

## Halachic Hits of COVID-19: The Vaccine

Alex Hecht [ahecht@torontotorah.com](mailto:ahecht@torontotorah.com)

### 1. R' Yisrael Lifschutz (18th century Prussia), Tiferet Yisrael to Avot, Boaz 3:1

והרי גם לולא פה קדוש של רז"ל שאמרו לנו כן, כבר היינו יודעים דבר זה מצד השכל, דהרי צדיק ה' בכל דרכיו וחסיד בכל מעשיו. ואנחנו רואים כמה מחסידיהן שמלבד שמכירין יוצר בראשית, ומאמינין בתה"ק שהיא אלקית, ועושיין ג"ח גם לישראל, וכמה מהן שהיטיבו ביותר לכל באי עולם, כהחסיד יענער שהמציא האפקקענאימפפונג, שעל ידה ניצולים כמה רבבות בני אדם מחולי וממיתה וממומין.

Even if not for the holy mouths of Chazal that said this to us, we would already know this based on logic, as “G-d is righteous in all His ways, and is pious in all His actions” (Tehillim 145:17). And we see a number of their pious ones who aside from [the fact that] they acknowledge the Creator of the world and believe that the holy Torah is divine, and perform kindness to Jews as well, some of them have done especially good things for everyone in the world. Like the pious Jenner, who invented the vaccine, which saves tens of thousands of people from illness, death, and from blemish.

#### • The obligation to prevent harm

### 2. Devarim 22:8

כִּי תִבְנֶה בַּיִת חֲדָשׁ וְעָשִׂיתָ מַעֲקֶה לְגַגְּךָ וְלֹא־תִשִּׂים דְּמַיִם בְּבֵיתְךָ כִּי־יִפֹּל הַנֶּפֶל מִמֶּנּוּ.

When you build a new house, you shall make a guard rail for your roof, so that you shall not cause blood [to be spilled] in your house, that the one who falls should fall from it.

### 3. Rambam (12th century Egypt), Laws of the Murder and Preservation of Life 11:4

אָחֵז הַגַּג וְאָחֵז כָּל דְּבַר שֶׁיֵּשׁ בּוֹ סִכָּנָה וְרָאוּי שֶׁיִּכְשַׁל בָּהּ אָדָם וְיָמוּת. כְּגוֹן שֶׁהֵיְתָה לוֹ בְּאֵר אוֹ בּוֹר בְּחִצְרוֹ בֵּין שְׁנַיִם בּוֹ מַיִם חֵבֵן לְשֵׁיבֹתָו בּוֹ מַיִם חֵבֵן לְעֵשׂוֹת חֲלִיא גְבוּהָהּ עֲשֶׂרָה טְפָחִים. אוֹ לְעֵשׂוֹת לָהּ פְּסוּי כְּדֵי שְׁלֹא יִפֹּל בָּהּ אָדָם וְיָמוּת.

This requirement applies to a roof, and similarly, to any place that might present a danger and cause a person to stumble and die. For example, if a person has a well or a cistern in his courtyard, he must erect a sand wall ten handbreadths high around them or make a cover for them, so that a person will not fall in and die.

וְכֵן כָּל מְכַשֵּׁל שֶׁיֵּשׁ בּוֹ סִכָּנָה נְפֻשׁוֹת מְצוֹת עֲשֶׂה לְהַסִּירוֹ וְלְהַשְׁמֵר מִמֶּנּוּ וְלְהַזְהֵר בְּדַבָּר יָפָה יָפָה. שְׁנֵאמַר (דְּבָרִים ד ט) "הַשְׁמֵר לָךְ וְשִׁמְרֵם נְפֻשָׁךְ". וְאִם לֹא הִסִּיר וְהִנִּיחַ הַמְּכַשֵּׁלוֹת הַמְּבִיאִין לַיָּדִי סִכָּנָה בְּטֵל מְצוֹת עֲשֶׂה וְעֵבֵר בְּ"לֹא תִשִּׂים דְּמַיִם" (דְּבָרִים כב ח).

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 Devarim 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.”

- **Passive avoidance of danger**
- **Active prevention/removal of danger**

#### • What about risk?

### 4. R' Yisrael Lifschutz (18th century Prussia), Tiferet Yisrael to Yoma, Boaz 8:3

נ"ל היתר לעשות אינאקולאטיאן של פאקקען, אף שא' מאלף מת ע"י האינאקולאטיאן עכ"פ שאם יתהוו בו הפאקקען הטבעיים הסכנה קרובה יותר, ולכן רשאי להכניס א"ע בסכנה רחוקה כדי להציל א"ע מסכנה קרובה. וראיה ברורה לדברי ממ"ש רב"י בטור ח"מ סוף סי' תכ"ו בשם הירושלמי דחייב אדם להכניס א"ע בספק סכנה כדי להציל חבירו מודאי סכנה, והרי ברואה חבירו טובע בנהר אינו מוחלט ודאי שיטבע אם לא יציל הוא, וכי לא אפשר שינצל ממקום אחר. ואם להציל חבירו יש חיוב להכניס א"ע בספק סכנה, מכ"ש שיהיה רשות בידו להציל את גוף עצמו ע"י הכנסו א"ע לספק סכנה.

It appears to me that it is permitted to take the smallpox vaccine. Even if 1 in 1,000 might die from the vaccine, it is nevertheless a more imminent danger to catch smallpox. Therefore, it is permitted to place oneself in remote danger to save oneself from imminent danger. There is a clear proof from what the Beit Yosef comments on the Tur (Choshen Mishpat 326) in the name of the Talmud Yerushalmi, that one is obligated to place oneself in possible danger in order to rescue his friend from certain danger. So, one who sees his friend drowning in a river - it is certain that [the friend] will drown if he does not rescue him, and it is impossible for him to be saved in another way. If one is obligated to place himself in possible danger in order to save his friend, he is certainly permitted to save his own body through entering possible danger.

**5. R' Asher Weiss (21st century Israel), Minchat Asher, "Corona Vaccine in Halachah" (Mikeitz 5781)**

ואחד מרבני הזמן, רבי אברהם המבורג שהיה רב בהאג ואח"כ בלונדון פרסם ספר בשם עלים לתרופה שבו דן בשאלה זו וליקט כמה תשובות של רבני הזמן וכולם כאחד ענו ואמרו שיש לקחת חיסון זה אף שבזמניהם ידעו שיש איזה אנשים שאכן מתו כתוצאה מהחיסון. One of the contemporary Rabbanim, R' Avraham Hamburg (Rabbi of the city of Hague in the Netherlands and later in London), published a Sefer called *Alim l'Terufa* in which this question is discussed. He cites many *Teshuvos* from the Halachic authorities of his time that unanimously ruled that people should receive the smallpox vaccine in spite of the fact that several people had died as a result.

**6. R' Asher Weiss (21st century Israel), Minchat Asher, "Corona Vaccine in Halachah" (Mikeitz 5781)**

ואחד מגדולי הפוסקים המובהקים שבאותו הדור רבי ישמעאל כהן גדול בספרו שו"ת זרע אמת (ח"ב סימן ל"ב) התכתב עם חכם אחד רבי חיים יהודה גירון רצוא ושוב בשאלה זו. פקפק השואל אם מותר לקחת חיסון זה כיון שיש בו סכנה ויש שמתו על ידו, אף אם סכנה רחוקה היא, והזרע אמת השיב בארוכה ובתחילת דבריו אכן פקפק אם מותר לאדם להכניס עצמו בידים לספק סכנה כדי להמנע מספק סכנה שעדיין רחוקה ממנו ולא חלה בו, אך בסו"ד הסיק דכיון שאילולי החיסון הסכנה גדולה לאין ערוך מהסכנה שע"י החיסון עדיף לקחת את החיסון. In his Sefer *Shu't Zera Emes* (2:32), R' Yishmael haKohen of Modena, one of the great Poskim of the generation, recorded his debate with R' Chaim Yehuda Giron over this question. R' Giron argued that it was proper to refrain from vaccination as it had caused the death of several people (though the risk to any individual in the population was remote). The *Zera Emes* replied at length, examining whether a person may actively put himself at small risk of danger in order to avoid another potential danger. He concluded that vaccination was recommended as the relative risk of the disease is far greater than that of the vaccine.

השואל חזר והתנצל דכיון שירא הוא להורות השתמט מהלהורות ולא רצה להורות לא לחיוב ולא לשלילה, והגאון הזרע אמת חזר וכתב לו דאף שלדעתו ראוי לקחת חיסון זה מ"מ יראי ההוראה רשאים למשוך ידם ולנהוג בשב ואל תעשה, ע"ש.

R' Giron replied that, due to his uncertainty, he would refrain from ruling on this matter. The *Zera Emes* conceded that although he felt that one should be vaccinated, those who are reticent to rule are entitled to conduct themselves passively (*Shev v'Al Ta'aseh*) and withdraw from the discussion.

**7. R' Shmuel Kamenetsky (21st century USA), Letter (December 14, 2020)**

I never ruled regarding the new vaccination for coronavirus patients and every person should consult his doctor and do as required for himself.

**8. R' Asher Weiss (21st century Israel), Minchat Asher, "Corona Vaccine in Halachah" (Mikeitz 5781)**

ואף שהזרע אמת הראה פנים לכאן ולכאן בספר זבחי צדק להגאון רבי עבדאללה סומך (יו"ד קט"ז אות מ"א) הביא דבריו וכתב לעומתו "אנן בדידן תהילות לא--ל יתברך יש לנו רופאים מומחים ע"ז שעושים הברכה ולא ניזוק אדם מעולם וכן מעשים בכל יום". R' Abdallah Somech, in his *Sefer Zivchei Tzedek* (Y.D. 116:41) notes that although the *Zera Emes* had qualms about the question of vaccinations, "We remain with our view, and offer praise to G-d for we have expert doctors who know how to prepare inoculations and nobody has ever been harmed. This is a regular occurrence."

**9. R' Asher Weiss (21st century Israel), Minchat Asher, "Corona Vaccine in Halachah" (Mikeitz 5781)**

ולגבי החיסון נגד הקורונה, בבדיקות שנערכו ע"י החברות המייצרות תוך שקיפות מלאה ופיקוח ע"י גורמים חיצוניים השתתפו כשמונים וחמשה אלף איש, כמחציתם קיבלו את החיסון וכמחציתם קיבלו תחליף עקר, מעשרות האלפים שלקחו את החיסון לא נמצא אף אחד שמת כתוצאה מהחיסון. מהקבוצה שקיבלה את התחליף נפטרו ששה אנשים ומאלה שקיבלו את החיסון נפטרו שנים בלבד.

Regarding the COVID-19 vaccines, pharmaceutical companies have conducted clinical studies of efficacy and safety with full transparency and external oversight. Over 80,000 people have participated in the placebo-controlled trials to date, and approximately half of the participants received the vaccine. Of the tens of thousands who received the vaccine, not one died as a result. Of those who received the placebo, six died during the course of the studies, compared to only two deaths in the vaccine group, and no link was found between their death and the vaccine.

• **Trusting doctors**

**10. R' Yosef Karo (16th century Israel), Orach Chaim 618:3**

אם 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.

If the sick person and one doctor say it is not necessary (to eat). And (another) doctor says it is necessary. Alternatively, the sick person does not say anything and one doctor says it is necessary, and two say it is not necessary - We do not feed him (i.e. the sick person in either scenario).

### 11. R' Yisrael Meir Kagan (19th-20th century Poland), *Mishnah Berurah* 618:10

ורופא אחד אומר צריך וכו' - ואם הרופא ההוא הוא מופלג בחכמה יותר מאחרים חוששין לדבריו להאכילו אף שהם רבים נגדו.  
And one doctor says that he does need, etc. - If that doctor is more distinguished in knowledge than others, one should take his words into account and feed [the ill person], even though [the ill person and the first doctor constitute a majority against him].

אבל אם המופלג אומר א"צ ושנים שאין מופלגים אומרים צריך הולכין אחר רוב מנין ומאכילים אותו.  
However, if the distinguished [doctor] says that [the ill person] does not need [to eat], and two who are not distinguished say that he needs [to eat], one should follow [the opinion of] the larger number and feed him.

### 12. R' Asher Weiss (21st century Israel), *Minchat Asher*, “Corona Vaccine in Halachah” (Mikeitz 5781)

ומצינו שגדולי ישראל לפעמים פקפקו בידיעת הרופאים, עיין בשו"ת כנסת יחזקאל להג"ר יחזקאל קצנבלוגן שהיה גדול הדור לפני כשלוש מאות שנה (סימן ט"ז) שפקפק אם הרופאים בקיאים בקלקול האוויר. ובשו"ת מאמר מרדכי להגרמ"ז איטינגא (סימן ס"ז) הביא דבריו ופקפק לפיהם במה שאמרו הרופאים בזמנו בשעת המגיפה בשנת תרל"ג דאף הבריאים אסור להם להתענות.

It is true that on occasion, the Gedolim question the conclusions of doctors. R' Yechezkel Katzenellenbogen, the *Gadol haDor* of the early 18th century, questioned the doctors of his time who believed that spread of epidemics were due to poor air quality (“*Kilkul ha'Avir*”) (*Shu"t Knesses Yechezkel* 16). During the cholera epidemic of 5633 (1873), R' Mordechai Ettinger (*Ma'amar Mordechai* 67) quoted the *Knesses Yechezkel* as support for his questioning the position of the doctors who advised that even healthy individuals shouldn't fast on Yom Kippur.

אך מ"מ כתב שהוא זוכר שדודו הגדול בעל ישועות יעקב פסק בשנת תקצ"א שאכן אף הבריאים לא יתענו בתשעה באב, עי"ש.  
However, R' Ettinger ultimately concurred with the doctors. He recalled that 40 years earlier, his great uncle, the *Yeshuas Yaakov*, had ruled during the cholera epidemic of 5591 that even healthy people should refrain from fasting on Tisha b'Av of that year – based upon the opinion of medical experts.

הרי שגדולי ישראל לפעמים הפעילו שיקול דעת אף לפקפק במה שאמרו הרופאים, אך מ"מ למעשה חששו לדבריהם במקום חשש סכנה.  
We see that although the Gedolim do sometimes question the positions taken by doctors, they nevertheless rely on their opinions when dealing with matters of possible danger.

### 13. R' Asher Weiss (21st century Israel), *Minchat Asher*, “Corona Vaccine in Halachah” (Mikeitz 5781)

ועוד ביארתי במק"א (קובץ זכרון שבתי ואריה קובץ ג' מבי רב סימן ז') דכאשר נוהגים אנו לפי דעתם של המומחים בתחומם אף אם חלילה טועים המה, שומר פתאים ה', דכל ההולך בתומו בדרכה של תורה ונוהג לפי ה דרך המקובלת לפי דרכו של עולם אף אם הוא מסתכן עליו נאמר שומר פתאים ה' ונטירותא דשמיא מגוננת עליו.

Additionally, I have contended (see *Kovetz Zichron Shabsi v' Aryeh, Kovetz 3 m'Bei Rav*, 7), that if we carefully follow the advice of the experts in their fields, even if they have erred, we will be divinely protected. This is the concept of “*Shomer Pesa'im Hashem*”, that anybody who faithfully follows the way of the Torah and acts in accordance with the common practice accustoms himself to the path that is commonly trod, will be protected by Heaven, even if he thereby endangers himself.

### 14. R' Yosef Gavriel Bechhofer, “[Shomer Pesa'im Hashem and the Novel Coronavirus](#),” *The Journal of Halacha and Contemporary Society* LXXV

### 15. R' Asher Weiss (21st century Israel), *Minchat Asher*, “Corona Vaccine in Halachah” (Mikeitz 5781)

ובנידון דידן רוב מנין ורוב בנין של הרופאים המומחים ברור ונחרץ בדעתם שהסיכון בחיסון זה רחוק ביותר עד שאין לו כל משמעות, ומאידך גיסא מגיפה זו עדיין משתוללת בקרבנו, ואין לך יום שאין בו כמה מתים אף מבני ישראל.

In this case, the overwhelming majority of scientific researchers and medical experts are clearly of the view that the vaccine poses negligible risk of serious danger. This is especially true as the coronavirus pandemic is rapidly spreading in our communities and the world, causing many deaths each day.

• **Is there an obligation to receive the COVID-19 vaccine?**

**16. R' Asher Weiss (21st century Israel), Minchat Asher, "Corona Vaccine in Halachah" (Mikeitz 5781)**

ומשום כ"ז נראה דכך נאה וכך יאה, וראוי להתחסן בחיסון זה.

In light of all of the above, it is certainly appropriate for each person to be vaccinated.

ואף שלא אוכל לומר שיש חובה להתחסן בחיסון זה, והרוצה להמשיך וללבוש מסכה ולהתרחק מחברתם של בני האדם כדי להגן על עצמו ועל סביבתו, זכותו לעשות כן, אבל נראה לכאורה דככל שיותר אנשים יתחסנו ואנשים ירגישו בטוחים יותר יפלו המחיצות בין איש לרעהו ותגבר הסכנה, ומשו"כ נראה שראוי להתחסן וזו ההנהגה הנכונה לפי ההלכה ומדות החסידות.

However, I cannot rule that there is an obligation to be vaccinated. Every person is within his rights to refrain from doing so, and to instead continue wearing a mask at all times and to practice social distancing. However, the more people who are vaccinated, the greater the feeling of safety and wellbeing will be, which will elevate the risk of infection. It therefore appears to me that it is Halachically correct, and a pious action, to be immunized with the coronavirus vaccine.

**17. "COVID-19 Vaccine Guidance," Presented by the Orthodox Union and the Rabbinical Council of America (December 15, 2020)**

[The following is shared based on the guidance of our poskim, **HaRav Hershel Schachter** שליט"א and **HaRav Mordechai Willig** שליט"א, with the support of **HaRav Dovid Cohen** שליט"א.]

...the conclusion of our *poskim* is that, pursuant to the advice of your personal health care provider, the Torah obligation to preserve our lives and the lives of others requires us to vaccinate for COVID-19 as soon as a vaccine becomes available...

This guidance is intended as general guidelines and should not be construed by any individual as, or be substituted for, medical or other professional advice. Personal decisions regarding the vaccine should be discussed with your healthcare provider. Moreover, this guidance is formulated based solely on currently available information. Events and information continue to evolve and may impact the applicability of this guidance.

**18. Rabbi Gidon Rothstein, "Please Don't Think the Vaccine Can Save Us," [torahmusings.com](http://torahmusings.com)**

I worry many of us think about the vaccines in a way that contradicts basic Jewish belief. I am not discussing practice, I stress; *practically*, I am among the many Orthodox Jews who fully believe we are obligated to act within the natural realm, according to the best understanding of nature in our time. I fully believe we are obligated to trust reputable doctors and follow their recommendations, which until now has meant adhering to the restrictions on socializing (as I have and continue to do) and the requirements of mask-wearing, to do our best to stem the coronavirus using our best human understanding of how it spreads and what we can do to prevent further suffering or death, Gd forbid, or reduce it to its bare minimum.

With the advent of vaccines, people tend to say as more and more of us take the vaccine—as we all should—we will eventually reach herd immunity, where enough people in society cannot get the virus so it will no longer be a danger. The problem is that we who believe in Gd, Who continues to be involved with creation, cannot subscribe to that phrasing. First, even scientists agree there is much we still do not know about these vaccines. They accurately say their research gives us good reason to *expect* the vaccine will have this effect, leading to this outcome (one we all want, cessation of pandemic, permission to return to the good parts of our previous lives).

Should, *halilah*, the Creator decide we did not yet merit a return to normalcy, the vaccine would be irrelevant. This could happen in ways people would still see as natural: the coronavirus could mutate, for example, as scientists in the UK say it recently has to become more infectious. Thank Gd, *that* mutation does not appear to mean it can overcome the vaccine or that it is deadlier, but it could mutate again. Or, we might discover large classes of people react to the vaccine differently than the volunteers for the trials. Or...well, *lo nitkenu alilot*, Gd has many, many ways to bring unexpected results.

As others have noted, a tiny virus has brought the world to its feet in the year 5780, or 2020, where before this virus, many, many people were completely certain humanity pretty much had life in control. It unfortunately reminds me of *Gittin* 56b, where Titus thinks he can compete with Gd; when the sea threatens to drown his ship, he claims Gd only has power on the sea, only to have his life then upended and ruined by a gnat.

We need to remember the gift Gd gave us of real contributions to the world can blind us to how completely powerless we are any time the Master of the Universe decides otherwise. The usual regularity of nature can fool us into thinking those are “laws,” instead of a limited invitation to participate in building the world. At any point, as has happened in the past, our Father in Heaven *could* decide it was time to run things His (pardon the gendered pronoun) way, and it would turn out all the laws of nature we thought we knew had loopholes we never saw coming...

So, practical recommendation: speak carefully. The vaccine and/or herd immunity will not deliver us from coronavirus, even as we are obligated to take the vaccine and work towards herd immunity. Those are our ways of providing a natural vehicle for Gd’s salvation to express itself. If we are fortunate, we can help the process, do more to merit Gd’s healing, and Gd will sooner allow us to exit this time of trouble. We hope and pray that is true, can then credit researchers and healthcare workers for their hard work in serving as the vehicle of relief.

It’s as Mordekhai said to Ester at the turning point of the Megillah: salvation will come to the Jews one way or other, the question is whether she will be wise enough to make herself the means. She chose well, and is a central figure of our holiday of Purim. Similarly, in the first paragraph of his *Laws of Hanukkah*, Rambam writes the time of trouble continued until the G-d of our forefathers had compassion on the Jews, provided salvation, and rescued them from the Greeks. Only then does he mention the *Hashmona'im*, Matityahu and his family.

They were how the salvation came, and deserve credit for being so, but it came from Gd, as it always does. I hope we all make similarly good choices in how we think, speak, and act about this terrible time and the way out of it, joining in becoming the avenues through which Gd helps us all back to better times.

\*[Minchat Asher translations from <http://web.colby.edu/coronaguidance/files/2020/12/Rav-Asher-Weiss-Covid-19-Vaccine.pdf>]