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Digest
Mishna Berura
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סימן שכ"ח סעיף ג'-ד'

# Overview

**Siman 328 Seif 3:**

**One may desecrate Shabbos for any internal injury which starts from the teeth and the teeth themselves are considered internal. This is true only if one of the internal organs became injured from a blow, is swollen or something similar but ailments are not considered injuries.** However, one who suffers from a toothache and is pained to remove it may ask a gentile to remove the tooth.

- The gums are certainly considered an internal organ. (M.B. 7)
- Shulchan Aruch refers to where his tooth causes immense pain affecting his entire body even though it does not force him into bed. (M.B. 8)
- Rema refers to where it causes so much pain that it affects his entire body even though he does not become bedridden. Nevertheless, a Jew may not remove the tooth since it is not a recognized cure. Shulchan Aruch's above allowance to desecrate Shabbos for a toothache refers to where it will be treated with medicine so that the tooth should not have to be removed. (M.B. 10)
- The fact that he opens his mouth does not constitute assistance. Although Taz maintains that one should be stringent many other authorities are lenient. (M.B. 11)
- Pulling a tooth violates a Biblical prohibition. (M.B. 12)

**Siman 310 Seif 4:**

**An internal injury does not need to be examined and even if there are no doctors and the patient doesn't say anything we would still treat him in the same manner he would be treated during the week. However, if one knows the ailment and realizes that the injury will not worsen if it is not treated on Shabbos, it is prohibited to treat it on Shabbos even though it is an internal injury.**

- Meaning that one need not examine the injury to determine whether he is in immediate danger. (M.B. 13)
- The implication is that one may administer treatments that are not necessary to keep him from danger. Biur Halacha cites many authorities who maintain that if refraining from administering a particular treatment will not place the patient in any danger, even though it is necessary and during the week would be administered, on Shabbos it may not be administered unless it is administered by a gentile. When the procedure involves a Biblical prohibition one should be stringent. (M.B. 14)
- Certainly if a doctor or the patient states that the treatment is unnecessary it is prohibited to administer it. (M.B. 15)

# Halacha Highlight

## Administering non-essential treatments

Shulchan Aruch Siman 328 Seif 4

**כל שרגילים לעשות לו בחול**

**Whatever one would normally do during the week**

Shulchan Aruch (סע' ד') rules that when someone suffers from an internal injury it is unnecessary to have the patient evaluated to confirm that his condition is potentially life-threatening; rather we provide him with all the treatment that we would normally administer during the week. Mishnah Berurah (ס"ק י"ד) writes that the implication of this wording is that we may administer treatments that if not performed, would not place the patient in any danger. As long as this treatment would normally be administered during the week it may be administered on Shabbos as well. Precedent for this approach can be found in the *halachos* of performing a *bris milah* on Shabbos. In that case, as long as one is still involved in performing the *milah* it is permitted for the *mohel* to go back to remove some of the skin that is not essential to be removed for the *bris* to be valid as long as it is skin that is normally removed. Similarly, once the patient is dangerously ill so that it is permitted to desecrate Shabbos on his behalf, one may administer all of the procedures that one would normally perform for that patient (קובץ הערות סי' י"ח). Rav Shlomo Zalman Auerbach (שו"ת מנחת שלמה ח"א סי' ז' עמ' מ"ד) explains that even if one assumes that Shabbos is pushed aside (נדחה) rather than permitted (הותרה), the additional procedures are permitted since they didn't want the caregiver to question whether each procedure is essential and thereby compromise the patient's care.

Mishnah Berurah (שם) also mentions that according to many *Poskim* even when treating a patient who is dangerously ill one may only perform those procedures which are essential for his care and refraining from administering them could compromise the well-being of the patient. However, those procedures about which one is certain that refraining from administering them will not place the patient at risk should not be administered on Shabbos. He concludes that regarding Torah prohibited activities one should adopt a stringent approach.