The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Sun, May 19 2024 ■ י"א אייר תשפ"ד
סימן ש"ל סעיף ו'-ז'

Overview

Siman 330 Seif 6:

We kindle a bonfire for a postpartum woman for 30 days, even during the summer (and whether others may warm themselves by the fire is discussed above in *siman* 276).

- This assumes that she is distressed by the cold because we maintain that it is dangerous for a postpartum woman to be cold for the first 30 days after childbirth. Therefore if a gentile is not available a Jew may kindle the fire. Biur Halacha cites many authorities who maintain that after seven days a woman who is postpartum is categorized as someone who is not dangerously ill concerning the kindling of a bonfire. (M.B. 21)

Siman 330 Seif 7:

We may attend to all of the baby's needs and we bathe him, salt him, bury the placenta so that the baby will be warm and cut the umbilical cord. This assumes that the child was born after nine or seven months of gestation but if it was born after eight months of gestation or if we are uncertain about the duration of its gestation, we do not desecrate Shabbos for it unless its hair and nails are complete.

- There is a dispute whether one may violate a Biblical prohibition in order to administer these procedures but it is certainly permitted to have a gentile transport needed items or kindle a fire to make hot water. (M.B. 23)
- This hardens the skin and Rambam writes that they would apply myrtle dust or something similar. (M.B. 24)
- This was a non-medical means (*segulah*) of warming the baby. (M.B. 26)
- There is a disagreement whether it is Biblically prohibited to cut the umbilical cord even though in this case it is permitted. (M.B. 27)
- It is certain that the fetus will die. (M.B. 28)
- Since we are uncertain whether the fetus is viable we do not desecrate Shabbos for him as opposed to the woman who died in childbirth which referred to where it was certain that the fetus was viable. (M.B. 29)
- This sign is effective even if the fetus is being delivered after an eight month gestation. Gra maintains that these signs are not sufficient to warrant desecrating Shabbos other than for moving the child for which these signs are sufficient to indicate that the fetus is viable. (M.B. 30)

Halacha Highlight

Treating preemies

Shulchan Aruch Siman 330 Seif 7
אבל נולד שמנה
But if it was delivered in its 8th month

Shulchan Aruch (סע' ז') rules that once a baby is born we desecrate Shabbos in order to provide for its needs. However, this is true if the baby was born in its 7th or 9th month but if the baby was born in its 8th month or if it is uncertain whether the baby was born in its 7th or 8th month, we do not desecrate Shabbos unless the baby's hair and nails are complete. The rationale behind these rulings is that in the time of Chazal a baby born in its 8th month was not viable and as such there is no allowance to desecrate Shabbos for it (מ"ב ס"ק כ"ח). Even when one is in doubt whether the baby was born in its 7th month and is viable or the 8th month and is not viable, we do not desecrate Shabbos since the fetus never had a presumption of viability (מ"ב ס"ק כ"ט).

Teshuvas Minchas Yitzchok (ח"ד סי' קכ"ג וח"י סי' ל"א ס"ק י"ג) ruled that nowadays even when we are certain the baby was born in the 8th month it is permitted to desecrate Shabbos for its benefit and this is especially true when some of the baby's nails and hair are completed. Rav Shlomo Zalman Auerbach (מנחת שלמה ח"ב סי' פ"ג סק"א) and Rav Shmuel HaLevi Wosner (שבט הלוי ח"ג סי' קמ"א וח"ח סי' פ"ט סע' ז') extend this even further and ruled that nowadays that it is possible to maintain the life of a baby born in the 6th and sometimes even the 5th month, it is not only permitted but in fact obligatory to do everything possible to maintain the life of the newborn, even if its nails and hair are not complete. Rav Auerbach (שמירת שבת כהלכתה פל"ו הע' כ"ד) also ruled that if a baby went to term but was born with a mortal wound (טריפה) it is permitted to desecrate Shabbos to provide for its treatment.