

## 9. Laws Concerning a Woman in Childbirth

### דיני יולדת

1. As soon as a woman begins to experience signs of labor,<sup>1</sup> even if she is not certain of it, you should summon a doctor or a midwife immediately,<sup>2</sup> even from a place many miles distant.<sup>3</sup>

1. **Preparing for Possible Delivery of the Baby on Shabbat** If a woman is in the ninth month of pregnancy, you should consider and prepare for the possibility of her giving birth on Shabbat. Preparations you should make include packing a bag, arranging for babysitting for other children, setting aside an envelope with carfare, arranging for transportation to the hospital, etc., so that there will be minimal desecration of Shabbat in the event that she goes into labor. She need not, however, trouble herself to stay near the hospital so as to avoid traveling on Shabbat.
2. **Calling a Woman's Own Obstetrician** You are permitted to call a woman's own obstetrician, or the doctor of her preference, to attend to her on Shabbat and to deliver the baby, even though it involves violating Shabbat and there is another doctor readily available. *Halachah* requires that everything be done for the sake of a woman who is in labor to ease her anxiety; see also Chapter 8, note 12.
3. **Transporting a Woman in Labor to the Hospital** At the first signs of labor, you should call a car service or an ambulance, or drive the woman to the hospital, as in the case of a person who is critically ill; see Chapter 8, note 9. If possible, and if there is no undue delay, it is preferable to call a cab or car service rather than drive on Shabbat. She may be driven to her designated hospital, or the hospital of her choice so that her physician will deliver the baby, although there is another hospital

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2. Although childbirth is a natural function, a woman in childbirth is considered by *halachah* to be in the category of the dangerously ill (חולה שיש בה סכנה) and Shabbat is desecrated on her account for whatever she needs. However, if possible, this should be done in an indirect or unusual manner, or by a non-Jew.<sup>4</sup>

A woman is considered to be in childbirth when she is in labor, or there is a flow of blood, or she is unable to walk by herself.<sup>5</sup> A woman who has a miscarriage forty days or more after her ritual immersion (*tevilah*) is likewise governed by the laws that apply to a woman in childbirth.<sup>6</sup>

3. During the first three days following childbirth Shabbat is violated for her sake if need be, even if she says that she does not require it. After three days until after the seventh day, if she says that she requires something which necessitates violation of Shabbat, we violate Shabbat for her sake. If she says she does not require it, Shabbat is not violated, provided she does not suffer any other illness except for the usual pains that follow childbirth.

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nearby or at a closer distance. The woman may be accompanied by her husband, or by someone else, in order to comfort her, and she may take along whatever she will need on Shabbat.

4. **Keeping Violations of Shabbat to a Minimum** Since childbirth is a normal, natural and somewhat anticipated process, it is deemed advisable to keep violations of Shabbat to a minimum, but only if it does not result in delay or in not properly attending to the woman's needs.
5. **A Woman in a Condition of Childbirth** A condition of childbirth would likewise be indicated by rupture of the membranes (water breaking). These signs of actual labor, however, are required only for activities that are not immediately necessary. But calling a doctor or an ambulance, taking the woman to the hospital, and doing whatever else is immediately necessary, should be attended to directly and promptly as soon as she begins to feel what appear to be labor pains, *even if she is not sure of it*.
6. **Violating Shabbat to Prevent a Miscarriage** Shabbat is violated to prevent a miscarriage in order to save the fetus, even when there is no danger to the mother. This is permitted even in the case of a doubtful danger to the fetus, and even before the forty days from the time of conception; see Chapter 8, note 4.

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The three days are calendar days and not three cycles of twenty-four hours.<sup>7</sup> Therefore, if she gave birth on Wednesday towards evening, the following Shabbat is already after the three days. And if she gave birth on Shabbat towards evening, the following Shabbat is already after the seven days. However, if the woman is in frail health and there is a slight possibility of danger, the days may be calculated in a twenty-four hour cycle from the actual time of birth.

4. After the seventh day, Shabbat is not violated for her sake, even if she says that she requires it. From then until thirty days following childbirth she is considered as a non-critically ill patient (חולה שאין ביה סכנה) and all her needs are attended to by a non-Jew.<sup>8</sup> However, *halachah* makes an exception in the case of providing heat to a new mother. Therefore, if it is necessary to heat the house, this may be done by a Jew if a non-Jew is not readily available, because a woman is considered in danger from the cold for thirty days following childbirth.

7. **Calculating the Three Days After Childbirth** The calculation of three calendar days is the opinion of *poskim* such as *Magen Avraham* and *Kitzur Shulchan Aruch*. However, many *poskim* disagree and allow the days to be calculated in a twenty-four hour cycle, or in other words, a complete seventy-two hours after childbirth. Again, the issue at hand is whether to violate Shabbat where the new mother does not consider it necessary. Even after the first three days, if there are complications and it is deemed necessary, or if the woman says she requires it even if the physician does not consider it necessary, Shabbat is violated for her sake. However, as at the time of childbirth, this should be done, if possible, in an indirect or unusual manner or by a non-Jew. The above rules apply equally in cases of normal delivery, stillbirth, or a miscarriage. Note that the same debate is found in the *halachot* relating to fasting on Yom Kippur. There, *Mishnah Berurah* rules (*Orach Chaim* 617:13) that we follow the lenient calculation of seventy-two hours. Therefore, a woman who gave birth within seventy-two hours of Yom Kippur does not fast even if she feels that she can.

8. **Attending to a Woman's Needs Thirty Days Following Childbirth** From the seventh day until after thirty days following childbirth, provided there are no complications in her medical condition, the law applies to her as to those who are non-critically ill. Activities that are only rabbinically prohibited may be performed by a Jew for her sake; see above Chapter 7, note 19. All *melachot* may be done by a non-Jew.

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5. An infant born on Shabbat is bathed, the umbilical cord is cut, the limbs straightened out, and everything that is required<sup>9</sup> is done.<sup>10</sup>

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9. **Nursing the Baby** A woman should nurse her baby naturally on Shabbat. She should not express the milk into a bottle or vessel unless it is in exceptional circumstances, as when the baby is incapable of latching on or is in the hospital and needs to be nourished with milk fresh daily. If she suffers pain from excess milk she may express the milk on Shabbat, by means of a suction pump if necessary. However, if the milk is expressed for the benefit of the mother, and not the baby, it should be done in a way that renders the milk unfit for consumption and is discarded; see Part 11, *Melachah* 5, note 4.
10. **Attending to an Infant and Young Child** Infants, as well as young children, have the status of someone who is ill but not critically so (חולה שאין בו סכנה) with respect to Shabbat; see Chapter 7, notes 14 and 15. In the view of some *poskim* they are to be considered in possible danger as regards food and nourishment. In order to avoid unnecessary desecration of Shabbat, however, whatever food and drink is required should be cooked and prepared before Shabbat and properly stored and refrigerated. On the procedure for warming food and drink on Shabbat so that children may receive their nourishment as usual, see Part 11, *Melachah* 11, notes 9, 19, 24.