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## MAY A LABOR COACH RIDE ON SHABBAT?

It is a well-known halakha that Jewish law accords the highest degree of sanctity to human life, and that despite the great holiness of the Sabbath, we are instructed to disregard Sabbath strictures in order to save a life (*pikuah nefesh*). Thus, doctors perform emergency surgery on Shabbat, friends or relatives ride with a deathly sick person to the hospital, and Hatzolah members routinely rush out to answer a distress call.

A reality of which many are not cognizant is that despite the general acceptance of this principle, in truth there is considerable discussion within rabbinic literature as to the breadth of this permit (*heter*) to violate Shabbat and possible restrictions—both what may be done and who may do it. Among the points raised are whether one should try to minimize the extent or severity of the violation, whether only rabbinic law or even Torah law is waived, whether the persons involved in saving a life are permitted to return to their homes afterwards, if there is a Sabbath transgression involved in doing so, and whether only strictly life-saving actions are condoned or even ancillary activities which might alleviate the pain or distress of the stricken individual.

All of these questions will require investigation to come to a conclusion about the halakhic issue of calling a labor coach on Shabbat and having her violate the Sabbath in order to assist a woman in labor. That is the topic to be explored in this study.<sup>1</sup>

What is a “labor coach”? This is a fairly new phenomenon in our culture, although a traditional one in other societies. A labor coach is a woman trained to provide emotional, physical, and informational support to a laboring woman, on a one-on-one basis. She assists with comfort measures, such as massage or compresses, she can suggest techniques and positions to render the woman more comfortable during labor, and can explain to her and her family what is happening at each stage. In addition to offering comfort and encouragement, she is sometimes an advocate for the woman with the medical staff—which may be busy—and in general provides whatever type of support the woman may need.<sup>2</sup>

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Advocates of the labor coach contend that statistically women who employ the services of a coach do better, in the sense that they have fewer caesarean, less anesthesia, and shorter and easier deliveries. If these statistics are true—not everyone accepts them—then the services of a coach would certainly fall within the scope of *pikuah nefesh* and it would be permissible—if not mandatory—to call her on Shabbat.

The halakhic issue to be considered is whether the role of the labor coach is sufficiently critical to the woman’s welfare to warrant Sabbath desecration. The doctor can certainly ride to the hospital. May the labor coach as well? What about all the other actions which she may be called upon to perform? It is well known that the need to save a life overrides Sabbath law. But do the (apparently) palliative-only services of the labor coach qualify for the same exemption?

In halakhic literature, a woman in labor is considered a “dangerously sick person” (*holeh she-yeish bo sakana*), and therefore on Shabbat one must do anything and everything to help her. The Mishnah teaches:

We deliver a woman [in labor] on the Sabbath, and call for her a trained woman (*hakbama*) [to go] from one place to another, and we desecrate the Sabbath on her behalf. . . .<sup>3</sup>

The rabbis elaborated on this text:

“If she needs a light, her friend can light it for her. . . .” Then they questioned, “what if she is blind, since obviously she can’t see, it should be *assur*?” But they said, “she may get frightened that others can’t see and won’t be able to care for her properly, so it can be lit in order to set her mind at ease (*yituvei da’ata*).”<sup>4</sup>

The Gemara here indicates that even though the light is not essential for her direct medical needs, nevertheless, in order *to calm her mind*, it is permissible to kindle a light for her.<sup>5</sup>

A similar lenient attitude is seen when it comes to transporting a woman in labor to the hospital. If she is anxious about taking a taxi alone, *Iggerot Moshe*<sup>6</sup> and others allow her husband or another person of her choice to accompany her,<sup>7</sup> in order to set her mind at ease. Since alleviation of tension and nervousness is considered important in assuring a safe delivery of the baby, it would appear to be another reason that we may call the labor coach on Shabbat, although this conclusion has not received universal acceptance. We will seek to clarify the issue as we proceed in this study.<sup>8</sup>

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The leniency regarding care of the woman in childbirth seems to be a special case.<sup>9</sup> *Tosafot* comment that it is remarkable that before a sick person is allowed to eat on Yom Kippur, a doctor must verify that without it, he can die. Yet, for a laboring woman, there is no such requirement! “The woman in childbirth is more readily endangered [than others] if she becomes fearful that her needs are not being taken care of properly.”<sup>10</sup>

We should note, however, that unlike other people who are categorized as “dangerously ill”—where it is a *mitsva* for others to act directly and expeditiously, without allowing any delay, such as asking a Gentile to make the phone call or drive the car—in the case of a woman who is to give birth, it is preferable to employ a “*shinui*” (doing the Sabbath desecration in an unusual manner, so as to minimize the level of desecration). An example of *shinui* would be carrying an object in one’s hat rather than in the hand.

The reason for this departure in the case of a birthing woman from the usual procedure required when confronting the needs of a *holeh she-yeish bo sakana* on Shabbat is, in the words of the rabbis, that “giving birth is a natural process, and not even one woman in a thousand dies as a result of giving birth; consequently, [the rabbis] were strict, [indicating that] one should use a *shinui* whenever it is possible.”<sup>11</sup>

Keeping in mind that although the rabbis recognized the emergency element in the case of a woman in labor, they nevertheless encouraged some modification of the usual procedures in meeting her medical needs, we need to clarify how this desideratum will impact on the prerogative of the labor coach to desecrate the Sabbath in order to fulfill her role of helping the woman given birth.

### “TO SET HER MIND AT EASE”

It is important to realize that although the rabbis urged some modification of *pikuah nefesh* protocol relevant to the woman’s care on Shabbat because childbirth is not usually a life-threatening procedure, they seem to be exceptionally lenient in one specific area of her care—to “calm her mind,” inasmuch as they accepted the premise that mental or emotional distress might seriously impact negatively on the birth process. *De-kim lehu le-rabbanan de-yituvei da’ata de-yoledet hu miltah de-maskanteh belav hakhi*—the rabbis understood that not having a calm mind is dangerous for a woman in labor. Consequently, they allowed certain things to be done for a woman in labor, even when not crucial to her medical care, but rather to “set her mind at ease,” which they presumed would

lead to a better physical outcome for her and for the baby.<sup>12</sup> But what is included under that rubric of “setting her mind at ease”? If she wants to watch television to calm her nerves—certainly we cannot imagine that they envisioned permitting that! So how far does the *heter* (permission) actually go? It is clearly not intended to be an open-ended *heter*.

The rabbis permitted actions which would enhance her mental equanimity,<sup>13</sup> i.e., to help the woman have an easier time in her delivery, which is to a great extent the goal and purpose of having a labor coach. Some argue that statistics indicate that reduced anxiety leads to fewer complications for her and for her child. It has been shown that when a woman is attended by a labor coach, the incidence of cesarean section is reduced, as well as the use of epidural. Some medical professionals maintain that use of epidural anesthesia carries a certain element of risk; therefore, anything which calms the mother and enables her to give birth without resorting to heavy medication or surgical intervention can certainly be considered beneficial.<sup>14</sup> Is that sufficient for including a labor coach’s ministrations under the rubric of *pikuah nefesh*?

The issue of what may be done for a critically ill person on Shabbat, as far as “setting his mind at ease,” is a point of discussion not just in the case of a woman in labor but also for others who are very sick or even at the point of dying.<sup>15</sup> The rabbis recognized that emotional distress could impact negatively on a person’s ability to overcome sickness and perhaps even hasten death. The Gemara allows a dying man to give his wife a *get* (Jewish divorce) even on Shabbat, so as to set his mind at ease (assuming they have no children, and he does not want her to have to undergo the ceremony of *yibum* or *halitsa*, which might impede her ability to remarry).<sup>16</sup>

The point of contention in rabbinic debate is whether only rabbinic laws or even Torah laws are abrogated to calm a dangerously ill person on Shabbat. The difference in practical terms would be that sitting in a car on Shabbat that is driven by a non-Jew, would be a violation only of the rabbinic prohibition to tell a Gentile to do work for the benefit of a Jew on Shabbat.<sup>17</sup> However, for a Jew to drive the car on Shabbat would certainly be in violation of Torah laws. What if she wants her husband to drive her rather than wait for a Gentile, and that will calm her? That is the question whose resolution depends on the outcome of this debate.

The *Shulhan Arukh* rules that if a person is close to dying and asks that his family be called for on Shabbat, it is certainly permissible: “*aval holeh de-takif lei olma ve-amar she-yishalhu be-ad kerovar, vadai shari.*”<sup>18</sup>

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This ruling is based on the premise, as noted above, that anxiety will worsen a patient's ability to hang on to life and may cause him to die sooner than he might have. However, in the opinion of many authorities who explain the text in *Shulhan Arukh*, the import of this teaching is only that it is permissible to send a non-Jew to bring his relatives, inasmuch as this is only a rabbinic limitation, and therefore it is only rabbinic laws which may be waived in order to calm the patient.<sup>19</sup> However, *Minbat Yitshak*, *Shu"t* 4:68 and *Ketsot ha-Shulhan* 135:11 allow even violation of Torah law. Others argue that even though it is not actually going to heal the patient, being rather only a matter of concern for him (*hashasha be'alma*), if the doctor says that he will be endangered if this concern is not allayed, it may be done.<sup>20</sup>

To address the normative halakha regarding a labor coach, we would have to posit that those who read the *Shulhan Arukh* as permitting overriding all Sabbath laws in order to help a dangerously ill person—which he rules a woman in labor is—then indeed one could permit a labor coach to drive or ride with a Jew to the hospital and do whatever necessary in order to fulfill her obligation to the woman.

On the other hand, those who read the *Shulhan Arukh* in a more closed fashion would only permit the coach to be driven by a non-Jew to the hospital. Even here, however, if it were scientifically accepted that coaches do actually render a major service by lowering the risks to mother and child, it is quite likely that if there were no alternative, the labor coach could even ride to the woman's bedside with a Jew.<sup>21</sup>

It is evident that halakha places great importance on *yituvei da'ata*, and therefore one could argue that having her labor coach present would surely soothe a birthing woman, therefore it should be permissible for the labor coach to transgress Sabbath laws on her behalf. However, not all authorities are prepared to endorse this position. In order to clarify the issue, it is critical to gain an understanding of how rabbinic law perceives the mandate to “do anything” to save a life on Shabbat.

## HUTRA OR DEHUYA?

Everyone familiar with Jewish practice knows that “*pikuah nefesh doheh Shabbat*,” which means that all Sabbath strictures are set aside in order to save a life. A major debate among *poskim*, however, is the proper understanding of this dictum: does it mean that whatever is needed to save a life overrides the Sabbath law, or does it indicate that for the needs of this sick person, there is, in a manner of speaking, no Sabbath

law, and everything may be done? Is the Sabbath law pushed aside and overridden (*dehuya*) or does the Sabbath law not exist in this case (*butra*), as though it were a plain Tuesday or Wednesday?

Rambam writes that Shabbat is *dehuya* in a case of danger to life,<sup>22</sup> but Rosh permits Sabbath desecration without reservation:

Our teacher R. Meir [of Rothenburg] drew an analogy from [the law of] preparing food for people to eat on Yom Tov . . . inasmuch as it was permitted, it was [totally] permitted, and [preparing] food on Yom Tov is like on a weekday; and in the same way, when the Torah permitted any kind of work on Shabbat to save a life, all work becomes permissible just as on a weekday.<sup>23</sup>

This is not just a theoretical debate. If the Sabbath is only *dehuya*, then only those activities which are necessary to save a life are permitted; however, if it is *butra*, then one can do for the sick person whatever one usually does for a sick person, even if it is not directly a life-saving action.<sup>24</sup>

Everyone agrees that a labor coach is a very fine innovation, one quite helpful for the woman in childbirth. And on any Monday or Tuesday, for example, we would urge her to come. But on Shabbat—it depends how we rule on this issue of *butra/dehuya*. If we treat the sick person on Shabbat exactly as we would on a weekday (*butra*), then she can be called and can ride on Shabbat and do whatever she usually does. But if only those activities which are directly going to affect the person's life are permitted (*dehuya*), the ruling would be quite different.

The opinion of the author of *Shulhan Arukh* is that on Shabbat everything is permitted—*butra*. “We do [for the dangerously sick person] whatever is done for him on a weekday.”<sup>25</sup> *Hafets Hayyim* also rules that any activity is permitted on Shabbat to help a woman giving birth,<sup>26</sup> basing his ruling on a responsum by *Tashbets*:<sup>27</sup>

Even lighting and extinguishing [a fire], which is a total *melakha*, may be done for a dangerously sick person, even if the major part of his healing does not require a light . . . but [it is done] only to set his mind at ease.

Nevertheless, the *Biur Halakha* (written by *Hafets Hayyim*) also cites many authorities who disagree, and adds, “Therefore, it is proper to be strict concerning Torah prohibitions and especially since this is not [strictly speaking] a situation of grave danger.”<sup>28</sup> Nevertheless, writing under the title *Sha’ar Ha-Tsiyun* on the same text in *Mishnah Beru-*

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*rab*, *Hafets Hayyim* himself adds, “but if there is a great need, even those who want to be very strict permit it. . . .”<sup>29</sup>

## RETURNING HOME

Whether and how those involved in a life-saving emergency on Shabbat are allowed to ride back home afterwards is also the subject of debate among halakhic decisors.<sup>30</sup>

In the Gemara, it is taught in connection with the “homeguard militia” who may have had to run out on Shabbat to protect the city, that “those who run out [of the bounds of Shabbat] to save [others], can return [to their homes] with their weapons.”<sup>31</sup> As the Gemara explains, the rabbis permitted the end (returning after the battle) because of the beginning (rushing out to fight)—*bitiru sofo mishum tehilato*. Understanding the workings of human psychology, the rabbis realized that if a man knew he would be stuck outside for the rest of Shabbat, he would not hasten to run out on a rescue mission; but since it was critically important to the lives of the people in town that the guardsmen be willing to fight when needed, the rabbis permitted them to return, surmising that otherwise they might not go at all.

Once again, we have to determine whether this permit extends to all regulations, or only to rabbinic laws. If a doctor is called on Shabbat to deliver a woman in labor, should we reason that if we don’t allow him to return, he will be reluctant to go and perhaps delay going, or else entrust the delivery to an associate? Do we waive only rabbinic laws for him (such as engaging a non-Jew to drive him back), or do we let him drive himself back, which involves a Torah violation?<sup>32</sup>

R. Moshe Feinstein, in *Iggerot Moshe, Orach Hayyim* 80, allows Hatzolah volunteers to drive themselves home after an ambulance call, but R. Shlomo Zalman Auerbach does not, unless they are driven by a non-Jew.<sup>33</sup> If the services of a labor coach are essential to the birthing woman, then whatever rules apply to doctors or Hatzolah volunteer members apply to her as well. If they can violate biblical law on Shabbat, so can she; if they are constrained to violate only rabbinic law, then by extension, the rationale which applies to the Hatzolah volunteer ambulance corps applies as well to her. R. Moshe Feinstein rules that the beeper is a sign of prestige, and therefore wearing one is not considered carrying on Shabbat; one would assume that his opinion would apply to the labor coach’s beeper as well.<sup>34</sup>

## PAIN AND RABBINIC LAW

It is generally accepted that rabbinic laws are often set aside if their application will cause inordinate pain—physical or psychological—based on the premise that the rabbis never intended their decrees to bring about pain. Thus, for example, on those Fast Days enacted by rabbinic fiat (excluding, of course, Yom Kippur), individuals who are sick, pregnant, or weak are often told not to fast. But this principle extends to other areas of rabbinic action as well:

R. Yosef Engel was faced with the following situation: The government in a certain locale required all citizens always to have their identity papers with them, with severe consequences for those failing to do so. The question he was asked—is a Jew permitted to “carry” his papers under his hat on Shabbat so that he can go to shul?<sup>35</sup> Examining the question from many angles, R. Engel argues that “*be-makom tsa’ar lo gazru hakhamim*”<sup>36</sup> (the rabbis did not intend their decrees to apply in a situation of distress). For this reason, he is prepared to set aside rabbinic laws in case of a great need; as far as Torah law is concerned, however, he is not prepared to permit it except for *pikuah nefesh*.

The rabbis similarly waived their decrees in a situation where a person stands to lose a great deal of money. Then, they would permit a person to do the action in a roundabout way (*ke-l’ahar yad*). Since carrying one’s identity papers in a hat is certainly a “roundabout” manner of transporting them, argues R. Engel, it is certainly permitted.

Based on this reasoning, we may posit that a labor coach, too, would be permitted to do actions only rabbinically eschewed. Furthermore, alleviation of the laboring woman’s pain as well as decreased chance of surgery would also impact on the halakhic ruling.

## WHO SHOULD VIOLATE THE SABBATH

One might suggest that if there is a need for “work” to be done on Shabbat, it might be preferable to have it done by a non-Jew. In general, if something needs to be done on Shabbat, there is a preference to have it done by someone who is not commanded by the Torah in the mitzvot of Shabbat. Therefore it is plausible to suggest that a Jewish pregnant woman should try to engage the services of a non-Jewish labor coach.

However, the principle of having forbidden actions done by a non-Jew or a Jew whose level of obligation is lower (such as a child) does not apply when it comes to saving a life:



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These things [actions which are necessary to help a person whose life is in danger] should not be done by a Gentile . . . but rather by the greatest of Jews (“*gedolei Yisrael*”).<sup>37</sup>

The rationales for this remarkable instruction are various:

1) If one were to instruct a child to do the action, people might erroneously think that a child was selected because it is really forbidden to violate Shabbat in this way; and in a future situation, they would not themselves violate Shabbat to save a life. This misconception could conceivably result in someone’s death.

2) Children or strangers are likely to be less vigorous than an adult in caring for the sick person, which might further endanger the person’s health.

3) If we allow persons who are not specifically obligated in Sabbath observance to desecrate the Shabbat for the sake of a sick person, they might extend the “leniency” to other areas where it is not warranted. Inasmuch as they are not learned in Jewish law, they could mistakenly believe that they may do certain things which are really not permitted. No concern exists when we allow a Jew to do it since it is well known that such an action is certainly prohibited in normal cases.

However, the author of *Shiltei Gibborim* interprets the talmudic text cited above as being operative only in a situation where resorting to a minor or to a non-Jew would in effect delay or diminish the quality of the treatment. However, if the action can be done just as well by a child (like flicking on a switch) or a non-Jew (like driving a car), then he contends it would be preferable to do it that way.<sup>38</sup>

The two alternatives both find expression in *Shulhan Arukh*:

When Sabbath needs to be violated for a sick person in mortal danger, we try not to have it done by children or women, but rather by an adult Jew, outstanding and learned.<sup>39</sup>

This opinion by the author of *Shulhan Arukh* reflects the thinking of most of the outstanding early authorities. However, Rama in his critical notes to the text comments:

But there are those who say that if it is possible to do it without impediment or delay by “roundabout” means . . . or by a non-Jew without any delay, then that should be done. And that is the procedure we follow. However, in a situation where we are afraid that someone will hesitate on account of this . . . [an adult should do it directly].

Based on this concern, the author of the *Arukh ha-Shulhan* rules, “therefore, in normative law it is certainly proper that [the violation] be done specifically by an outstanding Jewish individual.” The same sentiment had earlier already been articulated by *Taz*: “Even if it can be done by a non-Jew, nevertheless the Jew should make the greater effort to do it. . . .”<sup>40</sup>

When the authorities specified that an adult male or a leading rabbi should violate the Sabbath, that preference did not apply when there is a woman who is expert in the area of need. Thus, a female doctor, nurse, or labor coach are considered as effective as any man in those areas of their expertise.<sup>41</sup>

## CONCLUSION

*Shulhan Arukh* clearly delineates the principle that a woman in the throes of labor is to be considered as a dangerously sick individual, and one is required to violate Shabbat as necessary to assist her. Following the dictates of *Shulhan Arukh*, whatever one would do for her on an ordinary workday should be done on her behalf even on Shabbat. It is neither necessary nor desirable to try and minimize the Sabbath “violations”<sup>42</sup>—she need not go to the nearest hospital rather than to the hospital of her choice; her own gynecologist is permitted to ride in order to assist her, rather than asking her to avail herself of the services of a resident physician in the hospital. These measures are mandated, at least in part, in order to put her mind at ease; she is more confident of her own doctor’s care and more comfortable in the hospital she has chosen.

In this study, we have explored the extent of the desirability of “setting a woman’s mind at ease” and how much weight halakha gives to this principle when it comes to peripheral factors in her delivery: specifically, to what extent does the desirability of setting her mind at ease permit Sabbath violations by a labor coach, and what level of prohibition—rabbinic or biblical—is applicable. Of course, inasmuch as there is a broad range of rabbinic opinion on virtually every issue we have raised, the prudent path for a conscientious individual to follow is to seek the advice of his or her own expert rabbinic guide.

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### NOTES

1. Various rulings have been reported (without attribution): that the labor coach may drive to the hospital on Shabbat, but not drive back; that the pregnant woman should have the coach's number in her phone and, if she needs her on Shabbat, just push redial; that the woman should not hire a Jewish labor coach.
2. See [www.babycenter.com/refcap/pregnancy/childbirth](http://www.babycenter.com/refcap/pregnancy/childbirth), the article on a doula (labor coach).
3. Gemara *Shabbat* 128b.
4. *Ibid.*
5. *Magen Avraham, Orah Hayyim* 330:1, seems to understand it differently. *Shemirat Shabbat ke-Hilkhata*, chap. 25, fn. 50, writes that "if someone could die due to mental anguish, for example a person who is watching his entire home or possessions going up in flames on Shabbat, this is still not called 'danger', and it is forbidden to desecrate Shabbat" for him. It is difficult to see the difference between the mental distress of a laboring woman, for whom it is permitted to desecrate Shabbat, and the mental distress of others.
6. *Orah Hayyim* I:132; *Badei ha-Shulhan be-Ketsot ha-Shulhan* 140, note 3; *Shevet ha-Levi* III:36; Hazon Ish, *Letters* I:141.
7. However, *Iggerot Moshe (ibid.)* does not allow for a return trip by car. Why this is so requires explanation, since in general we allow someone to finish an action that was started with permission.
8. *Iggerot Moshe (ibid.)* writes that he sees no violation if an additional person sits in the car which is taking her to the hospital; he doesn't consider that burning extra fuel is of any consequence.
9. *Magen Avraham* 328:5 points out a possible contradiction in *Shulhan Arukh*. Here, *Shulhan Arukh* allows any action needed for the person in danger, while in *siman* 518, dealing with a person who must eat on Yom Kippur, the rule is that he is given only tiny amounts to eat at a time—which is certainly not the way he would be taken care of on a weekday. Also, see *Sho'el u-Meishiv, mahadura reviya* I 42; *Avnei Nezer, Orah Hayyim* 454; *Tsits Eliezer* VI 12; *Ketsot ha-Shulhan* 135:6; *Ha'amek She'eilah* 167:17.
10. *Shabbat* 128b.
11. *Shabbat* 128b; *Mishnah Berurah* 128.
12. The principle of setting a person's mind at ease refers only to maneuvers or remedies which are known to be efficacious. The Gemara *Yoma* 83a discusses the case of a person who was bitten by a mad dog; the "cure" at that time was thought to arise from feeding the victim liver from that animal. But Rambam, in codifying normative law, totally rejects giving a person non-kosher food, "since it doesn't help, other than in a *segulah* way. . . . Because we [are permitted to] transgress the commandments only for genuine healing, that is, for things which heal by nature . . . and something which experience" has shown to work. "But [not] to be healed by charms which only heal through metaphysical means is forbidden, since anyway their power [to heal] is weak. . . . And this is an important basic principle." *Peirush ha-Mishnayot, Yoma; Moreh Nevukhim* III:37. *Piskei Teshuvot*, III,

- note 13, cites Chida and others who disagree with Rambam. See also *Eishel Avraham* 328:1 who explains why in this case the rule of not following the majority when it comes to *pikuah nefesh* does not apply here. See also *Mishnah Berurah* 328:5 and *Arukh ha-Shulhan* 9, as well as *Journal of Halacha and Contemporary Society* vol. XLVII, p. 60. Furthermore, it is only permitted to desecrate Shabbat for a matter of urgent health, not for the honor of the person. For example, it would not be permitted to call the family on Shabbat (even by a Gentile) to come for a eulogy (on the following day), since that is for the individual's honor, not for his health. See *Arukh ha-Shulhan* 306:20.
13. See *Ha'amek She'eilah* who comments that even though it is obvious to the doctor that the presence or absence of hot water will hardly affect her prognosis, nevertheless, even the doctor cannot be sure that if she is nervous about it, that it won't have a negative impact on the course of her labor. Therefore, according to *Ha'amek She'eilah* 38:5, the doctor should follow his regular procedure even on Shabbat, even if she assures him that she can forego the hot water, inasmuch as under stress she may readily change her mind and become upset. However, in a time or place where people are not insistent about the hot water or heat, lack of it will not lead to her anxiety, and therefore it may not be necessary to provide it; ultimately, the doctor has to use his judgment as to what may frighten her.
  14. See footnote 2.
  15. *Piskei Teshuvot III*:10, p. 194 cites *Minhat Shabbat*, who cites Maharsham and R. Shlomo Kluger as disagreeing with Ran. Ran allowed a non-Jew to write to a famous *tsaddik* on Shabbat, asking him to say special prayers for a sick person. He then proceeds to cite many others who would permit writing with a request to a *tsaddik* on Shabbat, something which would surely be appreciated by the sick person. *Biur Halakha, Orah Hayyim* 328, *d"b ve-rofeh ehad*" writes that if a sick person asks for a certain medication which he is sure will help him, but the doctor says it will not, we do not listen to the request of the patient and desecrate Shabbat needlessly. However, if not following his instruction will cause "*tiruf hada'at*" (severe mental anguish), then we may do it.
  16. *Bava Batra* 156b
  17. *Iggerot Moshe, Orah Hayyim* I:132
  18. *Orah Hayyim* 306:9
  19. *Magen Avraham* 328:18. He also interprets the text in *Bava Batra* about a divorce in the same way (see also *Gittin* 77b), since this involves only rabbinic regulations.
  20. *Arukh ha-Shulhan* no. 4; *Shulhan Arukh ha-Rav*, no. 22 only allows sending a Gentile to tell the family to come after Shabbat, not on it.
  21. *Minhat Yitshak* 4: 68; *Shu"t Maharsham*, 4:54.
  22. *Hilkhot Shabbat*, chap. 2. This is also the opinion of the Ran in the second chapter of *Beitsa* and *Shu"t Rashba* 688.
  23. *Yoma*, chap. 8:14. See *Arukh ha-Shulhan Orah Hayyim* 325, no. 3; *Biur Halakha* 328:4, s.v. *kol she'reilin*; *Yehave Da'at* 4:31.
  24. Examples might be calling the family of the sick person at the patient's request, or sending a saintly individual to pray for him.

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25. *Orah Hayyim* 328:4.
26. *Biur Halakha* 328:4. See also *Tsits Eliezer* XIII:55/6, regarding the principle of *yituveh da'ata*, who permits having her personal physician called to the hospital, even if another doctor is present, and even though it involves violation of the Sabbath for the doctor to come.
27. *Shu"t Tashbets* I:54 even goes so far as to say that if the dangerously sick person needs a fruit, and someone plucks it for him from a tree, even though there is already a fruit available there is no *hilul Shabbat* involved, since it was done for the sick person.
28. In his *Peirush ba-Mishnayot, Shabbat* 2:14, *d"b kol sheregilin*, Rambam implies that for a woman in childbirth we are even more lenient than with others: "We make a fire for the birthing woman, even during the warm weather, because cold is very difficult for a birthing woman. . . ."
29. Note 11; he repeats these comments also in *Biur Halakha* (see previous note).
30. It is not clear if, or how, getting paid for these emergency rescue services will impact on the normative law. Is the *heter* to ride back operative only in the case of a volunteer, who might decide not to volunteer if it will disturb the remainder of his Sabbath, or does it apply equally to a person whose job it is to respond to emergencies (such as a doctor)? Reporting on this topic in *Or Yisrael*, Tishrei 2007, p. 128, R. Tzinner writes that "some" (he does not elaborate who) have ruled that inasmuch as the labor coach is paid for her services, she may not ride back afterwards, but "others" permit her to return with a non-Jewish driver. R. Tzinner does not approve the latter position, since a paid employee will not have to think about going next time if she can't come back this time—after all, that is her job! He does not explain his confidence that a labor coach would be prepared to disturb her Shabbat weekly. Furthermore, doctors are paid for their services—so are firemen. Is it R. Tzinner's contention that these individuals also cannot return home?
31. *Eruvin* 44b.
32. We are back to the *dehuya/hutra* issue; see R. Shlomo Kluger, *Shu"t u-Vaharta ba-Hayyim* 99.
33. It is fascinating to read R. Auerbach's comment that prior to publicizing his opinion, he asked permission to do so from R. Feinstein! See also *Magen Avraham, Bach* 497; *Minhat Hinnukh* 24; Hatam Sofer, *Orah Hayyim* 203, *helek* 6: 99; *She'elat Ya'avets* 130; Maharsham, *Rosh Hashana*. These sources are discussed fully in *Har Tzvi* II:10, *Tsits Eliezer* XI:39 and VIII:15, no. 12; *Ketsot ha-Shulhan* 140:3, *Nishmat Avraham Orah Hayyim* p. 223; *Shemirat Shabbat ke-Hilkhata*, chap. 40, No. 147. For a full exposition of the issue, see the article by Dr. Fred Rosner and R. Wilfred Wolfson, on "Returning from a Life-saving Mission on Shabbat," in *Journal of Halacha and Contemporary Society*, vol. IX.
34. *Iggerot Moshe, Orah Hayyim* IV:80. But R. Tzinner, writing in *Or Yisrael* Nissan 5766, expresses dismay that allowing a labor coach to carry a beeper is "a tremendous leniency, to permit [her] to transgress the prohibition of carrying on Shabbat, for the entire day." He does not elaborate on his reasoning.

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35. Although there is some debate on the issue, for the purposes of this article we will accept the premise that carrying on Shabbat in modern cities does not involve a Torah-mandated prohibition, but rather a rabbinic one.
36. *Ketubot* 60; *Orah Hayyim* 328:33.
37. *Yoma* 84b. The term “*gadol*” can refer either to an adult or to an outstanding rabbinic figure.
38. *Ibid.*
39. 328:12.
40. *Shulhan Arukh*, *ibid.*; *Shemirat Shabbat ke-Hilkhata* 32:1, 6, however, quotes only the opinion of the author of *Shulhan Arukh* (see no. 17 there).
41. See *Ketsot ha-Shulhan* 135. no. 9; *Shemirat Shabbat ke-Hilkhata*, chap. 32, no. 4, and the discussion in no. 14.
42. Unless they can readily be performed with a *shinui*, as explained earlier in the text.