YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur #55a: Boarding a Vehicle that is Being Driven for a Permitted Purpose (1) – Increasing the Quantity of a Prohibited Action**

**Introduction**

IDF soldiers are routinely required to travel on Shabbat for reasons of *pikuach nefesh*. IDF patrol vehicles travel back and forth in operational zones, in accordance with the security protocol established for each zone.

With so much permitted Shabbat travel, the question often arises as to whether a soldier who is not part of a patrol may board the vehicle that is traveling with permission. Patrol vehicles often enter communities in the sector, so boarding the vehicle may enable a soldier to reach a *minyan*, a Shabbat meal at the home of a host family, or even his own home if it is within the same operational sector. Similarly, it is often asked whether an “extra” person may board an ambulance, or a vehicle transporting medical personnel to a hospital on Shabbat, even for a non-essential purpose – such as visiting a patient who is not dangerously ill.

Of course, there is no license to initiate Shabbat desecration for these purposes, and therefore it is absolutely forbidden to lengthen the route of the drive, or to open a door for the extra passengers if that will turn on the lights in the car. But when the trip is being made anyway, and the soldiers engaged in the patrol are already opening the doors of the vehicle to enter and exit, there is room to inquire whether it is permissible to board the vehicle even for purposes that in themselves do not justify desecration of Shabbat.

As we will see over the course of the coming *shiurim*, there are three relevant halakhic concerns: (1) increasing the quantity of a prohibited activity, (2) leaving the Shabbat boundary (*techum*), and (3) treating Shabbat lightly (*ziluta de-Shabbat*)or appearing to do something wrong (*mar’it ayin*). This *shiur* will address the first concern.

**Increasing the Quantity of a Prohibited Activity**

Adding passengers to a vehicle increases the load on the engine, and when the vehicle is powered by gasoline, the immediate consequence is increased burning of gasoline over the course of the drive. As stated, the trip itself is permitted for the sake of *pikuach nefesh*, but the addition of weight to the vehicle results in additional burning of gasoline each time one presses on the accelerator.

The Gemara in *Menachot* (64a) establishes that if two figs were prescribed for a dangerously ill person to eat on Shabbat, it is better to pluck a single stalk with three figs than two stalks with one fig each. The reason for this is that it is better to increase the quantity while performing only one act of prohibited labor (*melakha*) – in this case, reaping – than to perform two acts of prohibited labor.

The Gemara explains that this "increase in quantity" in the performance of a prohibited act for the sake of *pikuach nefesh* is less severe than the performance of a second act of prohibited labor. But the *Rishonim* differ in their understanding of the Gemara's conclusion: The Rashba (*Chullin* 15a, s.v., *ha-mevashel*) understands that an "increase in quantity" is prohibited only by Rabbinic decree, whereas the Ran (*Beitza*, 9a in the Rif, s.v., *u-miha*)[[1]](#footnote-1) deduced from the Gemara that an "increase in quantity" is prohibited by Torah law, even though it is less severe than a separate full-fledged prohibited labor.

The *Beit Yosef* (*Orach Chaim* 318:2) cites this dispute without deciding between the two views. The *Mishna Berura* (ad loc., *s.k.* 13) says the *halakha* is in accordance with the Ran, that an increase in quantity is forbidden by Torah law. However, he also writes in his book *Machaneh Yisrael* (chapter 31, note 1) that many *Rishonim* agree with the Rashba, and they may be relied upon in pressing circumstances.[[2]](#footnote-2) The Chafetz Chaim emphasizes that there is more room for leniency in the case of an increase in quantity regarding a Rabbinic prohibition, such as moving an object from a private domain to a *karmelit* or moving it four cubits within a *karmelit*, if it is a matter of pressing circumstances or a moment of great need.

Of course, even according to the Rashba, who holds that the prohibition is Rabbinic, the *halakha* in practice is that one may not increase quantity even when performing a labor for the sake of one who is dangerously ill, and this is the straightforward ruling of the *Shulchan Arukh* (*Orach Chaim* 318:2).

In light of the above, the author of *Responsa Har Tzvi* (*Yoreh De'a*, no. 293) writes that any addition of a person to a vehicle traveling on Shabbat is forbidden, unless the driver is a gentile. Rabbi Y. Neuwirth, author of the *Shemirat Shabbat ke-Hilkhetah*,ruled accordingly:

Regarding a driver who is transporting a physician to the home of his patient, or a patient to a hospital, if there is no pressing need, he should try to remove from his vehicle before the trip any heavy objects that are there, even if they are *muktzeh*, for any significant increase in load will necessitate an increase in burning. (*Shemirat Shabbat ke-Hilkhetah*, chap. 40, no. 76)

He goes on to emphasize that this applies not only to superfluous objects in the vehicle, but also to superfluous passengers, who are forbidden to board the vehicle since their presence would increase the quantity of gasoline burned over the course of the trip.

The footnotes in *Shemirat Shabbat ke-Hilkhetah* mention a responsum of Rabbi Moshe Feinstein, who wrote regarding a husband who wishes to accompany his wife who is in labor on Shabbat:

In general, regarding driving by car, regarding which there is no concern of an increase because of him, since it is the same for one and for many, there is no actual desecration of Shabbat for the person driving along with her, since the trip is permitted for her and I do not know of any clear prohibition in this, even by Rabbinic law, if the hospital is in the city or within the Shabbat boundary. But perhaps [it is prohibited] because of giving the appearance of doing something wrong. Therefore, it should be permitted if she will be distressed about it, even if she will not come to danger. (*Responsa Iggerot Moshe*, *Orach Chaim*, part I, no. 132)

As noted, we will address the issues of the Shabbat boundary and giving the appearance of doing something wrong below and in the next *shiur.* With regard to the driving itself, Rabbi Feinstein does not elaborate as to why there is no concern about the increased burning of fuel in the engine. Perhaps he was not properly apprised of the mechanical reality, or perhaps he held that the effect on the engine is negligible and therefore there is no increase of prohibited labor. Either way, it is difficult to rely on this brief responsum of Rabbi Feinstein, who did not fully explain his opinion; therefore, the practical *halakha* is to prohibit, in accordance with the *Shemirat Shabbat ke-Hilkhetah.*

There are, however, two situations in which one may be lenient regarding this matter. First, in recent years, electric vehicles have been proliferating (I refer to totally electric cars, not to hybrid vehicles).[[3]](#footnote-3) Boarding an electric car involves an increase in the quantity of a Rabbinic prohibition, rather than a Torah prohibition, and as mentioned above, the Chafetz Chaim ruled that one may be lenient in such a case if there is significant need.

Moreover, when it comes to electric vehicles, it is not entirely accurate to define this as an "increase in quantity" of prohibited labor, because the increased consumption of electricity as a result of the additional weight merely increases the current drawn on the existing circuits, but does not close new electrical circuits. The intensification of an existing electrical current is entirely permissible according to some *poskim*,[[4]](#footnote-4) and various halakhic-technological developments are based on the principle of "changing the current" or "increasing the current."[[5]](#footnote-5) Thus, boarding such a vehicle that is being driven for a permitted purpose is allowed in any situation of need, and certainly for the purpose of attending a *minyan* or a Shabbat meal.

Secondly, some patrol vehicles are heavy vehicles with massive armor. Rabbi Y. Neuwirth notes that in such vehicles, the effect of an additional passenger on the engine is negligible, and therefore one may be lenient in the matter:

However, a distinction must be made between an ambulance and any other heavy vehicle, on the one hand, and an ordinary passenger car, on the other, for in the former case the presence of an additional passenger does not result in more burning of gasoline. Even if the gasoline consumption is slightly greater, this does not result from more burnings but in larger burnings, and this is of no concern to us… – [according to] the opinion of an expert. (*Shemirat Shabbat ke-Hilkhetah*, chap. 40, note 183)

In the course of his remarks there, Rabbi Y. Neuwirth observes that he wrestled long and hard with the matter. Indeed, he is proposing a subtle distinction between "additional burnings" and greater fuel consumption, which, it would seem, should also be forbidden on the grounds of "increase in quantity" of a prohibited labor. It may be that, since any journey involves thousands of revolutions per minute, the negligible effect on the engine is not given halakhic consideration. Thus, I have never seen it argued that one traveling for the sake of *pikuach nefesh* is obligated to divest himself of a heavy coat, or of his shirt, in order to save every additional gram of impact on the engine. It therefore stands to reason that we should rule in practice in accordance with the *Shemirat Shabbat ke-Hilkhetah* and permit boarding a heavy, armored vehicle (or any of the various types of shuttle buses and vans), where the weight of an additional passenger does not have a significant effect on the engine's operation.

(Translated by David Strauss; edited by Sarah Rudolph)

Ed. note: The second Halakhic concern in boarding a vehicle that is being driven for a permitted purpose is the transgression of leaving the Shabbat boundary. We will continue this discussion in shiur #55b, our next installment.

1. I mentioned this passage in the Ran in the *shiur* on the definitions of "permitted" [*hutra*]and "set aside" [*dechuya*] in *pikuach nefesh* (*shiur* no. 5), for the Ran there suggests that a distinction be made between cooking on Yom Tov, which falls into the category of "permitted," and *pikuach nefesh*, regarding which the prohibitions are only "set aside." [↑](#footnote-ref-1)
2. See also a lengthy discussion about this in *Responsa Yabi'a Omer*, *Orach Chaim*, vol. 8, no. 34. [↑](#footnote-ref-2)
3. It should be noted that in most modern vehicles, pressing on the accelerator does not directly inject gasoline into the engine, but rather activates various mechanisms and sensors, which in turn cause the engine to rev. From a logical perspective, there would be room to debate whether this constitutes a direct act or merely a case of "*gerama*" (indirectly causing a prohibited labor to occur), but in practice, contemporary *poskim* view this as a full-fledged Torah prohibition. [↑](#footnote-ref-3)
4. See *Responsa Minchat Shlomo*, vol. 1, no. 9. [↑](#footnote-ref-4)
5. See further at length in the article by Rabbi Israel Rosen: "*Shinui Zerem Chashmali be-Shabbat – Ikaron Hilkhatekhni ve-Yisumav*," *Techumin* 26, available on the Mekhon Tzomet website [here](https://www.zomet.org.il/?CategoryID=394&ArticleID=1009)*.* [↑](#footnote-ref-5)