

LIFE SAVER SERIES™

SHOMER PETAYIM



THE LAWS & CUSTOMS OF PIKUACH NEFESH

VOLUME ONE

ACCORDING TO THE *SEFER SHOMER PETAYIM*

By Rabbi Al S. Farboten

ANOTHER WORTHWHILE PROJECT OF
THE DASHU BEI RABIM FOUNDATION

FIRST EDITION.....2005
Published by Gezundheit Press Inc. ©2005/5765 The Dashu Bei Rabim Foundation

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HOSKAMA / APPROBATION

Translated from the Hebrew Original on Purim Katan 5765

Maybe I read this book, and maybe I didn't. It seems that it is entirely within the realm of possibility that I not only know the author, but that he was a great student, a *talmid chacham*, a disciple, a shining light of Torah, and maybe I am just too old and don't remember who is who. If anything in this book turns out to be heresy according to the *Kinus Chashuvim*, I certainly did not know the author, and he did not ask me to look over the manuscript, and it goes without saying that he acted completely and utterly without my knowledge.

The Rugalacher Gaon

ACKNOWLEDGEMENTS

Thank you from the bottom of my heart, no deeper. *Mamash*, can I thank you enough? Hashem, thank you for getting me through this. I really didn't know if I could finish a work like this. So much baggage, and water under the bridge, and so little pastrami in the sandwich. But with your help, watchful eye, hearing ear, I raised myself up, by the bootstraps, from the deep pits of oblivion, from the furnaces of Gehena, to offer my advice and council to the Jewish People. I am now on the road to recovery, no need to intervene, or for inquiries.

I would like to thank the following people for their outstanding contributions. They never actually read any of the material and even though they don't speak to me anymore after that incident at the convention.

HaGaon HaRav, Gimpel Groselacher, our founding rabbinic advisor, who asked us to produce this *sefer*. Junior Gaon, HaRav C. U. Inshule, current head of our Rabbinic Advisory Board, and noted bridge player.

Ha Huge Rav B. Seder who corrected the many errors, and added some new ones. Rabbi Yousef Shashstillnik, Rabbi D. Oraysa, Rabbi N. Gettingwell, Rabbi I. O. Gelt, Rabbi Y. B. Frum, and Rabbi Y. R. Rosesred who read and commented on this text, and whose comments were usually rejected.

Of course, I would be but a pile of scribble, if not for the work of Mrs. Slurpee Ziben-Elefstein, who more than anyone did all the work on this project. And of course to our zillions of supporters around the country, who pour in donations well beyond our limited budget, allowing us to work less.

*Rabbi Forboten
The Dashu Bei Rabim Foundation
14 Adar 5765*

OVERVIEW / INTRODUCTION TO CONCEPTS

Pikuach Nefesh is a term that is highly sensationalized and little understood. It is a general term used to both revoke otherwise sound practices, and justifies absolutely absurd ones, simultaneously. Somewhere on the conveyor belt of time, *Pikuach Nefesh* became entrenched, stuck between P'cha and Chopped Liver. That is until recently. It wasn't that in the old days that people enjoyed dying. On the contrary, people hated dying then, too. Rather, now with 501k's and retirement funds, with homes in Florida and the Hamptons, with *sholom zachar's* of our niece's brother's daughter's son to attend, there is just so much more to live for. Hence the great emphasis today on an area that should have been more important but wasn't.

Now that *Pikuach Nefesh* has been thrust into the limelight, basking on the pages of Jewish weekly papers, gracing the posters in *shtetlach*, email blasted into millions of homes, made the rallying cry of an entire sub-culture, become the calling card of zillions of direct mail requests from very choshuv and important rabbonim, it is time that someone out there in the *yiddaverse* compiled all the laws and customs in one place, to serve the greater good, to ensure continuity of tradition, and confuse people who thought they understood the issues, but ultimately, to make the world a safer and better place to raise kids.

As always, this is meant to only be a reference work, so please ask your rabbi, coach, AskMoses.com Rabbi, or *shaitel macher* before deciding on any of these life issues. With a solid understanding, a strong grasp, a firm feel, rock-hard know-how, a concrete concern for and unyielding dedication to, *Toras Tizahair*, G-d fearing Jews can wake up with the assurance that not only will they not transgress any laws, G-d forbid, but that their *Pikuach Nefesh* will be *l'shem shamayim*, a blessing.

May the merit of our study and practice of *Pikuach Nefesh* hasten the imminent coming of the Redeemer, rekindle the spirit of brotherhood among nations, make Israel King over all the world, and restore Bloomingdales to its former glory. AMEN

I. WHAT IS PIKUACH NEFESH AND WHO HAS IT?

Take heed and care diligently for your lives. — Devarim 4:9

You shall not stand aside [sa'amod] while your fellows' blood is shed. — Vayikra 19:16

1. According to a heck of a lot of *poskim*, these are the biblical sources for *Pikuach Nefesh*. However there is great disagreement on what it really means.¹

¹ Debate has raged since the Talmudic era on this pasuk in the Torah. How can one take heed and give care. Taking and giving are nearly impossible to do simultaneously, according to the *Ma'ashen Chaim*. He quotes a manuscript found at the bottom of a pile of trash excavated at the site of the original Schwartz's Yeshiva & Tea Room, in Brest Litovsk. According to the manuscript—authorship is attributed to the Alter Kocker of Chelm, and the Hodu Of Brest—when the steam was on at the *mikvah*, you couldn't get a good cup of tea. This led to wild speculation, and ultimately the *gzeira* of 100 Rabbanim, forbidding taking a bath and getting a good cup of tea. Schwartz saw the writing on the wall and sold the yeshiva franchise to a wandering mystic and scholar, The *Nefesh HaChaim*. The Tea Room was sold to Mrs. Shira Honigwasser who brought founded New York's famous Byelorussian Tea Room. Sadly, Mrs. Honigwasser could not make ends meet and sold the business to a wandering Russian Mystic who renamed the place and made a

2. *Pikuach Nefesh* is both a situation, and a way of life. It is also a brand of shoe deodorizers available at Cohen Brother Shoes on Ocean Parkway.²
3. Since it is not called “*Pikuach Gavra*,” and we know that wherever *chazal*³ mentions nefesh in place of *gavra*, it has deep significance, we can surmise, or at least take a wild guess, that *Pikuach Nefesh* only applies when a someone has soul to lose.⁴
4. White men do not have soul and are exempt from the prohibitions of *Pikuach Nefesh*.⁵
5. Jews, Africans, Latinos, Italians, Andalusians, Greeks, and the Sicilians have soul, *d’oraisa*.⁶
6. Irish, Scots, Australians, Japanese, Indians, Brazilians, and most South American’s have soul *d’rabbanan*.⁷
7. All other South East Asians, Pakistanis, Arabs, Germans, French, English, and Canadians do not have soul, and are exempt from most of the stringencies of *pikuach nefesh*. The major exceptions being kiddush-jumping,⁸ *sholom zachors*,⁹ and bagel brunch fundraisers for Israeli yeshivas.¹⁰
8. If they do not appear in this list, we just do not know the answer, and that will have to be good enough. You know only G-d is perfect.¹¹

lot of *gelt*. The other *pasuk* about not standing idly by refers only to when his blood is being shed. However, if it was already shed or will be soon shed, you are permitted to let him be alone.

² *Pikuach Nefesh* Brand Shoe deodorizers, The Only Foot Bed Insert That Can Save Your Life® or that of your spouse, sold exclusively at Cohen Brothers, are on sale until Pesach, or while supplies last, for \$19.95, which is a great price.

³ Chazal is an abbreviation for ‘*Ch’acham ‘Z’eh ‘A’ni ‘L’o zocher*, rendered in English is “This scholar’s name I forgot.”

⁴ See *Rakevet HaNafshi* whose pioneering scholarship in the 1970’s was made into a television show that he could never watch. Also the *Nefesh Matok*, *Nefesh Sababa*, and the *Nefesh Ha Cool*.

⁵ While there are rare exceptions to this rule, such as the Doobie Brothers, Darry Hall & John Oats (Sweet Soul Music), and Joe Jackson (Body and Soul), *chazal* wanted to impose this to make it easier for all of us. Gee wiz, gosh thanks.

⁶ See the *Mishgafe Shemesh*, who holds that Greeks and Italians had soul, but somewhere in the 1980’s they lost it.

⁷ See *Karnival B’Halacha*, by Ha Rav, Ha Gaon, Ha Chacham V’HaMefunak Rabbi D. Jenero, Shlita.

⁸ Kiddush-Jumping is *davening* at a *netz minyan* on Shabbos morning, followed by attending the Kiddush for two *bris-milahs*, an engagement, followed by a *kiddush sheva brochos*.

⁹ See Chapter Five: Common Mistakes In Life Cycle Events that underlines the sever dangers inherent in the *sholom zachor*. *Zichron Pinchas*, formed in 1987 after the tragic death of Pinchas “The Pinster” Shnarfmeister at the *sholom zochor* of his nephew, publishes the “Sholom Zochor Safety Guide & Menu Planner,” which is available at most fine Judaica stores.

¹⁰ Once considered as purely harmless and certainly less of a dent on the wallet than a typical yeshiva annual fundraising dinner, these so-called Bagel Brunches, may soon get the ax, bowing under the pressure of cautious minded poskim, and extremely bothersome catering halls that have lost business. Details in Chapter Ten, G-d willing, I should live that long to write it.

¹¹ Apparently there is great disagreement among the *rishonim* on this issue. While we hold that indeed G-d is perfect, this is by no means an endorsement. While this is heavily over-quoted, I feel compelled to return again to the illustrious 13th century Tunisian sage, The Riba of Mishmish, who wrote it *Sefer Chashuv Meod*, “What is the nature of being perfect? And who says that we know what is perfect? How can we attribute qualities, such as perfection, which are totally a human concept, to the Ribbono Shel Olam? Then again, since my radishes are not doing well this year, and

9. While having soul is hereditary, or can be learned, it is not necessarily transferable. In addition, you can lose your soul, but not your job. You cannot however lose your life and keep your soul.¹²

II. HEALTH AND SCIENCE

1. Recent advances in scientific knowledge and lifesaving medical treatments have rewritten the book on *pikuach nefesh*.¹³ For example, once permitted only in cases of *Ain La Sikui*, mammary gland enrichment surgery is always permitted.¹⁴
2. Scientist can, have, and will make mistakes in calculating the inherent risk in certain procedures.¹⁵
3. In the days of Chazal, certain conditions had little hope of being cured, whereas today, prescription drugs now alleviate many embarrassing conditions.¹⁶
4. While bearing inherent risk to men with high blood pressure, many *shul rabbanim* allow access to these drugs,¹⁷ especially if there is a doctor in the congregation who prescribes it for them.
5. All organ transplants are permitted if there is a chance of saving another life, even while you are still living, and though you like the organ, feel that others may benefit from it more.
6. Smoking tobacco by any means, starting to smoke, selling cigarettes or taking a class from a rebbe whose son has been known to smoke is *asur*.¹⁸

Lord knows, I have been successfully growing radishes for 63 years, who else can bear the burden of blame? Where else can I direct my distress? G-d may be perfect at most things, but he knows nothing about radishes.”

¹² Unless you have a protégé, or a child, that carries your name and musical rights, keeping them alive and carrying on for years, for totally unselfish reasons, having nothing to do with the *parnassa* s/he may or may not be making, while claiming to be just doing what you were raised to do.

¹³ Actually this is the book. Do not accept imitations.

¹⁴ See *Shadei Hashem*, by Ha Rav Groisenbrust for details.

¹⁵ For example, the drug to alleviate heartburn after *chulent* called Mechayadox was rushed through clinical trials and put on store shelves without great review from the National Institute of Health. Later review of Mechayadox found that its major medical proponents were Ashkenazis whose wives insisted on putting real *kishkas* in the *chulent*, despite repeated protests and arguments. Common side-effects of Mechayadox included increased appetite, appreciation of the little things in life, and severe and incurable nose embellishment. After being withdrawn from the market, the makers have settled a multi-million dollar lawsuit against the makers of Mechayadox, Bergers & Myers.

Of course there is the great Glatt Cream Affair of 1997. This Jewish hair removal product actually improved hair growth, and was withdrawn from market. However, not before several unsightly cases had paraded in front of the jury that awarded a major compensation.

¹⁶ See *Daas Se'arim* about men who have weak beard growth turning to hair growth formulas like Rogain.

¹⁷ Heard at a recent conference promoted by the non-Feminist, Organized Nashim Against Humiliation, founded in New York.

¹⁸ You cannot depend on the *kula* of *shomer petayim* when everyone knows that smoking kills you. You also cannot depend on *dashu bei rabim* because everyone with some brain function is giving up smoking. You can in rare cases depend on the ruling *Psil Lo Yavin*, a fool will just not understand.

III. MORE THINGS ASUR BECAUSE OF PIKUACH NEFESH¹⁹

1. Playing poker.
2. Parallel parking.
3. Letting your child marry a *baal-teshuva*.
4. Wearing the same outfit twice to two consecutive simchas.

IV. HOFSHKOFA AND LIFESTYLE ADJUSTMENTS

1. Major life decisions often are decided based in whole or in part on *Pikuach Nefesh*.²⁰
2. It is permitted to go in a taxi, according to most *poskim*, even though it is very dangerous.. However, all Jewish taxi companies need a reliable *hechsher*.²¹

III. COMMON MISTAKES IN LIFE CYCLE EVENTS

WEDDINGS

1. There is not enough room here to publish an entire analysis of the *sakanah ha chupah*. However, several serious issues must be addressed.²²
2. *Dor Yesharim*, the genetic screening process that helps eliminate mate choices based on genetic blue prints, is not sufficient. Every effort must be made, and no expenses spared in mapping out the genetic health history of any *chossen* or *kallah* for 200 years.²³
3. In order to avoid the unnecessary transmission of bodily fluids, viruses and other ailments, major Rabbis say that the bride must wear a protective glove during the entire wedding ceremony.²⁴
4. The groom places the ring on top of her silicon glove, recites the marriage statement, and then the ring is removed and taken to a sanitation lab.²⁵

¹⁹ These *chumras* were established by the Rosh Yeshiva of Yeshiva of Goyville, NJ. While no source has been brought to support the ruling, no one has the *chutzpah* to ask the Rabbi what in the world he means. But no one understood also why he banned those other books as well.

²⁰ For example: Should we go downhill skiing this winter vacation or water-skiing? Should I bother to make sure that the brakes on my 1983 Ford Fiesta are reliable, or that the tires are not worn out so as to avoid hitting pedestrians in Monsey, or is this an unreasonable expense? Should many men be allowed in the *mikvah* at the same time, when one might slip and drown the other? Can food be eaten, considering the high possibility that they contain pesticide residue? Should there be a ban on greasy *chulent*, high-fructose corn syrup sweetened sodas, and candy from our shules that may be contributing to an epidemic of obesity and childhood diabetes? Should we educate youth about how to protect themselves during intimacy to avoid a life threatening STDs and teenage motherhood, even though we pretend that nothing is going on?

²¹ For a guide to Taxi *Hechsherim* see the Nahag Yehudi's famous sefer, *Yo Taxi!*. Some companies do not charge extra for leaning on their horns in your driveway while yours neighbors sleep.

²² See *Pikuach Afn Tish*, *Chatuna Shachor*, now out of print *Simcha B' Choshech*, and of course *Kiddush Hashem B'Zman Chuppah*, which discusses whether you can justify martyrdom at the *chuppah* when facing a life of doom and gloom, due to your future mother-in-law.

²³ Rabbi Shvacha Machetunim, Author of the *Haimish L'Chiam*, once traced his family back 176 years. Nonetheless, his son Shtussel was turned down for a good *shidduch*.

²⁴ Ha Rav Jimmy Buffet asks, "Why take the risk of catching a life-threatening ailment? Total strangers, even people getting married, must make extra effort to abstain from any activity that carries any proven or disproved risks."

5. Instead of letting the *chossen* and *kallah* drink from the same glass, both bring a disposable straw to the *chuppah*, according to the custom of *metzitzah b'shoferes*. *Metzitzah b'peh* is of course a very risky procedure and has been eliminated from the *chuppah*.²⁶
6. Other stringencies that need repeating. In order to be *misameach* the *chossen* and *kallah* during the dancing, a protective shield must be placed in front of the couple.²⁷

SHOLEM ZACHOR

1. It is forbidden to serve *arbus*, chick-peas at a sholem zochor.²⁸
2. One may substitute round jello molds, applesauce or chumous.²⁹

BRIS

1. The most obvious hazard to be avoided at the *bris* is the custom of *Kvatteren*.³⁰ This custom has no *halachic* value, and the *bris* is kosher without it, *B'dieved*.³¹
2. On some occasions a clumsy person has let the child fall from the pillow onto the floor of the synagogue. This can cause irreversible harm to the child and mother.³²
3. The Pushkart Rov recommends using a customized wheelchair that has a place for the child, a child restraint system, and emergency brakes.³³

²⁵ An entire three-volume set on this issue entitled, *Mayim, Mayim Besasson, Mayim Bsimcha* explains the kabalistic reasons. This is according to the strictest sense of the law. Of course, it is sufficient to just rub it in soap and water.

²⁶ Those Rabbis that continue to offer wine from the same glass to the *chossen* and *kallah* are jeopardizing the entire Jewish nation. If they do not desist I will have to, or had, or something like that, take action with the Health authorities. Have I made myself clear you shmendricks?

²⁷ Mendel Kluzholtz was knocked out cold by Merv Shtoonkenfeese's shoe at his wedding. But since people thought it was one of Merv and Mendel's acts, Mendel lay motionless for twenty minutes before they called the ambulance. Merv now sells personal liability *chasuna* insurance.

²⁸ Once the delight of every party, we no longer serve chick peas at Jewish functions. It is just too risky and the number one choking hazard for Jewish children and adults.

²⁹ Exciting new substitutes were recommended by The Israeli Ministry of Gastro-Intestinal Medicine.

³⁰ This is when the child is brought from the ladies room to the *shul* balanced precariously on a pillow in the hands of a woman who hands the boy to her husband while still maintain his grip on the pillow and the boy, then walks with outstretched arms with the baby through the throngs of attendees to the chair of Eliyahu.

³¹ See responsa of Rabbi Chone "Homeboy" Finkelstein, *Igros Homeboy* Vol. XXV. The Homeboy Rov was adamant about this. Once at a *bris* when it was clear that the families had no intent of respecting his wishes for a *kvater b'agalah* to be used, he stood between the couple, grabbed the baby, and insisting that the *bris* be performed where he stood. His *talmidim* recall that the Homeboy Rov mentioned he was dropped as a child, and then became its greatest opponent.

³² Recently an investigation into child cruelty has been opened against several shuls for allowing this hazardous practice from the middle-ages that has no modern use. It only because of a *nes gilui*, an awesome miracle that more babies don't die each year from this procedure.

³³ No one is sure who the Puskkart Rov was, and debate continues where he lived and if at all. There is scant evidence of his life or work, except for a long essay published by Mrs. Myna Bakhurtz, whose family makes straws, wheelchairs, and Purim baskets, and found it while cleaning for Pesach.

Praise for Shomer Pesayim

Rabbi Farboten is a genius of great repute, who creates works of eloquent beauty,
even while incarcerated for years.

— Martha Stewart

Revered for no good reason, he has a lot to learn about life.

— Rabbi Tuvia Tum Tum Nogginvasher

I tank di Rabbi, he know very well, that this is not for girlie men.

— The Govenator of California

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Published By

Gezundheit Press Inc.

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