The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שכ"ח סעיף י"ז-י"ט

Overview

Siman 328 Seif 17:

Concerning someone ill who had to rest in bed due to his illness but is not in danger or if he has an ailment that affects his entire body so that even if he is walking around it is comparable to one who is bedridden and **it is permitted to ask a gentile to administer a treatment but we may not desecrate a Biblical Shabbos prohibition even if a limb is at risk. Whether a Jew may actively desecrate a Rabbinic prohibition, some permit it even if there is no risk to a limb whereas others maintain that if there is a risk to a limb it is permitted but if there is no risk to a limb it is prohibited. Some maintain that when there is no risk to a limb the *melacha* must be performed in an unusual manner but when there is a risk to a limb it may be performed without a deviation. Others maintain that even when there is a limb at risk one may not administer a procedure that involves a Biblical *melacha* but treatments that do not involve a *melacha* may be performed even when there is no risk to a limb and the position of the third opinion seems correct.** It is permitted to ask a gentile to cook for a minor who does not have food to eat since the needs of children are generally considered comparable to someone ill with an illness that is not life threatening. Whatever is prohibited for a Jew to do is also prohibited for the patient to do for himself but when the treatment is administered by a gentile the patient may assist slightly since assisting is not considered significant.

- This refers to where it is necessary to administer the treatment on Shabbos. (M.B. 46)
- This is true even if it is necessary to administer a treatment that involves a Biblical prohibition. (M.B. 47)
- If a doctor states that if a limb is not healed the patient's life will be in danger he is categorized as someone with a life-threatening condition. (M.B. 49)
- If a single limb is in danger it is permitted for a Jew to desecrate any Rabbinic prohibition to treat him. Chaye Adam writes that whatever is permitted for a Jew to do for someone who is not dangerously ill may be done even when a gentile is available to administer that treatment. (M.B. 51)
- If a person is not ill other than a single limb and even that limb is not in danger, it is only permitted for a gentile to administer treatment and even then he may only perform something Rabbinically prohibited. (M.B. 52)
- According to this second opinion it is not permitted even if one uses a deviation unless it is not possible for a gentile to administer the treatment. (M.B. 53)
- He may do something that is Rabbinically prohibited and is not required to have a gentile administer the treatment. (M.B. 54)
- For example, applying paint to the eye which resembles writing. (M.B. 55)
- One may do anything that is Rabbinically prohibited but must employ a deviation if the patient's entire body is affected but there is no risk to a limb and when there is a risk to a limb a deviation is not required altogether. (M.B. 57)
- If the child will only eat if his mother serves him she may serve him food that is muktzah, although Pri Megadim requires a slight deviation. Chaye Adam cautions against placing the food into the pot since that also constitutes a violation of Shabbos. (M.B. 58)
- This may be done even by someone other than the patient. (M.B. 59)
- Meaning, where it could be performed without any assistance and the implication is that this principle is true even for a Biblical prohibition. (M.B. 60)

Halacha Highlight

Treating an ill child

Rema Siman 328 Seif 17

דסתם צרכי קטן כחולה שאין בו סכנה דמי

Because the needs of a child are treated as though he is not dangerously ill

Rema (סעי' י"ז) writes that it is permitted to instruct a gentile to cook for a minor who does not have any food to eat since the needs of a child are categorized the same as the needs of someone who is not dangerously ill. Mishnah Berurah (ס"ק נ"ח) further explains that in a circumstance in which a child will only eat food served to him by his mother, even if the food is *muktzah*, e.g. milk that was milked from a cow on Shabbos or food cooked by a gentile on Shabbos, it is permitted for his mother to handle the food to feed her child.

Rema and Mishnah Berurah do not address the age at which a minor is still considered in danger if he is not served milk, thus allowing him to be served non-kosher milk. Chazon Ish (חזו"א או"ח סי' נ"ט סק"ג) maintains that the leniency applies until the child is two or three. Aruch HaShulchan (סעי' כ'), on the other hand maintains that as long as the child requires a particular food for health reasons, he is considered a minor. The Minchas Yitzchok (ח"א סי' ע"ח) contends that up until the age of nine a child could be considered a minor and qualify for this leniency and the Or L'Tziyon (ח"ב פל"ו תשובה ד') extends this leniency until the age of *bar/bas – mitzvah*.

Chazon Ish (שם סק"ד) further explains that Rema's ruling refers to where the child was hungry for a relatively short period of time so that he is not in serious danger, but once the child is hungry for an extended period of time, the child is considered in danger and any *melacha* may be performed for his benefit since he is considered in danger (*sakanah*). Furthermore, nowadays that children suffer from many physical ailments, anything that could possibly lead to a fever, pain or even intestinal discomfort should be treated as though the child is potentially dangerously ill and must be treated on Shabbos.

Siman 328 Seif 18:

If someone let blood and became cold, it is permitted to make a fire for him even during the summer.

- The fire may be made by a Jew. The same is true concerning anyone who is dangerously ill who becomes cold and it is permitted to make a fire for him. If a gentile is available to make the fire he should make the fire. (M.B. 62)

Siman 328 Seif 19:

Someone ill whose life is not in danger may eat food cooked by a gentile.

- Although someone who is not dangerously ill may not eat foods that are Rabbinically prohibited, he may eat food cooked by a gentile since the prohibition is not related to the food itself. The patient recites a *beracha* on such food but what remains after Shabbos is prohibited even for the patient himself since it is then possible to obtain food cooked by a Jew. The utensils used to cook the food do not require *kashering* and even if it the utensil is made from earthenware it is sufficient to *kasher* it three times since the prohibition is only Rabbinic and *b'dieved* if one cooked food in the utensil without *kashering* it and the food was a greater volume than the utensil it is permitted. Some maintain that it is not necessary to *kasher* altogether and one who relies on that opinion will not lose. (M.B. 63)