

# Laws of Shabbat, Chapter 2 (Auto Translated)

English

Auto Translated

## Shiur Overview

### Summary of Laws of Shabbat Chapter 2 — Saving a Life Overrides Shabbat

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#### General Introduction to the Chapter

The Rambam's first few chapters deal with **general laws of Shabbat** before he goes into the details of specific melachot. Chapter 1 dealt with melekhet machshevet; Chapter 2 goes into the **principle of a sick person and pikuach nefesh overriding Shabbat**.

The chapter does **not** speak only of the simple case where a gentile says "violate Shabbat or I'll kill you" — that's obvious and doesn't require a whole chapter. The chapter speaks of **different levels** of danger, which are **somewhat less** than the classic yehareg ve'al ya'avov — how sick must he be? What if it's a doubt? What if the treatment might help, might not? Also discussed is the distinction between "**pikuach nefesh**" (looking out to see if someone needs rescue) and "**sakkanat nefashot**" (a confirmed state of danger).

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#### Halacha 1: Shabbat is Overridden for Sakkanat Nefashot

Words of the Rambam:

**"Shabbat is overridden for sakkanat nefashot, just like all other mitzvot."**

Explanation:

Shabbat is overridden for sakkanat nefashot, just like all other mitzvot — as already learned in Hilchot Yesodei HaTorah Chapter 5 that only three transgressions (avodah zarah, gilui arayot, shefichut damim) are yehareg ve'al ya'avov.

Insights and Explanations:

1. **Why does the Rambam need to say this explicitly regarding Shabbat?** For other mitzvot he doesn't say it separately — we already know the principle from Sefer HaMada. There is a **hava amina** that Shabbat should be different, because the Rambam himself says **at the end of Hilchot Shabbat** that Shabbat and avodah zarah are the two "great mitzvot" — both relate to faith and fundamental principles. One might have thought that Shabbat should have the status of avodah zarah regarding yehareg ve'al ya'avov. Therefore the Rambam must emphasize: **"like all other mitzvot"** — Shabbat is not like avodah zarah in this matter.

2. **The source in Hilchot Yesodei HaTorah Chapter 5:** There the main topic is **kiddush Hashem**, not overriding mitzvot due to danger. But there it states **almost in passing** a second law — that also **for illness**, when one needs to heal through a transgression, one may heal with all transgressions except the three. This is the principle that is applied here to Shabbat.

3. **A sick person in danger — we care for him, not just save him from death: "We do for him all his needs"** doesn't mean only that we do things without which he would die today. A choleh she'yesh bo sakkanah — **the entire**

**Shabbat is different regarding him.** We care for him with **all aspects of medical care**, even things that are not one hundred percent actual life-saving. This is a **greater leniency** than one would have thought from the simple principle "sakkanat nefashot overrides Shabbat."

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#### Halacha 1 (continued): Choleh She'yesh Bo Sakkanah — All His Needs According to an Expert Doctor of That Place

Words of the Rambam:

**"Therefore, a sick person in danger, we do for him all his needs on Shabbat, according to an expert doctor of that place."**

Explanation:

A sick person whose illness involves danger, we may do for him all his needs on Shabbat, based on the judgment of an expert doctor from that place.

Insights and Explanations:

1. **Three things in this law:** (a) **All his needs** — everything that is needed, not only what is actual life-saving. (b) **According to an expert doctor** — it must be based on a reliable expert. (c) **Of that place** — the local expert suffices, we don't need to seek the greatest expert from the entire region.

2. **Two roles of the expert doctor:** (a) He **determines** that this is a choleh she'yesh bo sakkanah — he confirms the condition (diagnosis). (b) He says **what needs to be done** — which treatments, which foods, etc. (treatment).

3. **"Of that place" — no obligation to search further:** We don't need to bring the greatest expert from somewhere else. The accepted local doctor is enough. This is connected to the principle that **one may not live in a city that has no doctor**. In the **Gemara** the language is "baki"; the Rambam changed this to "expert doctor of that place" — an addition by the Rambam.

4. **In Hilchot Yom Kippur** the Rambam speaks more about the case when different doctors say different things.

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#### Halacha 1 (continued): Safek Nefashot

Words of the Rambam:

**"A doubt whether one needs to violate Shabbat for him or not — we violate. And even if one doctor says it's needed and one doctor says it's not needed — we violate Shabbat for him, for safek nefashot overrides Shabbat."**

Explanation:

Not only certain sakkanat nefashot, but also safek sakkanat nefashot overrides Shabbat. Even when one doctor says we must violate Shabbat and a second says it's not necessary — we violate.

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## Halacha 2: We Don't Wait So As Not to Violate Two Shabbatot

Words of the Rambam:

**"If they determined on Shabbat that he will need such-and-such for eight days — we don't say let's wait until evening so as not to violate two Shabbatot, rather we begin from today... and we violate for him even a hundred Shabbatot. As long as he needs it and there is danger or doubt of danger — we violate."**

Explanation:

When a choleh she'yesh bo sakkanah needs an eight-day treatment, we don't need to wait until after Shabbat to avoid two Shabbatot of violation — we start immediately.

Insights and Explanations:

- The innovation is greater than one initially thinks.** One would have thought the law is only when it's more dangerous to wait — that's obvious. The innovation is that **even when there's no difference** whether one starts Shabbat or Sunday, one may start on Shabbat. One doesn't need to make the calculation to "save" next Shabbat.
- The foundation:** A Jew has an obligation of shemirat Shabbat today only on **today's Shabbat**, not on next Shabbat. Since the patient is already in the category of choleh she'yesh bo sakkanah, today is permitted. Next Shabbat we'll ask the question again, and next Shabbat will continue to be permitted. One doesn't need to make calculations now for next Shabbat.
- "As long as he needs" — what does "need" mean?** The language means he needs it **in general** (he needs the treatment), not necessarily that he needs it **specifically today**. Because he is already in the category of a choleh with pikuach nefesh, we don't need to be precise whether it's specifically needed today.
- Practical difference — tests in the hospital:** If someone is a choleh she'yesh bo sakkanah and they need to do a test that's not critical whether it's done today or tomorrow — according to the Rambam there's no point in asking the hospital to postpone it until after Shabbat.
- The Shulchan Aruch HaRav** learns that this whole thing is **based on concern** — one can never be certain with calculations, because "ein bari levuni" — it's never bari (certain) with a choleh she'yesh bo sakkanah. Postponing one day can bring a complication, who knows.
- The Rambam's intention:** He doesn't want people to be stringent regarding pikuach nefesh. There are certain people whom we fear will stumble and not violate Shabbat when necessary, because they'll convince themselves that one can wait.
- A practical nuance:** If the doctor himself (who is an expert) says one can postpone — not because of Shabbat, but because medically one can — then the expert **may** postpone. But the patient or his family should **not** postpone because of Shabbat. Shabbat should not be a factor in the calculation.

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## Halacha 2 (continued): What Melachot May One Do

Words of the Rambam:

**One may light and extinguish (lights), slaughter, bake, cook, heat water, wash — all melachot that the patient needs.**

Explanation:

Not only the melachah that directly heals (like surgery), but also surrounding things that are part of caring for the patient — like warm food, light to see, washing.

Insights and Explanations:

- The innovation:** A sick person needs warm food, he needs light to see, he needs to be washed — all things that a healthy person can manage a Shabbat without, but a choleh she'yesh bo sakkanah is so weak/sensitive that **every** thing is in the category of safek sakkanah.
- The principle:** "Shabbat regarding a choleh she'yesh bo sakkanah is like a weekday for all matters" — Shabbat is like a weekday for a choleh she'yesh bo sakkanah in all matters.
- The category of "caring for a patient" is broader than medicine:** Historically, people understood that caring for a patient is not only medical procedures (antibiotics, shots), but also "taking care" — putting in bed, giving warm food, washing, comfort. All this is part of the halachic care of a patient.
- "According to an expert doctor of that place" — precise definition:** The expert doctor determines two things: (1) that the patient is in the category of choleh she'yesh bo sakkanah, (2) what medical things he needs. But what Chazal already permitted (like warm water, washing, food), we don't need to ask the doctor — this is a decree of the Sages that one should care for the patient.
- May one do things that are not directly sakkanat nefashot?** Because the person is in a state of sakkanat nefashot, we have permitted for him everything that is part of "taking care" — not "magically" everything, but everything that everyone agrees is part of caring for a patient (food gives strength, washing prevents illness, light for calm). But not just pleasant things — for example, music is a doubt, though if the patient holds he needs it, one may also on Shabbat.

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## Halacha 2 (continued): We Don't Hand Over to Gentiles, Minors, Slaves, or Women

Words of the Rambam:

**"We don't hand them over to gentiles, minors, slaves, or women, so that Shabbat should not become light in their eyes, but rather through the great ones of Israel and their sages. And we don't instruct women to do this thing."**

Explanation:

We should not hand over the melachot to people who will come to be disrespectful of Shabbat. The great ones of Israel should do it, to show that pikuach nefesh overriding Shabbat is a lechatchilah law.

Insights and Explanations:

- Two points in this law:** (a) **Reliability:** We don't trust a gentile or slave because we need to be sure that the one helping knows what he's doing. (b) **"So that Shabbat should not become light in their eyes":** If we tell women or others to do the melachot, they won't grasp that it's because of pikuach nefesh, and will think that Shabbat is just a small thing.
- Question about "women":** A woman is equally obligated in Shabbat, equally subject to stoning — why would anyone think it's better for a woman to do it?

3. **The main explanation:** The law doesn't speak about not having women nurses. **The explanation is:** A man should not avoid violating Shabbat by telling his wife or a slave to do the melachah, thinking he's a great tzaddik that he himself is not violating Shabbat. On the contrary — it's a mitzvah that he should do it himself, because pikuach nefesh overriding Shabbat is lechatchilah, not bedieved.

4. **Practical difference:** If a woman is already the one caring for the patient (a nurse), that's fine — we don't need to replace her with a man. The law only speaks against the man who wants to refrain from violating Shabbat by handing over to another.

5. **"Light in their eyes" regarding gentiles:** For Jews it will become light the prohibition of amira le'akum. There are commentators who learn this way.

6. **Text problem:** Not in all versions does the language "and we don't instruct women to do this thing" appear — which supports the explanation that this is not a fundamental stringency that forbids women from doing melachot for a patient.

7. **Against the other explanation:** The explanation that one truly may not let women do melachot for a patient is strongly rejected — because that would mean the patient should die until the gadol be'Yisrael comes, which contradicts the entire foundation of the law.

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**Halacha 2 (end) / Halacha 3: General Outlook — "And Live by Them and Not Die by Them"**

**Words of the Rambam:**

**"For the laws of the Torah are not vengeance in the world but rather mercy, kindness, and peace in the world."** The Rambam brings the verse **"which a person shall do and live by them and not die by them"** and the verse **"And I also gave them statutes that were not good and laws by which they could not live"** about the heretics (Sadducees).

**Explanation:**

The Torah's laws did not come to punish people or make life difficult, but to bring mercy, kindness, and peace.

**Insights:**

1. The Rambam brings here not only a legal ruling, but a **general outlook** on the entire Torah. Whoever thinks that Shabbat is not overridden for pikuach nefesh doesn't understand at all what Torah is — he thinks Torah came to make life worse.

2. The verse "they could not live by them" doesn't speak of one who doesn't learn Torah, but of one who **has a different Torah** — he has statutes, but they are "not good." He has a distorted understanding of Torah.

3. "Peace" in this context can also mean helping another person — pikuach nefesh is also a kind of "peace."

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**Halachot 4-5: Choshesh Be'ainav — Eye Ailments**

**Words of the Rambam:**

**"One who has pain in his eyes, meaning there is discharge in both or in one of them, or tears flowing from them due to great pain, or blood flowing from them, or there is fever in them, and similar things —**

**this is in the category of choleh she'yesh bo sakkanah, and we violate Shabbat for him, and do for him all medical needs."**

**Explanation:**

Eye ailments with symptoms like pus, tears from severe pain, blood, or swelling — this is choleh she'yesh bo sakkanah.

**Insights:**

1. **Strong question:** The Rambam hasn't yet spoken about **sakkanat ever** (saving a limb without the person dying). Until now he only speaks about **sakkanat nefashot**. How can we say an eye ailment is sakkanat nefashot?

2. **One answer:** An eye infection can actually lead to death — "an eye is a dangerous thing, who knows what will happen."

3. **A second approach:** There is a **special law** that even saving a limb (not only life) is in the category of danger. It's mentioned that there's another Rambam that speaks about this.

4. **Debate:** Can we say that losing an eye itself (without danger of death) is enough to violate Shabbat? One holds that **every infection can lead to death**, therefore it's always sakkanat nefashot. The other holds there's a special category of sakkanat ever.

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**Halacha: Makkah BeChallal Gufo — Internal Ailments**

**Words of the Rambam:**

**"And so one who has a wound in the hollow of his body... from the lips inward... in his intestines, liver, spleen, or any other internal organ — this is choleh she'yesh bo sakkanah and doesn't require assessment."**

**Explanation:**

A wound or illness inside the body (from the lips inward) — heart, intestines, liver, spleen — is automatically sakkanat nefashot, **without assessment** (without evaluation by a doctor).

**Insights:**

1. The main innovation is **"without assessment"** — we don't need external evaluation. The reasoning: with an internal illness a person cannot assess what's happening, therefore we must be concerned.

2. Today with modern machines we can better assess internal ailments, but the law remains.

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**Halacha: Specific Dangers — Blood, Chills, Kordaikus, Boils, Wound on Back of Hand/Foot**

**Words of the Rambam:**

**"And so one seized by blood... chills... kordaikus... boils... a wound on the back of the hand or foot — these are danger and we violate Shabbat for them."**

**Explanation:**

The Rambam goes through each category:

- **Blood:** Not blood from a cut, but blood flowing through mouth, nose, rectum, or urethra.

- **Chills:** Not a bit cold, but the entire body shaking.

- **Kordaikus:** Not a bit confused, but he doesn't know what he's saying or doing.

- **Boils:** Not one boil, but boils spread over the entire body.

- **Wound on back of hand/foot:** Not a cut, but a swelling.

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### **Halacha: Doctors' Assessment — Any Illness That Doctors Say**

Words of the Rambam:

"And so any illness that doctors say is dangerous, even though it's not one of all these — we violate Shabbat for it."

Explanation:

Even illnesses not listed, if doctors say it's dangerous — we violate.

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### **Halacha 11: Swallowing an Ant or Wasp / Water Worm**

Words of the Rambam:

"And so one who swallows an ant or wasp — this is danger and we violate Shabbat for him" — we may cook hot water for him on Shabbat. "One who swallows a water worm... we heat water for him on Shabbat and do for him all medical needs."

Explanation:

Whoever swallows an ant/wasp/worm while drinking water, this is danger, we may cook hot water on Shabbat.

Insights:

1. The Rambam mentions specifically hot water because that is itself **the treatment** — we give him hot water to drink to expel the worm, and this is a melachah (cooking) that is only permitted for sakkanat nefashot.

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### **Halacha 11 (continued): Bitten by a Mad Dog**

Words of the Rambam:

"One bitten by a mad dog or one of the types of dangerous animals that kill, even if it's a doubt whether it kills or not, we do for him all medical needs to save him."

Explanation:

Even when we don't know which type of animal bit, or it's a type that doesn't always kill, we may violate Shabbat.

Insights:

The story of Rabbi Chanina ben Dosa and the snake is mentioned — but that's a miracle, not a halachic reality. Also mentioned is that in ancient times they would give food from the liver of the mad dog as treatment.

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### **Halacha 12: Ten People Run to Bring Figs**

Words of the Rambam:

"A patient whom doctors assessed needs figs brought to him... if ten people wanted and brought him ten figs at once, all are exempt from anything... for all of them acted with permission."

Explanation:

If doctors say a patient needs dried figs and one must violate Shabbat (for example, carrying in a public domain), and ten people run each bringing one — all are exempt from anything.

Insights:

1. **Exempt from anything — even from rabbinic lashes:** The Rambam doesn't just say exempt from a sin offering, but

exempt from anything — even from rabbinic lashes. This is a strong innovation, because seemingly the third/fourth person already knew someone had already brought.

2. **It's not just an exemption, it's lechatchilah:** The main innovation is that we want everyone to run — "**Whoever is quick with pikuach nefesh is praiseworthy.**" We say exempt from anything so people won't be afraid to run to help.

3. **Even when the patient has already started eating:** Even when the second person carried four cubits in a public domain, and the patient was already in the middle of eating the first fig — he's exempt from anything, because when he left he was acting with permission.

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### **Halacha 13: Excess in Harvesting**

Words of the Rambam:

"A patient who needed two figs, and they only found two figs on two stems [or] one stem with three — he cuts the stem with three, even though he only needs two, so as not to increase harvesting."

Explanation:

When a patient needs two figs, and there are two options — (a) two stems with one each, (b) one stem with three — one should cut the one stem with three, so as not to increase harvesting (cutting twice).

Insights:

1. **Excess in actions is worse than excess in amounts:** Cutting twice (two actions of kotzer) is worse than cutting once with a third fig that's not needed. Even though both are the same melachah of kotzer.

2. **What does excess in amounts mean:** Both options are exactly the same melachah of kotzer, one doesn't get more lashes for three figs than for two. But it's still a greater prohibition when one cuts more — like an example, killing an elephant is a greater prohibition than killing a cockroach, though both are the same prohibition.

3. **Excess in amounts is presumably a rabbinic prohibition:** But one must still minimize it.

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### **Halacha 14: One Who Cooks for a Patient on Shabbat and There's Leftover**

Words of the Rambam:

"One who cooks for a patient on Shabbat and the patient ate and there's leftover — it's forbidden for a healthy person to eat from the leftover, a decree lest he add for his sake. But one who slaughters for a patient on Shabbat — it's permitted for a healthy person to eat from it raw meat, for there's no addition such that we should worry lest he add for his sake."

Explanation:

With cooking — the healthy person may not eat from the leftover, because we fear next time he'll put more in the pot. With slaughter — the healthy person may eat, because one cannot slaughter a bit of an animal.

Insights:

1. **The distinction between cooking and slaughter:** With cooking one can increase — put a larger piece of meat or more pieces in the pot. With slaughter one must slaughter the entire animal, it's not relevant to slaughter a bit.

**2. Question — why not be concerned for a larger animal:** Seemingly we should be concerned that next time he'll take a larger cow/chicken? The distinction: With **cooking** the result of the melachah is directly connected to how much one puts in — more meat in the pot = more cooking. But with **slaughter** there's one action — slaughtering one animal, and it's not relevant to say a larger animal is a greater action of slaughter.

**3. The Ra'avad's comment about muktzeh:** The Ra'avad asks: if the animal was alive on erev Shabbat, it's muktzeh. How can the healthy person eat? The Ra'avad answers: since the patient was already in *beit din* (it was already established he needs it), the animal was already fit for slaughter, therefore not muktzeh.

**4. Main distinction — result vs. action:** With cooking the result (how much is cooked) is primary — more meat in the pot is actually more cooking. With slaughter there's only one action — slaughtering the animal — and it's not relevant to speak of excess. This fits with the principle that in laws of Shabbat we look at the result of the melachah.

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### Halachot 5-6: Choleh She'ein Bo Sakkanah

Words of the Rambam:

**"A sick person without danger, we do for him all his needs through a gentile. How? We tell a gentile to do for him and he does — to cook for him, heal him, heat water for him, and similar things. And so we apply eye medicine through a gentile on Shabbat even though there's no danger."**

Explanation:

For a choleh she'ein bo sakkanah we may do melachot through a gentile — we may tell him to cook, heal, heat water. Also a gentile may apply eye medicine for a Jew even without danger.

Insights:

**1. The principle according to the Rambam (Maggid Mishneh and other commentators):** For choleh she'ein bo sakkanah we permit **two things**: (a) A **Torah melachah through a gentile** (*amira le'akum*), (b) A **rabbinic melachah through a Jew**. This is the foundation: **In a place of illness the Rabbis didn't decree.**

**2. The "and so applying" — what does the Rambam add?** The innovation is perhaps that even when the person is **not at all a patient** in the full sense, just his eye hurts, it's also in this category — another **further leniency**.

**3. Problem of grinding medicines:** For a choleh she'ein bo sakkanah there's the decree of grinding medicines. The answer: one must distinguish between a **choleh she'nafal le'mishkav** (where we're lenient on rabbinic prohibitions) and a **choleh she'lo nafal le'mishkav** (where the decrees remain in force). For the second — things that are **not a melachah at all** are permitted (like cleaning ears, cleaning ankles, setting a bone).

**4. "Cleaning ears, cleaning ankles, setting a bone":** Examples of things one may do even for a person who's not really sick — because it's **not a melachah at all** (not Torah and not rabbinic). These are physical manipulations like setting a bone, fixing an ear.

**5. What does "safek" mean regarding danger:** "Safek pikuach nefesh" doesn't mean a remote chance — **every day**

**there are remote chances.** "Safek" means something that **people understand is a doubt** — a real possibility. Choleh she'ein bo sakkanah means there's **no doubt of danger at all** — only pain, only discomfort, without infection, without a wound.

**6. The foundation of "in a place of illness they didn't decree":** This has nothing to do with the main law of *pikuach nefesh*. It's a **separate law** — the Sages didn't decree their decrees in a place of illness or a place of pain.

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### Halacha 7: Yoledet — Laws of Birth on Shabbat

Words of the Rambam:

**"A woman giving birth, when she crouches to give birth she is in danger of life, and we violate Shabbat for her. We call a midwife from place to place, cut the umbilical cord, and tie it. And we light a candle for her when she's suffering in her labor pains, even if she's blind — for her mind is settled by a candle even though she doesn't see. And if she needs oil and similar things, we bring her. And wherever possible to change — we change."**

Explanation:

A woman giving birth when she's in labor is in the category of *sakkanat nefashot*, and we may violate Shabbat for her — call a midwife, cut the umbilical cord, tie it, light a candle. Even a blind woman giving birth — her mind is calmer with a candle. But where possible one should do with a change.

Insights:

**1. "When she crouches to give birth" — the moment of danger:** The Rambam limits the law to when she's **actually in labor**. In ancient times they would give birth "in crouching" (on the knees), today it's done differently.

**2. Cutting the umbilical cord — what melachah:** Cutting the umbilical cord is seemingly a prohibition of **shearing** or **plucking** or **fixing** — one of the parent melachot. **Tying** — this is a **permanent knot**, also a parent melachah.

**3. The innovation of "we light a candle even for a blind woman":** For a regular choleh she'yesh bo sakkanah it doesn't say we light a candle for a blind person. A woman giving birth is a **unique situation** — it's a **normal, constant reality**. Therefore the Rambam brings the innovation that even a **blind** woman giving birth — her **mind is settled** by the candle (perhaps because she knows others can see, or just the feeling of light). This is an innovation that **settled mind** is reason enough to violate Shabbat.

**4. The great distinction between yoledet and regular choleh she'yesh bo sakkanah — "wherever possible to change, we change":** This is a **stringency** for a yoledet that is **not there** for a regular choleh she'yesh bo sakkanah. For a regular choleh she'yesh bo sakkanah the Rambam earlier ruled that one should **not** seek changes, not through a gentile, not through a minor — but through the great ones of Israel. But for a yoledet the Rambam says that **wherever possible to change, we change**. The example from the Gemara: instead of carrying a vessel in the hand, one should **tie it in the hair** ("let her friend tie it in her hair"). This is **still a Torah prohibition**, but a weaker prohibition through change.

**5. Why is a yoledet different?** The *Maggid Mishneh* understands the Rambam thus: A yoledet is not a true choleh

she'yesh bo sakkanah — it's a natural thing, everyone gives birth, and **most people don't die from childbirth**. "Choleh she'yesh bo sakkanah" doesn't mean **not** that one will die — it means there's a **reality of danger**. But for a yoledet, where the danger is **statistically smaller**, there's a law that one should do with change where possible. The **Magen Avraham** brings that "one in a thousand dies from childbirth" (perhaps an exaggeration, but it shows the distinction).

6. **The Ramban holds differently** — that for **every pikuach nefesh**, if one can, one should make a change. But the poskim rule like the Rambam, that only for a yoledet is there the matter of change.

7. **"Her friend does" — women do:** For a yoledet we see that **women** (her friends) are the ones doing the melachot. We don't specifically tell the great ones of Israel, but the women who are there.

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### Halacha: Delivering a Gentile Woman on Shabbat

Words of the Rambam (Shabbat Chapter 2 / Hilchot Melachim):

**A midwife may not deliver a gentile woman on Shabbat, even for payment, and we're not concerned for enmity.**

**Explanation:**

We're not concerned for enmity, because we can tell the gentile woman that for us it's only permitted to violate Shabbat for Jews who keep Shabbat.

**Insights:**

1. The prohibition is not only a Shabbat matter — during the week there's also a prohibition to deliver a gentile woman, because one is "delivering a child for idolatry" (as the Rambam brings in Hilchot Avodah Zarah and Hilchot Milah). On Shabbat there's a good answer — we can say "it's Shabbat."

But during the week one needs to see what to do.

2. **But we deliver for a bat ger toshav** — one who has accepted the seven Noahide commandments — because "we are commanded to keep him alive," we have a mitzvah to help him. During the whole week this is understood, but **Shabbat — we don't violate Shabbat for her**, because he/she is not a Jew.

3. **The leniency of violating Shabbat for pikuach nefesh is specific to Jews** — "we save another Jew." The ger toshav himself didn't keep Shabbat at all, and the extra leniency of pikuach nefesh is not there for him.

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### Halacha: Time Periods of Yoledet — Three Periods After Birth

Words of the Rambam:

**"From when she sees blood of her birth until she gives birth."** — From when one sees birth blood until she gives birth. **"After she gives birth until three days"** — we violate Shabbat for her and do for her all her needs.

**Explanation — Three Periods:**

1. **From birth until 3 days:** We violate Shabbat for her and do for her all her needs — **whether she says "I need" or she says "I don't need."** Even if she says "I don't need," we do everything for her.

2. **From 3 until 7 days:** If she says "I don't need" — we don't violate for her. But if she's silent — we take this as consent, and we violate for her. And if she truly needs — we violate Shabbat for her.

3. **From 7 until 30 days:** The category of **choleh she'ein bo sakkanah** — we may do rabbinic melachot, and do melachah through a gentile.

**Insights:**

**Question between two laws:** Earlier the Rambam said "from when she sits on the birthing stool" (from when she crouches to give birth), and here he says "from when she sees blood of her birth." Both are a measure — what's the distinction? "Crouching to give birth" (sitting on the birthing stool) is not a clear sign, and "blood of her birth" is a clearer sign on the body. **The question remains open** — "not only we don't know the answer, others also didn't know."

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### Halacha: Medura (Fire) for a Yoledet

Words of the Rambam:

**"We make a fire for a woman giving birth even in the summer days"** — cold is very difficult for a woman giving birth in many cold places, even in summer. **"But we don't make a fire for a sick person to warm him with it"** — for a regular patient we don't make a fire (only through a gentile).

**Insights:**

1. For a yoledet cold is a direct danger, but for a regular patient warmth is not directly connected to the treatment.

2. **Exception — one who lets blood:** A **bloodletter** who became chilled (got cold after bloodletting) — we may make a fire, even in the season of Tammuz, because there the warmth is directly connected to the treatment.

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### Halacha: Rechitzat HaVelad (Washing the Newborn Child)

Words of the Rambam:

**"We wash the child on Shabbat on the day he's born, and even heat water for him on Shabbat, and salt him, and wrap him."**

**Explanation:**

We may wash the newborn child on Shabbat, even heat water, salt the child, and wrap the child — because all this is a danger for the child.

**Insights:**

1. The verse "and as for your birth, on the day you were born your navel was not cut, nor were you washed with water for cleansing" (Ezekiel 16) is the source that washing a newborn child is a necessity.

2. **What is the prohibition of "salting him"?** It's suggested that the innovation is not the actual salting, but that one may bring the salt from a public domain and the like. A second explanation: "Salting" is part of the washing itself — one washes the child with salt water, and "wrapping" is also part of the process. All the steps of treating a newborn child are permitted because they're all in the category of danger.

3. Also for circumcision and after circumcision (on the third day after circumcision) one may wash the child.

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## Halacha: Isha SheMeta Al HaMashber — C-Section on Shabbat

### Words of the Rambam:

**"A woman who sat on the birthing stool and died, we bring a knife on Shabbat even through a public domain, and tear open her belly and take out the child, perhaps it will be found alive."**

### Explanation:

When a woman dies during childbirth, we may violate Shabbat — even bring a knife through a public domain — to perform a C-section and take out the child.

### Insights:

1. **The great innovation:** The child doesn't yet have a chezkat chai — it has never been born, and perhaps it's already also dead. For a regular patient we say he's alive (chezkat chai), but here the child has never shown it's alive.

2. Therefore, **"safek nefashot overrides Shabbat"** — even without a chezkat chai, just the doubt that the child might be alive is enough to override Shabbat.

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## Halacha: Pikuach Nefesh — The Concept, and No Need to Take Permission from Beit Din

### Words of the Rambam:

**"Those engaged in pikuach nefesh on Shabbat don't need to take permission from beit din, and whoever is first to save the life is praiseworthy."**

### Explanation:

One doesn't need to ask permission from beit din to violate Shabbat for pikuach nefesh, and whoever is faster to save is praiseworthy.

### Insights:

1. **Distinction in terminology — "sakkanat nefashot" vs. "pikuach nefesh":** Sakkanat nefashot = when it's already established that there's a patient in danger. Pikuach nefesh = a language of "looking out" (open your eyes and see) — supervising the condition of people, looking out whether there's danger. This also includes going to search and see if someone needs rescue.

2. **What does "permission from beit din" mean — three interpretations:** (a) Asking a sage whether it's truly a pikuach nefesh situation — one doesn't need to wait for confirmation. (b) A kind of "authority permit" — one doesn't need to be appointed as a rescue member. Anyone who sees he can save, should save. (c) Connected to the previous law that one should appoint "great people" — one might have thought that in a time of danger one must wait until the batei din organize. The Rambam comes and says: on the contrary, then one must just go as quickly as possible.

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## Halacha: Spread a Net to Save a Child — and the Law of Mitaseik

### Words of the Rambam:

**"He saw a child who fell into the sea, he spreads his net to bring him up — even if he brings up fish with him."**

### Explanation:

One may spread a net to save a child from the sea, even when one also catches fish thereby.

### Insights:

1. The actual spreading of a net for a child is not "trapping" — because trapping is not applicable to a person. What he catches fish incidentally is a "davar she'eino mitkaven" or "davar she'eino tzarich legufo."

2. **Three cases in the Gemara:** (a) He heard a child fell in, he threw in a net to save, but he only brought up fish (not the child) — **exempt from anything**, because he did it with permission. (b) He intended to catch fish, and incidentally he saved a child — **also exempt**. (c) He intended to catch fish (an actual prohibition), didn't know about any child, but "since he brought up a repair in his hand" — **also exempt**. The Rambam rules he's exempt.

3. **Innovation:** One who intended to do a prohibition, but the action came out a mitzvah, is exempt. It's a dispute in the Gemara, and the Rambam rules leniently.

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## Halacha: Child Fell into a Pit — Uprooting a Clod

### Words of the Rambam:

**"A child fell into a pit, he uproots a clod and brings him up, even though he makes a step at the time of uprooting."**

### Explanation:

When a child falls into a pit, one may uproot a piece of earth to reach the child, even when one thereby makes a step (building).

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## Halacha: Door Locked on a Child

### Words of the Rambam:

**"A door was locked on a child, he breaks it and takes him out, lest the child be frightened and die."**

### Explanation:

When a child gets locked behind a door, one may break the door.

### Insights:

1. **What melachah is breaking a door?** The Rambam says "even though he carves wood to make vessels for work" — when one breaks a door, one makes pieces of wood that can be used (a kind of makkeh bepatish or metaken manah).

2. **The reason for the danger: "lest the child be frightened and die"** — the child can die from fright! This is an innovation — one can die from fright, and this is enough to be in the category of pikuach nefesh.

3. **Important foundation:** It doesn't matter whether the prohibition is light or severe — "not because of the lightness of the prohibition" is it permitted, but because of pikuach nefesh. One weighs it even against a Torah prohibition.

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## Halacha: Fire — Extinguishing a Fire to Save a Person

### Words of the Rambam:

**"A fire... he extinguishes the fire to save him, even if he extinguishes on the way and endangers himself."**

### Explanation:

When there's a fire and one suspects a person is there, one may extinguish the fire on Shabbat. Even when he does other repairs incidentally to the extinguishing, everything is permitted.

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### **Halacha: Principle — And Whoever is First to Save is Praiseworthy**

**Words of the Rambam:**

**"And whoever is first to save is praiseworthy, and doesn't need to take permission from beit din in any matter that has danger."**

**Innovation:**

The Rambam repeats the principle — **"in any matter that has danger"** — not only Shabbat, but in every situation of danger one doesn't need to ask anyone permission.

**The distinction between "great ones of Israel" and "the first one":** When there's panic (emergency, rushing to save) — the first person who's there, man or woman, should run. The law of "great ones of Israel" is only when everything is calm and they're having a meeting about who should do it — then one should take a great person, not a woman or minor, so Shabbat shouldn't become light.

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### **Halacha: One Upon Whom a Collapse Fell — Doubts in Pikuach Nefesh**

**Words of the Rambam:**

**"One upon whom a collapse fell, a doubt whether he's alive or dead — we dig him out. We found him alive and even though he's crushed — we dig him out and save him for temporary life. We check until his nose — if there's no breathing in him, we leave him for he's already dead."**

**Explanation:**

When a collapse falls on a person and we don't know if he's alive — we dig out even on Shabbat. Even if he's crushed — we save him for temporary life. We check until the nose whether he's breathing; if not — we leave him.

**Insights:**

1. **"A collapse fell upon him"** has two possible interpretations: (1) A collapse actually fell on him, (2) His house collapsed and we don't know if he's there underneath. Both cases — we dig out.
2. **Great innovation — temporary life:** Pikuach nefesh doesn't mean only when we can save the person to a normal life. Even if he's crushed and it's clear he won't survive — we violate Shabbat for **temporary life** (even a few minutes of life). This is a greater law than the previous foundation of pikuach nefesh.
3. **"His nose"** — we determine death through breathing, not through other signs. "Neshamah" here means breath, not soul in the spiritual sense.

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### **Halacha: Upper Ones and Lower Ones — Don't Say the Lower Ones Already Died**

**Words of the Rambam:**

**"We check and save the upper ones. If we found the upper ones dead — don't say the lower ones already died, rather we dig out all of them, for it's possible in a collapse that a hollow of air is drawn."**

**Explanation:**

When we dig from above and we find the uppermost people dead, one should not make a kal vachomer that the lower ones

are also dead. We dig further.

**Insights:**

The reasoning: It can happen that below there's a hollow (space) with air, and the lower ones are still alive even when the upper ones are already dead. This is a realistic reasoning — collapses often make hollows.

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### **Halacha: Doubt Jew Doubt Gentile — A Courtyard with Gentiles and Jews**

**Words of the Rambam:**

**"A courtyard that has gentiles and Jews in it, even one Jew and a thousand gentiles, and a collapse fell on them — we dig out the rubble for them because of the Jew. One of them separated to another courtyard and it fell on him — we dig out, perhaps this one who separated is the Jew. But if they all left outside the city and at the time of the collapse one of them separated and it fell — we don't dig out for him, for since they all left there's no established Jew here, and anyone who separates from them when he enters the city we follow him with the presumption that he separated from the majority."**

**Explanation — Three Cases:**

(1) Collapse on the courtyard itself — we dig out even 1 Jew among 1000 gentiles; (2) One separates to another courtyard — we also dig out; (3) All went out on the road and one separates — we don't dig out, we follow the majority.

**Insights:**

1. **Main approach of the Rambam:** In pikuach nefesh we **do** follow the majority (kol deparish meruba parish). What we say "even one Jew among a thousand gentiles" is **not** because we don't follow the majority in pikuach nefesh, but because there the law of **established** applies — and established is like half and half, which overcomes the majority.
2. **Case 1 (courtyard itself):** The Jew is established in the courtyard — therefore one cannot say majority gentiles, because establishment makes it like half and half.
3. **Case 2 (one separated to another courtyard):** Though the person separated, the doubt arose from a place of establishment. The Rambam holds that "separated from a place of establishment" is still establishment — therefore we dig out.
4. **Case 3 (they all left):** When all went out on the road — there's no more establishment, because "there's no established Jew here." Then kol deparish meruba parish works, and we follow the majority — therefore we don't dig out.
5. **The Ra'avad and other commentators disagree** with the Rambam's approach (not elaborated in detail).
6. **Practical difference for sakkanat nefashot in general:** The way of thinking in numbers (1 in 1000, 1 in 10 million) is a modern way, but according to the Rambam the distinction is not in the numbers themselves, but in the law of established vs. separated.

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### **Halacha: One Walking in the Desert and Doesn't Know When Shabbat Is**

**Words of the Rambam:**

**"One walking in the desert and doesn't know when Shabbat is — he counts from the day he erred six and sanctifies the seventh, and sanctifies and makes havdalah. And on each and every day, even on this day that he sanctifies and makes havdalah — it's permitted for him to do for his sustenance only, for his life."**

**Explanation:**

One who lost track of the days in the desert — counts six days from when he lost track, and on the seventh day he makes Shabbat (kiddush, havdalah). But every day — even his "Shabbat" — he may do for his sustenance (the minimum for living).

**Insights:**

**1. Why does the Rambam bring this in laws of pikuach nefesh?** Because the foundation is: every day is a Torah doubt of Shabbat, but pikuach nefesh (he must eat, pick fruit, etc.) overrides the doubt of Shabbat — therefore he may work every day for his life.

**2. Question:** Why not say he should keep Shabbat every day (because every day is a doubt)? Because then he'll die of hunger — he'll never be able to work.

**3. Question on this:** If pikuach nefesh overrides Shabbat, why shouldn't he work also on his "Shabbat"? The answer (hinted): So he should have something of the concept of sanctity of Shabbat — kiddush, havdalah — we designated one day that he tries Shabbat, though even that day he may do for his sustenance.

**4. Why not make one day where he does all melachot?** One asks: shouldn't he make one day where he cooks and prepares for all days, so he'll have one day a "full Shabbat experience"? The answer: that's not what was established — the law is simply that every day is a doubt, and every day he may only do for pikuach nefesh.

**5. Innovation regarding the eighth day:** When he knows today is the eighth day (or fifteenth day) from when he left, that's one day he knows for certain it's not Shabbat — that day he may do all melachot.

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**Halacha 6: Gentiles Who Besieged Jewish Towns**

**Words of the Rambam:**

**"Gentiles who besieged Jewish towns — if they came for monetary matters, we don't violate Shabbat for them. But in a city close to the border, even if they only came for straw and hay, we go out against them with weapons and violate Shabbat for them."**

**Explanation:**

When gentiles besiege a Jewish city — if they come only for money, one may not violate Shabbat. But a city near the border — even for small things like straw — we may go out with weapons and violate Shabbat.

**Insights:**

**1. Why is a city close to the border different?** It's not a "magic border" of the Land of Israel — **it's pikuach nefesh of the many.** The reasoning: if gentiles take the first city at the border, even just for money, tomorrow they'll go further, it's the beginning of a conquest. This is sakkana nefashot in the "bigger picture."

**2. Proof from laws of ir hanidachat:** A city at the border cannot become an ir hanidachat, because it becomes easier for gentiles to conquer the rest of the land.

**3. Great innovation: Not one law in this chapter speaks about when one will die today specifically** — if one will die today, it's obvious. All laws of pikuach nefesh speak of a "long run" danger, a "bigger picture" — like for example, being overweight is not sakkana nefashot today, but in the long run it's a danger.

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**Halacha: Mitzvah on All Israel to Help**

**Words of the Rambam:**

**"It's a mitzvah on all Israel who can come, to go out and help their brothers who are besieged and save them from the hand of the gentiles on Shabbat, and it's forbidden for them to delay until after Shabbat."**

**Innovation:**

The Rambam doesn't just say it's a leniency to violate Shabbat — **it's an obligation, a mitzvah.** This is more than just pikuach nefesh — it's a mitzvah of taking responsibility for Jews, for the nation.

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**Halacha: Returning with Weapons — So As Not to Cause Them to Stumble in the Future**

**Words of the Rambam:**

**"And when they save their brothers, it's permitted for them to return with their weapons to their place on Shabbat, so as not to cause them to stumble in the future."**

**Explanation:**

After the soldiers finish saving, they may return home with their weapons on Shabbat, so they won't be deterred from going next time.

**Insights:**

**1. The concept of "so as not to cause them to stumble in the future" is adopted for all matters of saving lives.** For example: a rescue member who goes to the hospital on Shabbat — if he won't be able to go home, he might not want to go next Shabbat. Therefore he may go home.

**2. Overall we reckon with human weakness.** Truly, if it's pikuach nefesh, he must go in any case. But we're talking about people — we know that perhaps he'll think twice next time. Therefore we permitted.

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**Halacha: Ship Tossed at Sea, City Surrounded by River, Individual Pursued**

**Words of the Rambam:**

**"And so any matter that has danger of life — a ship tossed at sea, or a city surrounded by a river — it's a mitzvah to violate Shabbat for it and save them with anything he can save them. And even an individual pursued by gentiles or by one pursuing him to kill him — it's a mitzvah to save him even with several melachot on Shabbat."**

**Explanation:**

Not only war — also natural dangers (storm, flood) and even an individual being pursued — we may violate Shabbat to save.

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## Halacha: Crying Out and Pleading on Shabbat — But Not for Plague

Words of the Rambam:

**"And we cry out for them and plead on Shabbat, and sound the alarm for them to help them. But we don't plead or cry out for plague on Shabbat."**

Explanation:

For an acute danger we may cry out, pray, and blow (sound alarm) on Shabbat. But for a plague — we don't do it on Shabbat.

Insights:

- 1. Distinction between "sounding alarm" and "crying out":** "Sounding alarm" means blowing shofar or announcing to the world to come help — this is a practical thing (like today's rescue sirens). "Crying out and pleading" is prayer. Both are permitted for an acute danger.
- 2. The blowing here is not blowing for prayer** (like on a fast day), but blowing to gather the world to help — a practical melachah.
- 3. Why not for plague?** For a plague one doesn't die "that second" — it's not acute. One can make a prayer gathering Sunday or Monday. **Only what is "acute" — like a gentile standing right outside — we pray even on Shabbat.**
- 4. Another explanation:** Perhaps the "crying out and pleading" itself is a preparation for "sounding alarm" — we want the world to take it seriously enough to come help. For a plague, where it's not relevant that people should physically help, there's no need.
- 5. Nice question:** Can't you arouse heavenly mercy by keeping Shabbat? Say "Master of the Universe, I don't mention the trouble, help the Jews in the merit of Shabbat" — that's also an approach in prayer. For a plague that's the right way — not to cry out on Shabbat, but to pray in a different manner.

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## Halacha: Besieging Gentile Towns — War on Shabbat

Words of the Rambam (Shabbat Chapter 2 / Hilchot Melachim):

**"We besiege gentile towns three days before Shabbat... and from oral tradition they learned that we make war even on Shabbat... even an optional war."**

Explanation:

One may not begin a siege on a gentile city less than three days before Shabbat. But when we've already begun three days earlier, we continue the war even on Shabbat, until we've conquered the city — even for an optional war.

Insights:

- 1. The distinction between previous laws and here:** The previous laws speak of a situation where we have no choice — the gentile comes. Here we speak of a war "by choice" — the king of Israel decides to make war.
- 2. The reason for "three days before Shabbat" — not because of violating Shabbat, but "because of panic":** Violating Shabbat we may indeed in war. The reason is "because of panic" — because the first few days of war are very busy (tumultuous, hectic). It's not fitting that Shabbat should be so busy. If we can, we must make Shabbat be a bit Shabbat-like — a bit of rest, even in a war situation.
- 3. The explanation of "because of panic" — not about bad warfare, but about honor of Shabbat:** The explanation that the reason is so they should do "good warfare" (that they shouldn't be confused by Shabbat thoughts) is excluded. The true explanation: we want the soldiers to have a bit of rest on Shabbat.
- 4. The source — halacha leMoshe miSinai, derived from the conquest of Jericho:** The verse says "and on the seventh day you shall go around the city seven times" — the seventh day with the blowing of shofars was Shabbat. From this we see that war overrides Shabbat.
- 5. A simple reasoning why war overrides Shabbat:** When the Jews fought at Jericho on Shabbat, all the gentiles knew that Shabbat cannot stop them. This itself is a reason — that if Shabbat cannot stop them, they can lead the world.

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### [Digression: Prayer on Shabbat for Trouble — End Note]

A distinction is made between things that help people's "awareness" (awakening the world, blowing alarms, announcing a day of prayer) — this we may even on Shabbat, because it's relevant to people's practical help. But something that doesn't lie in people's hands — only arousing heavenly mercy — can be done after Shabbat, because one can also pray on Shabbat in a different way ("Master of the Universe, help the Jews in the merit of Shabbat") without explicitly mentioning the trouble.

## Full Transcript

### Laws of Shabbos Chapter 2: Life-Threatening Danger on Shabbos

#### Introduction to the Chapter

Good.

We are learning in the Rambam, Laws of Sefer Zemanim, Laws of Shabbos. We are going to learn the second chapter, Chapter 2. The first four chapters the Rambam discusses general laws, before he goes into the details of specific melachos (prohibited labors), he discusses general laws about Shabbos. For example, in the previous chapter he discussed various things regarding intention, that Shabbos must be meleches machasheves asrah Torah (the Torah prohibited thoughtful work). And in this chapter the Rambam is going to tell us the

principle of a sick person, that a sick person, pikuach nefesh (saving a life) overrides Shabbos, and he goes into various principles and details, I mean, of sick people.

Before we go to the actual shiur (lecture), we must thank the sponsors of the shiur, first and foremost the great supporter and patron of our shiur, the Rabbi, the pious one, the generous one, Rabbi Yoel Wexberger, who helps make it possible to learn Torah, and may they say to him "v'chaim ya'asu" (and may you have life). Very good.

#### Law 1: Shabbos is Overridden for Life-Threatening Danger Like All Other Mitzvos

So, we are going to learn the beginning. Let's begin. The Rambam says, **"Shabbos is overridden for life-**

**threatening danger like all other mitzvos."** Shabbos is also overridden when there is a situation of life-threatening danger, just like all other mitzvos.

The Rambam already taught us in Sefer HaMada that only for three mitzvos must one give up one's life, but for all other mitzvos one should not give up one's life. The Rambam says that Shabbos is also like all other mitzvos.

**Why Does the Rambam Need to Say This Explicitly Regarding Shabbos?**

It could be that there is a hava amina (initial assumption), because at the end of Laws of Shabbos the Rambam says that Shabbos and idolatry are the two most severe mitzvos. Yes, at the end of Laws of Shabbos, Shabbos and idolatry. And we know clearly that there is indeed a certain similarity between Shabbos and idolatry, because both have to do with faith, both have to do with fundamental principles of religion.

But it doesn't mean halachically that Shabbos should be like idolatry regarding the law of "be killed rather than transgress," rather like all other mitzvos. Yes, it could be that this is the intention. Well, I'm just saying. Because he doesn't say it by every mitzvah. Every mitzvah we already know the principle from Sefer HaMada.

But in any case, what he tells us, because he wants to go into all the details of the matters later, the Sages didn't just give the principle. We spoke a bit about such a hint, why indeed? Why shouldn't the Sages say the principle and have the detail, that everyone should listen to his doctor? But it's not so. The Sages also gave us the details, which types of foods constitute pikuach nefesh and the like. Yes? No. But let's try to examine a bit better.

**The Reference to Laws of Foundations of the Torah**

What is written here "like all other mitzvos" could be like a reference. Let's remember, in Laws of Foundations of the Torah Chapter 5 were the laws of sanctification of God's Name, not the laws of overriding a mitzvah for life-threatening danger, in any case that wasn't the main topic there. The topic there was a mitzvah called sanctification of God's Name, and there were written the general laws of sanctification of God's Name.

That all the mitzvos in the Torah, if a non-Jew comes and he is coerced, one should transgress rather than be killed, and the Rambam held quite famously that even if he transgressed and they killed him he is liable with his life, except for the three that were mentioned, that then there is a mitzvah of sanctification of God's Name, an extra mitzvah that one should be killed rather than transgress.

And there we stood there that just as they said regarding coercion, just as they said regarding coercion that a non-Jew wants to force a Jew to do a sin, that for the entire Torah he follows the non-Jew except for the three mitzvos, so too is the law regarding illnesses, that when it comes to healing, if one needs to heal with a sin, one heals with any sin except for idolatry, forbidden relations, and bloodshed.

So, that all the mitzvos, the rest of all the mitzvos are overridden for life-threatening danger, that is actually more the second law that is written there, not the main law of sanctification of God's Name. A law that comes there almost incidentally, that if there is a danger and a sin can save a Jew from the danger, the principle is that all mitzvos are overridden except for the four mitzvos. That is the principle

that we have already learned essentially in Laws of Foundations of the Torah.

**This Chapter Speaks of Different Levels of Life-Threatening Danger**

Now, one must understand that here one is going to learn much more details in this law, and it's not just like details of the principle that the mitzvah of Shabbos is overridden for life-threatening danger, when there is life-threatening danger. Here one also speaks of many other levels, also halachic levels, not just practical.

If everything were practical, one wouldn't need any laws. There are a few laws here that are perhaps very practical indeed, that this is called an illness, this is called a danger, and the like. Okay, it's perhaps medical essentially. But generally, the structure of the chapter is that there are levels of life-threatening danger.

In other words, let's make it a bit clearer: if a non-Jew comes and says to a Jew, "if you desecrate Shabbos" - no difference which desecration of Shabbos - "desecrate Shabbos, if not I'll kill you," for that one doesn't need the entire chapter. It's simple that it's overridden, like all mitzvos. Here one speaks a bit differently, and one will see in many other different ways.

First of all, one speaks of someone who is sick, and in order to heal him one needs to do some desecration of Shabbos. Many times this isn't so simple - how sick is he? How strongly is he going to die?

We see, generally, my main principle of these things is that all the laws of this chapter are a bit less than, let's call it, the classic "be killed rather than transgress" literally. In other words, when it's a question that if one doesn't do this one dies, one doesn't need the entire chapter. That is simple, below any doubt. But the chapter speaks of many lesser things.

**Pikuach Nefesh is Not the Same as Life-Threatening Danger**

For example, people often say "pikuach nefesh." One will see later in the chapter, pikuach nefesh is not the same as life-threatening danger. Pikuach nefesh is that simply one sees a Jew in danger, a building has fallen, and one must lift the entire building. So one is mefakeach (inspects), yes? Mefakeach is from the language... what is the translation of mefakeach? Check, or... mefakeach is a pile, yes? You say it's like it means the actual lifting of the stones. You need to know what you're holding with the word, it's not always pikuach. But it says "pikuach nefashos."

In any case, the work of the rescue work, right? That is not life-threatening danger. It's actually true, if one doesn't do the work, a Jew will die and there will be a danger. But there are a few levels.

Understandably, it could be that if one hadn't stood in this law, one wouldn't have known the greater permissions, that one may for example heal a sick person on Shabbos.

**A Sick Person in Danger - One Takes Care of Him, Not Just Saves Him from Death**

Yes, but even generally that one may heal a Jew. One never speaks, almost never does one speak that if one doesn't give the aspirin this minute the sick person will die. Even when it says a sick person in danger, it doesn't mean that one may only do for him things that if not he dies.

It means that one takes care of him until he becomes healthy, which includes all parts of healing, with their perhaps certain principles about this. But it's more of a novelty than simply to

say that life-threatening danger overrides Shabbos. Do you understand what I'm saying?

### **Discussion: Why Are There More Details by Shabbos Than by Other Mitzvos?**

I understand, but I'm saying, regarding other mitzvos you can also do, for example neveilah (non-kosher meat), you can also go into details which types of neveilah one may take away from a sick person, which type of danger. But one doesn't do it, as far as I remember. I mean that there is simply a law of healing, or further.

I mean to say, once one says the law pikuach nefesh overrides Shabbos, must also come the details of how does one know? What happens when it's a doubt? What happens when it's a double doubt? Or what happens when the thing perhaps will help the person, perhaps not? That automatically drags itself into the laws that are written here.

That is, that is not the essence of the laws, that is to know practically. That is actually, that is written after Yom Kippur, what was? I mean that after Laws of Siddur there are also certain principles, the lighter first, such principles, halachic principles, scholarly principles.

But I mean that the novelty here is that one speaks here of greater permissions than simply to say one doesn't jump into fire in order to heal a Jew on Shabbos. One speaks of one does even less than that, and for that it's a bit more.

Let's learn, okay, I mean that it's enough to grasp what I'm trying to say. It's a question, but that's what I mean. I mean that people have a mistake that they think that for example one sometimes asks a question, this is a sick person in danger, but the thing is not simple that one dies from not doing it.

I mean that this is what the law says, that a sick person in danger one takes care of him, not that one only does things that he doesn't die today. Even if they die a bit faster because of it, I mean, one doesn't speak of that, one doesn't speak of all these life-threatening dangers, life-threatening danger, it's even more than the exclusive law of be killed rather than transgress. Not only when with this action one saves him, but someone whose life is in danger, the entire Shabbos is different regarding him and for the people around him.

That would have been a permission. Life-threatening danger overrides Shabbos.

### **Law 1 (Continued): A Sick Person in Danger - One Does All His Needs According to an Expert Doctor**

Let's learn further. The Rambam says, "**Therefore, a sick person in danger, one does all his needs on Shabbos, according to an expert doctor of that place.**"

According to the principle that Shabbos is overridden for life-threatening danger, the law is that a sick person in danger, a sick person who is in danger, there is danger in the illness, one does all his needs on Shabbos, one can do all his needs on Shabbos, according to an expert doctor of that place.

#### **Three Things in This Law**

He says here three things. One, one may do all his needs on Shabbos, everything that is needed. He will elaborate a bit more, I mean, what means everything is needed. Not only what is literally one hundred percent saving a life, but one may do other things.

And it must be according to an expert doctor, but of that place. It must be based on someone who is reliable, who knows that

there is a danger here. But it also doesn't mean that one must now search for the greatest expert of the entire region around, but whoever is the nearest local expert, one can believe him.

#### **Two Roles of the Expert Doctor**

Right, I mean that it means two things, perhaps one will see in a minute. First of all, the expert doctor determines that this is a sick person in danger. You ask him, is this a dangerous illness? Yes, this is a dangerous illness. Second, the doctor says what one needs to do. He needs to eat warm soup now. Okay, cook for him warm soup, and the like.

#### **Discussion: What Does "Of That Place" Mean?**

An expert doctor of that place is a bit of an interesting thing. It means the best of that place. If in that place there is no expert doctor, the one who is closest to an expert doctor.

Seemingly, no, there is no obligation to search for one from far away, because perhaps the one who is accepted as a doctor here, perhaps he doesn't know enough. There is an obligation for pikuach nefesh.

What? Simply so one may not live in a city that doesn't have an expert doctor.

No, but yes, to save a Jewish life. But it means the one who knows, not just anyone.

No, but the "of that place" seems to be a bit of a certain leniency, that one doesn't need to search perhaps there is some other expert who says differently. And precisely in Laws of Yom Kippur he speaks a bit more about what happens when there are other doctors who say other things.

Okay, but that is... I say there, one must search for an expert, one doesn't need to simply help a Jew, one must make sure one has the greatest expert that one knows. This is Laws of pikuach life-threatening danger, that is regarding the matters of life-threatening danger, one follows the expert, in the Gemara it says an expert. The Rambam added to us this, an expert doctor of that place.

### **Law 1 (Continued): Doubtful Life-Threatening Danger Overrides Shabbos**

#### **Speaker 1:**

Yes. The Rambam says, what is the principle? Not only when the person's life is in certain danger, but **even if there is a doubt whether one needs to desecrate Shabbos for him or not**. There is a doubt whether the sick person needs to have the desecration of Shabbos, whether this will save him. Or another type of doubt is, **one doctor said that one should desecrate Shabbos for him, and another doctor says he doesn't need it**, another doctor says that it's not needed, he doesn't see that the sick person is in danger or that the action will help him, this is also called a doubt, **and one desecrates Shabbos for him?** The Rambam says, because the principle is that **doubtful life-threatening danger also overrides Shabbos**, not only life-threatening danger as he began, but also doubtful life-threatening danger overrides Shabbos.

### **Law 2 - One Does Not Wait So As Not to Desecrate Two Shabbosos**

#### **Speaker 1:**

The Rambam says further, Law 2, another leniency, that one doesn't need to seek to minimize specifically the desecration of Shabbos when it involves life-threatening danger. He says thus, "**They assessed him on Shabbos**", they assessed him

on Shabbos, **"that he will need such and such for eight days"**, he will need a certain treatment, let's say eight days. A person could have thought, hmm, make it so in the eight days there will only be one Shabbos. He could have said, let's start the treatment on a Monday, I don't know what, so there will only be one Shabbos, not start it Friday or Shabbos. **"One doesn't say we will wait for him until evening"**, that one should wait until after Shabbos, **"so that he won't desecrate two Shabbosos"**, so that one won't desecrate Shabbos both this Shabbos and the next Shabbos. One doesn't say so. **"Rather one begins from today"**, from when the need arises one can immediately begin to do the desecration of Shabbos, **"on Shabbos"**, and one doesn't need to be concerned that one will need to desecrate Shabbos again. It's true there one could have perhaps... here one could yes have waited, perhaps the waiting wouldn't have been such a great danger. But if there is a doubtful life-threatening danger and there is a need for a treatment, one can already begin today, even if this will cause another Shabbos.

**"And one desecrates for him even a hundred Shabbosos"**, one may even desecrate Shabbos even a hundred Shabbosos as long as it's needed. **"As long as he needs"**, the Rambam says the principle, **"as long as he needs"**, as long as he needs a desecration of Shabbos, a treatment, a healing that is desecration of Shabbos, **"and there is danger or doubtful danger, one desecrates"**.

**Discussion: The Novelty of "One Does Not Wait" - Even When There Is No Difference**

**Speaker 1:**

I would have thought that this is simply a scholarly thing. Certainly if there is a doubt that if one starts the treatment later there will be more danger, it's obviously that one must. That is not the law. The law says an even greater novelty than that. There is no difference at all. One can calmly begin after Shabbos. A Jew doesn't need to calculate now it's pikuach nefesh, now it's doubtful life-threatening danger, so today's Shabbos is overridden. A Jew doesn't need to make God's calculations, "ah, two Shabbosos will be desecrated because of this." One doesn't need to make such a calculation. Now there is a doubtful life-threatening danger, a sick person in danger, now you have a permission. Tomorrow, next Shabbos, will again be permitted.

**Translation**

I'll tell you even more than that. I'll tell you that even if he says, "I can do it Sunday," but now there's a bit of pikuach nefesh (life-threatening situation), now there's something that begins on Shabbos. I'm telling you, it's not... We're not talking about a case where it's more dangerous to wait until Sunday, then it's obvious that one must do it on Shabbos. We're talking about a case where there's no difference at all. It doesn't matter to him. Now is permissible, so now is permissible. Next week will be permissible, so it will be permissible next week. If there's no difference at all, then it's not.

But when there's a need. As long as there's a need. He needs eight days, he needs to have the treatment, and it can be done either Shabbos or Sunday, then it's obvious that one does it Sunday. No, it's not. That's what it says here. One doesn't need to make this calculation. People don't schedule a doctor's appointment for Shabbos because it can be done Sunday. One may. What do you mean? The answer is that one may. One may, but perhaps with a certain addition, that he already has a

status, he's already in the category of doubtful pikuach nefesh or something. A choleh she'yesh bo sakanah (dangerously ill patient). Again, people don't schedule with the status of choleh she'yesh bo sakanah. A choleh she'yesh bo sakanah is permitted to desecrate Shabbos. Next week we'll ask the question again, is one permitted to desecrate Shabbos? The answer will continue to be that one may. As long as there's danger or even doubtful danger, one is permitted to desecrate Shabbos.

If someone is indeed a choleh she'yesh bo sakanah, and one needs, for example, to do perhaps a test, it's not critical whether one does the test today or tomorrow, according to what it says here there's no issue to ask the hospital to do the test motzaei Shabbos (Saturday night). Now he's a choleh (sick person), one may. You're saying that the choleh has become permitted, for him one may already go, one doesn't need to... One doesn't need to make calculations to save next Shabbos. There's a difference, I'm telling you that it's permitted according to the law. If it's a choleh she'yesh bo sakanah, and the doctor says that one needs eight days of such and such thing, whatever it is, one may.

**Discussion: Why Is There No Obligation of Shabbos Observance for Next Shabbos**

**Speaker 1:**

It's an interesting halachah, because for next Shabbos, this Shabbos I don't have an obligation of shemiras Shabbos (Shabbos observance) for next Shabbos. It's obvious that if I may this Shabbos because he's in the category of a choleh, that I may for this Shabbos, I don't need to worry now about next Shabbos. The obligation of Shabbos is only each Shabbos for today. Today I have a mitzvah of shemiras Shabbos, I don't have today a mitzvah of shemiras Shabbos for next Shabbos.

**Speaker 2:**

But should... Next Shabbos will be a mitzvah (commandment) because he's still in the eight days of the treatment.

**Speaker 1:**

Yes, I understand what people are saying. I mean perhaps the thing that people are saying is, not just one Shabbos is involved, not like perhaps the... Not like "chalal alav Shabbos achas" (desecrate one Shabbos for him), not because pikuach nefesh is more than one Shabbos. Pikuach nefesh is even worth for one choleh, one must desecrate Shabbos all Shabbosos. Someone wants to be able to... But one must indeed make the calculation. It's not critical. I thought that it was held off, then one begins on Sunday the fourth, not on Sunday the first. The advice is no. That's what it says here apparently.

**Discussion: What Does "Tzorech" (Need) Mean — Today or In General?**

**Speaker 1:**

So, excuse me, let's see. So, he is a need. Does a need mean that he needs it in general, or he needs it today? There's a need apparently means that he needs it in general, that he needs it, he needs the treatment. And he's already in the category of a choleh pikuach nefesh for whom Shabbos has already been permitted, one doesn't need to be precise whether it specifically falls out today. Because since the choleh needs to have it for the bigger picture, even if it's not today's rescue, one may. And even if one is now entering into a treatment that will last a longer...

The point is, what it says here is because one is afraid that next Shabbos... That is, one can ask the question immediately. One Shabbos one certainly may desecrate Shabbos, because it takes eight days. The question is whether one must be concerned that it will be two Shabbosos. The Rambam says that one doesn't need to be concerned. I see that Rav Blumenberg brings from the Shulchan Aruch HaRav, not like us, but he learns that this is all about a concern. But one cannot know, one cannot err with certain calculations. If there's a small concern, if there's a real danger.

Mine says, that if it's certain that not... But I don't understand, our rabbis say, I mean, the holy Shulchan Aruch HaRav says, I can't argue with him. I don't understand what he's saying. "Ein bari l'oni" (certainty doesn't override doubt). That means that it's never certain. Always it can be that... I'm not talking, I don't know, we're not talking at all about a choleh she'yesh bo sakanah, it's not certain, then the question already begins. But a choleh she'yesh bo sakanah is always, one pushes off the treatment one day, there can be a complication that day, exactly, who knows. That's the reason. I mean the Rambam himself... I'm talking to everyone. He says, he doesn't want to say only if it falls out, because he doesn't want people to be stringent regarding pikuach nefesh. And one may not instruct the masses, as if... because there are those types of people that one is afraid they'll stumble and not do Shabbos pikuach nefesh, because they'll convince themselves. So he says, one may, he doesn't say... No, your question is a change of name. The change of name is there are certain people who they hold yes they place a seal and signature. No, the change of name means that it's a matter of souls. Every postponement, it's a bit... Certainly, you can ask a question, you come always today people ask themselves questions, the doctor himself postpones because he needs to eat lunch, won't I postpone because of Shabbos... what what will I do... lunch one doesn't need, and Shabbos one doesn't need. That's the halachah. That's how it seems to us. That's what the halachah says! But on the other hand, one who is an expert may postpone, one who is an expert, and he knows one hundred percent that he's not postponing because of Shabbos, but because one can postpone, he must therefore postpone, let him postpone. No problem. But one doesn't want the person to postpone because of Shabbos, basically. Shabbos shouldn't be a reason to delay the person. That one may, one says one doesn't need at all for a seriously ill person, one must travel to a hospital, and he doesn't have strength to travel, one asks the doctor, the doctor says can you travel tomorrow? Okay, that's already laws of doctoring, that's already laws of Shabbos. Yes, honor when it's a need and there's danger, so, danger with fats.

### **Halachah 2 (Continued) — What Types of Melachos (Prohibited Activities) May One Do**

#### **Speaker 1:**

Now he says here, what may one do? He says, one may do various melachos, not just surgery, the entire thing, where the melachah itself heals, because even surrounding things one may do. He says, **one may light lamps, one may extinguish lights, or extinguish lights, as needed, and one may prepare food for a choleh, one may slaughter, either heat water.** One can wash him, or give him to drink, oils, oils for washing, washing for bathing, one may do all these things. I mean that it's obvious, it's a new chiddush (novel teaching), a sick person one may cook food. A

sick person, must have warm food, he must be strengthened, he cannot, if it's an open suffering, he cannot sleep, or conversely, he's afraid, it's dark, he cannot see. All these things become part of the care of the choleh, the medicine. A healthy person can hold out a Shabbos without fresh warm food. A choleh is every thing, we're told, that for a choleh is every thing, because he's so fragile, every thing is in the category of a concern, a doubtful danger for which one may do on Shabbos.

### **The general rule is, Shabbos regarding a choleh she'yesh bo sakanah is like a weekday for all matters.**

### **Shabbos Is Like a Weekday Regarding a Choleh She'yesh Bo Sakanah — Halachah 2 (Continued)**

#### **Shabbos Is Like a Weekday for All Things That Are Needed**

##### **Speaker 1:**

Shabbos regarding a choleh she'yesh bo sakanah is like a weekday, it's like a weekday regarding everything he needs to have. You understand? He shouldn't hold back, perhaps he doesn't need, the water should be so warm, or perhaps one can use a little less water. Those who are involved with the choleh, Shabbos shouldn't be an obstacle from pikuach nefesh. He should do everything he needs.

It says "**I'chol ha'devarim she'tzarich lahem**" (for all things that are needed for them), not just any things.

#### **The Definition of "Care of the Choleh" — Broader Than Medicine Itself**

I mean that one must remember, I remember once hospitals are very modern these days, but once everyone understood that a choleh, the care of a choleh is not primarily the medicine, the antibiotics, I don't know what one does to him. A choleh one must take care.

What does it mean one takes care? One puts him in bed, one gives him warm food. This is all part of care of a choleh, it's proper bikur cholim (visiting the sick), but that's the mitzvah of taking care.

Today in the hospital one takes him, the lights may be on all night, and there may be noise, the main thing is that one gives him the right shot, I don't know what. But that's not how the halachah looks at it, not how one looked at it at all until a few weeks ago. One didn't look at such care of a choleh that way. A choleh is someone whom one must take care.

#### **"Al Pi Rofeh Uman" (According to an Expert Doctor) — The Precise Definition**

One must know, the "**al pi rofeh uman shel oto makom**" (according to an expert doctor of that place) means what medical things mean, but what Chazal (our Sages) say that one may do, one may do. One doesn't need to ask the doctor whether the choleh needs to have warm water to wash. It's a decree of the Sages that one should provide for the person.

#### **Discussion: May One Do Things That Are Not Directly Life-Threatening?**

It's an interesting thing. I looked up, in the category of danger to life, if this is not... if washing has nothing to do with danger to life, one may not.

No, simply because the person is in a state of danger to life, one has permitted everything for him. No, they didn't magically permit. That's the fact, I had an endless Torah dispute about this. They cannot do everything.

Yes, but when everyone agrees that it helps to take care and one gives him the best, everyone agrees that this is part of the care of the choleh. The fact that today's hospitals don't prioritize this, that's a question on them. But ask them themselves, let them admit that it's part of the healing.

No? Okay. So it seems to me. Okay.

One must know the *al pi rofeh uman* precisely. *Al pi rofeh uman* means that the expert doctor means the caregiver that the choleh is in the category of choleh she'yesh bo sakanah. But if the expert doctor says that washing won't make any difference for him, apparently we remain with the halachah that it says that one may not just, that one may indeed.

No, I mean that it's a fact. A choleh one must take care. You say he won't die. You mean that in the Gemara, again, in the Gemara would one have thought that a choleh dies if one won't wash him well? One didn't think that way at all. Everyone understands, a choleh needs care, one must take care of him.

Okay, but one must know precisely what is the definition of care, what yes and what not.

#### Example: Music for a Choleh

I don't know. But one must know what he means. For example, I don't know, let's say a choleh makes that he wants now to have music, it's pleasant for him. Must one now turn on music on Shabbos? I don't know.

The things that you calculated, have to do with... he wants to eat, eating gives a person strength. Washing him, washing also helps to heal, it doesn't bring illnesses. Lighting a lamp the Gemara indeed says that it's for his calmness, for extinguishing or lighting, he shouldn't be frightened.

Yes, and the correct with me. I don't believe that people need music, but if he holds that he needs, let him put on music, no problem, Shabbos too.

The Rambam asks, "**elu hen devarim ha'elu...**" (what are these things...) that Shabbos burns for him. No, I say "**otam devarim ha'eleh**" (those things)... No, it's the opposite, read what it says.

#### "We Don't Hand Over to Non-Jews, Minors, Slaves, or Women"

##### The Rambam's Language

When one does these things, "**ein mosrin otan lo l'goyim v'lo l'ketanim v'lo la'avadim v'lo l'nashim**" (we don't hand them over to non-Jews, minors, slaves, or women). A person would think that he shouldn't do all these melachos, but should have it done by someone whose obligation is weaker, or a non-Jew or...

But it has the opposite... "**kedei she'lo tehei Shabbos kalah b'eineihem**" (so that Shabbos shouldn't be light in their eyes). If one will say "I won't do it, but you may because you're a minor, or because you're a slave or a woman," Shabbos will become light in their eyes. They'll think that the reason one makes them do it is not because of the importance of danger to life, but Shabbos will become weak to them.

But what then must one do? **Al yedei gedolei Yisrael** (through the great ones of Israel), to show that the reason one desecrates Shabbos for the choleh is because that's the halachah, because *pikuach nefesh* overrides Shabbos. But what does non-Jews mean? What's relevant by non-Jews "so that Shabbos shouldn't be light in their eyes"?

#### Discussion: Two Points in the Halachah

#### Speaker 2:

There are two things here, I mean. One, one shouldn't think that it's a great after-the-fact situation, and because of that, conversely, the gedolei Yisrael should do it to show that it's optimal.

#### Speaker 1:

It doesn't say here about showing. There are apparently two things. One thing is, as you explained earlier, "**v'ein ma'avirin nashim la'asot devarim elu**" (and we don't pass over women to do these things). What it says here is two things.

First of all, one doesn't trust a non-Jew. If it's danger to life, it must be done by whoever can do it best. You shouldn't send some non-Jew, who knows if the non-Jew knows what he's doing, or a slave. He must be reliable to properly help the choleh or the danger to life.

There's a second point, which is "so that Shabbos shouldn't be light in their eyes." One doesn't hand over. Since one has been very lenient on a very serious prohibition on Shabbos, one says to women, "You know, go wash" and so on, and they won't grasp that it's because of danger to life, they'll think, "Ah, Shabbos is simply a small thing," and they won't know precisely to distinguish when yes and when not.

So, one gives it specifically through gedolei Yisrael. Gedolei Yisrael, not the people understand the newspaper. Gedolei Yisrael, who is like Your people Israel, yes.

#### Speaker 2:

Women, gedolei Yisrael are generally bar mitzvah.

#### Speaker 1:

Exactly, because they're responsible. Both they're responsible to help, and they're responsible not to be disrespectful of Shabbos because of this. It's actually two different things stated here in the same halachah. Because non-Jews or slaves for example... slaves I don't know... for example women, there's indeed no explanation, because a woman is exactly as commanded in Shabbos, she's exactly as liable to stoning if she desecrates Shabbos. If so, what's the idea that a woman does it? It's just optional.

#### Question: Why Would One Think a Woman Should Do It?

I'm still not there, but I'm saying, why would a person think? Think to do through a non-Jew? Because he doesn't want to desecrate Shabbos. Simply, it won't suddenly occur to him.

There are two things here in the halachah. One, that a person shouldn't say "I don't want to do it, I want to be stringent." One says, no, conversely, *pikuach nefesh* is a great mitzvah, and you should indeed do it. Therefore gedolei Yisrael should also do it.

We have here a second thing, that one shouldn't tell it to be done by people who will think that one may desecrate Shabbos.

So again, if a person has a nurse, a woman, who does all melachos for the person, one doesn't say that on Shabbos a man must take over. On Shabbos one must bring the rabbi, the great one in Israel. Whatever, you say it doesn't mean great one in Israel. Take over on Shabbos. It doesn't mean that.

It means to say, a person who wants to refrain from desecration of Shabbos, he'll think, okay, the woman he'll use, or the non-Jew that he convinces himself... The non-Jew is

indeed not the same prohibition, but a woman... **"v'ein morin l'nashim la'asot techilah"** (and we don't instruct women to do it initially).

No, he doesn't mean here that one may not hire women nurses. He means to say, a man who wants to get out of it, he doesn't want to be the desecrator of Shabbos, I tell him no. It's a mitzvah that one should be involved with a choleh, and it's not at all an idea that the woman does it better than you.

**Speaker 2:**

But one should truly understand, why would one think at all that it's better that a woman does it? A woman is liable to proper stoning. He places it alongside non-Jews and slaves. Non-Jews I can hear. But women is proper desecration of Shabbos. Why would one think it's better? It's a prohibition.

**Speaker 1:**

### **Shabbos Laws Chapter 2 – Life-Threatening Situations on Shabbos (Continued)**

But the second part is that there is a prohibition, "so that Shabbos should not become light in their eyes." But the prohibition is also only when specifically the desecration of Shabbos is what one tells the woman to do. If the woman is the one who takes care of the sick person, then everything is fine.

**Speaker 2:**

What am I holding? Women are not gentiles. You're now saying a new halacha, that on erev Shabbos one should fire all the female nurses and bring in gedolei Yisrael (great Torah scholars) as nurses.

**Speaker 1:**

That's not what the halacha here says. The halacha says that a person should not twist things around and convince himself on Shabbos that he's such a great tzaddik (righteous person) that he makes someone else do the desecration of Shabbos because he doesn't do it. On the contrary, it's actually a deficiency, because it does override Shabbos, what you do yourself.

There is a deficiency in having a woman or a servant do it, because they will come to view Shabbos as light in their eyes. That's what it says here. What you've inserted is a whole piece that isn't written.

**Speaker 2:**

That's the explanation of what's written here, because what's written here doesn't make any sense. Perhaps regarding the word "gentiles," but not regarding the word "women."

**Speaker 1:**

Now you're asking a question. I have a question, and I gave you an answer to it, and I told you a good explanation of how to learn this piece of Rambam.

You've inserted something, and it explicitly states that one doesn't tell women to do these things, and this is for the same reason, because women are people who are not reliable that it won't become "Shabbos is light in their eyes." They won't understand that it's because of pikuach nefesh (saving a life), pikuach nefesh, such a serious matter. They'll think it's just a thing.

Now if you want to ask practically, a place where there are only women, or you have women who are professionals, without a distinction, there is a leniency on this halacha. It's not such a big problem.

What **"ve'ein morin nashim la'asos davar zeh"** (and we don't instruct women to do this thing) means is that a person shouldn't think that he should keep Shabbos and have the woman do it. You've heard the explanation, and only that is the explanation. You're inventing a whole policy, that's not written. On the contrary, we even had to really stretch to explain why we have a problem with gentiles.

**"Light in Their Eyes" Regarding Gentiles**

By the way, one can also squeeze out regarding gentiles that it has something to do with "light in their eyes," I don't know how. That is, I can tell you why, "light," that the prohibition of amira le'akum (telling a gentile to do work) will become light among the Jews. One can learn it that way, there are commentators who learn it that way.

One can, I did want to insert what you're saying, but completely remove what's written and insert something else.

**Speaker 2:**

Look, not all versions have these words at all, "ve'ein morin nashim la'asos davar zeh."

**Speaker 1:**

I told you to remove it. Furthermore, no, it doesn't make any sense to say that this is a stringency. That you're going to tell us, no, that you should let the sick person die because there's only a woman. It doesn't make any sense.

One must understand it in the whole context. He says that it does override, therefore the man should also do the melacha (forbidden work) himself and not give it to the woman. Also deficiencies in taking a woman from "she should not be light in her eyes." That's what he's saying, that's how I understand it. If you understand it differently, this is my interpretation.

**Speaker 2:**

No, because you jumped very far. Otherwise it doesn't make sense, otherwise there's a big problem.

**Speaker 1:**

It makes very good sense. Because until now we've only said how one should do everything for the sick person immediately, and now we're making conditions that women may not do the melachos for the sick person, and one must go searching and waiting, and he should die in the meantime until the gadol b'Yisrael (great Torah scholar) comes. What does it say here? It can't be that this is written here.

What's written here is that one shouldn't twist things around.

### **Pikuach Nefesh on Shabbos: General Hashkafa and Specific Halachos**

**Hashkafa: The Torah's Goal is Mercy, Kindness, and Peace**

**Speaker 1:**

There is indeed a deficiency in taking a woman from "so that it should not be light in her eyes." That's what he's saying, as I understand it. You understand it differently, I see this is my interpretation.

Because otherwise it doesn't make sense, otherwise there's a big problem. It can't be that this is written here. What's written here is that one shouldn't twist things around to have a gentile do it because of Shabbos, and present oneself as someone who convinces himself that the obligation is weaker. I've already said it three times. But the prohibition is indeed written, he asks a question, what does one do when there isn't

a servant? He's not even talking about a case where it's a doubtful danger, we're talking lechatchila (from the outset). One must appoint, for example, I'll tell you what's written here. It's written here that when one appoints the rescue members, one specifically seeks gedolei Yisrael, not women and the like.

If there's a case where one can't find them, the men take more money, who knows what, the women are better nurses, no problem, certainly one should take the women. That's not written here, one may not. "Ein morin," yes, it doesn't say it's forbidden for women. "Ein morin" means there's a distinction. That the women, if the woman is the only one, certainly one says immediately, later we saw regarding childbirth, yes, it explicitly states one brings a midwife who is a woman, because that's their job. If there's a job, the job of the nurses, he's not talking about that. But if there's a way that one can trouble men, that's what he's saying, that one troubles the men because the women have the problem.

And he also brings from below, that certainly if there aren't any women, one doesn't wait. One never waits because of the stringency. But there is indeed a bit of stringency. Says the Rema, **"ve'asur lehitmahmei'ah bechillul Shabbos lecholeh she'yesh bo sakana" (and it's forbidden to delay in desecrating Shabbos for a sick person who is in danger)**. One may not even delay and think perhaps one won't need to, not be stringent, **"she'ne'emar 'asher ya'aseh osam ha'adam vachai bahem velo sheyamus bahem"** (as it says **"which a person shall do and live by them and not die by them"**). He says, this he applies to the letters mem-hei, this he wants to connect to the beginning of the second part. From this we learn that kol haTorah kulah (the entire Torah) one must do in a place of pikuach nefesh. You've learned from the verse that says "asher ya'aseh ha'adam vachai bahem," that the Almighty wants, that the Torah wants that people should live, and one should not sacrifice one's life. You learn **"she'ein mishpetei haTorah nekama ba'olam" (that the laws of the Torah are not vengeance in the world)**. The laws of the Torah didn't come to make things difficult for people, to be... to take revenge on people, a punishment, **"ela rachamim chesed veshalom ba'olam" (but rather mercy, kindness, and peace in the world)**. The Torah is here for mercy, kindness, and peace.

Because with the mercy, kindness, and peace one must hurry for pikuach nefesh, with the mercy especially. I mean that peace comes in...

On the other hand. **"Ve'ilu haminim she'omrim shezech chillul Shabbos ve'asur" (And those heretics who say that this is desecration of Shabbos and forbidden)**, if there are heretics somewhere, which the Sadducees were who fought with the Sages about this... there are such people today too. It's no innovation to encounter them. "That this is desecration of Shabbos and forbidden," that even in a place of pikuach nefesh it's called desecration of Shabbos and forbidden, **"aleihem hakasuv omer 'vegam ani nasati lahem chukim lo tovim umishpatim lo yichyu bahem"** (about them the verse says **"and I also gave them statutes that were not good and laws by which they could not live"**).

**The Rambam's General Hashkafa on Torah**

It's written very clearly. The Rambam says here something more general, a bit of hashkafa (philosophy), right? Not just about desecrating Shabbos, that Shabbos is overridden because of danger to life, but this is considered the letters mem-hei. It could be the entire second part is more like a matter of explaining the general mitzva of this.

Because what he wants to bring out is that not only is it a halachic ruling that Shabbos is overridden for danger to life. The one who thinks that Shabbos is not overridden, he doesn't understand the entire Torah at all. He thinks that the Torah came to "destroy life," to make people's lives difficult, that you say that the vengeance means literally a punishment, I mean usually in the Rambam. But the Torah came to make life better. Mercy, kindness, and peace is all to ensure that life should be better, living with people in peace, perhaps helping another person pikuach nefesh means peace. If someone says the opposite, he has a Torah that is "lo yichyu bahem" (they will not live by them). His Torah doesn't make life better, his Torah makes life worse, his Torah causes death. But that's false. It's a bit interesting specifically this verse, because the person doesn't learn Torah well, he perhaps has the wrong Torah, the person doesn't know what's written in the Torah. And the verse is if he has a different Torah, they have statutes that are "lo yichyu bahem." The Torah says "vachai bahem," that one should live with the Torah. He holds that the Torah is "lo yichyu bahem."

**Speaker 2:**

Yes, "lo yichyu bahem" is the word from there. It says in the verse "vachai bahem," and he says "lo yichyu bahem."

**Halacha 4: One Who Has Pain in His Eyes**

**Speaker 1:**

Now the Rambam will begin to go into details of which types of illnesses are life-threatening. Says the Rambam: **"Choshesh be'ainav, vehu sheyihch bishteihen tzir o be'achas meihen" (One who has pain in his eyes, and that is when there is discharge in both of them or in one of them)**, there emerges a certain discharge, such pus from the eyes, one or both eyes. **"O sheyihu dema'os shottos meihem meirov hake'ev" (or that tears are flowing from them from great pain)**, or that one's eyes hurt so much that tears are flowing, **"o dam shotes meihem" (or blood flowing from them)**, or blood. **"O sheyesh bahem kadachas" (or that there is fever in them)**, there develops a fever, it means heat, but he says that the eye becomes swollen. **"Vechiyotzei bechol eilu, harei zeh bichllal choleh sheyesh bo sakana, umechallin alav es haShabbos, ve'osin lo kol tzorchei refuah" (And similar to all these, behold this is included in a sick person who is in danger, and we desecrate Shabbos for him, and do for him all medical needs)**. It means a danger to the... We don't yet know about this that one may desecrate Shabbos not to become blind, or for danger to a limb. Meanwhile we only know about concern for danger to life. So apparently the word is that from such a thing one can die. To what? That's what I would say at first glance. The Rambam hasn't yet said about saving a certain limb so the person shouldn't lose a hand or what. I mean that also the answer, usually the reason is because one can die from it. An eye is a dangerous thing, who knows what will happen. There's a thing that's a certain infection on a certain limb, just an illness on the eyes, which is something wrong with the nerve.

But there's an illness that attacks the eyes and he can become blind, but he won't die. You'll answer such a thing with great doubt, because a person without an eye is barely a person.

**Discussion: Danger to a Limb or Danger to Life?**

**Speaker 2:**

No, how? The simple meaning is that there's another innovation, that also not to become blind is also considered within the category... I mean that there's another Rambam that talks about this, that there's a law of saving a limb. This isn't relevant to pikuach nefesh that one shouldn't die.

**Speaker 1:**

No, it doesn't say relevant. There's a law that one shouldn't die. That's relevant to pikuach nefesh. Does it say there?

**Speaker 2:**

Yes.

**Speaker 1:**

No, how? That one should live. Danger to life. Danger to life means that a person will die. It doesn't say in any of the halachos that all this we're talking about that he'll die tomorrow or yesterday. It says on.

But what, he'll become sad? Hello? That he'll lose a limb. One also calls that it will be a sick person who is in danger. It doesn't say that... I'm sure that from the halachos, if he'll lose an eye he'll also become a danger. There's no infection in the world that a person can't... Today we have very good antibiotics and remedies that are available at hand. I can't imagine that there's such a thing, a real infection that one can't heal from. I don't agree that there's such a thing. Except if you'll tell me literally that he broke his hand, even then one must think. One must think what the definition of danger to life means, whether there's even a remote concern. Not a remote concern, it's a close concern.

**Halacha 5: A Wound in the Body Cavity**

**Speaker 1:**

Shulchan Aruch continues, "**Vechen mi sheyesh lo maka bechalal gufo**" (And similarly one who has a wound in his body cavity). A wound that is internal in the body, what does that mean? From the nose and down, it's internal from his mouth, and there's no difference where it is, it's internal in his mouth, it's in his intestines, deep in his belly, in his liver, in his spleen, in his liver or his spleen, some part of the intestines. "**O bish'ar kol sheyesh bechalalo, harei zeh choleh sheyesh bo sakana ve'eino tzarich umed**" (Or in any other part that is in his cavity, behold this is a sick person who is in danger and doesn't need assessment). One doesn't need an expert doctor to assess this, to say that it's a danger. Once you know that it's a problem in the body cavity, "**choli kaved**" (liver disease), that means a serious illness, a serious disease, he goes again to the liver, to the liver. "**choli kaved, dehaynu choli kaved, harei hu mechalel alav miyad belo umed**" (liver disease, that is liver disease, behold one desecrates for him immediately without assessment).

It's interesting, I think the word is "belo umed," that one doesn't need to assess externally. One can know the general rule that it's the body cavity. I mean the body cavity is apparently the word that it's something that a person can't assess. Today there are machines for this. And the minute you

don't know what the illness is, and it's something that's internal in the body, you must be concerned.

No, no, he repeats the thing. He says like this, "**Vechen kol choli shel panim, kol choli shel panim, dehaynu, maka she'einah nir'es lachutz, ela shehi bechalal haguf, kegon halev vehamei'im, harei zeh sakana umechallin alav es haShabbos**" (And similarly any internal illness, any internal illness, that is, a wound that isn't visible outside, but rather it's in the body cavity, such as the heart and intestines, behold this is danger and we desecrate Shabbos for him). That's the first thing.

**Specific Dangers: Blood, Chills, Kordaikos, Boils, Wound on Back of Hand and Foot**

**Speaker 1:**

And now he continues, "**Vechen mi she'achazo dam, o mi she'achazo tzamrures, o mi she'achazo kordaikos, o mi she'achazo hashechin, o mi she'achazo maka begav hayad uvegav haregel, harei eilu sakana umechallin aleihem es haShabbos**" (And similarly one who is seized by blood, or one who is seized by chills, or one who is seized by kordaikos, or one who is seized by boils, or one who is seized by a wound on the back of the hand and back of the foot, behold these are danger and we desecrate Shabbos for them).

And now he goes to explain what this is. "**Mi she'achazo dam, keitzad? Lo sheyatza lo dam mimaka o meichamas shechatach etzba'o, ela shero'eh dam shotes veyotzei lo derech piv, o shero'eh dam shotes veyotzei lo derech chotmo, o shero'eh dam shotes veyotzei lo derech pi hataba'as, o shero'eh dam shotes veyotzei lo derech ha'amah, harei zeh sakana umechallin alav es haShabbos**" (One who is seized by blood, how? Not that blood came out from a wound or because he cut his finger, but rather that he sees blood flowing and coming out through his mouth, or that he sees blood flowing and coming out through his nose, or that he sees blood flowing and coming out through the rectum, or that he sees blood flowing and coming out through the urethra, behold this is danger and we desecrate Shabbos for him).

That's the first thing. The second thing, "**Mi she'achazo tzamrures, keitzad? Lo shenitkarar me'at, ela shera'ad vero'ed kol gufo, harei zeh sakana umechallin alav es haShabbos**" (One who is seized by chills, how? Not that he became a little cold, but rather that he trembles and shakes his whole body, behold this is danger and we desecrate Shabbos for him).

"**Mi she'achazo kordaikos, keitzad? Lo shenishtateh me'at, ela shenitbalbelah da'ato alav, ve'eino yode'a mah shehu medaber, ve'eino yode'a mah shehu oseh, harei zeh sakana umechallin alav es haShabbos**" (One who is seized by kordaikos, how? Not that he became a little insane, but rather that his mind became confused, and he doesn't know what he's saying, and he doesn't know what he's doing, behold this is danger and we desecrate Shabbos for him).

"**Mi she'achazo hashechin, keitzad? Lo shechin echad, ela shechin sheparach bechol gufo, harei zeh sakana**

**umechallin alav es haShabbos" (One who is seized by boils, how? Not one boil, but rather a boil that spread over his entire body, behold this is danger and we desecrate Shabbos for him).**

**"Mi she'achazo maka begav hayad uvegav haregel, keitzad? Lo shechatach yado o raglo, ela shenafchah yado venafchah raglo, harei zeh sakana umechallin alav es haShabbos" (One who is seized by a wound on the back of the hand and back of the foot, how? Not that he cut his hand or foot, but rather that his hand swelled and his foot swelled, behold this is danger and we desecrate Shabbos for him).**

That's what he says here.

### Doctors' Assessment and Swallowing an Ant

**Speaker 1:**

And now he says, **"Vechen kol choli sheharofim omrim shehu sakana, af al pi she'eino be'echad mikol eilu, mechallin alav es haShabbos" (And similarly any illness that the doctors say is dangerous, even though it's not one of all these, we desecrate Shabbos for him).**

And now he continues, **"Vechen habole'a nemala o tzir'ah, harei zeh sakana umechallin alav es haShabbos" (And similarly one who swallows an ant or a hornet, behold this is danger and we desecrate Shabbos for him).** Because of not seeing, on Shabbos one may cook hot water for him on Shabbos, which is forbidden for all medical needs, when there's no danger to life.

Why does he say here the hot water? He says that the hot water is the remedy as it were.

### Hilchos Shabbos Chapter 2 – Danger to Life on Shabbos (Continued)

#### Halacha 11 – One Who Swallows a Water Worm

**Speaker 1:** One who swallows a water worm – if someone swallows a worm, some insect, when he drinks water, this can be a danger internally in the person. I know, it can cause infection internally in the belly. So **one may do for him desecration of Shabbos, meichamin lo chamin beShabbos** (one may heat hot water for him on Shabbos), one may cook hot water for him on Shabbos, **ve'osin lo kol tzorchei refuah, mishum sakanat nefashos** (and do for him all medical needs, because of danger to life).

Why does he say here the hot water? It appears that the hot water is the remedy, as it were one makes him drink a lot of hot water for what? That's how it seems.

**Speaker 2:** Yes.

**Speaker 1:** So it's because of danger to life.

#### Halacha 11 (Continued) – One Bitten by a Rabid Dog

**Speaker 1:** **Vechen mi sheneshecho kelev shoteh** (And similarly one who was bitten by a rabid dog), one who was bitten by a rabid dog, **o echad mimeinei chayos ra'os hamemitin** (or one of the types of evil animals that kill), some type of snake or reptile that can kill, **afilu hu safek mamit vesafek eino mamit** (even if it's doubtful whether it kills or doesn't kill) – even if we don't know which species, he got a bite from one, we don't know which species of animal it was, whether it's from the animals that kill or not, so **osin lo** (we do for him), also **osin lo kol tzorchei refuah lehatzilo**

(we do for him all medical needs to save him). Or the animal is such a type that doesn't always kill, once in ten times.

**Speaker 2:** Or, yes, true. Or is he Rabbi Akiva, well, which is well, "alah lo lanachash" (it went up to the snake), who encountered whom? Chanina ben Dosa?

**Speaker 1:** Yes, okay. There was indeed such a story, that a person is a tzaddik that the "zochalei afar" (crawlers of the dust) can have influence on him.

**Speaker 2:** Yes, that's already a miracle.

**Speaker 1:** A rabid dog I think means rabies, yes?

**Speaker 2:** A mad one.

**Speaker 1:** In those days they would give us to eat from the liver of the dog.

**Speaker 2:** Yes.

#### Halacha 12 – Ten People Run to Bring Dried Figs

**Speaker 1:** Now one can learn halachos. Until now we've learned principles of things that mean that there's a concern for danger, now one can learn a certain halacha that has to do with how many people or how much desecration of Shabbos one may do for one sick person.

**Speaker 2:** One may do.

**Speaker 1:** Yes.

### Laws of Shabbat Chapter 2: A Patient in Danger and Childbirth

The Rambam says, **"A patient whom the doctors have estimated needs to be brought dried figs to eat"** - that the doctors have assessed that one must bring him dried figs, and one must do it with desecration of Shabbat, one must tear off - dried figs usually means dried figs. Let's say one must carry in a public domain.

**Speaker 2:** Yes.

**Speaker 1:** **"If ten people ran and brought him ten dried figs at once"** - ten people ran to bring a dried fig. **"They are all exempt from anything"** - they are all exempt from anything, even from lashes of rebellion, even I'll tell you now with Tosafot, yes, because if there was another minute to think, only one would have been needed. He says, if it went, when there was a panic, **"they are all exempt from anything"**. Even like, as one says it's not an inadvertent act, because how can one say that the third person didn't know that a dried fig had already been brought? Is that an inadvertent act? If he went with permission, is he liable for a sin offering? No, he is completely exempt.

#### Innovation: Exempt from Anything - Initially Running

Even like, like, I think it means even more than that. It means that one may, you say it's not just a panic, it's a good thing that each one runs, because one needs people, **"whoever is zealous in saving a life is praiseworthy"**. One needs people to run. On the contrary, if one sees ten people, I say it's a reason that ten people should run. But we don't want people to be afraid of it, so one says "exempt from anything". I think there's no prohibition at all. Every Jew should run. One sees that a Jew needs a dried fig for Shabbat, everyone should run to bring it.

**Speaker 2:** "No, I have more experience." The doctor says, "I'll do it myself."

**Speaker 1:** Okay, do ten people need to hold together bringing dried figs? No, I think one says "they are all exempt

from anything" because all have done it. Just as he already says "they are all with permission".

#### Exempt Even When the Patient Has Already Eaten

Even like, like, even as the Rishonim say, it means, when the second person carried four cubits in a public domain, the patient was already, he was already in the middle of eating the first dried fig, he was already in the middle of becoming healthy. So the person brought it at a time when there was no longer any danger to life. But he is indeed exempt from anything, **"for they all were with permission"**, all brought it with permission. Because when they went to do it, there was indeed a dangerously ill patient, and each one had the permission that he may.

#### Law 13 - Increase in Harvesting

**Speaker 1:** Okay. Now he comes to the law about how much. What is worse? Which prohibition is worse?

**Speaker 2:** Yes, but it has to do with how much, from this it comes in here.

**Speaker 1:** "A patient who needed two dried figs" - he needed two dried figs, **"and they didn't find"** - there were two options: either they found **"and they didn't find except two dried figs on two stems"**. Stem means the twig on which it grows. They found two options: either there grew there on each twig grew only one dried fig, because one needs two dried figs one must do twice the labor of harvesting, cut off two pieces. Or there was the other option which was that there was one twig that had on it three dried figs.

The law says, **"one cuts the stem that has three on it, even though he only needs two"**. That means, a person might have thought, what should he do? What is different? Should he cut twice, or should he cut something that is more? He thinks, perhaps it's worse, because he cuts more, he cuts more dried figs. The law says, no, he goes with less extra, he doesn't need three, there's a third one there that he's cutting for nothing. That's the real problem, right?

**Speaker 2:** No, but he's only cutting the stem, he's not cutting the dried figs.

**Speaker 1:** That's the answer. But he's cutting more. That's the mistake, he's not right that person, but his mistake is interesting.

#### Reason: So As Not to Increase in Harvesting

The answer is that **"one cuts the stem that has three on it, even though he only needs two, so as not to increase in harvesting, rather he should cut one stem and not cut two, and so all similar cases"**. This means, if there are two on one twig, and one has a twig that has three, one should cut the twig that has only two. Why? Does this mean increase in measures? A greater prohibition in a certain sense. What does it mean?

#### Discussion: What is Increase in Measures

Interestingly, both are exactly the same harvesting. He doesn't transgress more than one measure, one labor. There's still a difference, even within the measure, it's still worse when one drags a larger bag than a smaller bag. So it seems, increase in measures.

**Speaker 2:** Wait, not when it's weekday one may not.

**Speaker 1:** The labor of cutting has to do with what you cut, not the cutting off. When there are no fruits there, you don't transgress the labor of cutting. The labor is to cut off fruits. He

cuts more fruits, it's a greater prohibition. It's still one act of cutting, he won't receive more lashes, he won't receive three lashes for three dried figs. It's a greater prohibition though.

**Speaker 2:** Is it a rabbinic prohibition or Torah prohibition?

**Speaker 1:** It seems to me that increase in measures is a rabbinic prohibition. It seems to me that increase in measures is a rabbinic prohibition. Both are harvesting, both are harvesting, both are exactly the same. No, it's still a greater prohibition. One may not, for example, we'll soon see, for example a large pot, one may not put a greater increase for what one does. For example, if someone wants to cook for a patient, and he can put a larger piece of meat to have for himself too, he may not. Why may he not? Hey, it's the same action, one may not.

If someone kills an elephant it's a greater prohibition than if someone kills a cockroach. Essentially both are the same negative commandment. But it's a greater prohibition, one may not increase for nothing.

#### Law 14 - One Who Cooks for a Patient on Shabbat and There Was Left Over

**Speaker 1:** Okay. One who cooks, yes, now we can learn the next law. The Rambam says thus: **"One who cooks for a patient on Shabbat"**, someone cooked for a patient on Shabbat, as one may do, **"and the patient ate and there was left over"**, the patient ate and left over, the question is what happens with the extra, may a healthy person eat from the extra food?

The law says, **"it is forbidden for a healthy person to eat from the leftover"**, the healthy person may not eat from the leftover food. Why? Because **it's a decree lest he increase for his sake**, that next time he will cook more in order to have also for the healthy person. But it's not such a penalty.

#### Distinction Between Cooking and Slaughtering

**"But one who slaughters for a patient on Shabbat"**, if someone slaughters an animal for a patient on Shabbat, indeed **"it is permitted for a healthy person to eat from it raw meat"**, the healthy person may eat from the meat. Why? **"For there is no addition in the matter that we should be concerned lest he increase for his sake"**, he didn't make more, he only had the option. Apparently, it says here, if he takes a larger animal, he indeed perhaps has a problem. But if there's only one option, he has the chicken that he slaughters, he didn't have the option of making more or less, in such a case one may indeed.

**Speaker 2:** That means, one doesn't change, one doesn't change in the measure of slaughter.

**Speaker 1:** There are other cases that one learns from such a law. With a non-Jew, he slaughtered the entire animal for the patient, it's not applicable to slaughter a little for the patient. Every olive's bulk from the animal or fowl that he slaughtered, he slaughtered for the patient. One cannot increase here, make it's not applicable to increase. One must slaughter the entire olive's bulk so the patient should have what to eat.

But why shouldn't one think increase in measures? It could be that next time he will seek a larger animal.

**Speaker 2:** I think not the same thing as starting a larger pot?

**Speaker 1:** No, never, I don't know.

#### The Ra'avad's Comment About Muktzeh

And on this comes the Ra'avad and he says a comment that if the animal was alive on Shabbat eve, it was indeed muktzeh, because it wasn't fit to eat. The Ra'avad says, this didn't bother the Rambam. No, automatically the Ra'avad says, the patient must have already been in danger, automatically the animal was fit for the patient to be able to slaughter. Okay, that's already.

#### **Discussion: The Distinction Between Cooking and Slaughtering**

But then, I am indeed curious what is the distinction, why doesn't one say for example a decree lest he increase next time? Not a decree lest he increase, a decree lest next time when he sees that one may, he will think, ah, there's the same concern with the slaughterer, he will take the larger cow, the larger chicken.

**Speaker 2:** There's no distinction, because then he still goes... increase in measures means nothing to take a larger cow.

**Speaker 1:** Why is a larger cow or a larger pot, what is the distinction? In both you're doing a labor of cooking or a labor of slaughtering.

**Speaker 2:** Right, with the larger pot, it may be permitted to slaughter the larger cow, because one needs to have an entire cow for one patient. One needs anyway to slaughter an entire animal.

**Speaker 1:** But why shouldn't you say that a larger cow is increase in measures?

**Speaker 2:** Because one never needs the entire pot so that the patient should have one piece. The larger the pot you make a greater prohibition, or you put in more, but the animal is only one animal, and one must have the entire one. There's no greater mitzvah.

**Speaker 1:** You said earlier that it's a greater prohibition to slaughter a larger animal, it's not correct apparently.

**Speaker 2:** It's a greater prohibition to cook more, that's simply the distinction.

**Speaker 1:** If you pour in again into the pot it's another action, but he puts down a large pot on the fire. What is the distinction which size pot he puts down on the fire? There's no action of putting a pot on the fire.

**Speaker 2:** No, the action of cooking is to cook a piece of meat, not to put things on the fire.

**Speaker 1:** Always the action is the result is still part of the action. So we learned in all the Laws of Shabbat, the previous chapter and always. The result of slaughter is different from the result of... how is it called? From cooking. Slaughter is only one thing one animal. Cooking there's a larger piece, more meat and less. Perhaps even a larger piece is more and less. There's a distinction if it's one piece or two pieces.

## **Laws of Shabbat Chapter 2: A Patient Not in Danger and a Woman Giving Birth**

### **A Patient Not in Danger - Law 10**

#### **Speaker 1:**

Always the action is the result, part of the action, as we learned in all the Laws of Shabbat, the previous chapter and always. The result of slaughter is different from the result of, how is it called, from cooking. Slaughter is only one thing one animal, cooking there's a larger piece, more meat and less. Perhaps

even a larger piece, more and less, there's no distinction if it's one piece or two pieces, it's very different.

Okay. Now, until now we learned... certainly it's different, certainly it's different, very different.

#### **Beyond a Patient in Danger**

Now we're going to learn about a patient not in danger. Until now we learned about a patient in danger, which is the main permission of danger to life. Now we're going to learn about things that are not exactly a danger. A patient not in danger also has leniencies, but of course not that far, Shabbat was not permitted. What was indeed permitted is rabbinic prohibitions.

#### **The Rambam's Language**

So he says, "**A patient not in danger, one does all his needs through a non-Jew.**" Ah, sorry, and one may do his needs on Shabbat through a non-Jew. "**How? One tells the non-Jew to do for him, and he does.**" What does this "how" mean? One may tell the non-Jew to do labors for the Jew, and he does, and the non-Jew does. One may tell him "**to cook for him, and to heal him, and to heat water for him, and similar things.**"

"**And similarly,**" the same thing, there's a law that "**one applies kohl to his eye through a non-Jew on Shabbat, even though there's no danger.**" That means, if the Jew lacks medicine, yes, even if it's not a matter of danger.

#### **Question: What Does He Add With "And Similarly"?**

What does he add with "and similarly"? That means, even the person is generally not sick at all, just his eye hurts him, that means, a patient not in danger. What does he add with the kohl? It's apparently also a type of patient not in danger, exactly. So it seems. One can know if one needs the kohl leniency, generally perhaps it's just difficult, it's even more lenient.

#### **Continuation of the Rambam's Language - Things That Are Permitted Even to a Jew**

Okay, the Rambam says, but where one said "needs of a craftsman's work", that's when a patient not in danger one must do desecration of Shabbat. But just doing things for a patient not in danger which is just let's say a burden, but which is permitted on Shabbat even to a Jew, why doesn't one think for example that perhaps it will go... what? One rabbinic labor? Yes.

So the simple meaning is, "**Therefore one sets ears on Shabbat.**" What does setting ears mean? I don't know what one fixes in the ear. An ear that moved, one brings it back up, I don't know. The ear sank in, if someone knows what that is, I don't know. "**And one sets joints,**" what does setting joints mean? Also something when the bone is out of place, "**or one returns the fracture,**" a person broke something a bit, a hernia, one moves around in the body, these are things that are not a prohibition on Shabbat, or you say that it's not a complete prohibition, is it somewhat of a prohibition?

#### **Speaker 2:**

It's not difficult from the simple meaning, but difficult from what one treats like therapy, like because of grinding medicines to what?

#### **Explanation of the Rambam's Opinion - Torah Labor Through a Non-Jew, Rabbinic Labor Through a Jew**

#### **Speaker 1:**

The simple meaning of the Rambam's opinion in this chapter, so is the Maggid Mishneh and the Rav and other commentators with it, that the Rambam holds that for a patient not in danger one may do thus, one may do either a Torah labor through a non-Jew, or a rabbinic labor through a Jew. So the Rambam's commentators learn. There's a problem, of course, as you mention, because there's a prohibition to make grinding of medicines. So from when are we speaking now? One must find a thing that we're speaking even not of a patient not in danger.

One must say that it's a side effect, that one is afraid that it will become a bit better. A side effect, unintended consequences, one may even... so it must be an opening, from this one must extract that a patient who hasn't fallen to bed is indeed an opening. Not really sick, fine, then there's a prohibition, then indeed the prohibitions remain. Then perhaps there are certain things there that are not a labor at all, which are permitted.

That means, the Rambam is not clear what he says. "There is no labor in it" - does he mean to say Torah labor? Yes, so is the simple meaning. But the simple meaning that stands here is that for a patient not in danger one may do rabbinic labors.

#### **The Foundation: In a Place of Illness the Rabbis Did Not Decree**

What is the matter? This has nothing to do with the main law of danger to life. It's also somewhat a branch, because it's also somewhat a further concern that a doctor is like danger. It's also under the same category of patient.

#### **Speaker 2:**

What? The language of the opinion is "in a place of illness the Rabbis did not decree".

#### **Speaker 1:**

Yes, I think that's what the Rambam puts together. It's not about simple danger. If it's a simple danger, it's back to a patient in danger.

#### **What Does "Doubt" Mean**

Good, one must know what this means "doubt". Doubt doesn't mean that there's a remote chance. Every day there are remote chances. Doubt means something that people understand that it's a doubt. Something that people understand, doubt one now calls a doubt. Doubt means that there's an option, a wide option.

No, when I take you a patient not in danger, even if it's not a doubt of danger to life, but it's nothing. A patient not in danger means as the Gemara says, that he has a bit of pain and one puts a compress. He broke his bone a bit, nothing happened, he has no infection, he has no wound, it's just a bit of pain. Then it's a patient not in danger, a place of pain or a place of illness.

#### **The Foundation of "And You Shall Live By Them"**

It's a value in general. You don't always ask the value of "and you shall live by them". That the Torah didn't come to persecute Jews. I think yes, but that's already more like the topic of reasons for commandments with philosophy, as was spoken earlier. The law is that the Sages don't decree when one is healthy, when things are going well. The Sages don't decree for difficult things.

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#### **A Woman Giving Birth - Law 11**

#### **Law of a Woman Giving Birth When She Kneels to Give Birth**

Okay. What is the law with a woman giving birth? The Rambam says, "**A woman giving birth when she kneels to give birth**" - when she's already right at giving birth, she already bends down to give birth. I don't know exactly what "kneels" means. But it seems that so was the order of the midwife in Lubavitch perhaps. In ancient times one used to give birth kneeling, now one does it bent down. Aha.

is a proof of danger to life, is in the category of danger to life, and one desecrates the Sabbath for it. He says, for example, what may one do? **Korin lechachama**, one may call a midwife, meaning a woman, a midwife. One may carry her **mimekom lemekom**, just as for example going outside the techum or whatever. **Vechotchin et hatibur**, one may cut the umbilical cord from which the child emerges. What is the cutting of the umbilical cord? It is seemingly a prohibition of shearing or cutting, like plucking, shearing, there is fixing, whatever, one of the avot melachot. **Vekoshrim otah**, one may make a knot on the umbilical cord, a permanent knot or whatever.

#### **Madlikin lah et haner – even for a blind woman**

Further, **umadlikin lah et haner bisha'ah shehi mitztaeret bechavalehah**, if she needs a candle when... I don't know why he throws in the words "at the time when she is suffering in her labor pains."

#### **Speaker 2:**

Yes, because that's the moment when she screams.

#### **Speaker 1:**

The candle has nothing to do with the screaming. It has to do with, fine. Okay, **madlikin lah et haner**. He says, **va'afilu hayetah sumah**, even if she cannot see, **sheda'atah meyushevet aleha baner af al pi she'einah ro'ah**, she is calmer that there is a candle.

#### **Question: What is the novelty?**

I don't know, he already said earlier by a dangerously ill person that one may light a candle, so I don't know what's new here with this novelty. One may do everything, one may cook, bake, slaughter.

Let's understand very practically in our lives. Is there a novelty that this is stated, seemingly the statement was also by a regular sick person, that he said earlier that one may light a candle, there's no difference whether the sick person sees it or not.

#### **Explanation: A woman in childbirth is a unique reality**

Let's be very clear, all these laws, like every law in the world, there are general rules, and then one learns the Gemaras, not just the Gemaras, meaning it's a practical thing, one works through it until the halacha is. Now, as soon as one sees in a moment that by a woman in childbirth not everything is exactly the same as every dangerously ill person.

Generally when one says a dangerously ill person, simply, it doesn't mean one is going to die. That's clearly a mistake. Most women in childbirth don't die, not today and not ever. Once there was more danger. When there's a situation that stands in halacha as a dangerously ill person, there's a certain permission. That's called a dangerously ill person, when one may do things. But not every dangerously ill person is the same as every other dangerously ill person. We're going to see

now, a woman in childbirth there are certain things where one can be more lenient.

I don't know if it says that by every sick person one lights a candle, even for a blind person. It doesn't say so. A woman in childbirth is such a type of situation that is usually always the same. But if the woman in childbirth in her mind feels that one needs to have a candle, one gives her a candle. It's a novelty. There's a certain novelty in this. One can derive it from the previous law, perhaps. Therefore it indeed stands because it's correct. But it's still a certain novelty, and now there's going to be a certain stringency that exists by a woman in childbirth that doesn't exist by a regular dangerously ill person.

#### Continuation of the Rambam's language

**"And if she needs oil and the like, one also brings her what she needs."**

#### Stringency by a woman in childbirth: Kol she'efshar leshanot meshanin

But he says, however, by a woman in childbirth there is a law that if one can do things through a modification so it won't be a proper melacha, one may, **kol she'efshar leshanot meshanin**. Generally the word, ah, only at the time of need, or does it mean every melacha should be done in a manner... I'm speaking of the example. Yes, the example that he said that one brings oil or one brings a midwife, is if at the time of need one can do it through a modification, as it says in the Gemara **"tova lechavartah keili teli lah bese'arah."** One needs a vessel, but instead of her holding it in her hand, she should tie it in her hair. She does it through a modification, it's a weaker prohibition, still a Torah prohibition on Shabbat, but since it's being done through a modification, one should do it through a modification.

#### The difference between a woman in childbirth and a dangerously ill person

It's different than by a dangerously ill person. What we learned that it's a rule for everything, and one shouldn't seek to make such... and you also see here that the woman brings, yes? One doesn't tell women not to do, there's no issue with chavrutah. Because that's the divine assistance, that's the permission of also not telling women to do. It could be because

#### Woman in childbirth: Distinction between woman in childbirth and dangerously ill person, and laws of midwifery

#### Distinction between woman in childbirth and dangerously ill person regarding modification

##### Speaker 1:

It's different than by a dangerously ill person, what we learned that it's like for everything, and one shouldn't seek to make such... and you also see here that the woman brings, yes? One doesn't tell women not to do, not like with chavrutah, because that's the order, what is the prohibition of also not telling women to do. It could be because everyone knows that a woman in childbirth is a danger, it's not something that's possible not to know, one could have known it simply, that's the order, as you say. The order is the order, one doesn't need to stand on one's head.

About this perhaps, if there isn't... because normally such things initially, if it's relevant, one should do it with a modification. So the Maggid Mishneh understood here, that's the plain meaning of the Rambam, that a regular dangerously ill person, there's no concept at all to make a modification, one

may do it ab initio, one doesn't even need to seek modifications, one acts according to the Torah laws. By a woman in childbirth, says the Maggid Mishneh, since in practice she's not a sick person, it's a natural thing, it's something that everyone gives birth to children, and most people don't die from childbirth, it is indeed a state of danger, but usually one doesn't die, there's the stringency that one should make a modification. That's the position of the Maggid Mishneh.

There were other Rishonim, for example the Ramban brings, he held that every life-threatening situation essentially, if one can one should make a modification. But the halacha is not so, the poskim rule like the Rambam, that only by a woman in childbirth is there this concept, and that too is only if one can, but usually a dangerously ill person one doesn't need to make any modification.

#### Question: Why is a woman in childbirth different?

##### Speaker 2:

Because the Ramban is a bit easier to understand, because once we've said that the woman in childbirth is in the category of danger to life, why should there still be a distinction afterwards?

##### Speaker 1:

I understand, because as you say, every danger to life is equal to everything, one needs to know the rules of that type of thing. But we learned earlier that every danger to life one needs to assess, that was the point. Once we've given a definition of danger to life, you don't need to assess. But a woman in childbirth is not a real dangerously ill person. It's a reality of danger to life, as we said earlier, a reality of danger to life. It's a law, the majority says. And also people used to die, yes, Rachel died, and millions more women have died. One in a thousand dies from childbirth. Look what the Magen Avraham says, perhaps it's an exaggeration, but there is a difference from normal things.

Normal things aren't allowed, people didn't used to die everyone, only if there was a complication. A normal birth one doesn't need to die from. Why don't people die from childbirth today? Do you see that they do some magic that wasn't done once?

##### Speaker 2:

Yes, they pay attention to bacteria and things, everything is sterilized. That's what they say, when they use tools it's always sterilized tools.

##### Speaker 1:

Okay, it's a small thing, but most of the time there's no infection to begin with, it's not... It happens, it's not a normal thing, it's a complication.

#### Law 11: One does not deliver a gentile woman on Shabbat

##### Speaker 1:

Okay, one thing. Further, he says above the law that you just learned, this is essentially a clear law. He tells you a law about a woman in childbirth, a law about a woman in childbirth regarding Shabbat. **A woman who is a midwife who helps women give birth, may not deliver a gentile woman on Shabbat even for payment.**

##### Speaker 2:

If she needs to do melachot or even without that?

**Speaker 1:**

Fine, fine. **And one is not concerned about enmity.** Normally one says a certain law, one says that one may do even for a gentile because... not all gentiles we're concerned about enmity. In the Gemara it says that for payment there's a concern of enmity, but here it says that one is not concerned about enmity, even if there's no desecration of Shabbat.

The Gemara says that one can tell the gentile woman that by us it's only permitted to desecrate Shabbat for Jews who keep Shabbat, and the gentile woman supposedly shouldn't understand, and therefore one may. That is, one is not concerned about enmity in a place where there is no enmity, but one is concerned about enmity in a place where there is enmity. One is not concerned about enmity means that the gentiles understand this, one hopes so, or if one knows that the gentiles understand this. So says the Gemara that they understand.

**Speaker 2:**

Do the gentiles need to follow the Gemara?

**Speaker 1:**

I'm speaking if they're gentile Torah scholars, but if they're ignorant gentiles it's a problem. Okay, I'm speaking in reality. The Gemara speaks... enmity one also needs to know, and it still doesn't make it for a concern of danger. Enmity is perhaps a further, I don't know, chart for Jews long down the road.

The point is, one may not deliver on Shabbat, according to the Gemara one may not deliver gentiles. The Rambam already brought, and we learned earlier in the laws of idolatry we said about in the laws of circumcision, yes, one may not heal gentiles, and one also may not deliver gentiles, because the Gemara says that one is delivering a child for idolatry. One doesn't need to be more merciful than the Almighty.

The problem here is not with the law of Shabbat, but during the week one must be able to, throughout the year there's a prohibition of helping a gentile. One may even because of enmity, but usually there's a prohibition.

On Shabbat there's a good answer, one can tell the gentile, it's Shabbat, it's our Shabbat. Okay, the gentile doesn't understand the permission of saving life, the verses of the Torah. He tells the gentile, hey, the gentile has heard that by Jews one desecrates Shabbat, okay, for Jews there's special protection. So argues the Gemara. But in practice one needs to look and ask what to do.

**One delivers the daughter of a ger toshav**

**Speaker 1:**

**But one delivers the daughter of a ger toshav,** a daughter of a ger toshav, which is one who is not fully a Jew, but he has accepted the seven Noahide commandments and he lives among Jews, for whom we indeed have certain responsibility for the children of the ger toshav, **"since we are not commanded to keep him alive"**, for him we indeed have a commandment to help him and give him life. So obviously throughout the week it's understood, if there's no desecration of Shabbat one may. But on Shabbat, **"and one does not desecrate the Shabbat for him"**, because it's not a Jew where there is the law of we are obligated for them, and so on, and one may desecrate Shabbat. One is not obligated for him for that one, one is obligated for him.

**Novelty: The permission of saving life is specific for Jews**

**Speaker 1:**

The Rambam says here a new permission, the Rambam hasn't yet properly said what the permission is. That is, you say here that a person himself is in danger, he may save himself even with a transgression. But here there's perhaps an extra permission, that one saves another Jew, that is saving life or to heal, and this doesn't exist even for a ger toshav. The ger toshav himself may, he hasn't kept Shabbat at all anyway.

**Law 13: Time periods of a woman in childbirth****Speaker 1:**

Okay, so this is a woman in childbirth when she's in a state of danger. Now one can learn more levels of the levels that we learned earlier, from when she begins, or from when she actually begins giving birth. When she's called a chayah. A chayah is a woman who's going to have a child, there's a term chayah.

**Speaker 2:**

Do you remember "ki chayot henah" that Shifrah and Puah say?

**Speaker 1:**

No, chayah is the translation.

**Speaker 2:**

Okay, there chayah translates as a woman giving birth.

**Speaker 1:**

Translation, I don't know what the translation is. Okay. So **"mishera'ah dam lidatah ad sheteleid"**, from when the blood just begins until she gives birth, and the same thing **"achar sheteleid ad shloshah yamim"**, until three days after the child, this is the **mechalelin aleha et hashabbat ve'osin lah kol tzarkah**.

**Question: Distinction between "mishteshev al hamishbar" and "mishera'ah dam lidatah"**

**Speaker 2:**

Again, earlier he said "mishteshev al hamishbar".

**Speaker 1:**

Again. Very good, earlier he said that it's danger to life.

**Speaker 2:**

Yes. Then she's called a woman in childbirth, then it's danger to life. But here he also speaks of a chayah.

**Speaker 1:**

But here he also speaks of "keri'at laylah", that's the measure is "keri'at", not "mishera'ah dam lidatah".

**Speaker 2:**

True, both are a measure. It's a good question.

**Speaker 1:**

It's a good question. Not only don't we know the answer, other people also didn't know. This is until before...

Because "keri'at laylah" is not a clear sign of when she begins, you know? And here there's a clearer one, when one sees on the body, one sees the **"dam lidatah ad shloshah yamim"**, **mechalelin aleha et hashabbat ve'osin lah kol tzarkehah, bein she'amrah tzrichah ani bein she'amrah eini tzrichah**. No difference whether she holds that she needs the warm thing or she holds that she doesn't need, one does everything for her. This is from her birth until three days. But from three days...

**Speaker 2:**

What does "everything" mean? For example, with a candle we learned that only if she feels it helps her.

**Speaker 1:**

But with a candle is generally, simply, not a help. Anything that we know is a help, even if she says "I don't need", we know that yes, this is a matter of danger to life and one may.

**From three days until seven days****Speaker 1:**

"**Misheloshah ad shiv'ah**", after three days after the birth until seven days, it's like this: **im amrah "eini tzrichah"**, if she says "I don't need the melacha, I don't need the help", **ein mechalel alav**. But at the time when she's silent, we take that as consent. **Mechalelin alav**, one indeed desecrates.

One thing to praise, it's certain, **im be'emet tzarich anu shemehalelin alav et hashabbat**, then one indeed needs to desecrate Shabbat.

**From seven days until thirty****Speaker 1:**

Ah, what happens after seven days, **mishiv'ah ve'ad sheloshim**, which is the category of **choleh she'ein bo sakanah**? That is, one may do rabbinic melachot. Even if he doesn't need us, he **oseh melacha al yedei goy**.

**Law 14: One makes a fire for a woman in childbirth****Speaker 1:**

He says further the law, the law will indeed go on all sick people. A chayah, further chayah, because we're still speaking in the midst of the chayah, so **osin medurah lechayah**, one may light a fire for a woman in childbirth, **afilu bimot hachamah**, even when it's summer. **Tzinah kashah lechayah beharbe mekomot hakarim**, in places where it's cold, even when it's summer, it's only a bit cold, the bit of cold harms a woman in childbirth. That is, besides the law that we already said that one does everything, here the law says, you should know that this is an important thing, making warmth. **Aval ein osin medurah lecholeh lechamemo bah**, for a sick person without danger, a bit, I mean, one doesn't make a fire, that is only through a gentile. Even a dangerously ill person, because this isn't... A chayah has a problem that she becomes cold, soon we'll see if it's yes, what one does yes. But a normal sick person doesn't have this problem, because this is a lack of supervision. Simply, I mean, it's a fact of...

**Discussion: Is the Rambam speaking of a dangerously ill person or a non-dangerously ill person?**

**Speaker 2:**

Dwelling, I mean, it depends, it goes in like all sick people. If it's important, if the doctor says it's important, or the sick person says... I don't know here, he's speaking here when one doesn't know.

**Speaker 1:**

He's saying here rules of when it is or isn't important to make a fire. I mean, others say that he's indeed speaking of a non-dangerously ill person, which is funny, because for a non-dangerously ill person one does nothing, through a gentile.

**Speaker 2:**

Through a gentile one may, yes, I don't know, a non-dangerously ill person, I mean, what helps?

**Speaker 1:**

He says it doesn't help. The law in any case says it doesn't help.

**Speaker 2:**

Yes, the law isn't such a strong law in the laws of Shabbat, it's a law of medical advice.

**Speaker 1:**

What the sages say when a fire is or isn't important. Simply for a sick person a fire isn't important, but a type of sick person who is bloodletting and becomes cold and becomes chilled after bloodletting, one may yes, because then the fire is directly connected with the healing, because he became cold. The warmth will help him, one may even in the summer season, even when it's hot.

**Laws of Shabbat – Saving life on Shabbat (continued)****Washing the newborn on Shabbat****Speaker 1:**

Okay, so it hasn't yet been said, it says for a long time about the yoledes (woman in childbirth), but what about the child itself? The child itself also has a certain status of danger.

**"We bathe the newborn on Shabbos on the day it is born, as it is written 'and as for your birth, on the day you were born your navel was not cut, nor were you washed with water for cleansing,' one may wash the child, even heating water for it on Shabbos.** One may heat it, one may go warm it up.

The language is a bit interesting, **"and we salt it,"** we salt the child. What does this mean, salting it? It's not... He says here what things one does, I don't know. Salting is seemingly not... it would be a shevus, if not for shevus d'sakana (a rabbinic prohibition in a case of danger) it would be forbidden. Okay.

When does one salt people? I don't know, is there a prohibition of salting people? I don't know. Perhaps one needs to make... the novelty is different, one can make the salt, one needs to bring the salt from a reshus harabim (public domain) and the like. You understand? The point is, these are all things that are needed.

I think perhaps that this is all part of the bathing, one washes him with salt water, it makes sense, one uses salt in the... No, the Gemara says a certain language about the washing, the bathing comes with salting and then wrapping. One may do the processes of what one does to a new baby from washing and everything that is included in the washing. That's how I would understand the salting and wrapping. It's already wrapping him, one swaddles him.

**"This is not common, if they don't all know."** All these things are a danger, and the Sages tell us, if you don't know what is important for a child, these things are a danger.

**"And so we bathe him before the circumcision, yes, and after the circumcision? From the third day of the circumcision."** The three times one may... We've already learned the laws of circumcision, **"one heats and warms for him on Shabbos,"** in what manner. Okay.

**A Woman Who Died in Childbirth – C-Section on Shabbos****Speaker 1:**

Now, the Gemara brings further, what happens in such a case? **"A woman who sat on the birthstool,"** she was about to have a child, **"and died,"** she died before the child came out,

so the child is now in great danger. But we don't know, the child is not yet a born child, who says that this has a law of pikuach nefesh (saving a life)?

They tell us that this is also called pikuach nefesh, **"we bring a knife on Shabbos, even through a reshut harabim, and we cut open her belly and take out the child."** One performs a C-section to remove the child.

Even though perhaps the child has died, the mother died, so it's possible that the child has already died too, but **"perhaps it will be found alive,"** there are chances that the child is still alive. One may do it, because **"a doubt about life overrides Shabbos."**

And even if it's only a chezkas chai (presumption of life), ah, the child doesn't yet have a chezkas chai, the Gemara is going to throw this into confusion. A regular sick person we say is living, but he has never yet lived, perhaps for this it's not called pikuach nefesh at all. But no, it's also sakanat nefashos (danger to life), and one may desecrate Shabbos for this. Okay.

### The Concept of "Pikuach Nefesh"

#### Speaker 1:

Now we can learn about pikuach nefesh. Until now we've learned about sakanat nefashos, now we can learn what pikuach nefashos means.

Aha, sakanat nefashos is when it's already established, there is a sick person and one needs to do things. Here it's a matter of looking to see if there is sakanat nefashos. Ah, it may be that it's already there, but one is searching for the person.

But pikuach is a language of looking, like the language of seeing, "open your eyes and see" that Rabbi Yitzchak said. Looking, supervising the situation of people on Shabbos, the situation of sakanat nefashos.

### One Need Not Take Permission from Beis Din

#### Speaker 1:

**"And those who engage in pikuach nefesh on Shabbos, they need not take permission from beis din, and whoever is first to save the life is praiseworthy."** One doesn't need to ask permission from beis din.

And there's a very great... We're sitting in the laws of Shabbos, we have here a law of beis din specifically. He means to say asking a chacham (sage) if this is truly pikuach nefesh. Ah, you would have thought. He looks like a zealot, a wicked person, an evil one. Not really, he's evil, he means that one shouldn't ask a chacham about the precise measure, one shouldn't assess whether it's in the category of pikuach nefesh. Every matter that looks like pikuach nefesh one may do.

That's not the point. The point is, you're going to do a transgression, right? Earlier there was a sick person of doubtful status, that's not the question. Then one is indeed in certain cases uncertain and so forth.

Regarding pikuach nefesh it means, a young man sits in his rescue vehicle, and he drives to the place where something happened, an accident. You might have thought, you're now doing a desecration of Shabbos, on the chance that there's someone to rescue. You'll ask, good, one gets permission, one gets a license.

The answer is, one doesn't need a license. Rather what then, on the contrary, one makes the rescuer a potential murderer. The sooner one runs is better, no time.

### Spreading a Net to Save a Child

#### Speaker 1:

**"If he saw a child who fell into the sea, he spreads his net,"** one may spread out a net to take him out.

By the way, the very act of spreading a net is not yet a desecration of Shabbos. Certainly it's trapping. No, trapping is not on a child. It's one of the types of trapping, this is not the alphabet of trapping here, Gemara. Even then fish are also caught, because that doesn't matter, by the way, this is merely a *davar she'eino miskaven* (unintended consequence), or a *davar she'eino tzarich legufo* (something not needed for itself).

### Three Cases of a Net

#### Speaker 1:

Okay, because for the same reason there's a law, **"if he heard that a child drowned in the sea,"** he heard that a child sank in the sea, **"and he spread his net to bring him up,"** he put in a net to catch the child. What happened is **"and he brought up fish with it,"** he didn't find the child, and he came up together with many fish. **"He is exempt from everything,"** it's not a prohibition at all, because he did it, as you said before, he did it with permission, he did it for the danger. Yes.

Further, **"if he intended,"** what happens in such a case? A person went, he threw a net into the sea because he wanted to catch fish, and he **"intended to bring up fish,"** and to his fortune he rescued a child. He is also exempt.

**"Even if he didn't intend,"** what he did was completely a prohibition. He wanted to violate trapping, he went to catch fish. He was indeed, he caught fish. **"Even if he didn't intend,"** even if he didn't hear at all that a boy was drowning, but **"since he brought up a repair in his hand,"** he is exempt. Yes, because pikuach nefesh permitted it for him.

This is an interesting law. There's a dispute in the Gemara about this, it's an interesting inquiry, like someone who intended to do a prohibition, and it turned out that the deed was actually a mitzvah. The Rambam rules that he is exempt. Okay.

### More Examples of Pikuach Nefesh

#### A Child Fell into a Pit

#### Speaker 1:

Another example of... There are more examples of... Yes. **"A child fell into a pit,"** a child fell into a pit, **"he uproots a section and brings him up,"** he may even... He needs to engage with the pit, he may even if the way to get to the child is he wants to tear out a piece of earth from beside the pit, for example, to be able to reach the child, and bring up, take out the child. **"Even though he makes a step while tearing,"** even when he does this, he fixes the pit, he makes it so there will be a way to go down, one may.

#### A Door Was Locked Before a Child

#### Speaker 1:

The same thing, **"a door was locked before a child,"** the child was locked in, **"he breaks the door and takes him out."** One may break the door and take him out.

By the way, what prohibition is breaking the door? **"Even though he shapes wood to make vessels for work."** That is, by the way, when he breaks the door, he also does with this some work of preparing that the door will now become wood that one can use for work.

One may do it anyway, because there's a matter of danger, **"lest the child be frightened and die."** Perhaps the child will be frightened from being alone and die. An interesting thing, he will die from fright. You see here that one can die from fright. You can't know, a child alone in the room, who knows what happened. The mother died from fright.

That is, even here you have a bit of a prohibition, it's not real building, but breaking a door is also only... It's not a real prohibition, but still, the things that are permitted, it's not because of pikuach nefesh, not because of the lightness of the prohibition. One weighs it even against a proper Torah prohibition.

The prohibitions he's talking about, let's say it's from the Torah, one needs to look in the law precisely which prohibition it actually was. Because he asks, it's possible, I didn't intend to do one, and he means to make an answer. Okay, but it's perhaps a pesik reisha (inevitable consequence). In short, there's no difference, one needs to enter into the inquiries of what is the difference between mis'asek (unintentional act) and miskaven (intentional).

#### A Fire – Extinguishing a Fire

##### Speaker 1:

Another such fire, a fire happened, perhaps there's a person who is suspected of being in the surrounding area. There's a person there, and the place where there's the fire there's a person, and we suspect that he's burned there. **"One extinguishes the fire,"** one may extinguish the fire, **"to save him,"** in order to be able to rescue the person. **"Even if he extinguishes on the way and endangers himself during extinguishing,"** even if he does it during extinguishing, he makes a reshut harabim, he does other repairs, there's also no difference.

**"And whoever is first to save,"** whoever is faster to save, **"is praiseworthy. And he doesn't need to take permission from beis din in any matter that has danger."**

#### The Meaning of "Permission from Beis Din"

##### Speaker 1:

The last thing is seemingly not relevant to Shabbos, **"in every matter where there is danger."** He's talking about other prohibitions. I mean in general, in all these laws, there's the point that when it comes to pikuach nefesh one doesn't need to ask anyone permission. He repeats it again, he already spoke at the beginning of the law. Okay.

It's interesting, the permission from beis din, one needs to look in the Gemara, because the point isn't, usually beis din's job is to do things that one needs a beis din for, fines, I don't know. Here the main point is that a chacham should confirm for him that here there's a concern. That's the main point, that one shouldn't ask. That's what he means by beis din, that's seemingly what he means.

But the language, a permission from beis din, it also sounds more like a kind of authorization of authority, that one should appoint those who engage in rescue as members. Exactly. Here it says that one doesn't appoint people to be rescue members. Every single person, if he sees that he can rescue, he should rescue.

On the contrary, as we learned earlier that one should appoint specifically great people so that it shouldn't become a light

matter for everyone, one also thought that when a time of danger happens one needs to wait until the beis din says not children, but on the contrary, then one needs to go as quickly as possible. Okay.

Now one can see about a scribe. When it stood earlier that specifically a great person should do it, he wasn't therefore the first person. A first person he says is not a great person, the first person is part of the seven days of creation.

#### Laws of Pikuach Nefesh: Doubts, Establishing and Majority, and One Walking in the Desert

##### Law 18: One Upon Whom a Collapse Fell – Doubtful if Alive or Dead

Here it says that one doesn't appoint people to be rescue members. Every single person, on the contrary from what we learned earlier that one does appoint specifically great people so that it shouldn't become light for everyone, one also thought that when a concern of danger happens one needs to wait until the beis din says not children but... on the contrary, then one needs to go as quickly as possible.

Okay, now about what we stood earlier that specifically a great person should do it, he wasn't to exclude the first person. A first person he says is not a great person, the first person includes a woman or a man. Ah, now there's a sick person, the question is who should shave him, not someone who fell into a hole, one needs to search. Here we're talking about a panic, the first person should run. There we're talking about, everything is calm, it's only a situation of one thing. Or it could be, there we're talking about when one does appoint, if one makes a meeting about who should do it, one shouldn't take the woman, but one should take the great person. Here we say that when it's a situation and one is rushing to rescue, the first should do it, the first should go do it.

Okay, now we go to the laws of doubts. The Rambam says such a law: **"One upon whom a collapse fell,"** a person had a collapse fall upon him, a weak building, a weak house fell on him. But we don't know if the person managed to escape and run away. It depends on the language, because "a collapse fell upon him" perhaps tells the story that it fell on someone. It could be "a collapse fell upon him" means on the homeowner, a person has a house and his house collapsed on him. We don't know if there's a person there under it. **"Doubtful if he is alive or dead, we search for him,"** one needs to lift the stones to check if there's a person there.

**"If they found him alive,"** what happens? One indeed did so, one dug out the stones, one finds a living person there. **"Even though he is crushed,"** even if one sees that the person was unfortunately completely smashed to pieces, which perhaps it's clear that he won't be able to survive, we don't say that pikuach nefesh is only when one can save him, and here he's going to die anyway. Rather **"we search for him,"** one needs to continue engaging with him, do what needs to be done, **"and we save him, for temporary life,"** for however long he can still live one should do what one can so he should still live. He has life for a few more minutes. This the Rambam tells us is a greater law than the previous one. There we learned pikuach nefesh, sakanat nefashos, doesn't mean only if he can have a good life in honor of this, but even a very sick person, even temporary life.

Yes. But **"we check until his nose,"** if one began to search the pile, to remove the stones, and one reached his nose,

because one wanted to see if he still has breath, one saw that the principle of that law of how to establish if a person still lives is by checking if he's breathing, one found that he no longer has breath, he no longer has breath, therefore he also no longer has a soul. Neshama means breath, not soul.

If he has no breath, then **"we leave him,"** then one does leave him, **"for he is already dead."** Meaning, honor of the dead, or perhaps here let's say a further doubt, okay, that the one who is certainly a doubt, there it's a doubt that he's not living, but the one who isn't, for example that the... honor of the dead or what? Yes. So, **"we leave him,"** one leaves him, **"for he is already dead."**

#### **Law 19: Upper and Lower Ones — They Should Not Say the Lower Ones Have Already Died**

What happens if there are several people? **"We check and save the upper ones,"** one dug out the first bit of the collapse, and the collapse collapsed. Do you want to take over a bit? Or should I jump into the pool here or something?

**"They should not say."** It's a question of pikuach nefesh, it's a question of honor of the dead. **"We check and save the upper ones."** In short, these are all laws of rescue. One tells the people who go to the collapse what they should do. But it's also relevant to the laws of Shabbos. When one goes from above, one sees the uppermost people, the higher floor, I don't know what, the higher person is already dead. Should one of the people say, it's a kal vachomer (logical inference), if the uppermost person is already dead, the lowest is certainly also dead, the lower one has more stones that fell. The Mishna says, **"they should not say the lower ones have already died, rather we search all of it, for it's possible in a collapse that a hollow space of air is drawn,"** as I thought to you, you should know, that it happens, it can happen that there's some space many times. It could be that the higher floor died, and the lower one is still living, therefore. And one holds that one is obligated and permitted even on Shabbos to go remove more stones to check if below there's perhaps a living person. This is even if it's a doubt if there are people there, or a doubt if the people are still alive.

#### **Laws 20-21: Doubt if Jew or Gentile — Establishing and Majority**

Now there's a new type of doubt: a doubt if there are gentiles or Jews. **"Or a courtyard that has gentiles and Jews in it"** — there's an area, a courtyard, where there are gentiles and a Jew. **"Even one Jew and a thousand gentiles,"** one learned that one doesn't desecrate Shabbos. But here further there's such a law, that here stands the law that one doesn't go according to majority. Soon we'll see what the Rambam holds in other ways. But even if there's one Jew and a thousand gentiles, **"and a collapse fell on them, we search the pile for them because of the Jew,"** because one Jew could be a doubt that one will find the Jew.

What does this mean? Danger, a doubt, means even a doubt of one in a thousand. I was shown that earlier he said that... That is, one doesn't go according to majority in such a case. One doesn't simply go according to majority, because it's not in such a case.

But the Rambam says another halacha: **"If one of them separated to another courtyard"**. What I mean to say is, what happens if one out of a thousand people die from the disease? That is certainly... the way of thinking in numbers is a

modern way, and I have no doubt that even if one out of ten million die from the disease, there is a danger to life (sakanat nefashot).

That is, **"If one of them separated to another courtyard and that courtyard fell upon him"** — that is, not just, not a fixed situation, that is not that in the courtyard lives one Jew among a thousand non-Jews. One person from the courtyard went to another courtyard, and there it fell. Further, we only calculate. Why? **"Perhaps this one who separated is the Jew, and we don't say the non-Jews are in their presumed status"**. This is the law of "kol d'parish m'ruba parish" (whatever separates, separates from the majority). But here we don't say that. Regarding lives we don't say that, rather we check anyway, perhaps it's specifically the Jew who went.

That is, the law "kol d'parish m'ruba parish" is indeed a law regarding other halachot, but it doesn't say that there's no longer any concern, any doubt. There's still some doubt, and therefore one should desecrate Shabbat.

Right, but in the next case the Rambam says yes, go after the majority. Now, there is one time when we do go after the majority. The Rambam says, **if they all moved outside the city**, not one person went where you could say perhaps the Jew went, the entire population went out from one courtyard to another courtyard on the way, **and at the time of the collapse one of them separated and fell into a pit and it's not known who he is, then we do not search for him.**

#### **Explanation of the Rambam's Position: Fixed Status Overrides Majority**

And the Rambam explains, why is the previous case, when they were all in one place and one person went, we said perhaps it's the only Jew? But when they're all on the road and one went, we say that we do go after the majority and we don't check, because presumably he's a non-Jew? **"Since they all moved, there's no Jew fixed there, and whoever separates from them when he enters the city we follow him with the presumption that he separated from the majority"**. This is indeed a principle, kol d'parish m'ruba parish. And the exception to this is with a fixed status (kevi'ut). If we look in a house for example, and we want to know if there's a Jew or a non-Jew there, or kosher or non-kosher, we don't say majority. Majority only works when it goes out from something. The kol d'parish isn't really a majority, kol d'parish only works when it went out from something. But in one place we don't say, because the presumption there, the presumption there is a Jew, you know that there's a Jew, the presumption there is a Jew.

So the Rambam explains, the previous halacha where he says one of them separated, is because the Jew was fixed in that courtyard, you can't say perhaps there's no Jew, the presumption there is indeed a Jew. But if they're all on the road, then presumably there's no Jew there, because they're all going, and therefore then we do go after the majority. What the Rambam's position is and this is the principle, that in pikuach nefesh (saving a life) we do go after the majority. But what it says that even one Jew among a thousand non-Jews one must desecrate [Shabbat], that's simply the law of kevi'ut (fixed status), that kevi'ut overrides the law of kol d'parish.

The Rambam asks, but wait a minute, because the previous one separated, does it still count as a kevi'ut? Yes, because it

separated from a place of kevi'ut, it's not a separation... But where is the doubt? The doubt happens here in the new courtyard. Yes, one must investigate the investigations of there. This is the position of the Rambam. The question is what about a Jew even when they all moved, in the case where one of them separated outside the city and fell into a pit? Because the whole reason why there it's different is because it's a majority of non-Jews, but if it's actually Jews it's certainly, this is a doubt, this is a doubt of lives, certainly one must desecrate for him. This is the position of the holy Rambam. Okay, you can, other commentators disagree, the Ra'avad disagrees, and others, one must be precise in the halachot, but we can't go into it now, we haven't learned the chapter long enough. So this is the halacha of pikuach nefesh.

### **Halacha 21: One Who Walks in the Desert and Doesn't Know When Shabbat Is**

Now we can learn a few more halachot that have to do with the topic of pikuach nefesh. But it's not specifically a matter of pikuach nefesh. For example, an interesting halacha, what happens when a person doesn't know when Shabbat is? Shabbat was given in the desert at Marah, and there was no clock there. Let's see what it says. A person walks in the desert, **"one who walks in the desert and doesn't know when Shabbat is"**, he lost count of time, he doesn't know which day is Shabbat. So what, can we say he should keep Shabbat every day? It's like this: **"he counts from the day he erred six"**, he should count from the day he erred, when he lost his count, he should start counting six days from then, **"and sanctifies the seventh"**, the seventh day he should rest, and that day he should make Shabbat, also regarding the blessing of the day. But regarding that we'll see. He makes the blessing of the day, that is he says "mekadesh haShabbat" (who sanctifies the Shabbat), and he makes havdalah at the end of Shabbat.

**"And on each and every day"**, and every single day, **even on this day that he sanctifies and makes havdalah**, even the day he makes kiddush and havdalah, **"he is permitted to do only for his sustenance, for his life"**. That is like this, one would have said that because of concern for desecrating Shabbat you should keep Shabbat every day. But if he'll keep Shabbat every day he'll never work, he'll die of hunger, because he won't be able to pick any fruit and the like. We say that every day he may do for his sustenance, and one day, so one day should have some aspect of the sanctity of Shabbat and he should fulfill the mitzvah of kiddush and havdalah, we said that besides what he does only the minimum to live, he should also try Shabbat one day. But you see that the Rambam brings it here mainly in the laws of pikuach nefesh, because this is the halacha, that a person who has a doubt about Shabbat, must every day make it a doubt of Torah law, but pikuach nefesh is permitted every day. So, the argument is, perhaps he should do one day two, and because there's no difference, because pikuach nefesh is permitted on Shabbat. If a person has nothing to eat and he must desecrate Shabbat, it's permitted even on Shabbat. And the moment we've designated one day, we should have the full Shabbat experience, as if we don't give him kiddush and havdalah, because he doesn't at least that day not do any work. We didn't designate that. We designated... we designated... simply, what the matter of a doubt. The main matter of a doubt. This is simply another law.

Yes, because... so comes out the halacha. It's backwards. Let's learn how it fits into the context. It's backwards. Every day is a doubt. Shabbat, because every day do for life. May. Is there any day that day do more. They say, today I do more, because perhaps it's already. I may not! I may not do today more, because perhaps it's already. May not do more than for life. More than for life.

Actually there's a side matter that we make it like a remembrance for Shabbat, or that he makes it every seven days, says a kiddush. That's not a law of pikuach nefesh, that's simply a law of that extra law in itself. But that's not it.

Every, the eighth day from when he went out, if he knows that today is the eighth day from when he went out, or today is the fifteenth day from when he went out, is the one day that he knows, that he knows for certain it's not Shabbat, he is permitted to do all work on that day, except for that day, he is certain, except from this day, only for sustenance, now it's interesting, because if he has one day that's permitted, can he only do for sustenance those days, so he can already cook and prepare for one day he should do all work, if he can, perhaps should he perhaps can he not?

He sees something out automatically. He doesn't have to do so. He doesn't have to live the discomfort that one day he should cook for all other days. Even if he must, must, yes. If he can, he must. If he can't, he can't.

Anyway, until here the laws of one who walks in the desert. If one should try, if one goes in the desert, to take along something good, to know what in time of need there shouldn't be any way.

### **Halacha 22: Non-Jews Who Besiege Jewish Towns**

#### **Speaker 1:**

Okay. Now we can learn more, a bit more halachot of what means pikuach nefesh, right? Of how much means danger to lives.

#### **Speaker 2:**

Non-Jews. Perhaps more pikuach nefesh of the many, something like that, a matter of danger to the community.

#### **Speaker 1:**

It's like this, **non-Jews who besiege Jewish towns**, non-Jews who surround, "besieged" means they besiege a Jewish town, and they want to make war. So like this, **if they came for money matters**, if they came for money, they want to steal money, one may not because of money one may not desecrate Shabbat. One may not start a war, one may not go into a war to save the money.

One thing, one may not desecrate Shabbat, one also may not go into a war. One may not go into a war even if it's not a desecration of Shabbat the war.

#### **Speaker 2:**

No, no, Shabbat, Shabbat. During the week you may do what you want.

#### **Speaker 1:**

No, no, we're talking about Shabbat. Even if the war isn't a direct desecration of Shabbat, a war is suddenly they go in and perhaps one will kill someone and so on. But the moment there's a war, there's pikuach nefesh. They don't start the pikuach nefesh, okay.

### **Law of a Town Near the Border**

**Speaker 1:**

But **in a town near the border**, a town that's near the border, **even if they only came for straw and hay**, even they come only for weaker than money matters, barely money matters, they come to steal small things, then **they go out against them with weapons and desecrate Shabbat for them**, one may indeed fight with them and desecrate Shabbat.

Because this is perhaps a matter of protecting the Land of Israel? No, because this is a pikuach nefesh of the many of the land. The non-Jews will take the first town, even if they have an excuse of lives, of only regarding money, tomorrow it's a bit, this is a danger to the land.

Just as we learned in the laws of an apostate city a similar halacha, that a town that's by the border isn't an apostate city. No, because there's another question, it becomes easier for them to conquer the rest of the land.

Or a matter of because of the Land of Israel, it's a magic protector? No, it's not a magic protector. The matter is pikuach nefesh. Pikuach nefesh is however simple, because if this is a beginning of a conquest, a determination of war, it won't end here. Tomorrow he'll live here, he'll go to the next, he'll go take. It's a danger to lives.

**Innovation: Pikuach Nefesh Isn't Only "Today"**

**Speaker 1:**

I would have said, perhaps it's not a danger to lives this Shabbat, but it's on the bigger picture. Now he comes for permission matters, and he becomes close here, he becomes a relative here, and tomorrow he'll come to make war. Yes, and that's also a danger to lives.

With all the laws of danger to lives it would be so. No single halacha that we learned in this chapter speaks about when one will die today. If one will die today, then it's simple. Let's say a person, if he goes because very much he'll die. So every pound he puts on is a danger to lives. But that wouldn't be a danger to lives. But in the long run, in the bigger picture it's a danger. Who knows that? But this is also perhaps a matter of danger from the Rambam.

**A Mitzvah Upon All Israel to Help**

**Speaker 1:**

But if there's a situation of danger, then the Rambam says, then **it's a mitzvah upon all Israel that all should come**, every Jew who can come it's a mitzvah **to go out**, to go out. Simply go out? He'll presumably fill the town with weapons, **and to help their brothers who are besieged, to save them from the non-Jews on Shabbat**.

What should we let him close? One may not wait until after Shabbat. What there will be a war, should we go on Shabbat?

The Rambam says a new halacha, an interesting halacha. It's an extra mitzvah, besides that it's a permission of Shabbat, it's also an obligation. We must go. A mitzvah to take upon oneself for Jews, a matter of pikuach nefesh, or perhaps it's more than pikuach nefesh, it's making war for Jewish interests, for the people.

**Halacha: Returning With Weapons – So As Not to Cause Them to Stumble in the Future**

**Speaker 1:**

The Rambam says such an innovation of a halacha, which is actually very relevant. If a person goes to save, what happens when he's already finished saving?

The Rambam says like this: **when the soldiers go out** — if the people go out with their weapons to make war, what happens when it's already finished? **they are permitted to return with their weapons to their place on Shabbat**. We say first, that when they finish doing the work that's permitted, they should leave the weapons and not carry anymore. They also may not desecrate Shabbat on their way back. **So as not to cause them to stumble in the future**.

Why? Because we're afraid, if we'll say that afterwards one can't desecrate Shabbat when one has already finished, he won't want to go save Jews next time, because it cost him the weapons, and anyway, he was stuck there.

**Adapted for All Matters of Saving Lives**

**Speaker 1:**

To this halacha, here stands the whole war, but it's also been adapted for all other matters of when there's saving of lives. That a Jew goes out for a sick person, he may return home. The Rambam doesn't say it so clearly, he says it regarding war, but the thought of "so as not to cause them to stumble in the future" goes up on every pikuach nefesh.

If we know that for example, the rescue member won't be able to go home on Shabbat from the hospital, he perhaps won't want to go next Shabbat. One may go, so as not to cause them to stumble in the future.

**We Reckon With the Person's Weakness**

**Speaker 1:**

It's interesting, because after all we're reckoning here with his weakness. It's actually so, if he could go home like that, if there's a Jew in danger, he'll go next time too. Pikuach nefesh is pikuach nefesh. But we know that perhaps next time he'll think more. It's not so. We don't understand, he must be on Shabbat. It's not every week, it's not such a thing. We're talking about people, we're not talking about...

**Halacha 24: A Ship Tossed at Sea, A Town Surrounded by a River, An Individual Being Pursued**

**Speaker 1:**

The Rambam says further, **and so any matter that has danger to life** — what one may do on Shabbat for a danger. **A ship tossed at sea** — a ship that's being shaken in the sea, **or a town surrounded by a river** — a town that's been flooded, not just non-Jews, even if it's a danger from a natural danger, like a great flood, a storm. **It's a mitzvah to desecrate Shabbat for it and to save them with anything that can save them**. One should go save the people that one can.

**And even an individual being pursued by non-Jews** — another case, a Jew is being pursued by non-Jews, **or by an enemy pursuing him to kill him**. One who is being pursued by a specific pursuer who wants to kill him, **it's a mitzvah to save him**, one may do everything on Shabbat to save him, even with Heaven's help work on Shabbat, even if one must do several labors, even to endanger weapons to save him one may.

**We Cry Out and Beseech on Shabbat – But Not About the Matter**

**Speaker 1:**

**And we cry out for them**, besides that one goes, one may desecrate Shabbat, there's also a halacha, I think it perhaps had a bit in the laws of prayer, on Shabbat we don't pray, we

don't make things, we don't pray for things that are in distress, we don't focus on needs on Shabbat, "Shabbat it is from crying out" it says in the Mishna, on Shabbat we don't cry out.

But when it's a case that there's a danger, then one may indeed cry out and make prayers, **we cry out and beseech on Shabbat, and we sound the alarm for them to help them.** Sounding the alarm means one may blow shofar or inform the world they should go help, both things one may.

**Distinction Between "Sounding the Alarm" and "Crying Out"**

**Speaker 1:**

The blowing is not for prayer, there is blowing for prayer, where one blows for prayer - on a fast day one blows shofar, but this one doesn't do on Shabbos. One simply cries out, one makes an atzeres tefillah (prayer gathering) even on Shabbos, if what we're talking about here is a danger, sakanas nefashos (danger to life), not just a sick person that one prays for, "aleihem" (upon them) is the language, also for the individual apparently, but aleihem refers to the mentioned people who are in danger.

For a danger, but blowing one doesn't blow, one blows what is part of helping, meaning today the rescue sirens, I don't know what, it helps, it gathers the people together.

**Why Not for Dever (Plague)?**

**Speaker 1:**

But **"ve'ein mischannin velo zo'akin al hadever beShabbos"** (and one does not supplicate nor cry out about the plague on Shabbos), for a plague, even though it's also a danger, it's not such a great danger. It seems to me that the things for which one cries out on Shabbos is only what's called "acute", it's immediate, there's literally a non-Jew standing outside now, one must do something, then one prays even on Shabbos.

But it's a plague, one doesn't die "that second", it's a problem, one makes an atzeres tefillah, a fast, but not on Shabbos, you can do it Sunday, Monday.

**Perhaps "Zo'akin" is a Preparation for "Masri'in"**

**Speaker 1:**

It could perhaps be that the zo'akin umischannin (crying out and supplicating) is so that the people should take it seriously enough, it's all a preparation for the masri'in (sounding the alarm). Which is not the case in another matter where the people's help is not relevant, one doesn't do it, because you can accomplish it motzaei Shabbos (Saturday night), it's not so urgent to arouse heavenly mercy.

Can you arouse heavenly mercy through keeping Shabbos? Say "Ribono shel Olam (Master of the Universe), I won't mention the trouble at all, help the Jews in the merit of Shabbos."

We're talking here with the Almighty.

**Laws of War on Shabbos — Besieging Cities of Non-Jews**

**Continuation: Arousing Heavenly Mercy on Shabbos**

**Speaker 1:**

However, a dever (plague) which is not relevant to people's help, one doesn't do it, because you can accomplish it motzaei Shabbos.

But I'll tell you, arousing heavenly mercy, can't you arouse heavenly mercy through Jews' Shabbos? Say, "Ribono shel

Olam, I won't mention the trouble at all, help Jews in the merit of Shabbos." We're talking with the Almighty. It could be the things themselves are in order to make an "urgency" so that the people should awaken. One may both blow the alarms and announce a day of prayer. But something that won't help people's "awareness", because it's a dever, it's not something that lies in their hands, so I think is perhaps the explanation.

**Speaker 2:**

That's a beautiful explanation.

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**Law: Besieging Cities of Non-Jews Three Days Before Shabbos**

**Speaker 1:**

Okay, another law about war on Shabbos. What happens if there's a situation where one must make a war? There's a Jewish kingdom that wants to make a war. In previous laws we didn't need a Jewish king, a non-Jew always came. There one waited when a non-Jew comes. But here we're talking about a war "by choice", the head of government decides he wants to make a war. So the question is, how much must he reckon with Shabbos?

The law is, **"tzarim al ayaros shel goyim shloscha yamim kodem leShabbos"** (one besieges cities of non-Jews three days before Shabbos). Three days before Shabbos we say that one shouldn't do it. Meaning, one may not go to besiege a city of non-Jews on Friday. But three days before Shabbos, it's acceptable, they have a hope that the Jews will be successful enough and it will be a quick six-day war before Shabbos.

**The Reason: Mipnei HaBehalah**

There is, it says more, he brings the language from the Rambam later, that it's not about chillul Shabbos (desecration of Shabbos). Chillul Shabbos is permitted, but it's **"mipnei habehalah"** (because of the confusion).

Well, we'll see. **"Umipei hashmuah lamdu"** (and from oral tradition they learned) that one may make wars even on Shabbos. The novelty is perhaps, the novelty is that Shabbos should be the beginning. If one can, we're talking about a manner where one can "choose" a time, one shouldn't "choose" that it should be erev Shabbos (Friday), because the people are confused, they need to have even in the war...

**Explanation of "Mipnei HaBehalah"**

"Confused" means practically, not about the law, not about "lest their hands weaken". Yes, about Shabbos. About Shabbos, even... One can announce that it's permitted. The question isn't that. Even in a war situation, if one can, one must arrange that it should be somewhat Shabbos-like. Not that Shabbos is set on the "siege", I don't know what all these things, the "offset". It shouldn't be offset, Shabbos should be calm. That's what it says here from the Rambam later. Because the first few days in a war, are very busy. It's not fitting that Shabbos should be very busy. It's not a concern of chillul Shabbos. Chillul Shabbos is permitted. But the point is, so that one should... I had thought the opposite, because they shouldn't do a good war. A good war. They won't do a good war, because they'll be thinking about Shabbos. No, one shouldn't be troubled. One makes war on Shabbos according to halacha. But Shabbos one should have a bit of rest. If one can. Yes.

**After One Has Begun — Even on Shabbos**

After one has set up three days before, says the Rambam, then, one makes war even on Shabbos, **ad shekhovshin osah** (until they conquer it), until one has finished taking the city, one may even on Shabbos. "**Mipei hashmuah lamdu, afilu milchemes hareshus**" (from oral tradition they learned, even an optional war), one may do on Shabbos.

#### **The Source: The Conquest of Jericho**

How do we know this law? Says the Rambam, this law they derived through oral tradition, meaning it's a halacha leMoshe miSinai (law given to Moses at Sinai). They derived it from the word "**ad radtah**" (until it falls), which appears in the conquest of Eretz Yisrael. Even on Shabbos. What? That the conquest appears by Yehoshua, and in the eyes it seems permission for a halacha leMoshe miSinai. So the law they interpreted on "**ad radtah**" — even on Shabbos. You know for certain, "**velo chavash Yehoshua es Yericho ela**

**beShabbos**" (and Yehoshua only conquered Jericho on Shabbos). Simple reason one can even Shabbos. How to honor, Yehoshua conquered it on Shabbos. The conquest of Jericho it's understood took seven days, and it was the day of blowing shofaros. Because war learned that the seventh is on the day which is the seventh day. But the seventh day is Shabbos. So, Jericho which was the beginning of the conquest of Eretz Yisrael was on Shabbos. From this we see that war overrides Shabbos.

#### **A Simple Logic**

It's simple, because imagine if the Jews rested on Shabbos. Every non-Jew would know, that on Shabbos they can win. They could then rule the world. So, war one may make even on Shabbos.

So we've finished the chapter. Which chapter? The second? Chapter about such Shabbos.