YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur 39: Morale as a Halakhic Consideration (2) – "*Yituvei Da'ata*" – Peace of Mind**

**Introduction – Evacuating fallen soldiers on Shabbat**

The previous *shiur* discussed the allowance to remove fallen soldiers from the battlefield on Shabbat, and noted that maintaining the morale of the fighting forces falls into the category of concrete *pikuach nefesh.*

We also saw Rabbi Gad Navon's article, in which he permitted evacuating fallen soldiers from the battlefield on Shabbat on the grounds that this was necessary for the war effort – based on the law of "until it falls." In the course of his words, Rabbi Navon added:

And it seems to us that even based on the general law of *pikuach nefesh* which applies to the entire Torah, it is permitted to perform actions involving the desecration of Shabbat by Torah law in a situation where refraining from such actions will damage the morale of the soldiers. In *Shulchan Arukh* 330:1, it is stated: "It is permitted to light a lamp for a woman giving birth, even if she is blind," and the Gemara in *Shabbat* 128b explains that this is permitted for the sake of the peace of mind of the patient, that is, that she not become crazed, and that she be sure and confident that her friends will be able to help her in a time of need. (Rabbi Gad Navon, "*Pinui Chalalim be-Shabbat*," *Techumin* 5)

Rabbi Navon cites a law that indicates clearly the importance and significance of maintaining the calm of a woman in labor, and infers that maintaining soldiers’ peace of mind and strengthening their morale is also defined as *pikuach nefesh*, and not necessarily because of the law of "until it falls."

In this *shiur*, we will examine this law regarding "peace of mind" in the case of a woman in labor or any dangerously ill patient. We will try to clarify its parameters and details, and from there we will ask whether it is possible to apply this law to soldiers in the battlefield.

**"Peace of Mind" Regarding a Woman Giving Birth**

The Mishna in tractate *Shabbat* states that one is permitted to desecrate Shabbat for the needs of a woman in labor. A *beraita* brought by the Gemara explains that for this reason, it is permitted to light a lamp for a woman in labor. The Gemara continues with a novel understanding:

This is necessary [to be taught] only in the case of a blind [woman]: You might argue that since she cannot see it, it is forbidden; hence he informs us that it settles her mind, [as] she reasons, if there is anything [required], my friend will see it and do it for me. (*Shabbat* 128b)

It is clear that if the midwife, on her part, needs a lamp to do her work, she is permitted to light it; this is a clear instance of *pikuach nefesh*.[[1]](#footnote-1) The novelty that arises here is that it is permitted to light a lamp even at the request of a blind woman who is giving birth, even though she will not sense the light at all. Lighting the lamp settles her mind and calms her down, because she feels confident that the medical team treating her is doing its job faithfully.

The Rambam (*Hilkhot Shabbat* 2:11) and the *Shulchan Arukh* (*Orach Chaim* 360:1) rule in practice that it is permitted to desecrate Shabbat and light a lamp for a woman giving birth, even if she is blind. The *poskim* disagree about the extent of this allowance, whether *every* request of a woman in labor permits Shabbat desecration, even if it is for something non-essential. As stated above, that lamp of which the Gemara speaks is indeed medically needed, and in a case of total darkness, it is permitted to light a lamp. Admittedly, in the specific case of a blind woman, she herself can manage even without the lamp, but ultimately her request stems from a certain medical need, namely, her concern that her treatment be provided in the best possible way. However, when the woman giving birth makes a request that has nothing to do with *pikuach nefesh*, there is ostensibly no justification for desecrating Shabbat in order to fulfill her wish.

I remember once discussing this issue with Rabbi Aharon Lichtenstein *zt"l*, and in the course of the conversation, he asked me: "Would it occur to you that if the mother-to-be asks to listen to classical music during the birth, we would be permitted to turn on the radio for her?!" I confess that indeed I thought then, and I still think today, that this is permissible if she needs music during the birth. But Rabbi Lichtenstein's rhetorical question was so decisive, and as a student before his teacher – I refrained from answering.

This question, regarding the scope of the allowance based on "peace of mind," is a broad one, and therefore I will limit myself to a brief mention of a few examples that have been discussed by contemporary *poskim*:

1. The *Chazon Ish* rules in his *Iggerot* (vol. 1, 141) that it is permitted (and even mandatory) for a family member to accompany a woman in labor who needs to go to the hospital on Shabbat. Even though a trained professional staff awaits her at the hospital, a familiar face at the woman's side will certainly help calm her down and maintain her serenity. This is also the ruling of *Shemirat Shabbat ke-Hilkhetah* (36:11).[[2]](#footnote-2)

2. Contemporary *poskim* have permitted a woman in labor to travel on Shabbat to a hospital far away from where she lives, even if there is a closer hospital, if she believes she will receive better treatment at the distant hospital or it practices birthing methods that she is particularly interested in.[[3]](#footnote-3)

3. Some *Poskim* have permitted a birth attendant (doula) to travel to the hospital on Shabbat, even if her presence at the birth does not constitute an essential element of the medical treatment. Rabbi Aharon Lichtenstein *zt"l* was not comfortable with this allowance, but many were lenient about it.[[4]](#footnote-4)

4. An allowance was issued for a woman in labor to receive an epidural or other injections for pain relief during childbirth, even if the injection draws a little blood, which is prohibited by Torah law.[[5]](#footnote-5)

5. Rabbi Shlomo Dichovsky allowed the husband of a woman in labor to hold her hand while wearing a glove, even after physical contact between the two has become prohibited based on the laws of *nida*, in order to calm the woman and provide her with peace of mind.[[6]](#footnote-6)

6. According to the book *Torat ha-Yoledet* (12, sec. 1), if a husband accompanied his wife to the hospital and left a young child unattended at home, he is in certain situations permitted to drive home. This is partly out of concern for the safety of the child, but also for the peace of mind of the mother, who wants to make sure that her children at home are not in distress.

 As stated, these are just a few representative examples of the discussion as to how far the concept of peace of mind can be expanded, and what exactly is included in it.

**"Peace of Mind" of a Dangerously Ill Patient**

As we have seen, the Talmud deals with the "peace of mind" of a woman in labor. According to the *Tosafot*, this is a special innovation:

"Hence he informs us that it settles her mind" – Even though it is stated in the last chapter of *Yoma* (83a): A sick person is fed [on Yom Kippur] only at the word of experts, and here we permit [violation] because of peace of mind, this is because a woman giving birth may be at greater risk, because she is afraid that they are not properly doing what she needs, than a sick person is at risk because of starvation. (*Tosafot*, *Shabbat* 128b, s.v. *ka mashma lan*)

According to the *Tosafot*, a broad expansion of the concept of "peace of mind" *should* lead to far-reaching allowances in matters of *pikuach nefesh*, and the *halakha* in practice should permit any action desired by the sick person (who is in danger), in order to settle his mind. If this is the case, however, why must experts be consulted in order to define a situation as dangerous; after all, any action should be permitted for the patient? Therefore, the *Tosafot* suggested that the law of "peace of mind" is limited to a woman giving birth. Indeed, childbirth requires the woman’s full cooperation, and therefore she must be calm, relaxed, and peaceful; it is precisely for this reason that the Rabbis permitted desecration of Shabbat for the sake of her peace of mind.[[7]](#footnote-7)

It seems we can prove the words of the *Tosafot* from an explicit passage. The Gemara states in tractate *Bava Batra* (156b) that it is permitted to acquire property from a dying man on Shabbat, by way of symbolic acquisition, lest "his peace of mind be disturbed." Here too, we are dealing with the "peace of mind" of a dangerously ill person, which should permit Torah prohibitions as well. However, the Gemara limits its allowance to symbolic acquisition, which is prohibited only by Rabbinic law. The *Shulchan Arukh* rules similarly:

But for a sick person who is grievously ill, and he said to send for his relatives, it is certainly permitted [to say to a non-Jew that he should go outside the Shabbat limits to find them]. (*Shulchan Arukh Orach Chaim* 306:9)

The Gra, in his commentary there, cites the passage in *Bava Batra* as the source for this ruling, and as stated, it emerges that for the sake of a sick person’s peace of mind, Rabbinic prohibitions were permitted but not Torah prohibitions. Moreover, even with regard to Rabbinic prohibitions, there is a disagreement among the *Acharonim*: some permit only the prohibition of asking a non-Jew to perform a prohibited labor, which is "a Rabbinic prohibition that does not involve an action,"[[8]](#footnote-8) while others permit all Rabbinic prohibitions, even actions performed by a Jew.[[9]](#footnote-9)

However, despite the explicit words of the *Tosafot*, which are based on the Gemara in *Bava Batra*, *poskim* across the generations have established that when there is a real concern that fear, anxiety, or "hysteria" will endanger the life of a dangerously ill patient, it is permitted to desecrate Shabbat even with Torah prohibitions.

This is how the Tashbetz (Rabbi Shimon ben Tzemach Duran) ruled in his responsa:

From here it seems that even for the sake of the sick person's peace of mind, and even when it is not medically necessary, but only for his peace of mind, it is permitted to light a lamp, even if he is blind and does not benefit from the light. The same applies to other prohibited labors that give the sick person peace of mind, that they may be performed on Shabbat. (*Responsa ha-Tashbetz*,I, no. 54)

The Tashbetz takes as a given that the Gemara’s allowance regarding a blind woman in labor applies to any dangerously sick person. One generation after him, the Radbaz (Rabbi David ibn Zimra) writes similarly:

When the patient says that he needs a certain medicine or else he will die, even if a doctor says that he does not need it, we certainly desecrate Shabbat for him. This is proven by the fact that it is permitted to light a lamp for a blind woman in labor in order to settle her mind. All the more so if he says he needs it, and if he does not get it, his mind will be crazed. This is clear. (*Responsa ha-Radbaz*, IV, no. 66)

The Radbaz maintains that the principle that "the heart knows its own bitterness" (*Mishlei* 14:10), from which *Chazal* learned that a sick person is authorized to say what he needs or does not need for his cure, applies even in the realm of "peace of mind."

We already encountered the words of the Tashbetz in the past (*shiur* no. 8), when we explained the position of the *Maggid Mishneh* (*Hilkhot Shabbat* 2:14) that it is permitted to desecrate Shabbat "for all the needs" of the patient. The *Bei'ur Halakha* (328:4, s.v. *kol she-regilim*) connected the responsum of the Tashbetz to the words of the *Maggid Mishneh*, arguing that such a far-reaching allowance must be based on the position of the *Maggid Mishneh*, which according to the *Tashbetz* is a minority position among the *poskim*. That is to say, the allowance to desecrate Shabbat for the patient’s "peace of mind" is subject to dispute, according to the *Bei'ur Halakha*, and should not be relied on.

However, in practice it seems that it all depends on the circumstances of the particular case. There are situations in which a dangerously ill patient suffers from significant fear and anxiety, and from a medical perspective, restoring peace of mind is essential for recovery. It stands to reason that in such situations, everyone would agree that it is permissible to desecrate Shabbat, and as the *Arukh ha-Shulchan* writes:

It seems to me that if the doctor says it would be dangerous to the patient not to fulfill his request, he is considered like any other dangerously ill patient. (*Arukh ha-Shulchan*, *Orach Chaim*, *Hilkhot Shabbat* 306:20)

This is also the ruling of *Shemirat Shabbat ke-Hilkhetah*:

For anything that a dangerously ill patient requests, if it is not directly connected to his treatment, but it will settle his mind or calm him down – Shabbat should not be desecrated with a Torah prohibition, but a Rabbinic prohibition is permitted…

There are certain dangerously ill patients whose chances for recovery depend on their mental state. In such cases, one may be lenient and desecrate Shabbat even with Torah prohibitions, with anything that, if not done, there is a concern that the sick person's mind will become crazed, for example, that he will fall into depression because of the concern that he is not being properly treated. (*Shemirat Shabbat ke-Hilkhetah* 32:25-26)

The book *Nishmat Avraham* gives a similar explanation:

We must say that *Chazal* distinguished between two types of peace of mind: One – in which the situation of the dangerously ill patient is liable to worsen to the point that he will become crazed when his requests are not fulfilled, and then he will be in even greater danger. In such a case, it is permitted to desecrate Shabbat for him even with Torah prohibitions in order to prevent this.

The second – in which he will suffer a fall in spirit and sadness, but will not be in any greater danger if we do not do as he asks. In such a case, it is permitted to desecrate Shabbat only with Rabbinic prohibitions. (*Nishmat Avraham* 306, 4)

A similar position is expressed in *Responsa Shevet ha-Levi.* Rabbi Shmuel Wosner was asked about an elderly man who was sent from a nursing home to a hospital on Shabbat, whether a relative was permitted to travel to him in order to relieve his loneliness. Rabbi Wosner replied:

We can say that the great authorities do not disagree. If there is real concern about the patient becoming crazed, we say… In any case, I would not permit a Torah prohibition so that a sick person should not be alone, unless there are grounds to think that this could develop into a situation of possible *pikuach nefesh*. (*Responsa Shevet ha-Levi*, VIII, no. 65)

In other words, it all depends on the situation, and on the medical assessment. Nobody disputes that states of tension and restlessness can be dangerous even for one who is considered a dangerously ill patient, but the question as to their source, and how they can be alleviated, depends on each individual case in accordance with the circumstances.[[10]](#footnote-10) On the one hand, a situation of *pikuach nefesh* sets aside all the prohibitions in the Torah, while, on the other hand, excessive expansion of the allowance is liable to lead to absurd situations and Shabbat desecration for trivial matters, merely because the patient requested one thing or another. Therefore, the *poskim* required that extreme caution be exercised, as we find in *Responsa Harei Besamim*:

However, this matter is left in the hands of the arbiter to rule in accordance with the needs of the hour, not to be lenient in the matter, so that the masses not be disrespectful of the holiness of Shabbat, God forbid. (*Responsa Harei Besamim*, II, no. 189; cited by *Kaf ha-Chaim* *Orach Chaim* 306, 76)

**Intermediate Summary**

I opened this *shiur* with the words of Rabbi Gad Navon, who suggested that the allowance to remove bodies of fallen soldiers from the battlefield on Shabbat may be based on the principle of "peace of mind."

In light of what we have seen thus far, this is a novel suggestion: After all, a birthing woman and a sick person are defined as dangerously ill people, whose peace of mind is essential to their recovery. In contrast, soldiers on the battlefield are not sick at all! Their mental condition and morale are indeed important and significant for victory in the campaign, but what connection do they have to the "peace of mind" of a sick person?

In order to understand the depth of Rabbi Navon's words, it is necessary to present another aspect of the issue of "peace of mind," an aspect that was interpreted by the *Rishonim* and the *Acharonim* not only as a factor of great relevance to a dangerously ill patient, but as an independent factor that creates a situation of *pikuach nefesh* and thus permits desecration of Shabbat, as we shall see below.

**Panic and Anxiety as Independent Risk Factors**

The source for this is an explicit passage in tractate *Yoma*:

If he saw a door closing upon an infant, he may break it so as to get the child out – the faster the better; and he need not obtain permission from the court… because the child is terrified. (*Yoma* 84b)

This law is brought by the Rif (*Shabbat* 40a in the pages of the Alfasi, and similarly in *Yoma* 5a in his pages) and the Rambam (*Hilkhot Shabbat* 2:17). Even though it is not brought by the *Shulchan Arukh*, it is cited by the commentaries there.[[11]](#footnote-11) Rabbi Wosner reached a fundamental conclusion based on this law:

We learn from this law that great terror creates a situation of possible *pikuach nefesh*, and it is clear that this applies to adults as well. And we find several incidents in *Chazal* in whichsudden excitement caused death. If so, while the situation of being locked in a room does not apply to adults, as they are not terrified by this – it is clear that if one is terrified in a different situation, even if he is an adult, and we see signs of the terror, it is a mitzvato desecrate Shabbat for his sake. (*Responsa Shevet ha-Levi*, VIII, no. 75)[[12]](#footnote-12)

Thus, great panic and anxiety can indeed constitute a situation of *pikuach nefesh*, and not only for a person who is already dangerously ill.

The Rashba established in his responsa that this allowance – following on the person's mental state – is based on the passage dealing with "peace of mind." He was asked about a person who took a vow that he would not laugh or be happy at all, who became crazed; the doctors determined that the only thing that can alleviate his situation is, of course, laughter and joy. Beyond the questions regarding the annulment of vows, the Rashba was asked to clarify whether it was permitted to make that person happy based on the law of *pikuach nefesh.* He writes as follows:

In chapter *Mefanin* it is stated regarding a woman in labor that if she needs a lamp, her friend may light it for her. And the law applies even in a case where the woman is blind. And it teaches us that it settles her mind… Here too, where the man is overcome by an evil spirit, it is possible that he will come to danger, and that to settle his mind we permit it for him… because it is a situation of possible *pikuach nefesh.* (*Responsa ha-Rashba ha-Meyuchasot le-Ramban*, no. 281)

The Rashba's responsum teaches us explicitly that a difficult mental state, including fear, anxiety, and other symptoms,[[13]](#footnote-13) is defined as a situation of *pikuach nefesh.* In his opinion, the source for this is the passage dealing with "peace of mind."

**Notifying About the Death of a Family Member**

An interesting, and rather far-reaching, practical application of this idea was proposed by Rabbi Shlomo Zalman Auerbach. According to the *halakha*, it is permissible to put out a fire on Shabbat only in a situation of *pikuach nefesh.* Therefore, if a person sees his house and all his possessions going up in flames, but it is known for certain that there is no living soul in the house and no one is in danger, there is no allowance to desecrate Shabbat and extinguish the fire. *Shemirat Shabbat ke-Hilkhetah* notes Rabbi Auerbach's bewilderment about this law, based on the law of "peace of mind":

We also maintain that it is permitted to perform a labor prohibited by Rabbinic law in order to settle the mind of a sick person who wishes to see his relatives, so that he not become crazed… Just as it is permitted to light a lamp for a woman in labor in order to settle her mind, because a woman giving birth is considered like a dangerously ill person, and even though this is not a real medical treatment… This being the case, we must understand why we are not concerned about a person whose possessions are all going up in flames, that he be permitted to rescue his possessions by extinguishing the fire, which is a prohibited labor performed not for its own sake. Surely there is room to be concerned that, owing to the great distress of suddenly turning from rich to poor, he will become dangerously ill… It is also known that in most cases when a person must be given bad news, we are concerned about his life and ask a doctor to be present at the time. This being so, why is it forbidden to extinguish the fire? (*Shemirat Shabbat ke-Hilkhetah*, chap. 41, note 8)

Rabbi Auerbach refrains from establishing clear rules, but he wishes to expand the principle of "peace of mind" and concern about *pikuach nefesh* to various situations of potentially severe emotional reactions.

Rabbi Avigdor Nebentzal, a distinguished disciple of Rabbi Auerbach, cites the words of his teacher as *halakha* with respect to the painful question of notifying the families of fallen IDF soldiers about the death of their loved ones. As we know, with the advances of the media and social networks, the news of a soldier's death sometimes reaches family members very quickly and in an uncontrolled manner, and therefore the IDF's casualty notification teams are required to reach the family as quickly as possible. Rabbi Avichai Rontsky devoted a responsum to this issue in his book, *Ke-Chitzim be-Yad Gibor* (part III, p. 22), and was inclined to permit such a notification on Shabbat. In his comments on this responsum, Rabbi Nebentzal writes:

If the city military headquarters' team knows that the [soldier's] parents are old or ill, and there is concern about their health when they hear about their son's fall, the team should be sent even on Shabbat. He added and reported in the name of Rabbi Shlomo Zalman Auerbach *zt"l* that he permitted putting out a fire that took hold of a sickly person's property, for fear that if he heard that it had burned, he might die.

I often asked Rabbi Nebentzal: What would be the law in a case where there is no information about the condition of the parents and the rest of the family? And he replied simply: It is a situation of uncertain *pikuach nefesh*, and Shabbat must be desecrated in order to deliver the news in a controlled manner.

Rabbi Yitzchak Zilberstein issued a similar allowance (*Chashukei Chemed*, *Ketubot* 62b), and in his unique style, he found proof from Biblical incidents – for example, from Yehuda's words to Yosef at the beginning of *Parashat Vayigash* regarding Yaakov's worrying about Binyamin: "It will come to pass, when he sees that the lad is not with us, that he will die" (*Bereishit* 44:31); or from the words of *Chazal* in *Yalkut Shimoni* (*Chayei Sara* 102) and in Rashi's commentary to the Torah (*Bereishit* 23:2) that Sara's "soul flew from her" when she was notified that Yitzchak had been made ready for slaughter.[[14]](#footnote-14)

The military rabbinate rules this way in practice, that it is permissible to desecrate Shabbat, even with Torah prohibitions if necessary, to notify the family of a fallen soldier about his death in a controlled and professional manner, and as quickly as possible. As stated above, this allowance is based on an expansion of the concept of "peace of mind" so that it applies not only to a woman who is giving birth, and not even only to someone who is considered dangerously ill, but to anybody who is liable to fall into a difficult mental state that would endanger his life.

**Conclusion**

As explained above, soldiers on the battlefield are not considered dangerously ill, and presumably they are also not subject to the laws governing a woman in labor. However, their mental state and morale may be very significant in deciding the campaign.

Indeed, the concept of "peace of mind," whose various aspects were discussed in this *shiur*, is not directly related to soldiers on the battlefield. However, having learned about the significant weight attached to the mental state both of a dangerously ill patient and of a perfectly healthy person who falls into a complex state of stress, fear, and panic – there is certainly room to say that not only for those who are in a situation of *pikuach nefesh*, but even for those who are engaged in *pikuach nefesh*, Shabbat may be desecrated. Hence, there is ample room for Rabbi Gad Navon's words about the allowance to evacuate fallen soldiers from the battlefield on Shabbat in order to maintain the peace of mind of the soldiers and the morale of the forces on the battlefield.

In the next *shiur*, with God's help, we will complete our examination of the issue, and clarify whether it is permissible for a military rabbi, lecturer, or psychologist to desecrate Shabbat in order to meet with soldiers on the battlefield and strengthen their spirits.

(Translated by David Strauss)

1. See in this context the objection raised by the *Magen Avraham* (330, 2), and the solution proposed by the *Machatzit ha-Shekel*, ad loc. (2). In the course of the discussion, the *Magen Avraham* asks why we don't tell the blind woman in labor that a lamp was lit for her, without actually doing it. He answers that a blind woman is able to sense whether it was lit, or that she may have other ways to verify whether the candle was indeed lit at her request. [↑](#footnote-ref-1)
2. See also *Responsa Iggerot Moshe* (*Orach Chaim* I, no. 132), who is uncertain about this allowance but concludes in practice that if the woman in labor expresses her fear and apprehension of traveling alone, it is certainly permitted to accompany her. [↑](#footnote-ref-2)
3. The source for this is the *Tif'eret Yisrael* commentary to the Mishna (*Shabbat* 18:3, no. 33), who explained the allowance to call a midwife that the woman in labor desires from a more distant place, even if there is a midwife closer by. See more in detail in the book *Torat ha-Yoledet* (chap. 7) and in *Responsa Shevet ha-Levi* (VIII, no.88), who added the qualification that if the drive to the more distant hospital is merely an "indulgence," it is not permitted, and all the more so, that there is no allowance to drive to the more distant hospital based on financial considerations of the cost of the treatment or the arrangement with her health fund. But when the drive is needed for the woman's peace of mind, and it enables her to reach the hospital in which she will receive the best treatment in her opinion (even if objectively that is not necessarily true), it is permitted. This allowance is also found in *Responsa Minchat Asher* (I, no. 117).

See also the article of my revered teacher and father-in-law, Rabbi Shlomo Levi, "*Yoledet ha-Me'unyenet Linso'a be-Shabbat le-Beit Cholim Meruchak*" (in *Techumin* 33). In my humble opinion, he adopted there a rather strict position, and he himself was sometimes more lenient when asked about the matter in actual practice. [↑](#footnote-ref-3)
4. *Shemirat Shabbat ke-Hilkhetah* (40:83) explicitly permits a doula to travel on Shabbat; this allowance appears in the new edition of the book (5770), but not in the earlier editions.

For further discussion, see the articles of Rabbi Eli Taragin, "*Tomechet Leida (Doula*) *be-Shabbat*" (in: *Techumin* 30); "*Tomechet Leida ve-Hagdarat 'Yishuv ha-Da'at'* *be-Yoledet*" (in: *Techumin* 34). [↑](#footnote-ref-4)
5. See the correspondence about this between the Gerrer Rebbe and Rabbi Shmuel Wosner in *Responsa Shevet ha-Levi* (IX, no. 75). In practice, it seems that both of them permitted the injections. [↑](#footnote-ref-5)
6. This is what he wrote in his article, "*Harga'at Yoledet u-Me'uberet*" (in: *Techumin* 23). In the course of the article, Rabbi Dichovsky explains that the allowance to conduct tests during pregnancy even if they may endanger the fetus is also based on the fact that sometimes the tests are necessary for the pregnant woman's peace of mind. [↑](#footnote-ref-6)
7. Rabbi Dr. Mordechai Halperin explained the issue of the mother's comfort and cooperation during childbirth from a medical point of view in his article "*Shelavei ha-Leida be-Yad ha-Chazaka*: *Iyunim Hilkhatiyim u-Mabat Refu'i*" (in his book: *Refu'a, Metzi'ut ve-Halakha*, chap. 6; available on the website of the Schlessinger Institute for the Study of Medicine according to the Torah, [here](https://www.medethics.org.il/article/r0091311a/) and [here](https://www.medethics.org.il/wp-content/uploads/2020/04/107%D7%A9%D7%9C%D7%91%D7%99-%D7%94%D7%9C%D7%99%D7%93%D7%94-%D7%91%D7%99%D7%93-%D7%94%D7%97%D7%96%D7%A7%D7%94.pdf)). [↑](#footnote-ref-7)
8. This is the ruling of Rabbi Aryeh Leib Horowitz, one of the great Galician *poskim* of the second half of the nineteenth century, in *Responsa Harei Besamim* (II, no. 189), and it is also the opinion of the *Arukh ha-Shulchan* (*Orach Chaim*, *Hilkhot Shabbat* 306:20). [↑](#footnote-ref-8)
9. This is explicitly stated in *Responsa Sho'el u-Meishiv* (3rd series, no. 180). [↑](#footnote-ref-9)
10. For an extensive summary, see: *Responsa Tzitz Eliezer* (VIII, no. 15, chap. 9); *Piskei Teshuvot* (306, no. 29); *Orchot Shabbat* (vol. II, chap. 20, no. 26). [↑](#footnote-ref-10)
11. See *Magen Avraham* (328, no. 8) and *Shulchan Arukh ha-Rav* (*Orach Chaim*, *Hilkhot Shabbat* 328:15). [↑](#footnote-ref-11)
12. Rabbi Yitzhak Zilberstein wrote similarly in his book, "*Shiurei Torah le-Rof'im*" (vol. II, no. 102). With God's help, we will come back to this when we deal with the treatment of anxiety, and the activity of the Home Front Command on Shabbat and holidays. [↑](#footnote-ref-12)
13. Much has been written in recent years on the fundamental issue of the halakhic attitude toward mental illnesses of all kinds, though this is not the forum in which to expand on the subject. This is relevant both to the allowance to desecrate Shabbat and to the allowance not to fast on Yom Kippur, when the patient suffers from a serious mental disorder. See, for example, Rabbi Asher Weiss's *shiur*, "*Gidrei ve-Dinei Pikuach Nefesh*," no. 3 (available on the *Minchat Asher* website, [here](https://minchasasher.com/he/shiur/%D7%A4%D7%A8%D7%A9%D7%94-%D7%A9%D7%99%D7%A2%D7%95%D7%A8%D7%99%D7%9D/%D7%91%D7%92%D7%93%D7%A8%D7%99-%D7%95%D7%93%D7%99%D7%A0%D7%99-%D7%A4%D7%99%D7%A7%D7%95%D7%97-%D7%A0%D7%A4%D7%A9-%D7%AA%D7%A9%D7%A2%D7%96/)).

It should be noted that the *poskim* have discussed whether it is permissible to desecrate Shabbat in order to save a person from a state of insanity. This is connected to the issue of "desecrate for him one Shabbat in order that he observe many *Shabbatot*" (*Yoma* 85b). See also in brief in *Responsa Yabi'a Omer* (*Yoreh De'a*, I, no. 9, 7), and in greater detail, and with a clear ruling in favor of leniencey, in *Responsa Shevet ha-Levi* (vol. IV, no. 34). [↑](#footnote-ref-13)
14. This is also the fundamental position of Rabbi Asher Weiss. A responsum that he wrote on the subject will be published in volume 4 of *Responsa Minchat Asher.* [↑](#footnote-ref-14)