

## May I Go Home Now? – Part 4

The past several essays have discussed the *Sugya* of *Hitiru Sofan miShum Techilasan* – the Halachic principle that allows a person who has left the *Techum* to save lives to return home after completing his mission. As we have seen, the primary *Heter* only allows for transgressing *Issurim d'Rabbanan*, though the Poskim extend it to permit *Issurim d'Oraisa* in certain cases.

We reviewed the fundamental difference between a person who is regularly called upon for *Pikuach Nefesh* needs, where there is a great concern that he might refrain from responding to future emergencies on Shabbos if he cannot return home this time and somebody who is summoned to a rescue by chance. We also discussed whether the *Heter* pertains to a doctor or other healthcare professional who must respond to emergencies as part of his employment.

In light of the discussion in the Poskim, it is logical to differentiate between Hatzalah volunteers and hospital employees. A Hatzalah volunteer is a regular community member summoned in emergencies, such as heart attacks, car accidents, or births. By contrast, doctors and nurses are assigned fixed shifts in a hospital and they know in advance that they will need to travel to the hospital on Shabbos. The accepted ruling is that a Hatzalah member may drive himself home whereas a doctor may only return if he is driven by a non-Jew. There are two reasons for this:

- 1) The *Heter* for doctors and nurses is not as encompassing as it is for rescuers (see the previous essay in the series).
- 2) Hatzalah members have to return to their neighborhood, unlike a doctor. The following paragraphs will elaborate on this point.

Hatzalah members can be called upon both by Hatzalah dispatchers that summon them to nearby emergencies, or by neighbors who know their capabilities and call them for help. There is a high likelihood that they will be summoned to a rescue.

This is not the case for a doctor or nurse. Neighbors may be unsure if they are prepared or available to provide the necessary assistance and they are also accustomed to calling emergency services. In short, it is significantly less likely that a doctor will be summoned to a local emergency at home than a Hatzalah member.

This is a crucial distinction, given that the *Heter* for a Hatzalah member to drive home is largely based upon the concern that there will be inadequate responders in his neighborhood if he doesn't return, leading to possible *Sakanas Nefashos*. This allows a

broader *Heter* than *Hitiru Sofan*, since *Hitiru Sofan* does not necessarily override *Issurim d'Oraisa* but *Safek Nefashos* does.

This *Heter* even applies if there are other Hatzalah members since we cannot know that someone will be available at the time of an emergency. Additionally, perhaps a family will decide to approach this person personally rather than through the Hatzalah dispatch system (either due to their proximity or because they trust him).

It is considered a *Safek Pikuach Nefesh* if there are no available Hatzalah members in a community because it is expected and likely that emergencies will occur and Hatzalah members are prepared to respond. Therefore, even if there is no definite indication that an emergency will arise, it is still a matter of *Safek Nefashos*.

However, if a Hatzalah member is visiting relatives elsewhere for Shabbos, he may not travel home on Friday night with the argument that he is needed in his neighborhood and it is a matter of *Safek Nefashos*. This is because he lacks the initial *Heter* of *Hitiru Sofan* – since he voluntarily left his home on Erev Shabbos for a personal reason, he has removed himself from the matter. Just as he is under no obligation to remain in his neighborhood every Shabbos, he likewise has no permission to return on Shabbos when he left voluntarily beforehand. His availability to respond is only considered *Pikuach Nefesh* when he is home for Shabbos and prepared to respond. In that case, if he must leave to transport a patient to the hospital, we may combine the two *Heterim* to permit him to return.<sup>1</sup>

As stated above, this *Heter* is less pertinent to doctors and nurses, unless they are known to respond to emergencies and people turn to them in such situations.

Rav Asher Weiss was asked a fascinating question. A Hatzalah member was living in a particular neighborhood of a large city in *Chutz laAretz*. The Hatzalah organization only summoned him to emergencies in his neighborhood and his parents lived in a different neighborhood. He asked about the following scenario:

*"I received a call at 8:00 am on Shabbos to transport a Yoledes to a hospital in a third neighborhood. I took her there and I now want to return, not to my house but to my parents who live in the second neighborhood. The distance is the same or less than it would be to travel to my house. We have learned that a rescuer may return home lest he might hesitate to leave for a future rescue. But am I permitted to travel to my parents' home instead of my own?"*

On the one hand, the *Heter* of *Hitiru Sofan* certainly applies since permitting him to return to his parents' home – a comfortable place for him to be for the remainder of

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<sup>1</sup> If he knows that there are no other Hatzalah members in the neighborhood for Shabbos and that the local ambulance service cannot be relied upon, perhaps he would not be permitted to leave as he is responsible for ensuring the safety of the neighborhood. Further discussion of this point is beyond the scope of this essay.

Shabbos – he will be happy to respond to future calls on Shabbos. However, we explained above that to permit *Melacha d'Oraisa* we require a further condition, namely, that he is needed in his neighborhood. Since he is only dispatched for emergencies in his neighborhood and not the entire city, he should only be permitted to return to his own house.

Accordingly, it would seem to be permissible for him to have a non-Jew drive him to his parents since this would only entail *Melachos d'Rabbanan*. However, it is best to be stringent in the matter lest Hilchos Shabbos become forgotten. If we were to permit rescuers to choose their destination after finishing their rescue, Shabbos would become a day like any other for them. Hence, a rescuer may only return to his home, or to the place from which he left to perform the rescue.