

# HALOCHOSCOPE

## This week's question:

**A new mother is breastfeeding her baby. Due to major sores, she uses a pump and then feeds the bay the freshly pumped milk. May she do this on *Shabbos*?**

## The issues:

- A) *Dash* and *mefarek*, threshing, *sochet*, squeezing, and *chaliva*, milking
- B) *Tinok*, a newborn baby, *choleh* and *sakanah*, servicing the needs of the invalid
- C) *Chatzi shiur*, the rules about a half-measure with regard to *malacha*

## A) *Dash*; *sochait*; *cholaiv*

*Dash*, the *melacha* of threshing, is one of the *avos melachos*, primary categories of *melacha* done in the *mishkan* construction. Literally, it involved removing grains from their stalks. A *tolda*, subcategory or secondary type of *melacha*, of *dash* is *mefarek*, extraction. This includes extracting something from its source. Separating food matter, or any other wanted part, from the junk to which it is currently bound is considered *mefarek*. This could mean that it is surrounded by the junk, such as beans or peas inside a pod. If the pod is inedible, the food inside must be removed through a process. It could also apply in the reverse. Cotton surrounds a seed, and the cotton needs to be removed from the seed. It could apply side by side, as in the case of seeds on a stalk. The two components need not be attached, but they must need to be extricated from one another.

The Talmud debates whether Scriptural *dash* applies to things that do not grow from the ground. A minority view follows the opinion that applies it to everything. A second view applies it to *gidulei karka*, only things that grow on the ground. A third view applies it to animals as well. Though they do not grow directly on the ground, they eat food that is produced from the ground. Therefore, they are included indirectly.

Squeezing juice from fruit involves *sochet*, also a *tolda* of *dash* and *mefarek*. The juice of a grape or of an olive is locked inside the fruit. It needs to be extricated by *sechita*. The Talmud considers the juice of these fruits, wine and olive oil, the primary purpose of their existence. Therefore, *sechita* is Scripturally forbidden to remove their juices. Squeezing other fruits is also forbidden. When it is done intentionally, one wants the juice and rejects the meat of the fruit. This should constitute Scriptural *sechita*, but the Talmud debates whether it applies at all. Nonetheless, water absorbed by a fruit or vegetable, such as a pickle, is different. In the case of an apple, its juice is considered solid food in regard to *sechita*. In the case of the pickle, the water was originally a liquid. Therefore, squeezing it is forbidden rabbinically. The poskim debate whether this leniency applies to fruits like lemons, that are grown for their juices in some locations. Furthermore, the Talmud also discusses certain fruits that are used as food or as juice, such as berries and pomegranates. The poskim debate whether squeezing them is forbidden

The new baby is also considered *choleh sheyaish bo sakanah*. After a *bris milah*, it is extended for the next three days as well. In general, a child is considered a *choleh she'ain bo sakanah*, according to some, until age nine. In our case, he needs his milk. This means that if he is deprived of it, he is indeed in danger of starving and dehydrating. Therefore, if getting him his milk requires Scriptural *melacha*, this is permitted. This includes cases where the baby cannot take the milk directly from his mother. If the baby can get it, but the mother cannot give it directly, due to her sores, the same rules apply. Accordingly, in such instances, the mother may express the milk into a receptacle to feed the baby immediately. [See Shabbos 228b-229b etc, Poskim. Tur Sh Ar OC 328 329, commentaries. Yabia Omer V:OC:32:7. Shmiras Sahabbos Kehilchasa 36:20-21, 37.]

## C) *Chatzi shiur*

Each *melacha* on *Shabbos* has a minimum amount considered the *melacha*. For some of them, this is a minute amount, and for others it is the amount usually done at one time. In the case of *cholev*, the Talmud gives the amount as the size of a fig. The poskim debate this amount, relative to other known sizes, but some say this is about a third of an egg. Others maintain that it must more than half an egg. Either way, this is the minimum to be liable Scripturally. [There is an opinion that the Talmud refers to *cholev* for cheese-making. For drinking, it could be the amount taken in one gulp. This might actually be more than a fig size, or it might depend on the person who will drink it.] The Talmud says that *chatzi shiur*, doing something Scripturally forbidden in less than its minimum amount, is also forbidden Scripturally. It is not liable for the penalty.

However, in the case of certain *melachos* on *Shabbos*, the poskim debate whether this applies. Accordingly, some poskim suggest that if the mother would need to express milk into a receptacle to feed the baby, she should express less than the minimum amount, feed it to the baby, and continue this way. Practically speaking, this does not work. It takes a while to begin the expressing process. Once it begins, it is hard to stop and start. In order to do it in small amounts, the mother would probably need a few assistants. All the while, the baby would be suffering a little. It is highly questionable whether this satisfies the needs of the baby, or in our case, the mother as well. Therefore, if this is impractical, the mother should rely on those who permit expressing the amount that is normal at any one time, and then feeding it to the baby right away. Some poskim add, there is the view that milking is not forbidden Scripturally, but Rabbinically. It would be permitted for the needs of any *choleh*.

In this particular case, since the baby only drinks his mother's milk, and the mother might feel ready to express when the baby is not quite ready, she may express when her need arises, and feed the baby a short while later. She should not express well ahead of time, just to save the milk. [See refs to earlier sections.]

In conclusion, the mother should express the normal amount into a receptacle, and feed the bay as soon as possible after wards. Surplus should be allowed to spoil.

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Scripturally. The Talmud permits squeezing grapes directly into a pot of solid food. This is clearly not squeezed for its juice, but as a food ingredient. Therefore, this is not considered the normal manner of *mefarek*. Another explanation is that *mefarek* separates a liquid from the solid grape. In this case, there is no stage at which one has collected a separate liquid. Rather, the grape is always a food. The Talmud does not permit squeezing into a bowl, since it is not obvious that it is being squeezed as food.

If the juice oozes out without intent, it has come into existence on *Shabbos* by way of a process that would be forbidden if done by a human. Normally, the results of *melacha* would be forbidden to benefit from, at least for the rest of *Shabbos*, and maybe longer than that. However, since no human did the *melacha*, it should be permissible. There is always concern that one might intentionally arrange this process, or do it actively. Therefore, *mashkin shezavu*, liquids that ooze out of a fruit on *Shabbos*, are forbidden. The Talmud debates whether the juices of fruits that were designated to eat are restricted for use. In one view, if they were initially designated as solid foods, their juices are not included in the decree. The other view includes them. At issue is whether to be concerned about *sechita* when the owner clearly wanted to eat the fruits whole. A further debate ensues on which types of fruits are being debated. In one view this applies specifically to grapes and olives, in another view it applies only to other fruits, and in a third view it only applies to fruits that are usually eaten whole but are often squeezed for their juices as well. The Talmud also debates fruits that were squeezed to begin their process before *Shabbos*, and were left to finish oozing on *Shabbos*.

The Talmud forbids *cholev*, milking on *Shabbos* Scripturally. However, this follows one line of thinking, and might therefore not be *halachically* conclusive. The poskim discuss which *melacha* is involved. Milking an animal involves removing the milk from the glands that contain it. The process seems to be *sechita*, a *tolda* of *dash*, as we explained. The animal does not grow from the ground directly. Therefore, to consider *cholev sechita*, one must follow either the first or the third view mentioned earlier. Either *sechita* applies to everything, or since the animal eats vegetation, it is indirectly *gidulei karka*.

Another view maintains that milking cannot be included in *dash* or *mefarek*, since it is not a true *gidulei karka*. However, it could involve other *melachos*, such as *kotzer*, reaping, or *gozez*, shearing. Both of those *melachos* involve removing something from the place where it grows naturally. The milk is also formed naturally inside the udder (or in the case of a human the breast). Removing it from there could be a *tolda* of those *melachos*. Some say it can involve *memachek*, the *melacha* of smoothing a hide when processing it. The skin is 'processed' when the milking takes place. Some consider it a *tolda* of *tochain*, grinding or milling, to process something that needs to be prepared for use this way. Some say it could involve *borair*, sorting. This usually refers to sorting the good part of a mixture from the bad. When grain is winnowed outdoors, it is swept up with pebbles and dirt. Sorting the pebbles and dirt from the mixture is *borair*. Since one may not slaughter the animal on *Shabbos*, the rest of the animal is forbidden and useless as a food. Therefore, separating the milk is like *borair*. There is a view that considers *cholev* a Rabbinical prohibition but not Scriptural *melacha*. As mentioned, if we follow the view that restricts *dash* to *gidulei karka*, it cannot apply to animals.

If we follow the view that considers milking a form of *mefarek*, the reason is that the milk is being separated from the udder. This view considers the cow a food, even though it may not be slaughtered on *Shabbos*. Therefore, the principle issue is separating the liquid from the solid. The liquid is called a *mashkeh*, drink, and the solid is called *ochel*, food. The Talmud permits milking a goat directly into a pot with solid food in it. Some say this applies only on *Yomtov*. On *Yomtov*, *melachos* to prepare food are permitted. This would include the goat itself. Thus, one is separating food from food, as mentioned earlier. Thus, the goat is like the grapes mentioned earlier. This is not so on *Shabbos*. It appears that the majority permit it on *Shabbos* as well. The goat is only forbidden for a practical reason, but is food. A third view forbids it Rabbinically on *Shabbos*.

A woman may not express her milk into a vessel. Nursing the baby directly is *derech achilah*, the natural way the baby eats. The Talmud concludes that an invalid may suck fresh milk it directly from the animal on *Shabbos*. Since it is an unusual way, it is permitted for the needs of a *choleh*, invalid, due to his pain. Some poskim maintain that this dispensation only applies to a dangerously ill person.

A woman who has too much milk is usually in pain, and needs to express the milk somehow. She risks becoming engorged, which can raise the risk of an infection. If she is in danger, or has signs of an infection, especially in the period soon after giving birth, she is often considered a *choleh sheyaish bah sakanah*, dangerously ill. In this case, she may express the milk into a receptacle. Although this is the pure *melacha*, it is being done to remove danger. If she is not in danger but is experiencing pain, she may not do the actual *melacha*. *Melacha sheaina tzricha legufah*, a *melacha* done in the usual way, but obviously for the wrong reasons, is debated by the Talmud. A hole is dug to use the space for building or planting. If the same hole is dug for the use of the dirt, one view maintains that this is not a Scriptural violation. The Rabbinical decree forbidding it anyhow is relaxed to relieve pain. If the act of milking is done, but the milk is not collected, it is considered *melacha sheaina tzricha legufah*. Thus a mother who is in pain may express the milk onto the ground. Most poskim also permit it if the milk is intentionally spoiled, even if expressed into a receptacle. [See *Shabbos* 18a 19a-b 73a-75a 95a 111a-b 143b-145b *Tosefta* 10:14 *Beitzta* 3b 13b *Yevamos* 114a *Kesubos* 5b-6a 60a, *Poskim*. *Tur Sh Ar OC* 252:5 303:25 319: 320:1-8 321:19 328:33-34 320:8, commentaries.]

#### **B) Tinok; choleh**

Having recently discussed the rules for a *choleh* on *Shabbos*, we will limit our discussion to the cases of a newborn and a new mother. A new mother is considered *choleh sheyaish bah sakanah*, dangerously ill, for the first three full days after birth. Anyone may do *melacha* if it is needed for her. Whenever possible, one tries to do it in an unusual fashion. However, this must not compromise her treatment in any way. It is preferable for a Jew to do the *melacha*, unless there is nothing to lose by asking a non-Jew. For the first seven days, i.e., the next four days, she is in limbo. Therefore, if she says she needs something, one may violate *Shabbos* for it. If she says she does not need it, a Jew may not violate *Shabbos*. For the rest of the first thirty days, she is considered a *choleh she'ain bah sakanah*, an ill person who is in no danger. *Melachah* may be done by a gentile, and a Jew may do certain things that are Rabbinically forbidden.