

# SCHEDULED DELIVERY:

*by Rabbi Doniel Neustadt*

*The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.*

*When a woman conceives and gives birth... (12:2)*

## THE YOLEDES IN HALACHAH

Unless a doctor explicitly orders it for the safety of either mother or child(1), it is prohibited for a woman to schedule the birth of her baby. There are various halachic, kabbalistic and hashkafic reasons offered by early and contemporary poskim for this prohibition:

The earlier time may be "in a bad mazal"(2);

Inducing an early birth may cause the child to die before his allotted time(3);

It is possible to miscalculate the time of conception and erroneously assume that the pregnancy is complete when it is, in fact, in its eighth month(4). Inducing birth would thus cause the baby to be born prematurely.

The halachah considers a woman who gives birth to be in "danger". Until her Divinely appointed time arrives, she is forbidden to put herself in danger(5).

As the Mishnah(6) states, one enters this world "against his will". To bring a baby into this world before his Divinely appointed time of arrival is to contradict the rabbinic dictum(7).

Sometimes a woman requires the services of a specialist for compelling medical reasons. If the specialist will be available only at pre-arranged times, the delivery may be scheduled. A rav should be consulted.

Unless it is an emergency, a planned delivery [when permitted] should not be scheduled for Thursday or Friday(8), as no elective surgery may be scheduled on those days(9).

### PREPARATIONS FOR A SHABBOS(10) DELIVERY

We have established that a woman giving birth is halachically considered to be a dangerously ill person, and it is permitted, indeed it is a mitzvah, to desecrate the Shabbos on her behalf. Once a woman is in labor, she, her husband, or anyone else who is in a position to do so, must do everything they can to ensure a successful delivery. Nevertheless, whatever can be done before Shabbos to minimize the desecration of Shabbos, must be done in advance<sup>(11)</sup>. Indeed, an early authority<sup>(12)</sup> mentions that a person should daven that his wife not give birth on Shabbos. Accordingly, a woman who enters the beginning stages of labor before Shabbos, although she would normally delay going to the hospital for as long as possible, should travel to the hospital before Shabbos begins so that she will not have to travel on Shabbos<sup>(13)</sup>.

From an halachic standpoint, there are two basic methods of transporting a woman to the hospital on Shabbos: a) A non-Jewish driver, e.g. a neighbor, ambulance or taxi service may bring her; b) a Jewish driver, e.g., her husband or a neighbor may drive her.

If a woman can be driven to the hospital by a non-Jew without compromising her safety or peace of mind, the halachah requires her to arrange - before Shabbos - for a non-Jew to drive her on Shabbos regardless of the expenses entailed.

As stated earlier, once Shabbos begins, we must do everything in our power to ensure the baby's safe delivery. Still, whatever we can do in advance to avoid or lessen the desecration of Shabbos must be done. The following can and must be done before Shabbos begins:

The phone number of the doctor and of a non-Jewish neighbor, ambulance or taxi service should be noted in an easily accessible, non-muktzeh location. When possible, payment should be pre-arranged.

Whatever house or garage lights that would be needed to facilitate leaving for the hospital in the middle of the night, should be turned on before Shabbos<sup>(14)</sup>.

Personal items the woman will need at the hospital should be packed in a bag before Shabbos.

Arrangements for a baby-sitter to stay with other children should be made before Shabbos.

If the hospital is outside the techum Shabbos (approx. 4000 feet from the last house in the city), some poskim recommend that one should be mafkir (renounce possession) all the items that are being taken along to the hospital<sup>(15)</sup>. Other poskim are not particular about this<sup>(16)</sup>.

## **TRAVELING TO THE HOSPITAL ON SHABBOS WITH A NON-JEW**

As soon as a woman experiences steady contractions, even though she is quite sure that she is far from giving birth, she (or any other person) may call the doctor or the designated driver to take her to the hospital. She should not wait for the latter stages of labor before going to the hospital<sup>(17)</sup>.

When making the phone call<sup>(18)</sup> on Shabbos to the doctor or the non-Jewish driver, the receiver should be lifted off the cradle in an abnormal manner, e.g., with one's elbow or teeth<sup>(19)</sup> - time

permitting. The conversation should be limited to a bare minimum, although it is permitted to say "hello" and "thank you", etc(20). After the conversation is over, the receiver may not be returned to the cradle unless the phone line is needed for the sake of the patient, or if not hanging up will tie up the doctor's line. Then, too, the receiver should be hung up in an abnormal manner, as described above(21).

Any item which the woman will need on Shabbos may be taken along, even if there is no eiruv or if the item is muktzeh. If time allows, the non-Jew should be asked to carry the woman's bag to the vehicle. [Unless an eiruv exists, a Tehilim should not be taken to the hospital on Shabbos, for the merit of keeping Shabbos is greater than saying Tehilim. This should be explained to the woman(22).]

If, during the drive, labor stopped and the woman feels that she does not need to go to the hospital, it is permitted to tell the non-Jew to take her and her companion back home if they cannot return safely and comfortably on foot - which is almost always the case.

If it is the expectant mother's wish and it would help to relax her, her husband or another individual may accompany her to the hospital, even if their assistance is not medically warranted(23). The person going along may also bring with him basic food necessities that will be required on Shabbos(24). The non-Jew should be asked to carry the items into the vehicle and from the vehicle into the hospital.

When time allows it, the door to the vehicle should be opened and closed by the non-Jew.

If no babysitter for the other children can be found, it is permitted to ask the non-Jewish driver to drive the children to another person's home(25).

### **TRAVELING TO THE HOSPITAL ON SHABBOS WITH A JEW**

In the absence of any other alternative or when arrangements were not made in advance, it is permitted for a Jew (the husband or any other person(26)) to drive the woman to the hospital himself. If one is aware before Shabbos that the driver may be a Jew, he should prepare before Shabbos for that eventuality. Therefore:

The shortest possible route to the hospital must be checked and planned. Exact change for any possible tolls should be prepared and placed in the car.

The car which will be driven must not be blocked by other cars or other obstructions.

The dome light bulb in the car should be loosened or removed before Shabbos; the air conditioner, radio and tape recorder should be on the "off" position.

License, registration and other papers that are required for driving or that will be needed at the hospital should be placed in the car before Shabbos.

Where there is no eiruv, clothing, food and other items that will be needed at the hospital should be

placed in the car before Shabbos.

If the hospital is out of the techum Shabbos, any belongings which are in the car [especially those that do not belong to him(27)] that are not necessary for the woman (car seat, tapes, etc.) should be removed from the car(28). If this is difficult to do, then those items [which are his] should be pronounced hefker.

One who failed to properly prepare himself or the car as outlined above, must nevertheless proceed to the hospital in the safest(29), quickest way he can(30). If he did not unscrew or remove the dome light before Shabbos, then while the door is still open and the light is on, the control knob should be turned [in an abnormal manner] so that the light will remain on after the door closes. If he forgot to do that, he should [in an abnormal manner] loosen the light bulb, so that it does not turn on again when the door is opened(31).

One may drive to any hospital that he prefers, as long as the preference is not determined by the desire to save money.

Once he arrives at the hospital emergency room, the car may be placed in the "park" position, but the ignition and the lights may not be turned off(32). [If he failed to loosen the dome light or to follow one of the other options outlined above, then the door may not be closed upon leaving the car, since closing the door will cause the light to be turned off.] He may ask a non-Jew to take the car(33), park it and return the keys to him after Shabbos.

#### **GENERAL NOTES:**

A woman in active labor(34) is a niddah and her husband may no longer touch her. If she cannot walk unaided, a woman should assist her. If no woman is available, the ambulance attendant or taxi driver should assist her. If only her husband is available to assist her, he may do so(35).

Contemporary poskim are divided if it is permitted or advisable for a husband to be in the same room with his wife during delivery. When a woman, however, insists that her husband be with her, it is permitted to do so, so as not to unsettle her during the birth(36). All poskim agree that it is strictly prohibited for him to observe the actual birthing process(37).

A husband who is in mourning during shivah, may accompany his wife to the hospital if she asks or needs his assistance(38).

A hospital does not require eiruvei chatzeiros and carrying in its corridors or from room to room is permitted(39).

A woman who gives birth, even to a stillborn child, is considered a "dangerously ill" person for up to 72 hours after giving birth. As long as either the patient herself, the doctor or nurse requests anything on her behalf, the request should be fulfilled on Shabbos. Whenever possible, a shinui (action done in an abnormal manner) is required(40).

Upon the birth of a male child, the blessing of Hatov v'hameitiv should be recited(41). Although an Hatov v'hameitiv is not recited upon the birth of a female child, the blessing of Shehechyanu is said the very first time a parent sees their daughter(42). When twins (a boy and a girl) are born, only Hatov v'hameitiv is said(43). The husband can be motzi his wife for these blessings.

A woman who gave birth on Friday night and was unable to say or hear Kiddush, should say the Friday night Kiddush on Shabbos day, omitting Va'yechulu(44).

Ordinarily, one who misses a tefillah due to an emergency, makes up that missed tefillah during the next tefillah (tefillas tashlumin). However, a husband who was preoccupied with his wife's labor and childbirth throughout the time period allotted for any given tefillah(45), is not required to make up the tefillah which he missed(46).

It is not permitted to instruct the hospital staff to place a call on Shabbos that will notify the family back home - either by a predetermined number of rings or by leaving a message on the answering machine - about the birth of a baby.

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## FOOTNOTES

1. Chazon Ish is quoted (in a written responsum by Harav Y. Y. Kanievsky, published in Kryana Deigrata 184) as ruling that once two weeks into the tenth month have passed, labor may be induced.
2. Rokeach (Koheles 3:11).
3. Arizal quoted in Sefer Hakaneh. See also Ravad's preface to Sefer Yetzira.
4. Harav Y. Kamenetsky (Emes le-Ya'akov O.C. 331:5; Harav M. Hershler (Halachah v'Refuah, vol. 2, pg. 64). See also Kisvei Harav Henkin 2:85.
5. Igros Moshe Y.D. 2:74; O.C. 4:105-6; Harav Y. Kamenetsky, ibid.
6. Avos 4:24.
7. Harav S.Y. Elyashiv (quoted in Toras ha-Yoledes, pg. 11 and Eis la-Ledes 1:14).
8. Some poskim forbid Wednesday as well - See Mishnah Berurah 248:4.
9. Harav Y. Kamenetsky, ibid.; Harav Y.Y. Kanievsky (Kryana Deigerta); Shemiras Shabbos K'hilchasah 32:33. If, however, the doctor's surgery day is only on one of those days, it is permitted - Harav S.Z. Auerbach (quoted in Shemiras Shabbos Khilchasah 32 note 97.)

10. Almost all of the following halachos pertain to Yom Tov as well.
11. Mishnah Berurah 330:1.
12. Sefer Chasidim 793, based on the Talmud Niddah 38a.
13. Shemiras Shabbos K'hilchasah 36:7 quoting Ktzos ha-Shulchan. See similar ruling in Igros Moshe O.C. 1:131 concerning a doctor who may be needed for Shabbos duty.
14. Kaf ha-Chayim 330:1.
15. Advice offered by Harav C. Kanievsky (quoted in Toras ha-Yoledes, pg. 25) based on O.C. 401:1.
16. Harav S.Z. Auerbach (Minchas Shelomo 15; Shemiras Shabbos Khilchasah 40:65). See also Minchas Yitzchak 9:37.
17. Mishnah Berurah 330:9.
18. When possible, the phone call should be made by a non-Jew or a minor. When using a minor, it is better not to use one's own children - See Sha'ar ha-Tziyun 334:54.
19. When these options are not workable, the next best method is to use the telephone with two hands or having two people dial. See Nishmas Avraham 5, pg. 44-45 for an explanation.
20. Harav S.Z. Auerbach (quoted in Shemiras Shabbos Khilchasah 32:111).
21. It is important to stress, though, that all of the halachos that pertain to making the phone call, hanging up, driving on Shabbos, etc., are only to be followed when time allows it. Once the labor is fully underway everything should be done in the speediest, safest manner, as if the labor is taking place on a weekday.
22. Harav S.Y. Elyashiv (quoted in Toras ha-Yoledes, pg. 94). If the woman insists to take a Tehilim or any other sefer along, it is permitted to do so.
23. Igros Chazon Ish 1:141; Igros Moshe O.C. 1:132.
24. Minchas Yitzchak 8:30-1. It is questionable, though, if one may take along a siddur, etc.
25. This is permitted both for the safety of the children who will fear staying alone (see Mishnah Berurah 328:38) and for the peace of mind of the mother.
26. Some poskim say that it is preferable to use an observant Jew than a non-observant Jew - Toras ha-Yoledes, pg. 81.
27. See Minchas Shelomo 15.
28. Toras ha-Yoledes, pg. 20, 25, 101.
29. Harav S.Z. Auerbach (Nishmas Avraham 5, pg. 176) advises that in order to avoid possible

accidents, normal driving procedures should be followed.

30. If time allows, any carrying that needs to be done should be done with a shinui, such as carrying the required papers under his clothing or hat, etc.

31. Some cars are equipped with a switch which does not allow the dome light to go on when the door opens. This is a better option than loosening the bulb, since loosening the bulb may involve the prohibition of soser (demolition).

32. Whenever possible, one should explore before Shabbos the available choices for parking and figure out the best solution for his particular case.

33. Hinting is preferred to asking directly - see O.C. 307:19.

34. There are various definitions in the poskim for "active labor", see Badei ha-Shulchan 194:30.

35. See Aruch ha-Shulchan Y.D. 195:25-27 and Igros Moshe Y.D. 1:90.

36. See Nishmas Avraham Y.D. 195:3 and Teshuvos Bnei Banim 33 for an elaboration.

37. Igros Moshe Y.D. 2:75.

38. Igros Moshe Y.D. 4:45.

39. Harav S.Z. Auerbach and Harav S.Y. Elyashiv (quoted in Nishmas Avrohom 4, pg. 63) based on Beir Halachah 370:3 and Mahrasham 6:17. See also leninet ruling by Harav Y. Roth (Kovetz Beis Talmud 3, pg. 56).

40. O.C. 330:4.

41. O.C. 223:1.

42. Mishnah Berurah 223:2.

43. Toras ha-Yoledes, pg. 176.

44. O.C. 278:8.

45. If, however, he was occupied with her labor for only part of the zman tefillah, but forgot to daven when he had the chance, he must then make up that lost tefillah.

46. See Mishnah Berurah 71:4; 93:8.

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