



Traveling to and from the Hospital on Shabbos

Doctors, nurses, and members of Hatzala often need to carry out their work on Shabbos. Medical personnel are sometimes unable to avoid Shabbos hospital shifts, or are summoned on Shabbos to attend to a patient due to their particular expertise. Hatzala members obviously must respond to incidents as and when they occur.

Since hospital shifts are usually several hours in length (and for those in training, shifts may even be longer than a full day) the question arises¹ as to whether medical personnel may travel by car to or from the hospital on Shabbos if they cannot reasonably travel on foot.² Similarly, may Hatzala members return by car from the scene at which they performed first aid or the hospital after transporting a patient?

Traveling to the Hospital or the Scene of an Accident

The *Shulchan Aruch* (O.C. 328:2) rules that it is a *Mitzva* to be *Mechalel Shabbos* for a life-threatening illness, and this would include traveling on Shabbos to treat a patient whose life is in danger. Furthermore, he rules (*ibid.* 12) that when we are *Mechalel Shabbos* in that scenario, we endeavor that it should not be done by non-Jews or children but by adult Jews. However, the *Rema* adds that it is preferable to ask a non-Jew if doing so will not cause any delay. The *Taz* (*ibid.* 5) and other *Poskim* dispute the *Rema's* ruling, and, ostensibly, so does the *Shulchan Aruch* (*Chazon Ovadia*, Shabbos 3, p281).

Nevertheless, the *Shulchan Aruch* and *Taz* would certainly concede that if a doctor needs to travel to the hospital on Shabbos for a scheduled shift, he should make every effort to avoid *Chilul Shabbos* if at all possible. On the other hand, a Hatzala volunteer who responds to emergencies should not attempt to enlist a non-Jew to drive him, as he cannot delay and must reach the patient as soon as possible.

¹ This essay will not tackle the Halachos regarding performing medical treatment on Shabbos, or whether a Torah-observant person may switch his Shabbos shift with one who is not yet observant.

² Our discussion is only pertinent to somebody whose work includes dealing with matters of *Pikuach Nefesh*.



The Poskim also discuss whether hospital staff who are scheduled for shifts on Shabbos are obliged to spend Shabbos close to the hospital so that they may travel there on foot. Rav Shlomo Zalman Auerbach *zt"l* (*Minchas Shlomo* 1:7) ruled that they are not obliged to do so as it will entail a great deal of effort ("*Tircha Yeseira*") and they may spend Shabbos at home even if they will not be able to enlist a non-Jew to drive them on Shabbos³. However, in cases of recurring assignments, they should arrange accommodations close to the hospital.

If a physician is unable to walk to the hospital and can enlist a non-Jew to drive him on Shabbos, he may travel to the hospital even to treat a patient whose life is not in danger or a *Nachri* (*Shemiras Shabbos Kehilchasa* 38).

Returning from the Hospital or the Scene of an Accident

The question of returning from the hospital on Shabbos is an extremely complicated one. Returning home is not a matter of *Pikuach Nefesh* – medical staff could simply remain in the hospital until *Motzaei Shabbos*. However, if that was required, there would be a genuine concern that people would refrain from saving lives on Shabbos. The *Shulchan Aruch* (329:9) rules that people who go out to save lives on Shabbos may return with their weapons on Shabbos, for, if not, they would not consider doing so again in the future (based on the *Rambam, Hilchos Shabbos* 2:23, see the *Mishna Berura ibid.* 20).

The *Magen Avraham* (497:18) rules that this ruling only applies to *Issurei d'Rabbanan* – they may not violate *Issurei d'Oraisa* by returning home. Other Poskim, including the *Chasam Sofer* (*O.C.* 203), hold that they may even violate *Issurei d'Oraisa*.

However, the *Har Tzvi* (*O.C.* 2:10) cautions against extrapolating from the *Shulchan Aruch's* ruling to other scenarios that *Chaza"l* did not discuss explicitly. Therefore, we may only permit people returning from saving lives with their weapons to violate *Issurim* on Shabbos, not those returning from hospital.

Contemporary Poskim are divided on this issue. Rav Shlomo Zalman Auerbach *zt"l* (*Minchas Shlomo ibid.* and 8; see also 2:60:18) and the *Tzitz Eliezer* (8:15 and in other *Teshuvos*) rule like the *Magen Avraham* that only *Issurei d'Rabbanan* may be violated in returning from the hospital. Therefore, it is strictly forbidden to drive

³ Obviously, they should learn how to minimize the *Melachos* performed in the course of the journey.



home or enlist a Jewish driver. Additionally, while one may enlist the services of a non-Jew to drive him home, they cannot travel more than twelve kilometers out of the city for this would be a violation of the *Issur of Techumin* and a possible *Issur d'Oraisa*.

Rav Moshe Feinstein (*Igros Moshe, O.C. 4:80*) and the *Steipler Gaon (Orchos Rabbenu 1, Hilchos Shabbos 213* citing the *Chazon Ish*) *zt"l* permit even the violation of *Issurei d'Oraisa* in returning from the hospital. The *Tzitz Eliezer*, who was generally stringent in this matter, conceded that we do not protest against someone who occasionally relies upon the lenient position if he cannot find a non-Jewish driver.

May Hatzala members return by car from an emergency response? This question is discussed by *haGaon Rav Asher Weiss Shlit"a (Minchas Asher 2:40)*. He cites the aforementioned Poskim and rules:

In all likelihood, this matter depends on the state of affairs in each generation. Today, it is clear that if members of Hatzala would be obliged to remain far away from their homes for many hours, leaving their families alone for Shabbos or Yom Tov, they would certainly not join the organization.

He relates that the Brisker Rav *zt"l* forbade a certain doctor (who would drive on Shabbos to treat dangerously ill patients) to return on foot rather than by car. The reason for this, Rav Asher explained, was that if the doctor would know that she had to return on foot after treating a patient, she may be unwittingly biased and reticent to respond in the first place.

Rav Asher therefore concludes that while it is vitally important to try to find a solution which preserves the sanctity of Shabbos (such as hiring a non-Jewish driver to transport Hatzala members on Shabbos), if people would refrain from joining Hatzala due to this issue, we must permit them to drive themselves home after responding to an incident⁴.

However, regarding medical staff returning from the hospital on Shabbos following their assigned shifts, Rav Asher (*ibid. 41*) presents two reasons why even violating *Issurei d'Rabbanan* in order to return home would not be justified. Firstly, in

⁴ Rav Asher also adds that if the Hatzala member is likely to be needed to respond to incidents of *Pikuach Nefesh* near his home, he is certainly permitted to return by car.



contrast to Hatzala volunteers, we cannot say with any certainty that there would not be doctors and nurses to treat patients on Shabbos if there were a need to remain at the hospital until the end of Shabbos. In all likelihood, there would still be sufficient medical staff who would agree to do it. Secondly, even if all of the Shabbos-observant doctors would refrain from treating patients on Shabbos due to this concern, there would still likely be enough staff in the hospitals to cover the shifts.

However, Rav Asher ultimately concludes that *Issurei d'Rabbanan* could be waived to allow medical staff to return home after their shifts, in line with the majority of the Poskim. Therefore:

1. Medical staff may not drive themselves home (or be driven by another Jewish person) on Shabbos as this is a violation of an *Issur d'Oraisa*.
2. If at all possible, they should try to secure employment at a hospital that is within walking distance of their home. Alternatively, they should try to arrange accommodation that is close to the hospital, and stay there together with their families. If that is not practical, they should try to arrange their schedule so that their shift will conclude close to the end of Shabbos in order that they wouldn't need to wait for an extended period until Motzaei Shabbos.
3. Failing that, they may enlist a non-Jew to drive them home as long as the journey doesn't take them more than twelve kilometers outside of the city. If this cannot be arranged before Shabbos, they may call the driver on Shabbos (*Shemiras Shabbos Kehilchasa* 40:81).
4. Alternatively, they may cycle home from the hospital, even if there is no Eruv in the city. Riding a bicycle on Shabbos is only an *Issur d'Rabbanan*, and most Poskim agree that today there is no *Reshus haRabim* in which carrying is an *Issur d'Oraisa*. Someone riding a bicycle should attempt not to stop in an area where there is no Eruv. However, all of this is only permissible if it does not take place regularly and they do not specifically arrange their shifts on Shabbos (*Minchas Asher* 2:42).



5. They may enlist a non-Jew to drive them to the hospital to treat a patient who is not dangerously ill and to drive them home again⁵.

6. If the patients are not Jewish, doctors and nurses may enlist a non-Jew to drive them to the hospital but may not do so for the return journey. If there is a great need to return home before Shabbos ends, they should use public transportation as it is not running specifically for any particular individual (Rabbi Dr. Avraham (author of the *Nishmas Avraham*) records this in the name of Rav Yehoshua Neuwirth *zt"l* and reports that Rav Shlomo Zalman Auerbach *zt"l* agreed). When a doctor is summoned to the hospital to treat a non-Jewish patient, he should also ensure to visit a Jewish patient too (Rav Neuwirth, *ibid.*)

7. They should minimize the *Issurim* that they violate in traveling to or from the hospital. For example, they should utilize public transportation operated by a non-Jew and which is not making a special trip on their behalf (e.g. bus or trains/subway). If they need to order a taxi or Uber, it's ideal to schedule (and pay for) it before Shabbos and avoid the use of smartphone apps on Shabbos.

8. They should wear their uniform (e.g. scrubs or lab coat) during the trip to avoid *Maris Ayin of Chilul Shabbos*.

⁵ If the driver needs to be paid, they should arrange to pay him after Shabbos or ask another non-Jew to pay on their behalf. Failing that, see *Shemiras Shabbos Kehilchasa* 38:13 as to the recommended course of action.