

## 8. Laws Concerning One Who is Critically Ill and One Forced to Transgress Shabbat

דין חולה שיש בו סכנה ודין האנוס

1. The Shabbat laws, like all of the other laws of the Torah, are superseded when a human life is in danger.<sup>1</sup> It is, therefore, a *mitzvah* to

1. **Desecrating Shabbat to Save a Life** As stated above, you must do everything possible, even if it involves desecration of Shabbat, to save a life. The nature of the threat to life is does not matter. All efforts must be extended to save a person, whether child or adult, who is critically ill, or in danger of drowning, or has fallen into a pit, or is buried by debris, or is trapped in a fire, or is being pursued by a deadly snake, or by a wild animal, or by someone threatening to kill him. In these and in similar situations, God forbid, you should act quickly and resolutely, without delaying to ask whether it is permissible to act. Suspension of the Shabbat laws when human life is in danger is inferred from the Torah, “Wherefore the children of Israel shall keep the Sabbath, to observe the Sabbath throughout their generations for a perpetual covenant” (*Shemot* 31:16). *Chazal* state, “Desecrate one Sabbath on his account, so that he may keep many Sabbaths” (*Yoma* 85b).

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desecrate Shabbat<sup>2</sup> to help a person who is critically ill.<sup>3</sup> To that end, it makes no difference if the person is old and unaware, or a day old infant.<sup>4</sup> Human life is an end in and of itself, and saving it, even if only temporarily, is one of Judaism's utmost values. Even if the sick person does not wish to have Shabbat desecrated, he or she should be compelled to submit, for it is actually a grave sin to be a "pious fool" who refuses medical attention because of some prohibition. Of such a person, it is said, "And surely your blood of your lives will I require" (*Bereshit* 9:5).<sup>5</sup>

2. **Desecrating Shabbat for Someone Who is Dangerously Ill** All measures called for under the circumstances are to be taken promptly on Shabbat for someone who is dangerously ill, just as you would do on an ordinary weekday. This includes administering first aid, calling an ambulance, driving the patient to a hospital, calling a doctor, driving to call a doctor, carrying necessary medicines, giving injections, and administering prescribed treatment. Those who are on emergency call, such as volunteers for *Hatzolah*, may carry beepers which alert them to an emergency and enable them to respond without delay.
3. **When an Illness is Potentially Critical** A mild illness is considered non-critical as long as there are no unusual circumstances. However, in the case of individuals in delicate health and in a physically weakened condition, such as an elderly person, a pregnant woman, an infant, or a frail child, an illness or a fever that is not usually deemed serious may be critical for them. You should therefore be alert to the potentially serious consequences of an illness and act accordingly. *A person is considered critically ill if there is a possible danger to life, or if his or her condition may become potentially life threatening if not attended to.*
4. **Saving the Life of a Fetus** You are obligated to desecrate Shabbat, if need be, in order to save the life of a newborn infant. Desecration of Shabbat is called for, as well, to save the life of a fetus, even if it is less than forty days since conception, when there is a possible danger to the fetus, even if the mother is not in any danger.
5. **A Patient Who Refuses Medical Treatment on Shabbat** *Chazal* understand the verse to be a prohibition of suicide. Someone who is critically ill and refuses medical treatment and help because it involves a desecration of Shabbat should be persuaded, and if need be compelled, to allow it. Excessive piety can be misguided, and in this case, is contrary to Jewish law. Furthermore, you are allowed to violate Shabbat to save someone who is attempting suicide for any reason.

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Furthermore, being quick in desecrating Shabbat for the sake of saving<sup>6</sup> a life is praiseworthy. Even if a non-Jew is present,<sup>7</sup> it is not a *halachic* value to let the non-Jew desecrate Shabbat in our place. Moreover, you should not hesitate to perform a *melachah* for someone who is critically ill even if other people are around to do it as well. If, for example, you boiled water on request of a doctor, and subsequently, someone else did so, and your water was not needed, you should not feel as though Shabbat has been desecrated in vain—quite the opposite is true.

Even when it is doubtful whether or not a life is in danger, it is a *mitzvah* to desecrate Shabbat and to do whatever is necessary for the patient,<sup>8</sup>

6. **Someone Suffering from Mental Illness** *Halachah* considers a patient who suffers from mental illness to be in as serious a condition as someone suffering with a physical ailment. Therefore, it is permitted to violate Shabbat for someone suffering from severe mental illness, when it presents a danger to the patient or to others, in order to provide necessary medical and psychiatric care.
7. **Violation of Shabbat by a Jew in an Emergency** The Rema states that the *minhag* is to have a non-Jew do whatever would be in desecration of Shabbat, provided he will do it conscientiously and without delay. The *Taz*, however, maintains that in an emergency, when there is a possible danger to life, the Jew should act even though Shabbat will be desecrated. In his opinion, reluctance on the part of the Jew to desecrate Shabbat, and requiring that it be done by a non-Jew, may lead people to believe that when no non-Jew is present it is forbidden for a Jew to desecrate Shabbat, thereby endangering a life. The *Taz* notes that in such a situation, *Chazal* require that all action should be done by a Jew, preferably the most distinguished of those present. In practice, whatever is not urgent and does not have to be done immediately should be done by a non-Jew if one is present.
8. **Non-Emergency Needs of Someone Who is Critically Ill** You are allowed to provide all necessary medical care and to attend to the needs of a critically ill person on Shabbat, so that the *choleh's* physical and mental condition is not aggravated. For example, you are even permitted to make the fire in the furnace, if a non-Jew is not available, in order to have heat in the house, because the cold could seriously affect him in his or her weakened condition. Other activities of a non-emergency nature that are required for the *choleh's* care, such as boiling water for medical or hygienic purposes, putting on a light in order to attend to the patient or for his or her comfort, extinguishing the light to allow the patient to sleep or to rest, and the like, may be performed by a Jew if a non-Jew is not available. However, only the essential activity is permitted. For example, if it is necessary to turn on a light, it may not be turned off afterwards unless it is necessary to do so to allow the *choleh* to sleep and rest. If possible, the *choleh's* needs should be attended to in a

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including the violation of Torah prohibitions,<sup>9</sup> as Shabbat does not supersede the saving of a human life. For the Torah is a book of life, and was given to live by it, as it is said, “You shall therefore keep My statutes and My ordinances, which if a man do them, he shall live by them” (*Vayikra* 18:5). *Chazal* explain this by saying “He shall live by them, and not die on account of them” (*Yoma* 85b). However, the above does not apply to the sins of idolatry, illicit sexual relations involving adultery and incest, and murder, for which a Jew is obligated bound to give up his or her life rather than violate them (*Sanhedrin* 74a).<sup>10</sup>

2. If no qualified physician is present<sup>11</sup> but in the unschooled opinion of someone who is present the sick person is critically ill,

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way that avoids desecration of Shabbat or lessens its violation. For example, you may not put on a light if the patient can be moved to a lighted room, or a light can be brought into his room. You may not turn off the light if it can be screened or removed. As far as possible, such activities should be kept at a minimum and the patient's needs should be anticipated and prepared for before Shabbat.

9. **Driving a Critically Ill Person to the Hospital** In an emergency, you are permitted to drive a patient to a doctor or to the hospital, but you may not drive home afterwards, as the permission to violate Shabbat applies only to the time that there is a possible danger to life. In such a circumstance, it is best to call a taxi driven by a non-Jew, so that you avoid unnecessary desecration of Shabbat (provided it does not cause an undue delay). You are permitted to accompany the patient to the hospital to ease anxiety and to see that the best possible treatment is administered. An ambulance driven by a Jew may return to its station on Shabbat, as it is likely that it will be needed again in an emergency. In the event that you must drive the patient to the hospital in your car, you should try to minimize violations of Shabbat while driving, provided it does not cause a delay and endanger the patient; see also Part II, *Melachah* 36, note 1, *Melachah* 37, note 4, and ahead, Chapter 9, note 3.
10. **Three Cardinal Principles of Faith and Morality** As these constitute cardinal principles of faith and morality in Judaism, a Jew is called upon, under certain prescribed conditions and circumstances, to submit to martyrdom rather than violate them, as an act of *Kiddush Hashem* (sanctification of the Name of God).
11. **Volunteers Responding to an Emergency** Volunteers who respond to an emergency, such as those in *Hatzolah*, are permitted to carry a beeper on Shabbat so that they can be summoned at all times. When responding to an emergency the volunteer may travel by car, carry oxygen and other equipment, and do whatever is necessary in ministering to the patient. He is also permitted to return by car afterward, as he may be summoned for another emergency. If he can get a non-Jew to drive the car he should do so, provided there is no delay whatsoever in getting to the patient.

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Shabbat is violated for the sake of the patient. Even if he or she does not declare it for certain, but only that it appears that the patient's condition is critical, Shabbat is violated, because *halachah* requires leniency even when the matter is in doubt and there is only a possible danger to human life.

If the doctors disagree in diagnosing the *choleh's* condition, and one doctor says that the patient is dangerously ill and requires a certain remedy while the other says it is not needed, we do not take Shabbat laws into account in arriving at the proper course of action. If the sick person says that he or she is critically ill and requires a certain remedy and the doctor says it is not needed, we must listen to the wishes of the sick person even in violation of Shabbat. (Of course, if the doctor says that the course of treatment requested by the patient is, in fact, harmful, we must listen to the doctor and not the patient.)

3. If a qualified physician<sup>12</sup> (whether Jew or non-Jew) or another competent person declares that the sick person is not in immediate danger, but that if the patient does not receive a certain treatment,<sup>13</sup>

Another factor in allowing a *Hatzolah* volunteer to return home is that forbidding it would discourage people from joining *Hatzolah*, if they knew that they might be stranded weekly in a hospital far away from home for the entire Shabbat. This does not mean that you are allowed to violate Shabbat for doing a good deed. Rather, the *halachah* takes into account the wider view of *pikuach nefesh* (see paragraph 3). If not allowing people to return home will discourage volunteers, then the population in general will be at greater risk every week and lives will certainly, God forbid, be lost. Since *pikuach nefesh* takes prevention as well as responding to acute emergencies into account, driving home is considered permissible. Conversely, it is for that reason that a medical resident may not drive home after a shift ending on Shabbat, as his or her work in the hospital is not voluntary and being required to stay will not discourage attendance at the next shift. However, residents and other hospital workers are allowed to return home after their shifts if driven by a non-Jew.

12. **Calling a Particular Doctor** You are permitted to call a family doctor on Shabbat, or a particular physician requested by the patient who is critically ill or even by the patient's family, even if there is a competent, accredited physician readily available. Likewise, the family physician is permitted to respond and attend to the patient (see also Chapter 9, note 2), even if other physicians are available and he will have to desecrate Shabbat.

13. **Surgery and Other Medical Procedures on Shabbat** Shabbat may be violated for medically prescribed procedures, such as surgery, X-rays, electrocardiograms,

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his or her condition may become critical and life endangering, we must administer the treatment. Even though Shabbat is being violated in this case not for an immediate danger, but to offset a potentially dangerous situation, it is violated nonetheless.<sup>14</sup> Conversely, if the physician says that despite the treatment, survival is not assured,<sup>15</sup> Shabbat should be violated for the sake of the patient as well.

blood transfusions, injections, etc., which the doctor thinks must be done that very day. Elective surgery, however, should not be scheduled for Shabbat, if the doctor's schedule permits it and its postponement will not endanger the patient. Similarly, radiation treatments, intravenous injections, and similar procedures should not be scheduled for Shabbat, providing the delay will not adversely affect the patient's condition. Surgery of a non-emergency nature should, if possible, be performed early in the week, so as to avoid violations of Shabbat in the post-operative procedures that are required in the days immediately following the operation. However if this might lead to further delay and complications, the operation may even be scheduled for Thursday or Friday. Someone who has undergone surgery is considered to be critically ill following the operation, and Shabbat is violated for them if necessary.

14. **A Doctor Attending to Patients on Shabbat** The medical profession is highly regarded in Jewish law and tradition. Indeed, *Chazal* and later Torah authorities throughout the generations possessed medical knowledge, and considered the study and practice of medicine a *mitzvah* and an exemplary way of helping people to serve *Hashem* (the *Mishnah* in *Kiddushin* notwithstanding). In the course of medical practice, the Jewish physician is permitted to attend to his or her patients when necessary, and to respond to medical emergencies on Shabbat, according to the guidelines set forth in *halachah*. Nevertheless, the Jewish physician should endeavor to observe Shabbat in a manner which affords him or her a maximal Shabbat experience. Office hours should not be scheduled. However, when attendance in the hospital is required, or if summoned to a patient in case of an emergency, a doctor is obliged to treat the critically ill patient even if it involves violating Shabbat. It is imperative for a doctor to review the pertinent *halachot* in advance so that a proper balance of Shabbat observance, minimizing Shabbat desecration, and uncompromised patient care can be attained.
15. **When Recovery is in Doubt or the Illness is Terminal** Desecration of Shabbat for a patient whose life is possibly in danger is mandated even if it is doubtful the treatment will be effective, or even when it is certain that the illness is terminal and the condition seems hopeless. Moreover, Shabbat is desecrated if only to keep the patient alive for the moment, and even if it is doubtful that life will be prolonged at all. In the final analysis, the decision of life and death is in the hands of *Hashem*.

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4. Internal injuries<sup>16</sup> are treated as life threatening illnesses. If, God forbid, someone is wounded on Shabbat, every precaution is taken to ensure the person's health even if it involves violating Shabbat. Jewish law defines any injury, wound or abscess which is found from the lips inward, including the teeth, as internal injury. In such a case, it is not required to assess the illness as critical, so that even if there is no one present who is competent to offer a medical opinion and the sick person does not say anything, you should do everything that would normally be done on a weekday to tend to the patient. However, if the nature of the illness is known, and you can see from the patient's condition that treatment for the illness can be deferred, and there is no need to violate Shabbat, it should not be violated. Ordinary aches and pains are not considered as injuries. If someone has a severe toothache, and suffers from it to such an extent that the whole body is incapacitated because of it, the person is permitted to ask a non-Jew to pull the tooth.<sup>17</sup>

5. The following are cases in which Shabbat is violated:

- (a) for a wound on the back of the hand<sup>18</sup> or on the front of the foot,<sup>19</sup>
- (b) for a wound caused by a metal object

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16. **Treating Infections, Internal Disease and Injury** Any internal disease, or an infection of any part of the body that poses the danger of spreading throughout the body, is considered to be life-threatening, and Shabbat may be violated to treat the infection or the disease. Where there is a possibility of internal injury, as in the case of an automobile accident, it is permitted to provide treatment and to conduct diagnostic tests as necessary.
17. **Treating a Severe Toothache and Extracting a Tooth** Someone who has a severe toothache may apply medication on Shabbat. If there is severe pain in the tooth or swelling of the gums which is not relieved with medication, or if there is a possible infection or dental abscess, and immediate extraction of the tooth is medically indicated, it may be done by a Jew if a non-Jewish dentist is not available, since the teeth are considered to be internal organs.
18. **A Condition Considered Life-Threatening by Chazal** Chazal considered a blow on the back surface of the hand or on the upper side of the foot to be like an internal wound, usually resulting in swelling and possibly affecting the arteries and blood vessels in the area. For these injuries and other conditions which they considered life-threatening Shabbat is violated, regardless of medical opinion on the matter. Chazal are the authority in matters of *halachah*, and this is a matter of *halachah* notwithstanding its medical implications.
19. **Resetting a Dislocated Limb** It is permitted on Shabbat to treat a break or a fracture and to reset a dislocated limb, such as an arm or a leg, whether it is broken or not. This may be done for an adult, and certainly for children, when there is severe pain and

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- (c) for an ulcer at the opening of the rectum,<sup>20</sup>
- (d) for someone who has a very high fever, but not for an ordinary fever.<sup>21</sup>

In the case of an ordinary fever, the person should be seen by a non-Jew.

6. Shabbat is violated for someone who feels pain in the eyes, or who has pus in an eye, or if there is a discharge or bleeding from the eye, or if the eye is otherwise in danger.<sup>22</sup>

7. If a patient who is ill requires food for strength, but the only food available is not kosher, it is permissible to violate Shabbat to bring kosher food to the patient. Of course, if it is critical that the patient eat right away, he or she should be served whatever is available. If the patient can wait, however, kosher food should be served even if the attendants will have to violate Shabbat to prepare it.<sup>23</sup>

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when if left unattended can result in weakening of the limb. When a limb is endangered it is considered to be life-threatening and Shabbat is desecrated to save it.

- 20. **Treating Hemorrhoids** Someone who suffers from hemorrhoids may use suppositories on Shabbat, and bathe the area in warm water provided it was prepared in a permissible manner, as hemorrhoids are not considered life-threatening. Such a person is permitted to take laxatives to facilitate and ease discharge, since you may take medicine on Shabbat as a preventive measure. In the case of severe, abnormal, internal pain, you may seek medical treatment as needed.
- 21. **Violating Shabbat for a Fever** An abnormally high fever, a fever accompanied by chills, a typhus fever, and a fever attributable to a diseased lung or other organ are all considered life-threatening. However you may not violate Shabbat for a fever that is simply due to a cold and is obviously not critical. In the case of a child, Shabbat is violated for any temperature above the normal.
- 22. **Treating an Eye Infection** Someone who has a mild eye infection is considered to be non-critically ill, and may use eye drops or other medication. If the infection is serious and there is indication of disease of the eye, as manifested by severe pain or inflammation, or any of the symptoms enumerated above, the patient is considered to be critically ill. Shabbat is violated in such cases, and wherever there is a danger of a possible loss of an eye or of blindness.
- 23. **Preparing Kosher Food When Non-Kosher Food is Available** Two reasons are cited for this *halachah*. One reason is that once violating Shabbat is allowed for the *choleh*, the *halachah* does not consider serving non-kosher food a viable option if the patient can wait for it. A second reason is that we are afraid that the patient's realization that he or she ate forbidden food may cause further sickness. According



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8. If a *melachah* is violated on behalf of a dangerously ill patient,<sup>24</sup> the results of that *melachah* may not be used for the benefit of a healthy person. Immediately after Shabbat, however, it may be used. For example, if food is cooked for a patient, a healthy person may eat it immediately after Shabbat, but not before.

9. If someone else is being forced to transgress one of the *mitzvot* of the Torah, including Shabbat, on a one-time basis, you may not desecrate Shabbat to spare the first Jew from the transgression. However, if a Jew, whether an adult or a child, is being forced to convert from the Jewish faith and to abandon *Kelal Yisrael*, everyone is obligated to exert every effort to save him or her, even if it requires desecrating a *melachah* from the Torah, just as we are obligated to desecrate Shabbat for a dangerously ill person. For it says in the Torah, “Wherefore the children of Israel shall keep the Sabbath” (*Shemot* 31: 16), and *Chazal* explain “Desecrate one Sabbath on his account so that he may keep many Sabbaths” (*Yoma* 85b). You are obligated to desecrate Shabbat and do whatever you can to save one Jew from being lost to Torah and *mitzvot*, even if it is doubtful whether your efforts will avail, just as you must desecrate Shabbat even in a case of doubtful danger to human life.

However, for someone who willfully wishes to forsake the Jewish faith you are not permitted to desecrate Shabbat when it involves violating a Torah prohibition. When someone rejects the faith willfully we do not say to another person, “Sin so that your fellow may benefit.”

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to the second explanation, it would be permitted to allow a child to eat the non-kosher food since the child would not be aware of the source of the food and not react that way. The accepted practice is not to violate Shabbat in this circumstance on behalf of a child.

24. **Cooking for One Who is Critically Ill** While you are allowed to boil water and cook food when it is necessary for someone who is dangerously ill, you should minimize the violation of Shabbat as much as possible. Therefore, you should ask a non-Jew to do the cooking, if this will cause no delay that might endanger the patient. If it becomes necessary for you to do the cooking, you should cook only the required amount. While cooking you may adjust the flame, but not extinguish it afterwards. Food cooked on Shabbat for a critically ill patient may not be eaten on Shabbat by another patient who is not critically ill.

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Nevertheless, when it only involves violation of a rabbinic prohibition, such as going beyond the Shabbat limit (*techum*), riding on a horse or in a wagon, or handling money, etc., some permit violating Shabbat in order to save a fellow Jew.<sup>25</sup>

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25. **Inviting Someone Who Might Drive to a Shabbat Meal** One of the greatest ways to bring the joy of Jewish life in general, and Shabbat in particular, to non-observant Jews is to invite them for Shabbat meals. This, however, poses a problem of *lifnei iver* if they have no way of getting to your house in a permissible way. Rav Moshe Feinstein, *zt"l*, took a very strict position in a similar case, implying that you should not invite someone who will violate Shabbat to get to your home; see *Iggerot Moshe Orach Chaim*, Vol. 1, responsum 99. However, see *Teshuvot Vehanhagot* 1:1, who permits inviting non-observant Jews, even if it likely that they will drive, for the following three reasons: 1) the people will certainly be violating Shabbat in any case, 2) your intention is to do something which is good for them in the aggregate (i.e., bring them closer to Shabbat observance) and not a stumbling block at all, and 3) there is no obligation to prevent someone who is habitually in violation of Torah (*mumar*) from further violations. Taking these factors into account, if there is any chance that an invitation will contribute to the guests' return to Jewish observance, you should not hesitate to extend an invitation. That being said, it is certainly preferable to find a way to minimize *chillul Shabbat* when at all possible.