

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמד
"חוקי חיים"
לעשות רצונך
בלבב שלם



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Hilchos Shabbos Pertaining to Hatzolah | Mishpatim 5782

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Hatzolah Organizations

Importance of Hatzolah Organizations

1. Jews are distinct in their chesed activities and organizations. They also value human life and appreciate every second a person has in the world. Therefore, local activists in every place in the world with a Jewish community create Hatzolah organizations, which provide emergency medical services to the community.
2. We cannot imagine the zechus and chesed Hatzolah members and volunteers have. Chazal say (סנהדרין דף ל"ז ע"א) "If someone saves one Jewish life, it is like he sustained an entire world." Hatzolah members also fulfill "לא תעמוד על דם רעך" and the mitzvah of "והשבט לו," as they return people's souls to their bodies. This is all besides for the mitzvos of chesed and "ואהבת לרעך כמוך."

Voluntary or Obligatory?

3. **Average person.** The average person has no chiyuv to learn first aid to be able to save people in danger (י"ד ח"ב, י"ד ח"ב) (סי קנא). One who does not know first aid should not get involved in saving the patient; that can cause more harm than good. However, he can help in other ways, e.g., by summoning help, bringing necessary supplies, sending away curious onlookers... and the like.
4. **Hatzolah organization.** Nevertheless, every place with a Jewish community should certainly have a Hatzolah organization. Doing so can save lives, as it is usually hard to rely on local emergency services. If someone feels he would gain by learning first aid or has particular strength of personality and wants to channel it for a good use, it is a mitzvah for him to learn and involve himself in first aid in a kosher framework appropriate for a Torah observant Jew. Otherwise, he is endangering himself to save other people's lives...
5. **Hatzolah responder, doctor.** It says in this week's parshah (משפטים) "ורפא ירפא" (כ"א, י"ט) Chazal derive, "From here, a doctor has permission to heal" (ב"ק דף פ"ה). Although this sounds like a doctor only has *permission* to heal but not an *obligation*, all the poskim say that a person who knows medicine, e.g., a doctor or Hatzolah volunteer/responder, has an obligation to administer lifesaving care in a situation of pikuach nefesh if he has the opportunity. Refraining from doing so is tantamount to murder (י"ד סי' של"ז ס"א).

Hatzolah Responders on Shabbos

Pikuach Nefesh

6. We already discussed (Issue 254) the level of illness for which Shabbos may be violated: when there is even a possibility the patient's life is in danger (ibid, par. 6). When it is necessary to violate Shabbos, one may not delay doing melachah. He must immediately do everything possible to save the patient's life.

Knowing Hilchos Shabbos

7. Therefore, a Hatzolah volunteer must know the halachos well so that he acts entirely in line with halachah. Sometimes, there is no time in the moment to think or come up with ways to do melachah with a shinui. At other times, when the situation is not so urgent and taking some extra time does not harm the patient, one must know how to do melachah with a slight shinui so as not to do deoraisa melachah (רמ"א סי' שכ"ח ס"ב).

8. **Halacha shiurim.** To this end, every Hatzolah organization should hold halachah shiurim for its responders given by their supervising rav. Each organization should also make a halachic protocol for Shabbos, Yom Tov, and other topics so that its staff knows what to do in real time (מ"ב שכ"ח סק"ד). These shiurim are no less important than the first aid courses to which they devote hundreds of hours.
9. **Learning שי"ח שכ"ח.** Similarly, every Hatzolah responder should have a chavrusa with whom to learn siman ש"ח in Shulchan Aruch, Mishnah Berurah, and the modern-day poskim. This way, they will all know the necessary halachos very well and be readily able to apply them in real time.
10. Although there are many relevant halachos and this is not the place to set forth every topic and detail encountered by volunteers on Shabbos, we will mention some examples discussed by the poskim. These will demonstrate the seriousness of the topic and the need to know all the details of the halachah.

Drove on Shabbos, Was Not Needed in the End

11. If there was a Hatzolah call for a case of pikuach nefesh on Shabbos and multiple volunteers headed out thinking they might get there first (מ"ב סי' שכ"ח סק"מ) but when they arrived, they saw another volunteer was already there and they were not needed, none of them incurred a chatas obligation and they do not need any sort of kaparah (מ"ב סי' של"ד סקע"ה, שו"ת שבות יעקב ח"א סי' י"ג) (שו"ע שם סט"ו, מ"ב סקמ"ב).

Informing a Responder by Radio That He Is Not Needed

12. The poskim discuss a case where a responder arrives on scene and sees that the situation does not require any more people – should he do an issur derabanan, e.g., use his walkie-talkie, to prevent many others from doing deoraisa melachah when traveling by car or motorbike? Should one person do an issur derabanan to save others from an issur deoraisa, or is it better for them to come, thinking they are on the way to a situation of pikuach nefesh [which is mutar]? Even when they realize they are not needed, they did not do any issur; perhaps that is better than intentionally doing an issur [even if it is only derabanan] that is not for pikuach nefesh.
13. **Do not inform.** Most poskim hold one may not do an issur derabanan to update others. It is better for them to come in a mutar way, thinking they are needed, and then find out that they are not (הגרשו"א, נשמת אברהם ח"א סי' של"ח סק"א, שו"ת שבט הלוי ח"ח סי' קצ"ג סק"ב).
14. Another reason not to inform them is that if they find out they are not needed while on the road and not near a residential area, in some cases they will need to stop their car right away and walk a long distance home [unless they are in a situation with a heter to drive home (see below, 19)].
15. **Inform.** However, some poskim hold it is mutar, and preferable, to inform others via radio – an issur derabanan – not to continue on their way if it is not a situation of pikuach nefesh. This way, they will not continue to unnecessarily perform deoraisa melachah (שו"ת יען דוד ח"ג) (סי' כ"א-כ"ג, שו"ת מנחת אשר ח"א סי' כ"ב) who originally sent the responders may cancel the call and tell them not to come, but the responder who reaches the scene first should not tell the others not to come if he does not want to (שו"ת יען דוד שם).

16. There is another reason to inform the others. If a volunteer knows that any time he drives on Shabbos, there is a good chance he will not be needed, but he will not be informed of that and will end up driving for no reason every Shabbos, he will not want to go out to any calls on Shabbos. This is included in "permitting the end for the beginning" (see below, 20 and on): a responder will know that he will be informed if he is no longer needed so that he does not need to drive unnecessarily on Shabbos kodesh.
17. **In practice.** Since there are different opinions, each Hatzolah organization should receive a protocol on this matter from the supervising rav in its location. It should be in accordance with the nature and conditions of the place and the structure of the organization. It is important that all volunteers have a clear knowledge of their organization's protocol.
18. **Non-Jew.** If possible, one should have a non-Jew cancel the call, assuming the responder will also receive the cancellation notice via a non-Jew.

Driving Back Home

19. The poskim discuss whether a responder may return home by car or motorbike from the site of the incident on Shabbos after finishing his noble lifesaving work.
20. **"Permitting the end for the beginning."** The Shulchan Aruch rules (סי' ת"ז ס"ג) that if someone left the techum on Shabbos to save a Jew from a non-Jew, a river, or fallen debris, and they are afraid to remain in that area, they may return home on Shabbos with their weapons. The Gemara explains that they may take their weapons back home so that enemies do not see, pursue them, and put them in danger (גמ' עירובין) גמ' עירובין) דף מ"ה ע"א, בי"ח א"ר מ"ב שם סק"י. The reason for the baseline heter to bring their weapons into the first house they encounter in the city is to prevent future error (לבוש) (רמב"ם פ"ב שבת הל"ג, לבוש) if they were to find out they have to leave their weapons outside the city, next time they will not leave the city to help (בני ציון סק"ג).
21. **Hatzolah volunteer.** Based on this, many poskim discuss whether a Hatzolah volunteer who finishes up a job on Shabbos may drive back home. On the one hand, there is no situation of pikuach nefesh to allow him to do deoraisa melachah. But on the other hand, perhaps he should be allowed based on the above heter: if a volunteer were to know in advance that he would have to walk back home, sometimes for several kilometers in bad weather, he might be inclined not to go out to the next emergency call. He will rationalize that someone else probably went already. At the very least, he will think twice before going, knowing that it will be hard for him to get back home on Shabbos, a day he'd rather be connected to davening, learning, and family. Meanwhile, the patient's life will be seriously endangered.
22. Thus, the poskim discuss whether there can be a blanket heter for volunteers to drive back home – "permitting the end for the beginning" – for the sake of general pikuach nefesh, which overrides Shabbos. Some allow it (שו"ת חת"ס אור"ח) (שו"ת שאילת יעב"ץ ח"א סי' קל"ב, שו"ת חת"ס אור"ח) (סי' ר"ג, חזו"א ארחות רבינו ח"א עמ' קנ"ה לגבי רופא, אג"מ ח"ד סי' פ', ועוד א"ר) others are machmir not to use the above heter for deoraisa melachah (סי' ת"ז סק"ו, מג"א סי' תצ"ז סקח"י, שו"ת מנחת שלמה ח"א סי' ז' ו', ועוד).
23. **In practice.** Since the heter is not clear and the major poskim disagreed about it, the consensus of the poskim is that lechatchilah, an effort should certainly be made to have a non-Jewish driver available to take Hatzolah volunteers and their equipment back home. However, if there is no non-Jew available for that and it is difficult for the volunteers to stay in the location of the call until after Shabbos, they may drive themselves home based on the above heter (אג"מ ח"ה סי' פ"ז (כ"ה), שו"ת שבט הלוי ח"ו סי' כ"ו וח"ה סי' פ"ז).
24. **Depends.** A volunteer must also consider the situation. If it is the beginning or middle of Shabbos and he is on duty, so it is likely he will get more calls, there is more reason to allow him to drive home, as it is very possible he will need to go out to another pikuach nefesh situation. However, if he is not on duty or he went to a call at the end of Shabbos, there is more reason not to allow him to drive back, as a deoraisa issur should not be allowed for such a short amount of time.

25. **According to protocol.** Therefore, it is important for each Hatzolah organization to set a local protocol on this matter based on the ruling of its supervising rav. This way, it will not become a free-for-all where each person does whatever he wants and Shabbos becomes a weekday in people's eyes.
26. **Average person.** It is important to point out that the whole heter to drive home only applies to doctors or Hatzolah responders, to whom the idea of "permitting the end for the beginning" applies. An average person who is not regularly involved in these matters has no heter to drive back home. If there is a serious need, some allow going back home, but only with a non-Jewish driver (תשובות והנהגות ח"ג סי' ק"ה).

Calling Hatzolah on Shabbos

When to Call Hatzolah

27. **Possible pikuach nefesh.** Calling Hatzolah entails issurim, especially because Hatzolah volunteers will do deoraisa melachah to drive to the call. Thus, one should only call Hatzolah on Shabbos in a situation of pikuach nefesh or possible pikuach nefesh.
28. **Examples of pikuach nefesh.** We will give a partial list of examples of reasons to call Hatzolah: choking; loss of consciousness; signs of a stroke; signs of a heart attack, e.g., sharp chest pains; head injury; shallow breathing; hyperventilation; fainting; birth; prolonged, unexplained, sharp pain in the abdomen or other part of the body; high blood pressure; high fever; signs of dehydration; vertigo; poisoning; sudden vision impairment; psychotic episode; heavy bleeding; deep cut from sharp metal; second- or third-degree burns on a significant portion of the body; irregular blood sugar level; serious allergic reaction; and any other scenario with even the potential of danger.

Not Pikuach Nefesh

29. If a situation does not entail even potential pikuach nefesh, one should not call Hatzolah by phone. If one knows the address of a Hatzolah volunteer or responder, he can go there to consult him. But one should take into account that Hatzolah volunteers are also people and it is Shabbos for them too. One should not disturb them in the middle of the night for something not urgent, like an ingrown toenail...
30. People sometimes think Hatzolah volunteers can do anything in any situation. This is not true. Hatzolah members also have limitations and things they may not do on Shabbos. For example, a woman once called Hatzolah on Shabbos asking them to send a plumber to her house. "This is a line for matters of life and death," explained the dispatcher. To which the woman responded, "There's a leak in the house, and if they don't call a plumber, the water can flood the house and create a situation of real pikuach nefesh!"...
31. **Respond to every call.** A Hatzolah dispatcher must send a volunteer to every medical call. If someone brought himself to call Hatzolah on Shabbos, it is generally a matter of pikuach nefesh or possible pikuach nefesh – even a slight chance – for which we violate Shabbos. Thus, even if it does not sound urgent, the dispatcher must assume it is urgent, just the caller did not explain himself properly, unless it is 100% clear there is absolutely no aspect of pikuach nefesh (בעל חשב האפוד, הליכות חנוך את צ', אוצר הלכות סי' שכ"ח אות קמ"ב).

How to Call Hatzolah

32. **Better with a shinui.** In an emergency, one may call Hatzolah in a regular manner, without a shinui, to avoid any delay. However, if not every moment is of the absolute essence, one must do a shinui wherever possible (רמ"א סי' שכ"ח סי"ב). Therefore, one should lift the phone with a shinui, e.g., with both hands, and press the buttons with a shinui, e.g., with his knuckle or with a spoon or fork.
33. **Ending the call.** Although it would seem preferable not to hang up after calling Hatzolah since there is no more need for the phone, it is important to hang up. This is because sometimes the dispatcher needs to call back, e.g., if the responders can't find the place, etc. Thus, it should be done with a shinui. If the phone then rings, one should answer it because it is likely Hatzolah calling back.

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