



Compulsion to Take Risks for the Community's Sake

1. *Is Immunization Mandatory in Canada?* <https://immunize.ca/immunization-mandatory-canada>

Immunizations are not mandatory in Canada; however, in Ontario, and New Brunswick, proof of immunization is required for children and adolescents to attend school. In these same provinces, exceptions to immunizations can be made only for medical (can require a note from a healthcare provider) or ideological reasons.

In the event of outbreaks, children who are not immunized may be asked to stay home from school, child care or other organized activities until the outbreak is over, which can often take several weeks.

The Government's Perspective

2. Rabbi Menachem Mendel Krochmal (17th century Poland), Tzemach Tzedek (Kadmon) 6

Why should the employer who hires a worker be liable? If he would be considered the cause, then no Jew should hire a Jewish worker, since it would be common for him to cause the death of his friend – but the first chapter of Avot teaches, "Paupers should be members of your household," and Rambam and Rabbi Ovadia of Bartenura explain that one's domestic workers should be paupers, and not slaves! How could our sages instruct people to do something which would become a cause for catastrophe, G-d forbid?!

3. Talmud, Bava Kama 117b

A man loaded a donkey on a boat before people entered the boat. The boat began sinking. One man pushed the donkey into the water, and it sank. The donkey owner came to Rabbah, who exempted the man. Abbaye challenged: He saved himself with another's property! Rabbah explained: It was a pursuer from the start.

4. Rabbi Chaim David haLevi (20th century Israel), Aseh Lecha Rav 7:53

Before the eyes of the determining authority was an additional, important point: the morale of the soldiers of the IDF. When a soldier knows that should he fall captive, the entire State of Israel would stand behind him to free him, he will risk his life in battle without fear.

5. Rabbi Shaul Yisraeli (20th century Israel), Torah sheb'al Peh 17

Because they went to war on a mission of the nation and for its sake, to defend the nation dwelling in Zion, there is an unwritten, understood obligation, that the nation will use every means at its disposal – within reasonable boundaries so as not to endanger national security – to redeem them, should they fall captive.

6. Rabbi David ben Solomon ibn Avi Zimra (16th century Spain), Responsa 3:627

This is a pious trait, but... And further: It is written, "Her ways are ways of pleasantness", and the laws of our Torah must fit intellect and logic. How could we think that one would let someone blind his eye, or cut off his hand or foot, so that he wouldn't kill another person? Therefore, I see no reason for this law, other than a pious trait... And if it may be fatal, this is a pious fool, for his doubt overrides the other's certainty.

7. Talmud Yerushalmi, Terumot 8:10

We have learned: If groups of people were traveling on the road and they encountered non-Jews, who said, "Give us one of yours and we will kill him, or we will kill all of you," then even if all of them will be killed, they may not surrender a single life of Israel. If the attackers designated one, like Sheva ben Bichri, they surrender him and are not killed.

Rabbi Shimon ben Lakish said: Only if the victim is liable for death like Sheva ben Bichri.

Rabbi Yochanan said: Even if he is not liable for death like Sheva ben Bichri.

The Patient's Perspective

8. Talmud, Sanhedrin 73a

How do we know that one who sees another drowning in a river or being dragged by a beast or being beset by bandits must act to save him? The Torah says: Do not stand by while others' blood is shed. (Leviticus 19:16)

9. Rabbi Yosef Babad (19th century Poland), Minchat Chinuch 425:3

Granted that all mitzvot are overridden in the face of danger, still, the Torah instructed us to do battle for this mitzvah. It is known that the Torah will not depend upon miracles, as explained by Ramban [Bamidbar 5:20], and it is normal for people to be killed on both sides in a war, and so we see that the Torah decrees to do battle despite the danger. If so, then the concern for danger is overridden in this case.

10. Rabbi Avraham Yitzchak Kook (20th century Israel), Mishpat Kohen 143

One cannot learn from obligatory wars at all, because matters of the community and of war do not come under the rubric of "You shall live by them"... War and the laws of the community are unique.

11. Talmud, Nedarim 80b

If a spring is owned by a certain town, and there is a choice between their lives [in access to the spring] and the lives of others, their lives come before those of others. Their animals precede the animals of others, and if there is a choice between their laundry and that of others, their laundry comes before that of others. If there is a choice between the lives of others and their laundry, the lives of others precede their laundry.

Rabbi Yosi said: Their laundry precedes the lives of others.

12. Rabbi Asher Weiss (21st century Israel), Minchat Asher 3:123

Regarding kidney donation, if I did not fear my peers, my heart would be inclined to say that today it is entirely obligatory, for all studies show that the danger to the donor is very low, almost non-existent, and the possibility of saving [a life] is very great.

13. Rabbi Dr. Avraham Steinberg (21st century Israel), HaRefuah kaHalachah X 2:2:2:4 (Vol. 6 pg. 484)

A live person may donate a kidney from his body to a patient who suffers from end-stage renal insufficiency. This is a pious trait and the mitzvah of saving a life. But one is not obligated to do this.

14. Talmud, Bava Metzia 62a

Two were travelling and one held a jug of water. If both would drink then both would die, and if one would drink then he would reach civilization. Ben Petura taught: Better for both to drink and die rather than have one see the other die, until Rabbi Akiva taught, "It is written, 'The life of your brother is with you,' so your life precedes your friend's life."

15. Rabbi Yosef Shalom Elyashiv (20th century Israel), cited in Rabbi Dr. Akiva Tatz, *Dangerous Diseases and Dangerous Therapy in Jewish Medical Ethics*, pg. 48

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.

Schools and Healthcare Settings

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

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...

17. Rabbi Eliezer Waldenberg (20th century Israel), *Tzitz Eliezer* 9:17:5:8-9

It further appears to me that one could say this regarding a doctor: Since it is standard that the doctor, who knows diseases and ailments, provides necessary aid, and without this there would be great devastation for the ill and the healthy. Therefore, he is acting in a standard way, for the normal function of the world, and the risk involved in treating the sick is not considered "introducing oneself into forbidden risk"...

It further appears, in my humble opinion, that since the doctor does this to treat the sick for a living, he is permitted to introduce himself into possible danger for this. It is like the way the Torah permitted a worker to enter danger for his livelihood...

18. DiPoce and Buchbinder, *Preventive Medicine, Journal of Halachah and Contemporary Society* 42 (2001), pg. 99
Rav Shachter 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* [the law of the land is the law].