, for it is not really a stringency but rather a leniency in these laws...

## Life Saving Procedures on a Public Scale

### 4 Shabbat 42A:

Shmuel said: One may extinguish a piece of burning metal in a public area on Shabbat so that the public will not be injured, but one may not extinguish a red-hot wood coal...

### 6 Rashba (ibid):

It is surprising, how could Shmuel permit trapping a snake on Shabbat, to prevent injury, even though it is a Biblical Prohibition? One could answer that since a snake injures people **and many people are in life threatening danger from it, Shmuel decided** that it would be impossible to protect everyone from it - since some may be careful while others would not be aware. This is not the case with a burning coal, for it does not constitute an increasing threat and everyone can safeguard themselves from it.

### 5 Rashi (ibid):

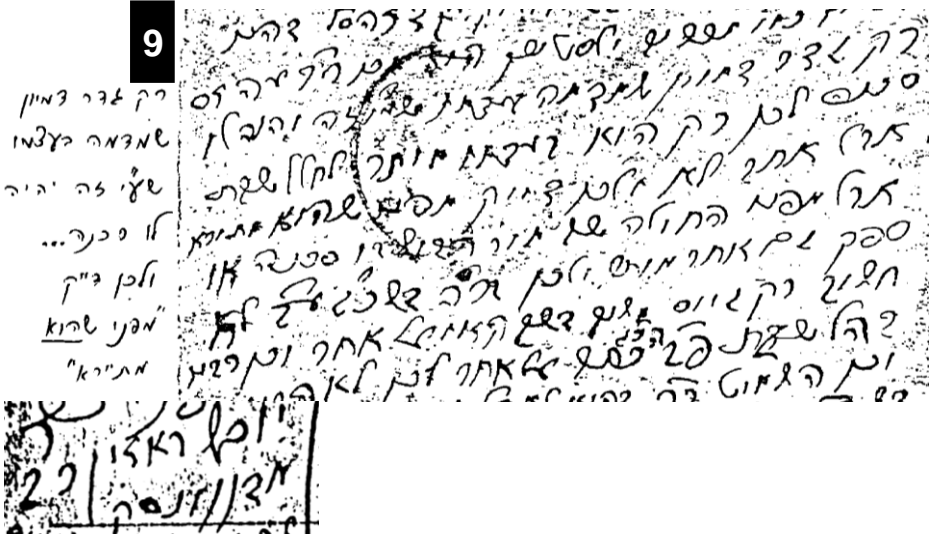
*a piece of burning metal* – someone threw out pieces of burning metal debris into a public area, **and extinguishing burning metal is not considered extinguishing fire according to Biblical prohibition**, it is a Rabbinic prohibition, and the Sages did not issue decrees in situations where there is concern for public safety. *But one may not extinguish a wooden coal* – **For this is a Biblical Prohibition**, which is punishable by stoning.

### 7 HaGaon Rav Shlomo Zalman Ohrbauch (Minchat Shlomo-7:1 "Gam Mevoar"):

And all the more so, it is explained according to Rabbeinu Chananel and the Geonim...in a situation where there is a concern of bodily damage to many, even though their lives are not in danger, it is permissible to desecrate the Shabbat and extinguish the red hot coal. **It is not mentioned anywhere that ideally one must wait until the coal dies down, or to stand by it and warn people, or to hire people to guard it, in order to avoid doing a Biblical prohibition.**

**Do we determine if something is "Life-threatening" on a Subjective or Objective basis?**

**8** **Mishna Shabbat 29B:**  
 If one extinguishes a candle because he is afraid of non-Jews, of robbers, of an evil spirit, or so that a sick person may sleep, he is not liable.



**10** **Responsa Igrot Moshe (Orach Chaim I:127):**  
 There are things that are dependent on a man's personality/temperament - for a person who is brave will not be afraid to be left alone because he does not feel in danger. But there are those who are faint-hearted, who feel they are in danger, and they can desecrate the Shabbat if necessary, for you cannot convince them that there is no danger.

**11** **Shemirat Shabbat KeHilchata chapter 32: footnote 2 :**  
 I heard from HaGaon Rav Shlomo Zalman Ohrbauch z"l...For anything that people are accustomed to do without fear, it is permissible for one to do it and rely on "Hashem watches over the simple"; for that which man cannot know about or be careful of, Hashem will watch over him. But that which the whole world is afraid of and deems dangerous, such a case *would* be considered dangerous and one must not do it.



