JEWISH ETHICS REGARDING VACCINATION – COVID19
Temple Sholom Vancouver BC
Rabbi Dan Moskovitz
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Shabbat Shalom.

One of the things that I learned early in my rabbinic studies is that while in Judaism there may be new answers, there are few new questions. One of the advantages, disadvantages of being a people with a recorded history and legal tradition dating back at least 3,000 years is that we have seen so much of this before.

When I was finishing my rabbinic studies and writing my thesis my topic was "Questions and Answers (Shaylot v'Tshuvot) of Jewish Life During the Shoah". Soon discovered that the rabbis who were posed questions about how to safeguard life and Jewish tradition during the holocaust turned to similar questions asked during Talmudic times, and those rabbis based their precedents on moments of grave Jewish peril that occurred in biblical times. Backwards or forwards through Jewish history the verse from Ecclesiastes always rings true, *Ein kol chadash tachat hashemesh*, "There is nothing new under the sun."

And so, this week as our world celebrates with great relief the approval of vaccines for COVID-19 and the redemptive promise that present for humanity and our way of life we are also confronted with many questions. Two that come first to my mind are:

1. Are Jews obligated by Jewish Law to get vaccinated?
2. What is the Jewish responsibility toward promoting vaccination amongst skeptics or anti-vaxers?

A third question also confronts us; How should a vaccine in short supply be equitably distributed amongst a community? I won't attempt to answer that question this week, but come back next Saturday and we will tackle that one in some detail.

Regard the questions for this morning, I want to note the obvious, vaccinations were not a medical science available to the rabbis of the Talmud in the first centuries of the Common Era. And still the questions of what one must do to preserve their own life, the life of the community and what risk is permissible in that pursuit are questions that were indeed contemplated by Jewish tradition since its earliest writings.

In Judaism as in other religions it is an accepted article of faith amongst the most religious that whatever happens to a person, whether an illness or a mishap, is ordained in heaven. It is the "everything happens for a reason thelogy". I have spoken before about why I do not subscribe to this particular theological explanation for things, and much prefer the construct, "there is a reason for everything that happens" That reason might not be God, indeed it very often is human nature."

But for those who see a divine hand in all that is good or bad that happens in our life there is a basic question, how it is possible theologically and philosophically to engage a doctor whose job is to heal, while at the same time believing that the sickness is caused by divine decree? How can one reject the God's command and change what has been decreed from above?

Our Rabbis found the answer to this in Exodus 21:18–19, we read:
"If people quarrel and one person hits another with a stone or with his fist and the victim does not die but is confined to bed, the one who struck the blow will not be held liable if the other can get up and walk around outside with a staff; however, the guilty party must pay the injured person for any loss of time and see that the victim is completely healed."

The end of the verse 'completely healed' is interpreted by the Talmud (Baba Kama: 85A): Rabbi Ishmael says that from here derives permission for the doctor to heal. Rashi, the great Talmud commentator, explained:
'He gave permission to doctors to heal, and we do not say G-d struck him and he [the doctor] heals him'. From Rashi's explanation it appears that the Torah explicitly emphasizes that acts of healing are not to be considered as though they go against the Creator's wishes, but rather the opposite—permission has been given to the doctor to heal every sickness notwithstanding the clear belief that it was heavenly ordained. It is a mitzvah (commandment) to heal.

It is based on this understanding that healing is a religious obligation that we confront the first question; Are Jews obligated by Jewish Law to get vaccinated?

It would seem obvious that based on the teachings of Rashi and all those that came before him that Jews are obligated to get vaccinated as a way to seek healing. But vaccinations are not medical treatments that **cure** illness they are by definition medicines that **prevent** illness. So, what of the question, can you risk getting sick by getting vaccinated?

In 1785, Rabbi Avraham ben Shlomo Nansich published a small pamphlet entitled "Aleh Terufah," detailing the tragic loss of two of his children to smallpox and beseeching the rabbis of his generation to allow inoculation.

According to Rabbi & Dr Edward Reichman, "the treatment was considered controversial at the time, as never in the history of mankind had one taken a healthy individual and injected him with the very cause of an illness, even if the objective was to prevent a more severe disease. This unique treatment posed a dilemma for the Torah-observant Jew. The Torah gives license to the physician to heal the sick, but does it give him license to bestow illness upon the healthy, albeit for an ultimate cure? The debate about the medical and theological aspects of smallpox inoculation occupied a significant chapter in eighteenth- and nineteenth-century history.

Rabbis of that time debated the issues and were well aware of the risks associated with vaccination the majority argued in favor of inoculation despite its known risks, in their view the benefits clearly exceeded the risks.

They based this argument not only on the urgency of the pandemic but also Talmudic precedent.

The Talmud teaches that 'danger is more serious than a prohibition' (Babylonian Talmud Chulin: 10A), Jewish ethical tradition obliges one to distance oneself from danger and to prevent it.

The Rambam, one of the great halakhic adjudicators and one of the major philosophers of the Middle Ages, who, apart from his religious and philosophical knowledge, earned his living as a doctor in the royal palace in Egypt, explained this through the biblical commandment of placing a railing on high places:

"Both a roof and anything that is dangerous where someone might trip over and die, [one] is obliged to place a barrier or cover it so that a person will not fall in and die. And any obstacle that is dangerous to life, it is a positive commandment to remove it and stay safe from it and to be extremely careful." (Laws of the Murderer, Chapter 11, Law 14)

From the biblical injunction concerning the railing, we learn that action has to be taken in a proactive manner to remove the danger, and that there is a biblical commandment to guard against danger, as it is written: 'Look after yourself'.

The Rambam's statement leads to the conclusion that whether it is a matter of installing a railing on a roof or covering a hole, or anything likely to harm people, such as illnesses and epidemics, that there is a religious commandment to distance oneself from the danger and to prevent it. Thus, there is theological justification for inoculating against disease.

This of course leads to another questions (see I said we have lots of questions). Is there an ethical obligation for an individual to expose themself to a specific, future danger in order to save someone else from a greater present danger?

It's one thing to accept risk to save yourself or your child but are you obligated to accept risk to save someone else or their child? In the context of COVID we are talking about the need for herd immunity and getting the vaccine even if you don't feel you need or want it for yourself. Can Jews be anti-vaxers?

To answer this the Talmud (Sanhedrin 109B) describes the behavior in city of Sodom and the occasion when someone came to the town market to sell garlic and onions, and every passerby took just one item, saying: 'I took just one', thereby impoverishing the seller. Rashi explained that each one said, 'I only took something small', but the end result was that together they stole everything the seller had.

From this, rabbinic authorities right up to present day infer the principle that if something done by many involves evil and sin, then it is forbidden for an individual to do it. The same applies in the present case, in that it is only because most people get vaccinated, which hurts and may

endanger them, that the minority can refrain from the vaccination, but the more people who do not get vaccinated the more the danger will increase.

Clearly, then, if most people refuse the COVID-19 vaccination, we will return to the Middle Ages and hundreds of thousands more if not millions will die of severe illnesses, so the obligation to vaccinate applies to everyone.

The answer our questions this morning from the perspective of Jewish law and tradition is that as Jews we are obligated to get vaccinated, even if there is some small degree of danger to ourselves in doing so. We are not obligated if we can be reasonably certain that we are putting our lives in danger, for example the current caution about people with a history of severe allergic reactions and those populations that the vaccine has not yet been test against (pregnant women, children).

Further to the point we are obligated by the concept of small theft leading to robbery to advocate that others also get vaccinated and to call out those who say they don't need to take the risk because other have.

Let me conclude with the following story told about the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, of blessed memory and slightly modified by me for relevance to our community.

Two parents visited the Rebbe to discuss whether to enroll their children in Hebrew school.

They told the Rebbe that statistics have shown that a bad education harms only 5 percent of children.

The Rebbe asked them if they vaccinated their children for measles, polio, etc. They replied: "Of course! We are parents!"

"Do you know what percentage of children who do not receive the vaccine actually contract the disease?" the Rebbe asked.

The parents happened to know the statistic—less than 3 or 4 percent they said.

The Rebbe responded, in other words, even for a possibility of 4 percent, and especially in these countries where these diseases are even more rare, it is still worthwhile to vaccinate, with all of the pain, etc., that it causes. Why? The Rebbe asked.

"Who cares about those minor inconveniences, as compared to what possibly could happen without vaccinating?" They responded.

The Rebbe said to them: "If for a doubt of 4 percent it is worth causing the child pain, enduring the child's screaming and all the other effects of the vaccination, just to avoid the disease—

even though for the most part there is not even a possibility of any life danger, but rather just severe discomfort for some time—how much more so is it worthwhile to ensure the health of the child's soul, where the doubt is 5 percent, and where the vaccine does not cause any pain. All that is required is to sign your children up for Hebrew School, this action will affect their entire life!"

So, in conclusion if we all get the COVID-19 vaccine; and when deemed safe and appropriate vaccinate our children we will increase enrollment in our Hebrew School, what more reason could you need?!