



Parshas Noach 5765

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If, for example, there is only treif food in the hospital, is one permitted to traverse the reshus harabim to bring kosher food or must the patient eat the treif food?

In less modern times we could phrase the question as follows: if the only food available is treif meat and the doctors affirm that he must eat meat on Shabbos in order to recover from his dangerous illness, is one permitted to slaughter an animal, salt it and cook it just in order to save the patient from eating treif meat?

Let us weigh the “violations” on both sides. On the one hand we have the *issur* of eating non kosher meat, which is a לא תעשה and which the biblical punishment is 40 lashes when eaten under normal circumstances. On the other hand we have the *issur* of *chillul Shabbos* and which the biblical punishment is stoning. Seemingly we would say that since eating treif meat is less severe than desecrating the Shabbos we should opt for the treif meat rather than violating the Shabbos.

Is that then the halacha?

Not exactly and for the following reasons. We will begin by saying that this question, as with many other questions that involve *pikuach nefesh* (life saving) and Shabbos, a competent halachik authority must be asked. In the following lines we will present the opinions of the various Rishonim in order to appreciate the variety of opinions in the matter.

Ravad - The *Rosh*¹ says (citing the *Ra'avad*) that we may slaughter meat for the ill because Shabbos is דחוייה (waived aside) with regards to the ill person as far as slaughtering and cooking is concerned. This suggests that it is *assur* to feed him the non-kosher meat when one can feed him kosher meat because one may violate the Shabbos in order to cure the ill but one may not violate the *issur* of גבילה (non kosher meat). [This is quite a complicated concept because obviously the *issur* of non-kosher meat is also waived aside for *pikuach nefesh*. The *p'shat* is though that on a weekday one would not feed the patient *treif* meat when kosher meat is available and therefore when the *pikuach nefesh* falls on Shabbos, it is Shabbos that is preventing us from feeding him kosher meat and therefore one may violate the Shabbos and feed him kosher meat.]²

The *Rosh* concludes that when it is an emergency and there is no time to slaughter and skin the animal and cook it, we obviously feed him the *treif* meat.³

¹ יומא סי' י"ד, שו"ת הראש כלל כ"ו סי' ה'.

² Rav Sternbuch in *Moadim Uzmanim* vol. VI *simon* 23 learns that the *Ravad* is only talking about a case where the treif meat must still be cooked, but if it is ready for consumption one would not be permitted to slaughter for the ill person, because the Shabbos may be violated to save a person's life but not to save him from eating non kosher food.

³ This proves that there is an *issur* to feed him *treif* meat when kosher is available, even though it requires slaughtering and cooking, because if it was just a matter of being **permitted** to slaughter meat instead of feeding him *treif* meat why would the *Rosh* have to

MaHaram of Rottenburg - R' Meir Of Rottenburg, cited in the *Rosh* in *Yumah*, learns that Shabbos is הותרה (totally permitted) with regards to *pikuach nefesh* and therefore one treats the ill on Shabbos exactly as one would during the week. He compares cooking food for the ill on Shabbos to cooking food on Yom Tov, which is totally permitted.

Rabeinu Nissim – The *Ran* learns that the reason we would want to feed him the non-kosher meat is because it is less a violation than slaughtering and cooking on Shabbos. However, the *Ran* says that ultimately eating *treif* meat is worse because one is *chayav* for every *k'zayis* (olive size),⁴ which turns out to be many more violations than slaughtering which is only one *issur* and cooking, which is another (even though the punishment for deliberately violating the Shabbos is stoning and for eating *treif* meat only מלקות – lashes).

Rosh - The *Rosh* adds another reason and says that the ill person might be disgusted from the *treif* meat and will refuse to eat it, thereby endangering himself. (Would one be permitted to present him with *treif* meat without telling him that it is *treif*, or may one lie to that effect?).

For a synopsis of these opinions, see the *Mishna Berura* *simon* 328:39.

Halacha – The *Shulchan Aruch*⁵ rules in accordance with these *Rishonim* who hold that one may “violate” the Shabbos for the sake of *pikuach nefesh* even though there is adequate *treif* food available that would not

tell us that when there is no time he is permitted to eat the *treif* meat.

⁴ The *Chazon Ish* – 50cc (0.1 US pint) R' Chaim Na'eh 27cc.

⁵ *Simon* 328:14.

require *chillul Shabbos*. Accordingly one may travel in a car to fetch kosher food, cross the *reshus harabim* with kosher food etc. Nevertheless one should try and limit the *chillul Shabbos* as much as possible because one is not dealing with the actual life-saving, but rather one is bringing food for *pikuach nefesh* and that can be done *b'shinui* etc.

Vort on the Parsha

Hashem says to Noach that when seven days are up He will bring the rain, and the *gemora* in *Sanhedrin* 108 says that these were the seven days of mourning for Metushelach. The question is though, what is the purpose for waiting these seven days? Rav Sternbuch *shlita* says that the *hesped* (eulogy) of a *tzadik* can cause people to repent when they hear how it is possible for a human being to channel a life in the service of *Hashem*. It is possible that after more than 100 years of building an ark that this extra week of contemplating about the ways of the *tzadik* will alter the lives of the wicked.

Food For Thought

Some have the notion that the Shabbos may only be violated by people already dealing with the chillul Shabbos but others should refrain, is that true?

My neighbor knocks on my door on Friday night asking to borrow my car in order to take his wife to hospital. It is not an emergency but she must go. Must I give up my car, knowing that as a result the battery will die, or can I say to him that he should call the ambulance service?

If the patient refuses to have Shabbos violated on his behalf (or for example, he refuses to eat on Yom Kippur) must he be coerced to violate the Shabbos or is it his choice?

Answers coming next week.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.