

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

130 - VACCINATION - PART 2 OU ISRAEL CENTER - SPRING 2019

In Part 1 we examined the halachic parameters of taking risks and saw the following:

- The Tiferet Yisrael quotes a Yerushalmi and rules it is permitted to take a small immediate risk to avoid a larger potential risk. Thus, one may dive into a river to save someone who is drowning, even though this places the person at some risk of death and even though there is no certainty that the other person will actually drown. If adopting a small risk to save another person is permitted, all the more so adopting such a risk to save oneself! The Tiferet Yisrael applied this to smallpox inoculations of the time which carried a 1 in 1000 risk of death.
- There are three categories of danger which we are obligated to avoid:

(i) Immediate risks to life and limb (eg roof without fence):	Torah obligation to avoid and proactively prevent
(ii) Low-level risks which are common (eg drinking unchecked water):	Rabbinic obligation to avoid and prevent
(iii) Standard risks of everyday life:	Good to avoid BUT Shomer Peta'im Hashem
- Shomer Peta'im Hashem is a halachic principle which allows us to take normal low-level risks in life and rely on God for protection. There are number of ways in which such risks can be defined:

- risks below a certain threshold (10%?)	- risks which are future possibilities and not imminent
- risks which are normal in society	- risks which are justified by sufficient gain

A] RISK TAKING - APPLICATION TO VACCINATIONS

1. ובמסקנת הדברים כתבתי דאם מדובר בסכנה רחוקה ביותר שאינה מצויה כלל חובה היא, ועכ"פ כו"ע מודי דהוי מדת חסידות, וק"ו שיש עליו לעבור טיפול שיש בו מעט סיכון כדי להינצל ממחלה שהוא עלול לחלות בה בסכנה מרובה וכך גם בנידון דידן, חייב אדם לחסן את ילדיו כיון שאין בחיסון סיכון כלל אלא על הצד המוזרות. ומאידך היעדר החיסון מסכן את הילדים בעצמם וק"ו בן בנו של ק"ו כיון שהיעדר החיסון יש בו סכנה לרבים. ומ"מ נראה ברור ופשוט בזמנינו דלא זז בלבד שמוות לקחת חיסונים אלה אלא אף חובה היא למנוע סכנה מן היחיד והרבים. ואף אם בזמניהם לפני מאות שנה התחבטו, אין זה אלא משום שאכן היו ילדים שמתו כתוצאה מן החיסון כמבואר בדבריהם, משא"כ בחיסונים שבזמנינו חובה גמורה לחסן.

ש"ת רב אשר וויס - <https://en.tvunah.org/2018/12/20/the-obligation-to-vaccinate/>

Rav Osher Weiss rules that there is an absolute obligation on parents to vaccinate their children.

2. Argument 2: I heard that the vaccinations against flu are dangerous, and that in the past, dozens of people were hurt by severe side effects.
Answer: That is true, but on the other hand tens of millions have been vaccinated and nothing happened to them, and they were saved from danger of death. Here as well, according to Halachah, we follow the majority. Here, it's no longer a majority of a thousand to one, but of a million to one. Moreover, since then more than thirty years have passed, and the medical field has amassed much experience as far as vaccinating against flu. As far as the swine flu vaccination, no problem has been identified so far. By contrast, many people have died from this flu, including here in Israel, where several dozen have died. In any event, we follow the majority and don't lead our lives based on the exceptions.

Rav Shlomo Aviner - Vaccinating Against Measles, 12 April 2019 - <http://www.ravaviner.com/search?q=vaccination>

3. Argument 3: If someone is healthy right now, why should he, by his own actions, place himself in danger - however remote - just to save himself from a danger that does not exist at this moment, and perhaps will not exist in the future?
Answer: First of all, we said that this vaccination does not pose a remote danger but a danger that is considered halachically negligible. Rabbi Yisrael Lipschitz, the author of Tiferet Yisrael on the Mishnah, has already dealt with this regarding the vaccination against the Black Plague. He proved from several Talmudic sources that a person is allowed, by his own actions, to place himself in low-level danger of 1/1000 in order to save himself, in the future, from a high danger.

Rav Shlomo Aviner - Vaccinating Against Measles, 12 April 2019 - <http://www.ravaviner.com/search?q=vaccination>

4. Nor can the principle of *shomer peta'im* be invoked to justify assumption of a recognized danger that can be readily averted. That is clearly the import of the statement of R. Moshe Feinstein, Iggerot Mosheh, Even ha-Ezer, IV, no. 10, to the effect that, with the development of blood tests to determine whether prospective marriage partners are both carriers of the gene responsible for Tay-Sachs disease, one may no longer rely upon *shomer peta'im* in assuming the risk of that disease. For precisely the same reason, a danger posed by childhood disease for which a vaccine is available may not be assumed on the plea of *shomer peta'im*. That is certainly the import of the statement attributed to the late R. Yosef Shalom Eliashiv to the effect that "failure to immunize would amount to negligence." Perfection of vaccines that immunize against disease results in a situation in which failure to vaccinate is tantamount to willfully exposing oneself to *zinim pahim*. Once divine providence has made a vaccine safely available, any misfortune resulting from failing to avail oneself of immunization is to be attributed to human negligence rather than to divine decree.

Rabbi J. David Bleich, *Vaccination, Tradition* 48:2-3 (2015) pp. 53-54

5. *If however, most people are not afraid of something, then that is not considered a sakanah. Vaccinating against smallpox is something of an example of this: once the doctor says that the time for the injection has come, the halacha technically requires that people should make every effort to have it as soon as possible. Nonetheless, people don't have a sense of urgency as far as scheduling these shots. Therefore, even if in truth this delay involves some sakanah, we can apply the words of Chazal that 'Hashem guards the foolish', and therefore Heaven-forbid that one should violate the Shabbat in order to obtain this vaccination. On the other hand, if someone was in a place where if they would not obtain the smallpox vaccination on Shabbat they would have to wait 4-5 years for the next opportunity, since waiting for so long is something that people would be afraid of, that would possibly be considered safek pikuach nefesh, and one could violate Shabbat to be vaccinated. [Rav Shlomo Zalman Auerbach - Minchat Shlomo 2:29:d]*

One can see from this that Minchat Shlomo is of the opinion that if most people assume that not being vaccinated is a sakanah, then – although the possibility of danger is quite remote – in specific situations it would be permitted to desecrate the Sabbath in order to be vaccinated, and surely someone must obtain vaccination on a weekday since the public considers not vaccinating to be a sakanah, albeit a remote danger.

Rabbi Yitzchok Zilberstein, *Journal of Halachah and Contemporary Society* 69 (Spring 2015) pg. 100

- It is clear therefore that one may, and in some instances (see below) should take a small risk to avoid a much larger one.
- It is also clear that the small risks involved in vaccination are normal in society and covered by Shomer Peta'im Hashem.
- However, the risk of catching the disease itself or reducing the herd immunity cannot be covered by Shomer Peta'im Hashem.

B] WHAT ARE THE RISKS OF VACCINATION?

6. ואין לך ברפואות אלא סכנה! מה שמרפא לזה ממית לזה. וזו שאמרו - טוב שברופאים [לגיהנם] (קידושין פב.)

רמב"ן - תורת האדם (כתבי רמב"ן שעוועל כרך ב' עמ' מג)

The Ramban (himself a doctor) tells us that even the best medications have dangerous side effects and doctors run the risk of killing through the process of healing!

7. What are the risks from MMR vaccine¹?

With any medicine, including vaccines, there is a chance of reactions. These are usually mild and go away on their own, but serious reactions are also possible. Getting MMR vaccine is much safer than getting measles, mumps, or rubella disease. Most people who get MMR vaccine do not have any problems with it. After MMR vaccination, a person might experience:

Minor events:

- Sore arm from the injection
- Fever
- Redness or rash at the injection site
- Swelling of glands in the cheeks or neck

Moderate events:

- Seizure (jerking or staring) often associated with fever
- Temporary pain and stiffness in the joints, mostly in teenage or adult women
- Temporary low platelet count, which can cause unusual bleeding or bruising
- Rash all over body



"If you connect the measles, it spells out 'My parents are idiots.'"

1. See also Scientific American, March 6 2015 - <https://www.scientificamerican.com/article/fact-or-fiction-vaccines-are-dangerous/> for a longer piece on vaccine safety.

Severe events occur very rarely:

- Deafness
- Long-term seizures, coma, or lowered consciousness
- Brain damage

.... Any medication can cause a severe allergic reaction. Such reactions to a vaccine are estimated at about 1 in a million doses, and would happen within a few minutes to a few hours after the vaccination.

As with any medicine, there is a very remote chance of a vaccine causing a serious injury or death.

Centers for Disease Control and Prevention² - <https://www.cdc.gov/vaccines/vac-gen/side-effects.htm#hepa>

C] WEIGHING MEDICAL OPINION

8. ג ואם החולה ורופא אחד עמו אומרים שאינו צריך, ורופא (אחר) אומר: צריך. או שהחולה אינו אומר כלום ורופא אחד אומר: צריך, ושנים אומרים: אינו צריך, אין מאכילין אותו.

ד אם שנים אומרים: צריך, אפילו מאה אומרים: אינו צריך, ואפילו החולה אומר עמהם שאינו צריך, מאכילים אותו מאחר ששנים אומרים: צריך. כגב: וה"ה אם החולה ורופא אחד עמו אומרים: לריך, אף על פי שמאח רופאים אומרים: אינו לריך, מאכילין אותו. ולא חיישינן דהחולה אומר: לריך משום דמאמין לרופא זה שאומר: לריך.

שולחן ערוך אורח חיים הלכות יום הכיפורים סימן תריח

The general position regarding medical advice is that we follow the majority opinion. On Yom Kippur, if two doctors say that the patient should eat, then even if more doctors refute this, we will still allow the patient to eat.

9. **Argument 1:** There are, indeed, physicians who are in favor of the vaccination, but others are against. So how can we know what to do? Perhaps everyone should choose based on what seems best to him? And if so, it would be better not to be vaccinated, because a "shev ve'al ta'aseh", sitting and doing nothing when faced with an uncertain risk, is best.

Answer: Just as in a disagreement between rabbis we follow the majority, so, too, in a disagreement between physicians. For example, if there are physicians who say a patient should violate the Sabbath or should eat on Yom Kippur, and others say he should not, the Shulchan Aruch rules that we must follow the majority. In our own case, it is not a majority against a minority, but almost all of them against a few individuals, a hundred to one in favor of the vaccine. Moreover, it is not just physicians in Israel, but also in Europe, America and in the World Health Organization.

Rav Shlomo Aviner - Vaccinating Against Measles, 12 April 2019 - <http://www.ravaviner.com/search?q=vaccination>

10. רק בחולי ומכה שבגלוי שיש לרופא ידיעה ודאית והכרה ברורה בהם, ועוסק בתרופה בדוקה וגמורה, ודאי לעולם כופין לחולה המסרב במקום סכנה

מור וקציעה סימן שכח

R. Yaakov Emden rules that where the disease is clearly present and the doctors are confident about the cure, which has been proven, we may force a patient to take the treatment if there is potential danger otherwise.

11. ובדבר כשהחולה אינו רוצה ליקח הרפואה, תלוי אם הוא מחמת יאוש או מחמת שהוא צער לפניו ... אבל אם הוא מחמת שאינו מאמין לרופאים אלו צריכין למצא רופא שמאמין בו. ואם ליכא רופא כזה ואי אפשר לפניו מצד המחלה לחכות עד שיבין שהוא לטובתו וגם לא לשלחו כשרוצה בבית חולים וברופאים שהם בעיר אחרת, מוכרחין הרופאים שבכאן לעשות בעל כורחיה אם כל הרופאים שבבית חולים זה סוברים שזהו רפואתו

שו"ת אגרות משה חושן משפט חלק ב סימן עג

Rav Moshe Feinstein also rules that if a person refuses to take needed medication because he does not trust the doctors, and it is impossible to find other doctors that he DOES trust, the patient may be treated even against his will.

12. כשהרוב הוא לחיים מסתבר שחייב ... אבל בספק השקול מסתבר שאין לחייבו דאם הוא חס על חיי שעה שלו הודאין ואינו רוצה ליכנס בספק לאבד זה בשביל ספק שירויה עוד זמן ודאי רשאי.

שו"ת אגרות משה יורה דעה חלק ג סימן לו

In a situation where the chances of success are low, the patient may chose to refuse treatment and take shorter life expectancy without treatment, over a treatment which may fail and kill them, even though it could succeed and extend life.

2. US Federal agency to protect public health and safety through the control and prevention of disease, injury, and disability in the US and internationally.

D] PARENTS' RESPONSIBILITY

13. דת"ר: האב חייב בבנו למולו, ולפדותו, וללמדו תורה, ולהשיאו אשה, וללמדו אומנות; וי"א: אף להשיטו במים

קידושין כט.

*A father has an obligation to teach his child to swim in order to protect their life from future risk of drowning.*³

14. ואני תמה, אודות מכת אבעבועות קטנות ההולכת בין התינוקות, הנקרא בלאטר'ן בלשון אשכנז - בר מינן - למה אין נוהרין להבריח התינוקות ולצאתם מן העיר! ובודאי עתידים האבות ליתן דין על מיתות יונקי שדים שלא חטאו, וגמולי חלב שלא פשעו, שמתו בחולי זה, ולא חשו אביהם להבריחם

שלה - שער האותיות דרך ארץ אות יג - י"ד

In the event of an epidemic, the Shela was astonished that parents refused to remove their sick children from the town, thereby endangering other children!

15. אך יש מן האחרונים שכתבו דלאחר שהמציאו את החיסון הנ"ל אין צריך להבריח ילדים מן בעיר אלא לחסנם. כ"כ בזבחי צדק (ו"ד סימן קט"ז ס"ק מ"א) ... וכ"ה בכף החיים (שם ס"ק ס"ג) ובתוכחת חיים להגר"ח פלאג' (פרשת ויצא).

ש"ת רב אשר וויס - <https://en.tvunah.org/2018/12/20/the-obligation-to-vaccinate/>

Later authorities understand this as an obligation on parents to vaccinate children so as to not endanger others.

16. Although the presently recommended regime for vaccinations is of great benefit to both the child and the community, some parents are frightened of the very small risk involved. *Rav Neuwirth shlita* told me that because of this fear they cannot be forced to have their child vaccinated even though *halachically* they should be strongly advised to comply... This also applies to immunization, for example, against hepatitis and smallpox.

Rabbi Dr Abraham Abraham⁴ - Nishmat Avraham CM 427:8

E] IS THERE A PROBLEM NOT VACCINATING IF ALMOST EVERYONE ELSE DOES?

17. (טז) לא תלך רכיל בעמך לא תעמד על דם רעך א"י ה'

ויקרא יט:טו

There is a Torah mitzva not to stand by when the life of others is in danger.

18. (א) שלא נמנע מלהציל נפש מישראל כשנראהו בסכנת המיתה והאבידה ויהיה לנו יכולת להצילו בשום צד, שנאמר לא תעמוד על דם רעך. ואמרינן בסנהדרין (נג) תניא: מנין לרואה את חברו שטובע בנהר או חיה גוררתו או ליסטים באים עליו שהוא חייב להצילו בנפשו שנאמר לא תעמוד על דם רעך. ולא מיבעיא אצוליה בנפשיה דמחייב

ספר החינוך פרשת קדושים מצוה רלו

This includes putting oneself at risk - even if serious - in order to save the life of another.

19. הנה אמת נכון הדבר דלאחר שרוב רובם של הילדים והמבוגרים בחברה המודרנית מחוסנים מחלות קשות אלה נדירות ביותר, ומשום כך יש לכאורה מקום לטענת ההורים למה לסכן את הילדים ע"י החיסון ולגרום להם צער ותופעות לוואי כאשר הסכנה הנשקפת להם בהיעדר החיסון רחוקה ביותר. אך אם נתיר להם שלא לחסן את ילדיהם התוצאות ידועות מראש - רבים אכן ימנעו מלחסן את ילדיהם מרחמי האב ואהבת אם, ושוב תתעורר סכנה גדולה של התפרצות מחלות. ולפיכך אין להתיר כלל להימנע מן החיסון. ובאמת פסקתי בכל שנה ושנה שיש חובה לחסן את הילדים מטעם זה, ואכן המציאות הוכיחה שיותר ויותר הורים נמנעו מלחסן את ילדיהם עד שעדים אנחנו להתפרצות נרחבת של מחלת החצבת. דהנה בסנהדרין (קט) אמרו דמדת סדום 'דהו שדי תומי או שמכי, אתי כל חד וחד שקיל חדא. אל' אנא חדא שקלי' ועיש ברשי' דכל אחד ואחד אמר - הרי לא לקחתי אלא דבר מועט אך בין כולם גזלו את כל אשר לו. ומדברי קדשם למדים יסוד פשוט במשפט הצדק דכל דבר שאם יעשוהו רבים יש בו רשע ועון אסור אף ליחיד לעשותו....

3. Rabbi J David Bleich points out that this involves putting them at small immediate risk in order to avoid a potential greater later risk.

4. Professor Emeritus of Medicine at Hebrew University and Hadassah Medical School, and formerly Director of the Department of Medicine B at the Shaarei Zedek Medical Center. Recipient of the annual prize of the American Heart Association / British Heart Foundation and a Fellow of the Royal College of Physicians, London. Close talmid of Rav Shlomo Zalman Auerbach and chaver of Rav Yeshoshua Neuwirth.

והוא הדין והוא הטעם בנידון דין. דרך משום שרוב בני האדם מחסנים את ילדיהם ומצערים אותם יכולים המיעוט להמנע מן החיסון, אבל ככל שיותר ויותר אנשים ימנעו אף הם מלחסן את ילדיהם תגבר הסכנה, עד שאם רוב בני האדם ינהגו כמותם יחזור הדבר לקדמותו ונחזור לימי הביניים ומאות אלפים ימותו ממחלות קשות. וכל כה'ג החובה רובצת על כולם להתחסן....

נראה דיש ללמוד הלכה זו מדין חובת ההשתתפות כל בני העיר בשמירת העיר ותיקון חומותיה המבואר בב'ב (ה) ובשו'ע (ח'מ ס' קס"ג). דכשם שכל בני העיר צריכים להשתתף בהוצאות השמירה או בשמירה בפועל, אף שברור שאם אחד ישתמט מלשמור או לשלם לא תתמוטט החומה ולא יגבר האויב, מ'מ חובת השמירה מוטלת על כולם בשה ואין האחד רשאי להשתמט ממנה. כך גם בנידון דין, דכל דבר שהוא תיקון החברה וצורך הציבור כולם שותפין בו וכל אחד מהם צריך לתרום את חלקו בשה, ואין לחלק בין חובה ממונית לחובת החיסון ודין אחד לזה ולזה.

שו"ת רב אשר וויס - <https://en.tvunah.org/2018/12/20/the-obligation-to-vaccinate/>

Rav Osher Weiss rejects the argument that if a few people do not vaccinate, this will not significantly affect the herd immunity. Such an attitude will in fact lead more and more people to stop vaccinating and thus cause mass outbreaks of the diseases. He brings two halachic proofs: (i) Just as stealing a negligible amount which one might claim no one would care about is fully prohibited since it leads to mass theft, so too, for an individual not to vaccinate is totally prohibited. Anything which if done en masse would be wrong, is also wrong for individuals too!⁵ (ii) The halacha requires all individuals in a city to contribute to the upkeep and safety of the city. Although the failure of one individual to pay would not, in an of itself, compromise the security of the town, it is prohibited for them to shirk their responsibility.

20. The question was put to Rabbi Elyashiv⁶, who ruled that the parents should accede to immunization despite their concerns. When asked if the reason behind this ruling was the issue of fairness and the obligation to share responsibility, Rabbi Elyashiv indicated that it was; his reason was that since immunization of children is normal practice throughout the world, one should follow that normative course. In fact, Rabbi Elyashiv went so far as to assert that failure to immunize would amount to negligence. Refusing childhood immunizations on the basis of unsubstantiated fears of vaccine side-effects is irresponsible and out of order halachically. The danger of precipitating epidemics of measles, poliomyelitis and other diseases with potentially devastating complications is far more real than the dangers attributed to vaccines on the basis of anecdotal claims. Until objective evidence to the contrary accrues, the halachically correct approach is to do what is normal. In addition, a legitimate government's legislation concerning standards of medical conduct adds weight to their halachic acceptability

R. Akiva Tatz - Dangerous Diseases and Dangerous Therapy in Jewish Medical Ethics p48

F] CAN/SHOULD SCHOOLS EXCLUDE CHILDREN WHO ARE NOT VACCINATED?

21. After considering the nature of the current outbreak, the very high percentage of fully vaccinated individuals among the mumps cases, the serious risks associated with the MMR vaccine, and the halachic gravity of denying a child acceptance to school even for one day, it is our opinion that, unless truly obligated to do so law, no school has the right to deny a child acceptance to school on the grounds that he or she has not received the MMR vaccine. It is incumbent upon the Menahalim to insure that school nurses act in this regard in accordance with הלכה, and not based on secular medical advice alone.

Letter⁷ by Rabbi Shmuel Meir Katz, Rabbi Shmuel Kamenetsky and Rabbi Malkiel Kotler, 13 Kislev 5770

22. It has been suggested by some that a yeshiva has no right or business establishing and enforcing (mandatory) vaccination rules; this idea is more than difficult to accept. Even if a parent is particularly worried about the (supposed) ill effects of vaccinations, a medically unfounded concern for otherwise healthy children, this does not give them the right to ignore the rules established for the communal well-being. They are not forced to attend this school (or any other school for that matter, as home schooling is an option) if they choose not to conform to this or any other rules. The idea that parental autonomy should supersede school rules effectively means that there are no rules.

Rav Asher Bush – Vaccination in Halakhah and in Practice in the Orthodox Jewish Community - Hakira p. 203

23. ולענ"ד נראה שטעות היא ופשוט דחובה רובצת על ההורים לחסן את ילדיהם. ופסקתי דאף מותר להורים להתארגן ולאץ את מוסדות החינוך לא לקבל לשורותיהם ילדים שאינן מחוסנים

שו"ת רב אשר וויס - <https://en.tvunah.org/2018/12/20/the-obligation-to-vaccinate/>

Rav Weiss rules that it is absolutely correct for schools and institutions to exclude unvaccinated children and for parents to create lobby groups to pressure the schools to do so!

5. One test of 'menschlich' behaviour is the question: 'if everyone else in the world behaved like this would things be better or worse?'

6. Note that the anti-vaxers claim that Rav Eliashiv was given incorrect medical information before giving that view.

7. This is part of the letter which does also emphasize the benefits of vaccines in many circumstances.

24. More recently Rav Elyashiv has been quoted in writing as saying that the parents of vaccinated students have the right to insist that all other classmates be vaccinated so as not to subject their children to unnecessary risk of illness.

Rabbi Asher Bush, Vaccination in Halakhah and in Practice in the Orthodox Jewish Community , Hakirah 13 (2012)

25. A person is certainly under no obligation to allow others to pose harm to him or to his children. In days gone by, a teacher accepted students for tutelage exercising discretion in choosing his charges in the manner of any other artisan or professional. Alternatively, a group of parents cooperatively engaged a teacher to provide instruction for their children. Such arrangements were entirely at the discretion of the parents and the teachers. Presently for better or for worse, entire schools are established in much the same manner by a single educator or by a group of administrators... Communal institutions must be concerned with the educational welfare of all children in the community. Yet, even such institutions dare not sacrifice the many for the sake of the few. Quite to the contrary, their mandate is to maximize educational opportunities by safeguarding the health and welfare of all prospective students. Policy decisions by community schools regarding admission of unvaccinated children should be made by judiciously weighing the risks and benefits involved. The danger of contagion may vary from time to time and from locale to locale...

Rabbi J. David Bleich, Vaccination, Tradition 48:2-3 (2015) pp. 53-54

• Rav Zilberstein makes the comparison with cherem. Beit Din is permitted to put a person in cherem even if that means the children will be excluded from schools. One sees from this that, although there is an obligation to ensure the education of a Jewish child, the child may be excluded from school where this is an unfortunate consequence of the halachic intransigence of the parent!

G] IS VACCINATING A LACK OF BITACHON?

26. והכלל כי בהיות ישראל שלמים והם רבים, לא יתנהג ענינם בטבע כלל, לא בגופם ולא בארצם, לא בכללם ולא ביחיד מהם. כי יברך השם לחמם ומימם, ויסיר מחלה מקרבם, עד שלא יצטרכו לרופא ולהשתמר בדרך מדרכי הרפואות כלל, כמו שאמר (שמות טו:כו) כי אני ה' רופאך. וכן היו הצדיקים עושים בזמן הנבואה, גם כי יקרום עון שיחלו לא ידרשו ברופאים רק בנביאים, כענין חזקיהו בחלותו (מ"ב כ: ב-ג). ואמר הכתוב (דהי"ב טז:א) [וַיִּחְלָא אֶסָא בְּשֵׁנֵת שְׁלוֹשִׁים וְחָשַׁע לְמַלְכוּתוֹ בְּרָגְלָיו עַד לְמַעְלָה חֲלִינִי] וְגַם בְּחֲלָיו לֹא דָרַשׁ אֶת ה' בִּי בְּרָפְאִים ... אבל הדורש השם בנביא לא ידרוש ברופאים. ומה חלק לרופאים בבית עושי רצון השם אחר שהבטיח וברך את לחמך ואת מימך והסירותי מחלה מקרבך. והרופאים אין מעשיהם רק על המאכל והמשקה להזהיר ממנו ולצוות עליו. וכך אמרו (ברכות טד.) כל עשרין ותרתין שנין דמלך רבה רב יוסף אפילו אומנא לביתיה לא קרא. ... והוא מאמרם (ברכות ט.) שאין דרכם של בני אדם ברפואות אלא שנהגו - אילו לא היה דרכם ברפואות יחלה האדם כפי אשר יהיה עליו עונש חטאו ויתרפא ברצון ה'. אבל הם נהגו ברפואות והשם הניחם למקרי הטבעים. וזו היא כוננתם באמרם (שם) 'רפא ירפא' - מכאן שנתנה רשות לרופא לרפאות, לא אמרו שנתנה רשות לחולה להתרפאות! אלא כיון שחלה החולה ובא להתרפאות כי נהג ברפואות והוא לא היה מעדת השם שחלקם בחיים, אין לרופא לאסור עצמו מרפואתו, לא מפני חשש שמא ימות בידו אחרי שהוא בקי במלאכה ההיא, ולא בעבור שיאמר כי השם לבדו הוא רופא כל בשר, שכבר נהגו. ... אבל ברצות השם דרכי איש אין לו עסק ברופאים

רמב"ן ויקרא כו:א

The Ramban writes that, ideally, the Jewish people should live a life of total connection to God. Physical sickness would then be a symptom of spiritual sickness, and the remedy would be teshuva! Resort to doctors and medication is, in principal, acceptable only as a bedieved.

27. דעת הרמב"ן (פר' בחקותי) שכתב: כי ברצות ה' דרכי איש אין לו עסק ברופאים. ושכן היו הצדיקים עושים בזמן הנבואה, שלא היו דורשים ברופאים אלא בנביאים, וזה היה עוונם של אסא ... ועל פי זה העלה באבני נזר שם, שרשאי החולה שלא לציות לרופאים כשמצוים עליו לאכול מאכל איסור לרפואתו. ואפילו אם אין החולה מוחזק לצדיק, רשאי להחמיר על עצמו בזה, כי לענין זה נקרא צדיק, שברצונו להחמיר על עצמו שלא יאכל דבר האסור, ובוטח בה' שירפאהו, אף על פי שיש בו סכנה עכ"ד. גם הגאון רבי שלמה קלוגר בשו"ת האלף לך שלמה (חאו"ח סי' שנ"א) כתב, שבמקום חשש ספק סכנה מותר לאדם להחמיר על עצמו ולהתענות ביום הכפורים, כיון שתענית יום הכפורים הוא מדאורייתא. ואם הוא אדם חשוב, ראוי שיחמיר על עצמו, אבל בתשעה באב שהוא מדרבנן אסור להחמיר על עצמו ע"ש. אולם במחילת כבוד תורתם דבריהם תמוהים! שהרי מבואר בדברי הראשונים הנ"ל שבמקום סכנה אסור לחולה להחמיר על עצמו ולהתענות ביום הכפורים. וכן מבואר בשו"ת הרדב"ז ח"ג (סי' תמ"ד), שחלילה לחולה להחמיר על עצמו להתענות ביום הכפורים אם הרופאים חוששים שיבוא לידי ספק סכנה על ידי כך, ושהחמיר על עצמו הרי הוא מתחייב בנפשו ... ומה שהסתמך באבני נזר על דברי הרמב"ן בפר' בחקותי, באמת שגם הרמב"ן מודה שבזמן הזה שנסתם כל חזון, והסתיימה ונפסקה הנבואה מישראל, מחוייבים להתנהג על פי עצת הרופאים

שו"ת יחזקאל דעת חלק א סימן סא

Rav Ovadia Yosef is astonished that anyone could suggest today that one should rely on God to heal them and not see a doctor! Even the Ramban would agree that, once prophecy has ceased, there is no legitimate route to healing other than through human medical intervention.

28. **Argument 5:** Surely we have to believe in G-d and in divine providence. If G-d has decreed that I should be well, then I don't need all the physicians. And if G-d has decreed that I will be sick, then all the physicians won't help. We need faith and trust in G-d, and that is what will cure us, not going to a physician.
- Answer:** That's a fine question, but Rambam has already answered it in his commentary on Mishnayot Pesachim. There he argued that based on the same logic we could say, "Don't eat. If G-d has decreed that one must die, he will die even if he eats. And if G-d has decreed that one must live, he will live even if he does not eat. So don't eat! Obviously, that's nonsense. Certainly G-d does all, but He does it by way of His emissaries, both His destructive angels, like bacteria, and His ministering angels, like the physicians. And if you refuse to let G-d's benign emissaries help you, you deserve a punishment. The punishment can be that the ministering angels will abandon you and the destructive angels will harm you (see Mesillat Yesharim, chap. 9 at length).

Rav Shlomo Aviner - Vaccinating Against Measles, 12 April 2019 - <http://www.ravaviner.com/search?q=vaccination>

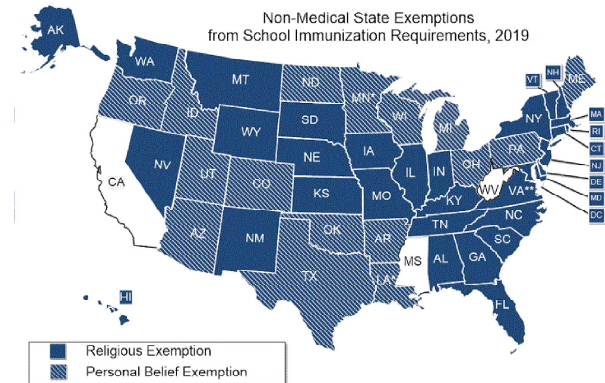
H] DINA DEMALCHUTA DINA

29. Rav Schachter also asserted that where vaccines are mandated by the state, such as in the case of immunizations before entering school, one would be obligated to be immunized based on the concept of Dina d'Malchuta Dina.

DiPoce and Buchbinder, Preventive Medicine, Journal of Halachah and Contemporary Society 42 (2001), pg. 99

I] RELIGIOUS EXEMPTIONS

- Some countries have mandatory vaccinations. In others, vaccination is recommended but not compulsory:
 - UK - Recommended⁸ but not mandatory
 - Canada - Recommended but not mandatory
 - Australia - Mandatory
 - US - Mandatory but most States have a religious exemption. (Maine, California, Mississippi and West Virginia have no religious exemption)
- Is it permitted to lodge a religious exemption claiming that Judaism does not permit vaccination. Most poskim rule that this is false since there is NO halachic opinion that vaccination is totally prohibited. On the other hand, some argue that if their rabbi recommends against it, this justifies a religious exemption.



J] CHILUL HASHEM

- Given that some of the major measles outbreaks in the US are in orthodox communities which often bring the disease back from Israel, the Chilul Hashem involved is considerable!

K] RABBINICAL ADVICE

30. **Question:** What is Ha-Rav's opinion regarding vaccinating against measles?
- Answer:** That is not a question for rabbis. Rabbis are not physicians. Obviously, you can have a Rabbi who is a physician, because he studied medicine in university, but he didn't study medicine in yeshiva. There, he learned Torah. We greatly admire physicians, for they do holy work, as Rambam said in his Shemoneh Perakim. All the same, however, rabbis are not physicians, but engage in a different holy work. They don't deal with curing the body, but with curing the soul, which is more lofty than the body. Therefore, regarding medical matters, please turn to physicians. As the Torah states, "He must provide for his complete cure" (Shemot 21:19), regarding which our Sages commented, "Here we derive the permission that physicians have to cure people."
- The Ba'al Ha-Tanya wrote that "only the prophets had additional knowledge regarding various matters such as [medicine and economics]... but now there are no more prophets, and even great Torah scholars like the scholars of the Mishnah and Talmud do not understand medical or economic matters, or the like" (Igeret Ha-Kodesh 22).
- The rule is this: Rabbis don't deal with medicine or economics or the army. Yet they do deal with medical ethics, business ethics and death in battle.

Rav Shlomo Aviner - Vaccinating Against Measles 12 April 2019 - <http://www.ravaviner.com/search?q=vaccination>

- See the Appendix for further Rabbinical Statements on Vaccination

8. See <https://ijonline.biomedcentral.com/articles/10.1186/s13052-018-0504-y> for a list of European countries where vaccinations are mandatory. These are usually Bulgaria, Croatia, Czech Republic, France, Hungary, Italy, Latvia, Poland and Slovakia.

APPENDIX - RABBINICAL STATEMENTS ON VACCINATION

**OU/RCA
November 14, 2018**

Orthodox Jewish parents, like responsible parents across the United States, overwhelmingly vaccinate their children against measles, mumps, rubella, polio and the other childhood diseases for which inoculations are now almost miraculously commonplace. As in many communities, a small minority of parents chooses not to do so. The ongoing measles outbreak demonstrates how this could bear very serious consequences, not only for their own children but others' too, especially those medically unable to be vaccinated. The⁹ Orthodox Union (OU) and the Rabbinical Council of America (RCA) strongly urge all parents to vaccinate their healthy children on the timetable recommended by their pediatrician.

Judaism places the highest value on preserving human life. It is well known that those facing even a potential life or death situation are instructed to set aside the Sabbath and other key tenets of halachic (Jewish law) observance until the emergency has passed. Prayers for good health and for the complete and perfect healing of the ill are an ages-old aspect of Jewish tradition. But prayers must go hand-in-hand with availing oneself of medical science, including vaccination.

There are halachic obligations to care for one's own health as well as to take measures to prevent harm and illness to others, and Jewish law defers to the consensus of medical experts in determining and prescribing appropriate medical responses to illness and prevention. Therefore, the consensus of major poskim (halachic decisors) supports the vaccination of children to protect them from disease, to eradicate illness from the larger community through so-called herd immunity, and thus to protect others who may be vulnerable.

While the health of children is an important consideration, everyone should consult with his or her religious, medical and legal advisors in determining what actions to take. Nothing in this statement should be construed to add to or detract from rights or obligations created by New York or other state and federal statutes and regulations.

Moishe Bane, President, OU
Allen Fagin, Executive Vice President, OU
Rabbi Mark Dratch, Executive Vice President, Rabbinical Council of America

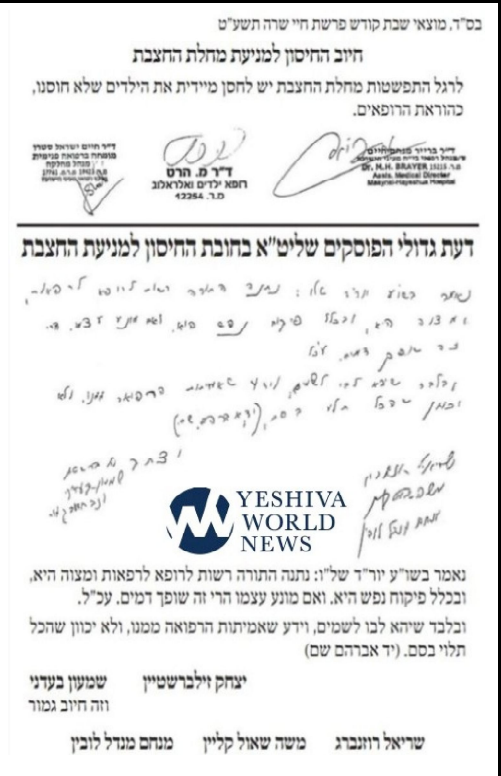
**Senior haredi rabbis order followers to vaccinate their children¹⁰
8 November 2018**

Contending that "whoever isn't vaccinated is a murderer", a group of senior haredi rabbis released a public letter ordering their community to immunize their children amid an outbreak of measles that has already led to the death of a child.

According to the rabbinic luminaries, immunizing one's children is obligatory under Jewish law. "Whoever does not vaccinate is a murderer," read the missive. "Every father must ensure that his son and daughter are immunized immediately", continued the rabbis, adding that "a father has no right to prevent them from the vaccine, and in particular after recent events".

Among the signatories were senior halachic authorities, including Rabbi Yitzchak Zilberstein, Rabbi Shimon Ba'adani, Rabbi Yisrael Rosenberg, and Rabbi Menachem Mendel Lubin.

"It says in the Torah 'V'nishmartem Meod L'nafshoseichem,' that a person must guard their health," Niederman said in the Health Department news release. "It is abundantly clear on the necessity for parents to ensure that their children are vaccinated, especially from Measles."



9. My underlining through the Appendix.

10. <http://www.israelnationalnews.com/News/News.aspx/254450>

Statement of the Vaad HaRabbonim/Rabbinical Council of Baltimore
November 21, 2018 - 13 Kislev, 5779 - Vaccinations

On Wednesday, November 21, 2018, 13 Kislev, 5779, a meeting of the Vaad HaRabbonim/Rabbinical Council of Baltimore unanimously declared the following:

We consider it a Halachic obligation for every member of the community - adults and children - to be properly vaccinated according to the standards and schedules established by the medical community as outlined by the CDC (<https://www.cdc.gov/vaccines/schedules/index.html>). These standards have been responsible for the eradication of many terrible diseases and have significantly improved public health in our country. As we are seeing in the current measles epidemic, ignoring or undermining the policy of universal vaccination endangers the community and is Halachically wrong.

As such:

1. Schools, playgroups and shuls should refuse entry to unvaccinated children or adults.
2. Medical exemptions that are based on a specific individual's medical history, granted by physicians who are wholly supportive of the vaccine program, should be respected. Religious exemptions for people of the Jewish faith should not be respected.
3. Individuals who choose not to vaccinate themselves or their children must avoid public places and group settings of all kinds, as their presence poses a serious risk to the community at large.

We recognize that the fear generated by the anti-vaccine movement has made it genuinely difficult for a number of well-meaning parents to vaccinate their children. We hope and pray that they will be able to overcome these fears and vaccinate, so that we can all benefit from their full and complete participation in our community. We pray that Hashem grant each and every member of our community health and strength, and bless our community and our nation with peace.

ה' כסלו תשע"ט

November 13, 2018

Dear members of the Chicago Jewish community:

There has recently been a Measles outbreak in frum communities in Israel, New York and New Jersey. Measles is a serious and very contagious disease that can cause serious illness or death.

We have been informed by medical experts in the community (including Dr. Dov Shapiro and Dr. Martin Borenstein, among many others) that Measles can be spread by an infected individual for up to four days before the appearance of the rash and can still be spread two hours after an infected individual leaves the room.

The best protection against a Measles outbreak is vaccination. However, even individuals who have been vaccinated are at risk to contract the disease if they are exposed to individuals who are carrying the disease.


Therefore, failure to vaccinate endangers not only one's own family but also endangers other members of our community. Immunity wanes as people age and vaccination is only 95% - 97% effective, so truly everyone is at risk during a measles outbreak. For medically vulnerable Jewish children and adults, including infants, the immunosuppressed, and individuals receiving treatment for cancer, Measles can be especially life threatening.

Accordingly, we would like to state the following:

1. It is incumbent upon all members of the community to ensure that they and their children receive the Measles vaccination. Even for those not inclined to vaccinate, this is required of them based on the principle of *מפירא סנתא מאיסורא*. In addition, there is an obligation to vaccinate based on the mandate of *לכפשותיכם*.
 ונשמרתם מאד לכפשותיכם
2. Nobody has the right to endanger others by not vaccinating their children. This is a violation of *לא תעמוד על דם רעך*. Furthermore, during a time of a Measles outbreak, exposing others to an unvaccinated individual is equivalent to an act of *רוצח*.
3. We urge all schools, playgroups and shuls to ban any child or adult who has not been vaccinated. This is nothing less than a matter of *פיקוח נפש*.

Parents are urged to contact their primary care physician or local Board of Health to obtain the necessary MMR vaccination as soon as possible.

Sincerely,


 Rabbi Shmuel Fuerst
 Dayan of Agudath Yisroel of Illinois


 Rabbi Yona Reiss
 Av Beth Din, Chicago Rabbinical Council



P.S. Any parent who refuses to vaccinate their child must notify all parents in that child's playgroup or class, as well as the parents of any of their child's friends.

• The Rabbinic statements shown above were all issued a few months ago during the current measles outbreak and are all very clearly in favor of vaccination. Those appearing below were issued in 2015 and are from the Rabbanim who are less positive about vaccination. They can be found in a professionally produced publication by an organization called PEACH - Parents Educating and Advocating for Children's Health.¹¹ The publication has been called "dangerous and of great concern to our Department of Health" by the health authorities in Monsey. Even a quick read of the material shows that it make unsubstantiated claims, both medically and halachically¹², espouses conspiracy theories, and plays on the fears of parents. It is important to be aware of the material that is convincing people not to vaccinate and to understand the concerns of parents, so that proper medical and halachic clarification can be given.

• In *dinei nefashot* of these kinds, it is critical that proper halachic guidance is given. On this issue, the overwhelming consensus of poskim is that vaccination is essential.

11. Which can be found at https://issuu.com/peachmoms/docs/the_vaccine_safety_handbook_a4

12. The halachic references given are misleading and highly decontextualized.

To Whom it May Concern

The Torah commands, ושמרתם בראד לפעויותיכם, לרררס ד', וטו ושמרתם בראד לפעויותיכם. This Biblical commandment requires one to be very vigilant in caring for one's life, and to refrain from any action that may put his life or health in danger. The benefits and risks of vaccination is a much debated topic in medical and scientific circles. Although one may follow the opinion of most doctors and choose to vaccinate his children, the individual who has done his research has the obligation to act according to his knowledge. If his research has led him to understand that the risks of vaccination are greater than its benefits, and particularly when his view is supported by many medical doctors and researchers, the commandment of ראד ושמרתם בראד obligates him to shield his children from vaccines. This is even more so when a parent has reasons to believe that his children are sensitive to vaccines. To act otherwise would be a transgression of the above Biblical commandment.

Schools must honor the request for religious exemption from such parents, for it is entirely justified. Coercing parents to vaccinate against their will under the claim of protecting the public is a display of lack of ראד, for the risk that the unvaccinated children are posing to the public is statistically so small that it is not the duty of a ראד to worry about it (see the letter of Rav Chaim Kaniewsky Shlita. The medical establishment, too, is of the opinion that this risk is insignificant. This is the reason why schools are obligated by law to accept religious exemptions as long as there is no outbreak of preventable disease.). Additionally, anyone coercing someone to vaccinate against his better judgment becomes responsible before Hashem for any adverse reaction - big or small - that could result from it, ראד.



Handwritten signatures and notes in Hebrew, including 'אני'ס רב'ס', 'ראד מטיסראח סלומון', and 'ראד אהרן מ. שחעטר'.

Rav Shmuel Kamnetsky, Moetzes Agudath Israel
Rav Shmuel Meir Katz
Rav Biyomin Zev Halperin
Rav Osher Chashval
Rav Matisyahu Salomon, Lakewood Masgiach

Rav Eliezer Dunner
Rav Malkiel Kotler, Lakewood Rosh Yeshiva
Moetzes Agudath Israel
Rav Elye Ber Wachtfogel, Rosh Yeshiva S Fallsburg
Rav Aaron M. Schecter, Rosh Yeshiva Chaim Berlin
Moetzes Agudath Israel

בס"ד
יום א' לסדר ושמות לעשות ככל אשר יורה, ר"ת אלול תשע"ד.

לכבוד המנהלים החשובים
של החדרנים וברני עקב שבוער התורה דליקוואוד ראד.

In light of the recent attempt by some individuals that children who have not received the standard vaccines should not be accepted into school, we would like to state the following:

- As ראד תורה ונעו'ס, שבוער תורה ונעו'ס must keep in mind that denying a child acceptance to school and forcing parents to vaccinate their children against their will are decisions involving serious Halachic ראד.
- Vaccination practices involve risks recognized by the medical establishment. In fact, in February 2011 the Supreme Court stated that vaccines are "unavoidably unsafe". Consequently, halachically no one has the right to force someone to vaccinate his children against his will.

Setting school policy on this matter understandably necessitates medical knowledge of the ראד and the risks involved. However it also requires much ראד regarding לפעויותיכם בראד ושמרתם בראד, וראד ראד ראד ראד ראד, all topics for which doctors are not qualified to rule upon.

Recently, in a letter addressed to Hagaon Rav Chaim Kaniewsky, Dr Shanik explained the reasons a school should not accept non-vaccinated children. Yet, after weighing all considerations, Rav Chaim Shlita paskened explicitly that **schools cannot refuse such children**. This psak has been endorsed by many Gedolim and Poskim (see included letters). As ראד ראד ראד who rule our lives according to ראד ראד it would be nothing short of ראד ראד ראד if the frum schools of Lakewood would disregard this psak.

May the ראד of conducting ourselves according to ראד ראד be a true protection for our children and bring lasting health to all the members of our community.

ראד מטיסראח סלומון

Handwritten signatures and notes in Hebrew, including 'ראד מטיסראח סלומון' and 'ראד מטיסראח סלומון'.

Rav Matisyahu Salomon, Lakewood Masgiach

Rav Malkiel Kotler, Lakewood Rosh Yeshiva
Moetzes Agudath Israel

Rav Shmuel Kamnetsky, Moetzes Agudath Israel