



Friday Night Fever

Fever is a common but nonspecific symptom associated with many diseases and can be associated with infection or other conditions. The Halachic classification of a person with a fever has broad ramifications, but the most relevant practical question is whether one can use antipyretic medications to lower fever on Shabbos.

Chaza"l forbade any act of *Refua* on Shabbos due to the *Gezeira* of "*Shechikas Samemanim*" (the concern that a person would grind up ingredients for medications thus violating the *Melacha* of *Tochen*¹).

According to the majority of *Rishonim*, the *Isur* of taking medications on Shabbos only applies to a person suffering from a "*Meichush*" (discomfort), and not to a *Choleh sheEin Bo Sakana*. For a *Choleh sheEin Bo Sakana*, *Chaza"l* permitted asking a non-Jew to perform a *Melacha* or performing the *Melacha* with a *Shinui* (though there is a *Machlokes haPoskim* as to whether one may perform even an *Isur d'Oraisa* with a *Shinui*), but they did not waive all *Isurim d'Rabbanan*.

The *Magen Avraham* and *Taz* (O.C. 328) disagree over whether *Chaza"l* permitted the use of medications for *Choleh sheEin Bo Sakana*, or whether it is like any other *Isur d'Rabbanan* that is only permitted by means of a non-Jew or *Shinui*. The *Mishna Berura* (328:121) permits it because even those who rule stringently that *Isurim d'Rabbanan* are not permitted to a *Choleh sheEin Bo Sakana* (which is the accepted Halacha), would agree that the *Isur* of taking medications is less stringent and the *Chachamim* did not forbid it in a case of actual illness. This also appears to be the position of the *Gra* (who states that this is the view of the *Ramban* in *Toras haAdam*, *Sha'ar haMeichush*), and of the *Radvaz* (cited by the *Mishna Berura*) who discusses this matter at length. Although the *Mishna Berura* generally sides with the view that a *Shinui* is required², he adopts a lenient approach when it comes to medications, particularly those that are ingested orally (*Shoneh Halachos* 328).³

Choleh sheEin Bo Sakana

What constitutes a *Choli sheEin Bo Sakana*? There are multiple aspects to this question. The most basic principle outlined by the *Rishonim* is that it is an illness that affects the entire body and causes a person to be bedridden ("*Nofel l'Mishkav*"). By contrast, a *Meichush* is an illness, or pain that does not prevent him from going about

¹ Rashi, *Shabbos* 53b s.v. "*Gezeira mishum shechikas samemanim*" and other *Rishonim*.

² See *Siman* 328, *Se'if Katan* 57.

³ The *Shoneh Halachos* is addressing the implications of the *Mishna Berura* in other places (see, for example, *Se'if Katan* 85 and 102) where it implies that he is stringent about medications.



his regular affairs (though they do cause discomfort). This is summarized by the *Aruch haShulchan* (O.C. 328:19):

All these matters pertain to a patient who is bedridden or who is sitting on his bed unable to leave his home. There is a distinction between whether it is a matter of Sakana or not, as will be explained. But a person who merely has a Meichush – discomfort in his head, abdomen, or chest pain, etc. but he has strength and walks around like a healthy person – like those who have discomfort such as a cough or similar [symptoms] but who go about and travel and perform all of their business – they do not have the status of Choleh at all, and it is forbidden to perform any Refua for them, even by means of a non-Jew, due to the concern of Shechikas Samemanim. But if a person has a Meichush that causes his entire body to become weak – even if he has strength and goes about, but his gait is heavy and weak – he has the status of a Nofel l'Mishkav and Choleh sheEin Bo Sakana.

Regarding fever, there are two questions: First, does the fever itself indicate that a person is suffering from a significant illness such that we would consider him a *Choleh* (perhaps even a *Choleh sheYesh Bo Sakana*)? Second, should the fever itself be considered a *Choli*?

To the first question: Often, a high temperature is an indication of infection. Even in the absence of a specific diagnosis, a high temperature renders a person a *Choleh sheYesh Bo Sakana* for whom Shabbos may be desecrated. The person should seek immediate medical attention, including the use of a telephone or traveling by car on Shabbos. This is because a high temperature may be an indication of a life-threatening infection. Therefore, even if it is possible to reduce the temperature with antipyretic medications, his Halachic status remains unchanged, and Shabbos may be desecrated on his behalf.⁴

In small children or the elderly, even a mild fever is potentially life-threatening, and Shabbos should be desecrated on their behalf (*Chazon Ish*, O.C. 59:4 and *Igros Moshe* O.C. 1:129). The same is true of those with lung diseases and the like, whose lives are endangered by any rise in temperature (*ibid.*)

To the second question: In the case of a disease that has already been diagnosed and is being treated (with antibiotics or other medications) but the fever is still high, or

⁴ *Shemiras Shabbos keHilchasa* (32:11), citing Rav Shlomo Zalman Auerbach zt"l. This applies in all cases of extremely high temperatures, even if there is no known infection or injury, until a doctor determines the cause of the fever. Regardless, if his temperature is extremely high and does not respond to medications, there is a concern of dehydration and other side effects, and he should seek medical attention.



a case where there is a definite diagnosis of a non-life-threatening viral infection and there is no specific treatment for it, the Halacha is different. In those cases, the fever is not itself an illness – it is merely an indicator of a disease that requires immediate treatment. Therefore, the definition of the patient as a *Choleh sheYesh Bo Sakana* is determined by the disease itself, not the fever.

Now we can tackle our original question: May one take medications to lower fever on Shabbos? Contemporary Poskim have ruled on this matter:

R' Avraham Chaim Naeh (*Ketzos haShulchan, Badei haShulchan* 138) argues that an illness that affects the entire body renders a person a *Choleh sheEin Bo Sakana*. Therefore, if a person has a temperature higher than 38°C (100.4°F) that causes his whole body to feel ill, he may take medications to lower the fever.

Rav Shmuel Vosner zt"l (*Shevet haLevi* 8:66) discusses those suffering with “hay fever” that causes teary eyes, runny nose, and cough [or sneezing] unless they take medications. He examines the nature of the condition (though it is clear from the question that he was discussing allergic rhinitis) and states that “*if it causes fever – even if it not a high fever – and is accompanied by the aforementioned symptoms, he is a Choleh sheEin Bo Sakana, and may take medications, as ruled by the Magen Avraham and Rav Shlomo Zalman Auerbach zt"l.*”

Rav Vosner clearly holds that a fever that is not particularly high (he doesn't define this precisely) renders a person a *Choleh sheEin Bo Sakana* if it is accompanied by additional symptoms like cough, runny nose, and excessive tearing. It is unclear whether this would be true if he only has fever.

The *Sefer Minchas Ish*⁵ (*Shabbos* 1, p775) cites R' Yehuda Shapira zt"l⁶ who permits taking medications to lower a *high* fever, for the following reasons:

1. Generally, fever is a sign of illness.
2. Though fever is only a symptom, it is considered an element of the illness.
3. Generally, if someone does not take medications to lower his fever, his temperature will keep rising and he will become weak.

The notion that fever in and of itself can render a person a *Choleh sheEin Bo Sakana* is comparable to the Poskim's ruling that severe pain that causes a person to be bedridden and to feel generalized weakness renders him a *Choleh sheEin Bo Sakana*,

⁵ R' Avraham Yeshaya Shapira of Bnei Brak

⁶ R' Yehuda Shapira zt"l (1923-2009) was among the premier *Talmidim* of the *Chazon Ish* and was appointed as one of the *Roshei Kollal* of the *Kollal Chazon Ish* and recognized as a *Posek* in Bnei Brak by the *Steipler Gaon zt"l*.



even if he knows that the pain is not an indication of illness (*Taz* 328:24, *Magen Avraham ibid.* 3; see also *Bach ibid.* 2.) In other words, pain alone is sufficient to permit the use of medications – it does not indicate the presence of an illness that renders a person a *Choleh sheEin Bo Sakana*. The same could apply to fever that causes a person to be bedridden – he should be considered a *Choleh sheEin Bo Sakana* and permitted to take medications to lower the fever.

This conclusion, though already well-substantiated, can be augmented by the contention of the *Acharonim* that the concern of *Shechikas Samemanim* is no longer applicable as most people have no knowledge of pharmaceutical preparation and purchase their medications in ready-to-use form. If so, taking medications can be broadly permitted.

This may be compared to the assertion of *Tosfos* (*Beitza* 30a), cited by the *Rema* (*O.C.* 339), that the *Isur* of clapping on Shabbos, which was enacted due to the concern that it would lead to the fashioning of instruments, no longer applies as people do not know how to fashion instruments.

Admittedly, the *Beis Yosef* (*ibid.*) rules like the Poskim who do not cite *Tosfos* contention *l'Halacha*, apparently due to the claim that the *Chachamim's* enactments remain in force **even when the stated reason no longer applies**. Those who argue that *Shechikas Samemanim* is no longer a concern base their contention on a *Teshuva* of the *Rosh* (2:8) that the rule that the *Chachamim's* enactments always remain in force only applies when the reason for the *Isur* is unknown. If the reason for the *Isur* is known and that reason no longer applies, the *Isur* is automatically dissolved. Additionally, this rule only applies to *enactments* of the *Chachamim* (*Takanos*), not to their *decrees* (*Gezeiros*). In the case of *Gezeiros*, if the reason is no longer applicable, the *Gezeira* is void. Both of the *Rosh's* contentions would appear to apply to the *Isur* of taking medications – we know the reason for the *Isur* (*Shechikas Samemanim*) and it is a *Gezeira* and not a *Takana*.

Rav Ovadia Yosef *zt"l* (*Chazon Ovadia Shabbos* vol 3 p357) discusses this topic at length and cites several Poskim who permit taking medications on Shabbos to relieve a headache. Even though most Poskim rule that one should not be lenient as a headache, as it is only a *Meichush* and does not render a person a *Choleh sheEin Bo Sakana*, we can include this ruling as support for the permissibility of using antipyretic medications on Shabbos to lower a high fever, as we have seen above that there are strong reasons to consider someone with a high fever a *Choleh sheEin Bo Sakana*.