

Halachot for the Physician on the Sabbath and Festivals

Abraham S. Abraham, M.D., F.R.C.P.

The following excerpt is taken from the author's *Halachot for the Physician on the Sabbath and Festivals*. pp. 77-92

Specific Regulations Concerning the Festivals

Rosh Hashanah

152. Whatever is not permissible to be done for a patient on the first day of a Festival, may, if the prohibition is of Rabbinical origin, be done on the second day (Diaspora). However this does not apply to the two days of Rosh Hashanah (whether in Israel or in the Diaspora) and all Rabbinical prohibitions regarding a patient apply on the second day just as on the first.¹

153. A physician who is occupied with treatment of patients is exempt from the mitzvah of *shofar*. However if he is able to find the opportunity to hear at least 30 statutory "sounds" (of the 100 that constitute the normal practice), he should do so even before he has prayed *shacharith* or *musaf*.²

154. A woman physician is exempt from this mitzvah.³ However since in practice women have taken this mitzvah upon themselves, a woman who has the opportunity to do so, should, if at all possible, listen at least to 30 "sounds".

155. One should not eat before hearing the *shofar*.⁴ However a physician who would have no opportunity of hearing the *shofar* until much later in the day, and finds it difficult to fast until then, may recite the *shacharith* prayer, make kiddush, and eat his meal. If there is no time even for this he should at least recite the benedictions over the Torah and the first

paragraph of the *shema*, before reciting Kiddush and eating.⁵

156. A physician who is called to treat a seriously or possibly seriously ill patient should leave immediately even if he had just begun to hear the *shofar*. When he later has the opportunity, he should try to hear at least 30 "sounds" and if this is not possible, at least the remainder of the 30 "sounds" that he has yet not heard.⁶ Since he already heard the *shofar* benediction before he was called out, it is not repeated when he hears the remainder of the *shofar* "sounds".

157. A physician on duty who is unable to pray with a *minyan*, should not recite the *musaf* prayers until after a quarter of the day has passed since sunrise, but may recite it at any time during the day after this,⁷ preferably before 7 hours of the day have passed. Similarly he should not arrange to hear the *shofar* until after a quarter of the day has passed unless with a *minyan*.⁸

158. On the second night of Rosh Hashanah the "שהחיינו" benediction is recited after kiddush. It is preferable to have either a new fruit on the table or to wear a new garment (either of which would require this benediction), and bear in mind that the benediction should apply both to the Festival day and to the fruit (or garment).⁹ The fruit is consumed immediately after eating at least 27 gms of bread (following the benediction of "המוציא").¹⁰ If a new fruit

⁵ Shmirat Shabbat Kehilchata 40:45.

⁶ O.H. 588:2.

⁷ O.H. 591:3

⁸ Mishna Brura 591:15.

⁹ O.H. 500:2 and Mishna Brura 500:2.

¹⁰ Shmirat Shabbat Kehilchata 47:44

¹ Shmirat Shabbat Kehilchata 27:6-28.

² Oral communication from R. Y.Y. Neuwirth.

³ O.H. 589:3.

⁴ Magen Avraham O.H. 592:7 and Mishna Brura 592:15 (end).

(or garment) is not available, the "שהחיינו" benediction is nevertheless recited.¹¹

159. Similarly a woman physician should light the Festival candles and recite the benediction of "שהחיינו". She should eat the new fruit after having consumed at least 27 gms of bread following the benediction of "המוציא".¹² She should light the candles immediately prior to kiddush so that the fruit is eaten as soon as possible after lighting the candles.¹³

160. A physician who lights Festival candles should recite the "שהחיינו" benediction with the kiddush. A woman physician who has recited the benediction of "שהחיינו" when lighting Festival candles does not repeat this benediction with the kiddush even if she herself is reciting the kiddush.¹⁴

Yom Kippur

161. A physician who is busy with patients and is therefore unable to pray with a minyan, or for that matter, even alone, should at least say the benedictions over the Torah, the first paragraph of the shema¹⁵ and the short vidui (confession of Sins):¹⁶ "הטאנו, עוינו, פשענו" -

"I have sinned in ignorance, I have sinned knowingly, being unable to resist temptation and I have sinned against You rebelliously."

If he has more time available he should say:¹⁷

אנא השם, חטאתי, עויתי, פשעתי לפניך ועשיתי כך וכך, "חזור לדבר זה והרי נחמתי ובושתי במעשי ולעולם איני

"Help me, Oh God, for I have sinned in ignorance, I have sinned knowingly, being unable to resist temptation and I have sinned against You rebelliously (specify here the sins). I regret this and am ashamed of my sinful deeds and hope never to repeat them."

If more time is available, he should recite the benedictions over the Torah, the shema and at least

one shemoneh esreh prayer, with, if possible, the full vidui (or at least the short vidui as above).

162. A physician who was too occupied to recite havdalah at the end of Yom Kippur or to hear it recited by someone else, should make havdalah as soon as this is possible until sunset the following day. The benediction over light is only made if havdalah is recited during the night following Yom Kippur. When Yom Kippur occurs on the Sabbath, havdalah may be recited until sunset on Tuesday evening (without the benedictions for spices or for the light of a flame), if there was no possibility of doing so before.¹⁸

Sukkot

163. An intern is duty bound to recite kiddush and the benediction "לישב בסוכה" and eat at least one olive's bulk of bread (27 gms), consuming the bread within the space of 2-4 minutes,¹⁹ in the sukkah during the first night of the Festival between nightfall and midnight.²⁰ If he was unable to do so before midnight, he must recite kiddush after midnight, but does not recite the benediction "לישב בסוכה" unless he eats slightly more than an egg's bulk of bread (55 gms).²¹ However, the duty of eating in the sukkah for a busy physician is only true if there is a sukkah on the premises and he can reach it easily in order to recite kiddush and eat his meal (or at least recite kiddush and eat 27 gms of bread) without compromising patient care. If there is no sukkah on the premises, or he is too busy to leave the floor, he is exempt from the mitzvah of *sukkah*.²² If there are two physicians on the floor and only one is needed at the time, they should take turns to eat in the *sukkah*.²³

164. The benediction of "לישב בסוכה" is recited on the first night (until midnight) even on an olive's bulk of bread but preferably on an egg's bulk of bread. From midnight of the first night and throughout the remaining days of the Festival, one may not eat more than an egg's bulk of bread outside the *sukkah*.²⁴

¹¹ O.H. 500:2.

¹² *Shmirat Shabbat Kehilchata* 47:44

¹³ *Shmirat Shabbat Kehilchata* 44, note 14.

¹⁴ *Kaf ha-Hayyim* 514:112.

¹⁵ *Shmirat Shabbat Kehilchata* 40:45.

¹⁶ Rema O.H. 507:3 and *Mishna Brura* 507:12.

¹⁷ Maimonides, *Hilchot Teshuva* 1:1.

¹⁸ *Shmirat Shabbat Kehilchata* 62:26.

¹⁹ *Mishna Brura* 639:22.

²⁰ O.H. 639:3.

²¹ *Mishna Brura* 539:10.

²² O.H. 640:3. See *Mishna Brura* 640:11.

²³ *Mishna Brura* 640:10.

²⁴ O.H. 639 and *Mishna Brura* 639:22.

165. The mitzvah of *sukkah* is not complied with on the first night by consuming cake; bread is required.²⁵

166. A woman intern is exempt from the mitzvah of *sukkah*.²⁶

167. A physician may not eat until he has performed the mitzvah of *lulav*.²⁷ However, if a *lulav* becomes available only later in the day and he finds it difficult to work while fasting he may eat after having recited the *shacharith* prayer, or at least the benedictions of the Torah, the first paragraph of the *shema* and *kiddush*.²⁸

168. If the physician was too busy to hear or recite *kiddush* the first night and did not even recite the "שהחיינו" benediction, or forgot to do so, he recites the benediction - in Israel - whenever he can, even during *Chol Hamoed*; and in the Diaspora - during the first day. If this happened on the second night (in the Diaspora) the benediction is recited during the Festival, even during *Chol Hamoed*.²⁹

Shemini Atseret

169. See paragraph 168 regarding the "שהחיינו" benediction.

Simchat Torah

170. See paragraph 168 regarding the "שהחיינו" benediction (in the Diaspora).

Pesach

171. A physician who is called to see a seriously or possibly seriously ill patient, or who is on intern duty at the hospital and fears that he may not be able, completely or partially, to perform the *mitzvot* of the seder, must nevertheless answer the call and tend to his patients even if, as a result, he may have no seder at all.

However if he can find time, then:

(a) If he has only a minimum of time, but not enough to eat his meal, he should at least recite *kiddush*, drink the first cup of wine, and then say the paragraph "עבדים היינו", followed, if possible by the

paragraph "רבן גמליאל היה אומר".³⁰ Time permitting, he should recite the benediction "אשר גאלנו" and drink the second cup of wine. He should then wash his hands, recite the benediction for this, followed by the benedictions "המוציא" and "על אכילת מצה" on 3 *matzot* eating a total of 2 olives' bulk of *matzah* ($27 \times 2 = 54$ gms), each within 2-4 minutes,³¹ one for the mitzvah of *matzah* and one for the *afikoman*.³² He should at least eat one olive's bulk³³ but then not recite the benediction for washing hands.³⁴ *Birkat hamazon* should be recited in any case.³⁵

At the time of eating the *matzah* he should mentally make a condition (referred to as "condition" hereafter) that should he wish to continue his meal before midnight he may do so, and that the *afikoman* that he has just eaten will represent just a piece of *matzah* in the middle of a meal, and the *afikoman* will then be eaten at the end of the meal as usual. On the other hand if he should not find the time to eat before midnight, he has already eaten the *afikoman* before then.³⁶

- (b) If more time is available, he should eat an olive's bulk of *maror* within 2-4 minutes, recite the benediction "על אכילת מרור" but not the benediction "בורא פרי האדמה".³⁷ If there is time, a further olive's bulk [and preferably two³⁸] of *matzah* for *afikoman* should be eaten³⁹ [see "condition" in (a) above]. The *birkat hamazon* is recited, and if possible, followed by the third cup of wine.
- (c) When more time is available before midnight the rest of the Haggadah should be recited. If time becomes available only after midnight, he should recite the benediction "אשר גאלנו", and drink a second cup with the benediction "בורא פרי הגפן"

³⁰ R. Sh.Z. Auerbach, *Lev Avraham* 2:21

³¹ *Mishna Brura* 475:9

³² Based on *Mishna Brura* 482:6 (end).

³³ *Mishna Brura* 475:11 and *Bi'ur Halacha* s.v. *ke-zayit*.

³⁴ *O.H.* 155:2.

³⁵ *O.H.* 184:6.

³⁶ Oral communication from R. Y.Y. Neuwirth, based on *O.H.* 477:2. For an explanation of the condition, see *Nishmat Avraham* 1:477 (a1 on p. 272).

³⁷ *Kaf ha-Hayyim* 473:109. See *Nishmat Avraham* 1:477 (a2 on p. 272).

³⁸ *Mishna Brura* 477:1.

³⁹ It is preferable to eat an olive's bulk of *maror* and thereby fulfill a rabbinic commandment upon which a blessing is recited than to eat the *afikoman*, which is only intended to remind us of a divine commandment (oral communication from R. Y.Y. Neuwirth).

²⁵ *O.H.* 639 and *Mishna Brura* 639:21.

²⁶ *O.H.* 640:1. See the details in *Mishna Brura* 640:1 and in *Shmirat Shabbat Kehilchata* 48:8 regarding the blessing upon sitting in a *sukka*.

²⁷ *Magen Avraham* *O.H.* 692:7 and *Mishna Brura* 692:15.

²⁸ See *Shmirat Shabbat Kehilchata* 40:45.

²⁹ *Mishna Brura* 473:1.

[even if he is a Sephardi⁴⁰]. Regarding the continuation of his meal, if he still has not recited *birkat hamazon* and he has not completely forgotten about his meal, he may return to his meal [see "condition" in (a) above]⁴¹. However, if he has already recited *birkat hamazon*, or if he has in the interim completely forgot about his meal, he should wash his hands again with the benediction and recite "המוציא" on two matzot, as for any Festival meal.⁴² At the end of the meal he should again eat *matzah* for *afikoman* [see "condition" in (a) above] and then recite *birkat hamazon*. If he has not yet drunk the third cup of wine, he should now do so and complete the *seder* as usual.

- (d) If he only becomes free after midnight, he should act in accordance with the previous paragraph, except that the benediction "אשר גאלנו" is said without pronouncing God's name.⁴³ Similarly *maror* is eaten without the benediction "על אכילת מרור". The benediction at the end of *hallel* ("יהללך") is recited only by an Ashkenazi,⁴⁴ but not by a *Sephardi*.⁴⁵
- (e) A physician so busy as to be unable to carry out any part of the *seder* before midnight, still arranges a *seder* after midnight. However, the benedictions "על אכילת מצה" and "על אכילת מרור" are not recited, the benediction "בורא פרי הגפן" is recited only for the first and third cups of wine.⁴⁶ The final benediction after the last cup of wine, "על הגפן ועל פרי הגפן" is recited. Regarding the benedictions "אשר גאלנו" and "יהללך" see paragraph (d).

172. A *seder* not performed at night may not be arranged after sunrise.⁴⁷

173. All the above rules regarding the *seder* apply also to the second *seder* night of the Diaspora.⁴⁸

174. The rules governing the *seder* apply to a woman physician just as they do to a male physician.⁴⁹

175. If the physician was too busy to perform the *seder* the first night, and did not even recite the "שהחיינו" benediction, he recites it – in Israel – whenever he can, even during *Chol Hamoed* and even on the last day of the Festival; and in the Diaspora – during the first day only. If this happened on the second night (in the Diaspora), the "שהחיינו" benediction is recited during the Festival, even during *Chol Hamoed*.⁵⁰

Shavuot

176. See paragraph 168 regarding the "שהחיינו" benediction on the second night of the Festival (in the Diaspora).

Chol Hamoed

177. During the intermediate days of the Festivals everything necessary for the well being of a patient should be performed even for a patient with a minor illness or complaint or for the purpose of prevention.⁵¹

178. It is however preferable not to arrange office appointments for routine examinations, whether medical or dental.⁵²

179. A computer may not be used during the intermediate days, and printing-out of any material is forbidden.⁵³ However, for the purposes of patient care, this is permitted even if the patient is not seriously ill.⁵⁴

180. It is permissible to continue with a research project that has already been started if stopping during the intermediate days may result in a loss. A manuscript may not be prepared even if only a draft.⁵⁵

⁴⁰ Because after the first cup he has already diverted his attention due to his efforts.

⁴¹ *Mishna Brura* 477:17 and *Ben Ish Hay* Year I, *be-ha'alotech*, 2. See *Nishmat Avraham* 1:178 (a on p. 84).

⁴² *Mishna Brura* 274:1.

⁴³ *Kaf ha-Hayyim* 477:10.

⁴⁴ *Mishna Brura* 477:7 and *Sha'ar ha-Tsiyyun* 7

⁴⁵ R. Ovadya Yosef, *Hazon Ovadya*, p. 188. He writes that no blessing should be recited over the fourth cup of wine even according to those who customarily recite such a blessing. R. Y.Y. Neuwirth added that this applies only if a blessing had previously been recited on the cup of *birkat ha-mazon* or on the second cup.

⁴⁶ Oral communication from R. Sh.Z. Auerbach.

⁴⁷ *Magen Avraham* 485:1.

⁴⁸ *Rema O.H.* 485:2.

⁴⁹ *O.H.* 472:14.

⁵⁰ *Mishna Brura* 473:1.

⁵¹ *O.H.* 532:2 and *Mishna Brura* 532:5; *Shmirat Shabbat Kehilchata* 66:20.

⁵² *Shmirat Shabbat Kehilchata* 66, note 88; *Iggerot Moshe O.H.* 3:78.

⁵³ *Shmirat Shabbat Kehilchata* 66, note 211. See *Nishmat Avraham* 4 *O.H.* 340:1 (page 57).

⁵⁴ Based on *Shmirat Shabbat Kehilchata* 66, note 211.

⁵⁵ Oral communication from R. Y.Y. Neuwirth.