

Is It Shabbos Today? Part 2

Our previous essay discussed the fascinating question of a person stranded in a desert who has forgotten which day of the week he left his house and which day is Shabbos. He is in a constant state of *Pikuach Nefesh* and must perform certain *Melachos* to ensure his survival.

Since each day may be Shabbos, he has a constant *Safek d'Oraisa* as to whether he may perform *Melachos*. For this reason, he may do only the bare minimum necessary to keep himself alive and not perform any more *Melachos* than absolutely necessary for that day.

As we saw, he should act this way even if he could feasibly perform enough *Melachos* on one day to ensure his survival for the entire week. Though this would ostensibly lower the chances of actual *Chilul Shabbos* (as there is only a 1/7 chance that the one day he chooses to perform *Melacha* is actually Shabbos and all of the *Melachos* for the week would be classified as *Pikuach Nefesh*), Halacha determines that he should only consider the absolute necessities for that day. The future needs are not currently pressing to justify possible extra *Chilul Shabbos* today; he is not yet an "Anus" for those needs.

The previous essay examined this scenario in great detail. This week, we will discuss a nearly identical scenario but with one small difference; a detail that alters the Halacha entirely and raises a fascinating discussion.

The first scenario was a person who has forgotten not only what day of the week he left home but also how many days have passed since he left home. If he knows how many days have passed since he left home, the picture changes entirely.

The *Shulchan Aruch* rules (344:2), based on a statement of *Rava* in the Gemara (*Shabbos* 69b):

If he knows the number of days since he left, for example, he knows that today is the fourth or fifth day since he left, but he does not know [on] which day [of the week] he left; he is permitted to perform whichever Melachos he pleases on the eighth day following his departure, since this would be the same day of the week as he left his house and he would certainly not have left on Shabbos. Likewise on the 15th or 22nd day, and so forth.

In other words, on every 7th day following his departure (days 8, 15, 22, etc.) he may perform *Melacha* freely without any concern of *Chilul Shabbos*. On all other days, he must refrain from *Melacha* due to the *Safek*.

According to the *Ritva*, since he has one day to perform *Melacha* he should certainly attempt to garner all of his supplies for the week, to prevent as much *Chilul Shabbos* from the other days as possible. However, there is a puzzling *Machlokes* between the *Rambam* and the *Ra'avad*. The *Rambam* rules (*Hilchos Shabbos* 2:22):

If he knows that it is the eighth day after his departure or the fifteenth day after his departure, and so forth, it is permissible to perform Melacha on that day, as it is certain that he did not [depart] on Shabbos. On other days aside from this day, he should only do enough for his Parnasa.

The *Ra'avad* adds:

"If he knows that it is the eighth day after his departure or the fifteenth day after his departure, and so forth." This means on one day past the seventh day of each group of days – that day is permitted for all Melacha.

Many of the commentators are mystified as to the intent of the *Ra'avad*: He appears to say nothing more than the *Rambam*! Several answers are suggested:

The *Ba'al Korban Chagiga*¹ notes that there is a difference between the *Rambam's* choice of wording and the *Ra'avad's*. The *Rambam* states that "it is permissible" to perform *Melacha* on the eighth day, emphasizing the person. The *Ra'avad* states that the eighth day "is permitted for all *Melacha*", emphasizing the day (or the *Melacha*).

The *Ra'avad* evidently understood that the *Rambam* held that while it "is permissible" for the person to perform *Melachos* on the eighth day, he is under no obligation to do so. In other words, he does not have to perform all of his *Melachos* for the week that day to prevent *Chilul Shabbos* on the other days. (In fact, this is almost explicit in the following sentence, "On other days aside from this day, he should only do enough for his Parnasa". Clearly, he does not perform all his *Melachos* on the eighth day.) The *Ra'avad* maintains that the man is not merely "permitted" to perform *Melacha*, rather, the day is one on which *Melachos* are permitted. In fact, the man is "obligated" (and not merely "permitted") to perform *Melachos* for the entire week.

Whether or not this is the intent of the *Ra'avad*, it certainly appears to be the correct interpretation of the *Rambam's* view. In other words, he does not ascribe to the ruling of the *Ritva*; the person is not obligated to perform all the *Melachos* for the week. (One could counter that the *Rambam* was only discussing a scenario when it is not possible to procure food and the like for anything more than one day at a time. There is thus no option to perform *Melachos* for the sake of the other days.)

¹ R' Moshe b. Yehonasan Galanty (1620-1689) was born in Tzefas and was appointed as the first "Rishon l'Tzion" in Yerushalayim in 1664.

The *Sfas Emes* adduces proof from the Gemara itself that there is no obligation to perform all the *Melachos* for the week on the eighth day. *Rava* states that on the eighth day the person “*can perform Melacha all day long*”. The Gemara asks that this statement is obvious – if it isn’t Shabbos of course he may perform *Melacha*! The *Sfas Emes* asks:

Presumably, he should work for his Parnasa of the six remaining days of the week, since today is certainly not Shabbos. However, if this is the case, why does the Gemara ask that “it is obvious”?

In other words, the Gemara should have answered that *Rava*’s statement is not obvious at all. He did not mean only that it is permissible to perform *Melacha* but that there is an obligation to perform enough *Melachos* for the entire week’s *Parnasa*! The fact that the Gemara did not offer this answer implies that there is no such obligation, unlike the assumption of the *Ritva*.

To explain this matter more fully, the *Sfas Emes* introduces a number of the Halachos of *Sfeikos*.

First, he notes that *mid’Oraisa* it would be permissible to perform as many *Melachos* as he wishes on any day, even though each day is potentially Shabbos. According to the *Rambam*, the very notion of acting stringently in a case of a *Safek* (“*Safek d’Oraisa l’Chumra*”) is a *Din d’Rabbanan*! Even according to those who hold that *Safek d’Oraisa l’Chumra* is a *Din d’Oraisa*, that is only true of a true *Safek*, but in this case there is a “*Rov*” - a clear majority chance (6/7) that any given day is not Shabbos. Though in the last essay we cited the *Magen Avraham* who holds that a *Rov* cannot be applied in this case since Shabbos is “*Kavua*”; that position is also a *Chumra d’Rabbanan*!²

In short, refraining from performing the minimum necessary *Melachos* is only a *Din d’Rabbanan*. If so, argues the *Sfas Emes*, the *Rabbanan* would not go so far as to obligate a person to perform all his *Melachos* on the eighth day and avoid any *Melachos* on the other days.

The *Ran* (or a comment attributed to the *Ran*) cites a third view that on the eighth day a person should perform *two days’* worth of *Melachos*; one for that day and one for the following day in case it is Shabbos. The *Ran* dismisses this position, but what is the reasoning behind it? Why is the person only obligated to perform the *Melachos* for the following day but not any of the others? We will suggest two explanations:

1. Ultimately, attaining *Parnasa* for each day is a matter of *Pikuach Nefesh*. Therefore, there is a limit to the effort *Chaza”l* expect of a person to avoid

² Though the law of “*Kavua*” is a *Din d’Oraisa*, in this case, it is Shabbos that is *Kavua* but that is not “*Nikar*” as it is only a metaphysical reality. It is a *Din d’Rabbanan* to ignore a *Rov* in such a case.

Melachos to attain it. A person naturally concerns himself with the needs of the day and for the following day; he does not inordinately occupy himself with matters further down the line. Therefore, according to the opinion cited by the *Ran*, *Chaza"l* expected a person to make a regular, natural effort on the eighth day that is akin to the effort he would make on a weekday in regular circumstances, which is to procure two days-worth of *Parnasa*. Any more than that would be considered a great *Tircha*, which *Chaza"l* did not require given that *Parnasa* is a matter of *Pikuach Nefesh* in any case.

The *Ran* himself disagrees. In his view, a person is obligated to make a great effort to prevent *Chilul Shabbos*, even though it would have been permissible (if the need arose) due to *Pikuach Nefesh*.

2. This opinion may agree, essentially to the *Sfas Emes*' premise that there is no obligation *mid'Oraisa* to avoid *Melacha* on a day that is a *Safek*. Therefore, while it is correct to do some *Melachos* for the sake of the following day, there is no obligation to do more than that.

The first explanation is related to the well-known question of whether a person is obligated to act on Erev Shabbos to prevent the need for *Melacha* on Shabbos when it is likely that a scenario of *Pikuach Nefesh* will arise on Shabbos.

The *Mishna Berura*'s opinion in this situation is quite fascinating. In our *Sugya* of the individual stranded in the desert, he wrote (344:11): "*The Achronim state that if he can perform Melacha on that day that will give him sufficient Parnasa for the entire week, it is forbidden for him to perform Melacha throughout the week*".

However, in an apparently similar case, he appears to adopt an alternate approach. In *Siman* 330, he discusses a woman in her ninth month of pregnancy: "**It is appropriate that when a woman reaches the ninth month she should prepare all that she needs [for delivery] on Erev Shabbos. For perhaps the birth will occur on Shabbos and [by preparing beforehand] she will not need to desecrate Shabbos.**"

Why is the person in the desert – who could perform all of his *Melachos* on the eighth day – **forbidden** from performing *Melachos* during the week, but the woman in pregnancy who could prepare her bag before Shabbos to avoid *Chilul Shabbos* only **mildly encouraged** to do so?

Two answers are suggested, both of which are accepted in Halacha:

1. There is a difference between a *Safek* and a *Vadai* (certainty). The woman does not know that she will give birth on Shabbos, therefore, *me'Ikar haDin* she may rely on the assumption that this will not occur. If ultimately it does occur, she will be permitted to desecrate Shabbos due to *Pikuach Nefesh*. However, the man in the desert knows that he will need to perform *Melachos*

throughout the coming week, which certainly includes a Shabbos. Therefore, he is obligated to act in advance to avoid it and not rely on the fact that *Pikuach Nefesh* will permit it when the day comes.

2. The man in the desert was guilty of contributory negligence to forgetting what day Shabbos was, thus ignoring the basic obligation of a Jew to always ensure that he can observe Shabbos. Leaving home without making certain that he would remember what day of the week he had departed led to the predicament that he could not possibly know when to observe Shabbos. Since he now has the opportunity to perform all of his *Melachos* on the one day that he knows is **not** Shabbos, he must avoid *Chilul Shabbos* during the rest of the week to fulfill his obligation to be sure to observe Shabbos. By contrast, the pregnant woman in her ninth month did nothing to contribute to her situation. If she goes into labor on Shabbos, it is due to Hashem's *Hashgacha* and not anything that she did to bring about a situation that would require *Chilul Shabbos*. She therefore has no obligation to prepare in advance so that she avoids (or minimizes) *Chilul Shabbos* - it is merely "appropriate" that she do so.

The Halacha is that if a person knows that he will likely need to desecrate Shabbos due to *Pikuach Nefesh*, he should prepare beforehand to prevent or minimize *Chilul Shabbos*. He should prepare any necessary devices, his car, and a bag containing all that he will need. However, he is not obligated to exert himself greatly for this – for example, he does not need to find accommodation near a hospital for Shabbos, though it is a praiseworthy thing to do (see also the *Sefer Toras haYoledes*, 2).