



Saving a Life on Shabbat

The last *Mishnah* in the eighteenth *perek* teaches that one may desecrate *Shabbat* for the sake of a woman in labour. The *Bartenura* explains that that woman is considered in a life threatening situation. Consequently the prohibitions of *Shabbat* are overridden to save her life.

The first difficulty we encounter is that a *Beraita* (*Shabbat* 128b) teaches that if a woman needs oil, her friends may bring it to her. However the *Beraita* appear to prefer that it be carried with a *shinui*. Our assumption has been however that in the case of danger the prohibitions of *Shabbat* are overridden. According to the *Rema* (OC 328:12) there is no problem, because he rules that where a *shinui* would cause absolutely no delay then it should be employed.

The *Shulchan Aruch* however rules that in a life threatening situation on *Shabbat* there should be no preference to use other people (e.g. minors or *nochrin*). Instead the more eager one is to desecrate *Shabbat* to save another's life the better. The *Aruch HaShulchan* explains that there is a concern that if the task is given to others, people might think that overriding *Shabbat* is not really ideal and might resist if faced with a similar case in the future (*Ran*). Additionally there is a concern that doing so will cause an unnecessary delay. How then can the *Shulchan Aruch* (330:1) also rule like the above *Beraita* that when bringing oils to a woman in labour it should be done with a *shinui* where possible?

The *Mishnah Berura* (330:5) answers that the labour pains are natural and not commonly fatal. Consequently this case is an exception, in that the *Chachamim* were slightly more stringent, provided that *shinui* does not create any extra delay.

This discussion gets more interesting as we move to the nineteenth *perek* that deals with a *brit millah* on *Shabbat*. It opens with the debate between *R' Eliezer* and *R' Akiva* regarding the scope of activities that would ordinarily be prohibited on *Shabbat*, they may be performed for the sake of the *brit millah*. *R' Akiva* has a more restricted position that those activities that could be performed prior to *Shabbat* cannot be performed on *Shabbat*. In the second *Mishnah* it teaches that if one did not grind the cumin that was used for medicinal purposes prior to *Shabbat*, he

cannot do so on *Shabbat*, but only chew it instead. The *Bartenura* explains that where possible we use a *shinui*. The *Bach* (331:1) elaborates that the requirement of a *shinui* is only prior to the *Brit Millah*. After the *Brit Millah*, when there is a clear and present danger, no *shinui* is required.

It gets difficult however when the following question is raised by the *Ran*. Earlier it was understood that bathing the baby in hot water after the *brit* was critical for the baby's health. What would the law be if the water spilt prior to the *brit*? There is no danger to the baby now. Can we continue with the *brit*, thereby placing the baby in danger and necessitating the desecration of *Shabbat*? The *Beit Yosef* (YD 266) brings two opinions. The *Ramban* rules that the *brit millah* goes ahead. It is the *mitzvah* to be performed now and it is not pushed off due to a future danger. Indeed the *Mishnah* seems to suggest that one prepares the cumin with a *shinui* or brings the bandage by "wearing" it in order that the *brit* can continue.

The *Razah* and *Rashba* however argue that the *brit* must be delayed. So how do they explain our *Mishnah*? They explain that the case is where they only discovered that they forgot to prepare the cumin and bandage after the *milah* is performed. We find therefore that according to this opinion a *shinui* is required even in this dangerous situation. The difficulty is that the *Beit Yosef* (*Shulchan Aruch*) rules like that *Razah*. *R' Akiva Eiger* (YD 266:6) makes note, as we have stated, that according to this understanding, the *Mishnah's* requirement of a *shinui* is after the *brit millah*. Consequently we have another difficulty on the *Shulchan Aruch*. Why is the case of a *brit millah* different in that it requires a *shinui*?

The *Sefat Emet* explains that while no *shinui* is ordinarily needed for an ill person that is in danger, perhaps that case of a *brit millah* is different. Firstly the *brit millah* being on *Shabbat* was known in advance. Furthermore one could have prepared these things prior to *Shabbat*. Finally, the necessity of these items was common. Consequently the *Chachamim* required a *shinui* in this case.

As always, please do not draw any practical conclusions from these articles and instead seek halachic advice for your local rabbinic authority.

Yisrael Yitzchak Bankier

Revision Questions

שבת י"ז – י"ט: ט"ו

- According to *R' Yosi* all utensils that are used for a forbidden activity may be used for a permissible activity aside from which two utensils? (י"ז: ט"ו)
- Explain the debate regarding when broken utensils can be used on *Shabbat*. (ה"ז: י"ז)
- If a stone is placed in a pumpkin shell (the purpose of which is to use the pumpkin shell draw water from a well) when can the shell be used on *Shabbat*? (י"ז: י"ז)
- Explain the debate regarding "plugging" up a window on *Shabbat*. (י"ז: י"ז)
- Which utensil covers are considered *muktza*? (Include both opinions) (י"ז: י"ז)
- What limitations are placed on clearing out food from a store room if the space is required for guests? (י"ז: י"ז)
- Is one allowed to move *demai* produce on *Shabbat*? Why? (י"ז: י"ז)
- Is one allowed to move *tevel* produce on *Shabbat*? Why? (י"ז: י"ז)
- Explain the debate regarding when one can move *lof* on *Shabbat*. (י"ז: י"ז)
- When is one allowed to move bundles of wood on *Shabbat*? (י"ז: י"ז)
- In what manner can one return a chicken that has escaped from its pen? (י"ז: י"ז)
- What restriction does *R' Yehuda* place on a parent walking with their young child? (י"ז: י"ז)
- In what manner is one allowed to assist an animal that is giving birth? (י"ז: י"ז)
- Do the same restrictions apply when a women is giving birth? (י"ז: י"ז)
- Is there a special manner in which one must carry a knife for the *brit millah* if he is carrying it on *Shabbat*? (י"ז: י"ז)
- To what extent does *R' Eliezer* allow *melacha* to be performed on *Shabbat* for a *brit millah*? (י"ז: י"ז)
- What general principle does *R' Akiva* make with respect to performing *melacha* for a *brit millah*? (י"ז: י"ז)
- Are there any differences between a *brit millah* performed on *Shabbat* and a *brit millah* performed on a weekday? (י"ז: י"ז)
- On which day after the *millah* does *R' Elazar ben Azarya* permit the baby to be washed even on *Shabbat*? (י"ז: י"ז)
- Explain the debate regarding whether an *androginus* can have a *brit millah* on *Shabbat*. (י"ז: י"ז)
- The *Mishnah* described two cases where a person has two babies:
 1. One is meant to have a *brit* on *Shabbat* and the other on Sunday.
 2. One is meant to have a *brit* on *erev Shabbat* and the other on *Shabbat*.
 The *Mishnah* rules that if the wrong baby had its *brit* on *Shabbat* then in one case everyone agrees that the person would be obligated to bring a *chatat* while the other case is debated – which of the two cases is the subject of the debate and why? (י"ז: י"ז)
- The *Mishnah* explains that it is possible that a healthy baby can have its *brit millah* on the 8th, 9th, 10th, 11th and 12th day – how? (י"ז: י"ז)
- A *kohen* that has not had a proper *brit millah* is invalid from what? (י"ז: י"ז)

Local Shiurim

Melbourne, Australia

Sunday -Thursday

After *Ma'ariv*

Mizrachi Shul

Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*

Beit Ha'Roeh

Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf

9:00am

Kollel Magen Avraham

Reemon Neighbourhood

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Rabbi Chaim Brown

www.shemayisrael.com/mishna/

Rav Meir Pogrow

613.org/mishnah.html

Rabbi E. Kornfeld

Rabbi C. Brown

<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 th July כ"ב תמוז	25 th July כ"ג תמוז	26 th July כ"ד תמוז	27 th July כ"ה תמוז	28 th July כ"ו תמוז	29 th July כ"ז תמוז	30 th July כ"ח תמוז
Shabbat 20:1-2	Shabbat 20:3-4	Shabbat 20:5-21:1	Shabbat 21:2-3	Shabbat 22:1-2	Shabbat 22:3-4	Shabbat 22:5-6

