



## Introduction

1. For more on Vaccines

<https://www.yutorah.org/lectures/lecture.cfm/865788/>

2. Imaginary case

A vaccine is discovered for COVID-19. It provides immunity for 85% of recipients. It exacerbates heart murmurs in 3 people per million. Would you take the vaccine?

3. Rabbi J. David Bleich, *Vaccination*, Tradition 48:2-3 (2015) pp. 43-44

In 2013 a measles outbreak erupted in Borough Park and was traced to an unvaccinated youngster who contracted measles during a visit to England and upon his return to this country transmitted the disease to other unvaccinated family members. Other Borough Park residents became infected and the disease spread to Williamsburg as well. A total of 58 cases occurred in those neighborhoods, including a young woman who became afflicted with measles and suffered a miscarriage. Measles outbreaks occurred in *hareidi* areas of Jerusalem in 2001, 2004, and 2007. A more recent outbreak involving 63 cases occurred in northern Israel in 2012. There were also 21 confirmed cases of whooping cough in Williamsburg and Borough Park between October 2014 and April 2015. Included in that number were eighteen children and three adults. Among the children, twelve were entirely unvaccinated and two were incompletely immunized. Ten of the afflicted children were under 10 months of age and two infants required hospitalization. In none of those cases had the mother received the recommended tetanus-diphtheria-acellular pertussis (TDIP) vaccination during pregnancy.

4. Susan Scutti, *NYC declares a public health emergency amid Brooklyn measles outbreak*, CNN Apr 9 '19

The public health emergency comes in response to 285 cases of measles reported in Brooklyn and Queens since the beginning of the outbreak in October. The same outbreak is responsible for 15 cases of measles in Orange County, New York, and 168 cases in Rockland County, New York. The outbreak began when, according to health officials, an unvaccinated child became infected with the illness while visiting Israel.

"Since then, there have been additional people from Brooklyn and Queens who were unvaccinated and acquired measles while in Israel. People who did not travel were also infected in Brooklyn and Rockland County," the New York City Department of Health and Mental Hygiene says.

5. Rabbi J. David Bleich, *Vaccination*, Tradition 48:2-3 (2015) pg. 45

The earliest published reaction from within the Jewish community came in 1785. An otherwise unknown individual named Alexander ben Solomon Nanisch of Hamburg, who had lost two of his own children to smallpox, published a work entitled *Aleh Terufah* (Leaf of Healing) in London containing a responsum discussing the halakhic permissibility of inoculation against smallpox.

6. Dr. Arthur W. Perry, *Straight Talk About Cosmetic Surgery*, Yale University Press (2007), pg. 30

The risk of dying in *any* surgical procedure is between 1 in 250,000 and 1 in 500,000. This is similar to the risk of dying in a plane crash. In contrast, the chance of being involved in a fatal car accident was estimated at 1 in 2,000 in a study of the California highway system, and 1 in 5,000 nationwide.

Certain procedures are more risky than others. Certainly, the risk of death during eyelid surgery is much lower than the 1 in 50,000 risk of dying during liposuction. In a study of twenty-three office surgery deaths in Florida between January 2000 and May 2004, the American Society of Plastic Surgeons found that the death rate was about 1 in 16,000 procedures overall. An interesting statistic emerges when this information is critically analyzed: the death rate for non-board-certified plastic surgeons, and other doctors such as dermatologists, was 1 in about 11,000 procedures; the death rate was three times lower, about 1 in 35,000, in patients operated on by board-certified plastic surgeons.

Issue #1: Avoiding harm to ourselves, and to others

7. Leviticus 18:5

And guard My statutes and My laws, which one shall do, and live by them.

8. Deuteronomy 4:15

And you shall protect your lives, greatly...

9. Talmud, Yoma 85b

Rav Yehudah cited Shemuel: Had I been there, I would have said, "Mine is better than theirs: Leviticus 18:5 says, 'You shall live by them' – and not die by them." Rava said: There are refutations for all of them, other than that of Shemuel.

10. Talmud, Shabbat 82a

Rav Huna said to his son Rabbah: Why are you not [learning] before Rav Chisda, whose lessons are sharp? Rabbah replied: Why should I go to him? He questions me about mundane matters! He tells me, "One who goes to the washroom should not sit immediately or press too hard..." Rav Huna replied: He is involved in human life, and you say "mundane matters"? You certainly should go to him!

11. Talmud, Bava Kama 15b

Rabbi Natan said: How do we know that one may not raise a bad dog in his home, and one may not set up a weakened ladder in his home? Deuteronomy 22:8 says, "You shall not place blood in your home."

12. Rabbi Menasheh Klein (20<sup>th</sup> century USA), Mishneh Halachot 5:297

From Bava Kama 15b, where Rabbi Natan said we would ex-communicate [an owner of a hazard] until he would remove the hazard, it seems that there is no remedy other than removal of the hazard. Making a sign is insufficient. This is also seen in Maimonides' statement that one must fully remedy a ladder or pit; he did not write that a written warning would suffice. This indicates that one must actually remove the danger, such that no one will be harmed. However, some other action which would prevent harm would suffice, such as making a fence around the ladder.

13. Deuteronomy 22:8

When you build a new house, make a *maakeh* for your roof. You shall not place blood in your home, should one who falls fall from it.

14. Rambam (12<sup>th</sup> century Egypt), Mishneh Torah, Hilchot Rotzeiach uShemirat haNefesh 11:4-5

So, too, there is a commandment to remove any stumbling block which endangers lives, and to guard from it, and to be very careful with this, as Deuteronomy 4:9 says, "Guard yourself, and guard your life." And if one does not remove it, and one leaves dangerous stumbling blocks, he fails to fulfill a commandment, and he violates "Do not place blood."

The sages prohibited many activities because they endanger lives. Regarding anyone who transgresses, and who says, "I will endanger myself, and what business is it of others?" or "I don't care", we issue lashes of rebellion for him.

15. Rabbi Moshe Feinstein (1973), Igrot Moshe Even haEzer 4:10

Since it is easy to check, one should realize that failure to check one's self would be like closing one's eyes before that which one could see. G-d forbid, such an event would cause the child's parents extraordinary pain, and so it would be appropriate for a man who wished to wed a woman to test himself.

### On the other hand

16. Talmud, Bava Metzia 112a

"For this he puts his life on the line (Deuteronomy 24:15)" – Why did this person climb the ramp, become suspended from the tree, and give his life over to death? Was it not for his wages?

17. Talmud, Yevamot 72a

Rav Pappa said: Therefore, we neither circumcise nor let blood on a cloudy day, or a day when the south wind blows. But now, when the masses trample this, we invoke Psalms 116:6, "G-d guards the fools."

### So how do we determine that it is ok to take a risk, to avoid a different risk?

18. Rabbi Chaim Ozer (Early 20<sup>th</sup> century Poland), *Achiezer* 1:23

One must conclude that [conception] is very unlikely to be a concern, a rare minority of cases, and the sages weren't concerned for this. For this, one may rely upon "G-d guards the fools."

19. Rabbi Moshe Feinstein (1981), *Igrot Moshe Choshen Mishpat* 2:76

Regarding all of these practices which [Rambam] specified, it is not relevant to actually prohibit them, since most of them are pleasures which do not harm the great majority of people, and many of these practices are unavoidable for people who are busy with their work... So it is not relevant to prohibit them, but only to alert people so that they will know what is good and what is bad, and to counsel them...

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

One can see from this that *Minchat Shlomo* [Rav Shlomo Zalman Auerbach] 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.

21. Rabbi Aryeh Lipschitz (19<sup>th</sup> century Vilna), *Shem Aryeh* 27

To go to sea in the Mediterranean, meaning to wander the world and see new things... It would be appropriate to avoid this, but only to go for livelihood or trade...

22. Rabbi Yaakov Ettlinger (19<sup>th</sup> century Germany), *Binyan Tzion* 137

Even though we have a principle that nothing stands before guarding a life, and we do not follow the majority in matters of guarding a life, that is only where there is a definite threat to life before us. For example, this is where someone is beneath a ruin, and we are concerned for even a tiny minority [possibility that he yet lives]. But where there is no need to guard a life right now, but only to be concerned for a future danger, we follow the majority as we do regarding prohibitions. Otherwise, how could one enter the sea, or go into the wilderness, activities for which we thank G-d when we are saved!

### Review Questions

- What two biblical verses mandate avoiding harm to ourselves?
- How does the Talmud demonstrate the importance of avoiding harm to ourselves?
- How do we know that the mandate to protect our lives includes protection from future harm?
- What modern medical technology did Rabbi Moshe Feinstein require using for protection from harm?
- What do people do every day, demonstrating that one may take one risk to avoid another risk?
- What three factors do we consider in deciding which risk to take?