

Labor Law: Who Should Do the Melacha at a Birth?

Highlights of a *shiur* by Rav Yehoshua Grunwald

http://baishavaad.org/wp-content/uploads/2018/11/BER79_008_Vayishlach_Labor_Delivery_Childbirth_in_Halacha.mp3

Should *pikuach nefesh* be delegated?

וַתֵּלֶד רָחֵל וַתִּקַּשׁ בְּלִדְתָּהּ.

And Rachel gave birth, and she had difficulty in her delivery.

(Beraishis 35:16)

If there is a need on Shabbos for lifesaving medical care that entails *chillul Shabbos*, should one seek an *akum* or a *katan* to perform the *melacha*?

The Shulchan Aruch (O.C. 328:12) rules that he should do it himself. The Rama argues and says that if it will cause no delay, one must use an *akum* or do the *melacha* with a *shinui*.

The Taz (ibid.) objects to the Rama's approach, because onlookers will mistakenly conclude that *pikuach nefesh* doesn't override Shabbos, and next time they will search for an *akum* while the patient dies.

Many *poskim* follow the Taz. But R' Shlomo Zalman Auerbach in Minchas Shlomo says (and it is reported in the name of R' Moshe Feinstein) that this is limited to actual medical treatment, but ancillary processes (e.g., turning on lights) should optimally be done in a way that lessens the violation.

Strangely, although a woman in labor is considered a *chola sheyeish ba sakana*, even the *Mechaber* agrees (ibid. 330:1) that a *shinui* should be employed where possible. Why the difference?

The Mishna Berura (ibid.) answers that childbirth is less of a worry because it is a natural process and very rarely dangerous.

Nevertheless, where using a *shinui* or finding an *akum* would cause a delay, a Jew must act.