The Chicago Center
Mishna Berura Digest
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, May 18 2024 ■ י' אייר תשפ"ד
סימן ש"ל סעיף ד'-ה'

Overview

<u>Siman 330 Seif 4:</u>

The first three days a woman is postpartum we desecrate Shabbos for her even if she claims it is not necessary. Between days 3 and 7, if she claims it is unnecessary we do not desecrate Shabbos. Beyond this time, even if she claims it is necessary we do not desecrate Shabbos since through day 30 she is only categorized as someone who is not dangerously ill.

- We refer to calendar days rather than three 24 hour periods but Gra contends that it does mean three 24 hour periods. Regarding Yom Kippur one may certainly be lenient and on Shabbos if a gentile is not available a Jew may also desecrate Shabbos for her. (M.B. 10)
- The calculation begins from the end of childbirth. (M.B. 11)
- She does not want treatment that her friends say is done for all women who are postpartum and there is no doctor or midwife available to confirm that she needs this treatment. (M.B. 12)
- Since postpartum women generally require this treatment, even though we do not know for sure that this woman requires the treatment, we desecrate Shabbos out of doubt out of concern that in her weakened state she is not in touch with her body's needs. If a doctor or midwife confirm that the treatment is unnecessary we may follow their guidance. (M.B. 13)
- We do not desecrate Shabbos when she insists that it is not necessary but if she does not say anything, we desecrate Shabbos for her because she is in potential danger. If the doctor or midwife states that desecrating Shabbos is necessary, we follow them but not the postpartum woman's friends when she contradicts them. If the woman claims it is necessary we listen to her even against 100 doctors. (M.B. 14)
- Meaning that one may ask a gentile to perform *melacha*. (M.B. 16)

<u>Siman 330 Seif 5:</u>

If a woman was on the birthing stool and died, we bring a knife on Shabbos, even through the public domain to open her abdomen to remove the fetus since it may still be alive. The fact that nowadays we do not even do this during the week is because we are not experts at when the mother dies so that the fetus would still be alive once her death is confirmed.

- The novelty is that we desecrate Shabbos even though it is uncertain that the fetus is alive and even though it never had a presumption of being alive. (M.B. 18)
- The concern is that she is merely unconscious and opening her abdomen would kill her and while waiting to confirm her death the fetus will die. (M.B. 19)

Halacha Highlight

<u>Desecrating Shabbos for a fetus</u>

Shulchan Aruch Siman 330 Seif 5

שמא ימצא חי

Perhaps he will be found alive

Shulchan Aruch (סע' ה') addresses the case of a woman who dies while on the birthing stool. He rules that it is permitted to transport a knife even through a public domain to cut open the dead woman's abdomen in order to remove the child on the chance that it is still alive. The reason Shulchan Aruch chose the example of transporting a knife to illustrate the allowance to desecrate Shabbos in this case is that cutting the abdomen of a dead body is not a violation of a Biblical prohibition since it is merely cutting flesh and is not considered a violation of the *melacha* of causing a wound (מ"ב ס"ק י"ז). The rationale behind this is that the prohibition against inflicting a wound is that it is considered as though one took life from the location of the wound (מ"ב סי' שט"ז ס"ק כ"ט). Once someone is dead, that rationale no longer applies. Mishnah Berurah (ס"ק י"ח) explains that the novelty of Shulchan Aruch's ruling is that even though we are not certain whether the fetus is alive and it never established a presumption of being alive, nevertheless, it is permitted to desecrate Shabbos for its sake on the chance that the fetus is alive.

Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פל"ו הע' ד') also permits performing *melacha* necessary for the sake of the fetus even when the mother is not ready to give birth. For example, if medically it is necessary to perform surgery on the mother for the sake of the fetus, although a woman is not obligated to subject herself to danger for the sake of her unborn fetus, in the event she decides to do so it is permitted to have the surgery performed on Shabbos. Similarly, Rav Auerbach (שם סע' א') permits a mother to take medication or vitamins on Shabbos for the benefit of her fetus in order to save the fetus from possible injury.