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כא' טבת תשפ"ה

VACCINES IN HALACHAH

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The primary goal of Machon Mishpat Tzedek is to resolve disputes. One of the most critical tasks in dispute resolution is to cut through the extraneous facts and arguments, as important and relevant as they may be, and guide the focus of both parties to a single, fundamental point of contention.

After years of extensive dialogue with doctors and Rabbonim on the Halachic ramifications of vaccines, and presenting arguments based on science and/or Halachah challenging the legitimacy of vaccines, the answer almost always leads to one form or another of the following: "But the doctors recommend that we get vaccinated." This is by far, the most cited argument in support of vaccination from a Halachic basis, that we must follow the majority expert advice and consensus. Many of us who have researched this topic, however, are aware of numerous reasons as to why that approach is incorrect. [א"ח ס' תריח סע' ד] ש"ע and [י"ד ס' מו ס"ק יד] to name just a few. Although these counter-arguments are valid, they are technical in nature. It is far more effective to identify a fundamental flaw. It makes it more difficult to rationalize ignoring the error, and it compels the opposing party to rethink their position.

THE FUNCTION OF EXPERT OPINION

A Rav will often consult with experts to assist with complex questions. The purpose of consulting the expert is always, without exception, to verify the facts. For example, a new gadget is invented, and one wants to

determine if it can be used on *Shabbos*. An expert who is familiar with its components can answer specific questions on how the gadget works. The Rav can then take those facts and determine the Halachic status. The Rav will *never* ask the expert for a *Psak*.

The same is true with medical issues. Let's say a patient is critically ill, and an operation could save the patient's life, but it also could kill him. It is immaterial what the doctor recommends. In fact, the doctor might recommend pulling the plug, which according to Halachah is murder. Rather, we will ask the doctor factual questions. For example, what are the chances of the patient surviving if we do nothing? What are the chances of the procedure being successful? What are the chances of the procedure killing the patient? The Rav will take those facts, open a *Shulchan Aruch* and perhaps an *Igros Moshe*, and determine the appropriate course of action.

This fundamental concept is undisputed. It makes sense, therefore, that the same should apply to vaccines. Doctors should be consulted to verify facts, and the final decision should be based entirely on Halachic sources, not expert opinion. The opposing view, however, seems to be asserting that when it comes to vaccination, it is the exact opposite. We should ignore the facts, and we should simply do what the experts recommend. The million-dollar question is, why? Why are vaccines the first and only Halachic issue in history to be treated in this unique manner?

ASKING THE PROPER QUESTIONS

One Rav suggested that we ask experts; do vaccines make children healthy? Instead of asking what action we should take, it becomes a factual assessment. This solution, however,

is inadequate. Based on this approach, every kashrus organization can fire its mashgichim. When a company asks for a hechsher, instead of paying a mashgiach to fly to the plant and conduct inspections, just ask the CEO: in your expert opinion, is your product kosher? If he says yes, we're good to go, since it is purely a factual question.

The obvious answer is that we have standards. Complex rules and regulations in Halachah govern how and when a product is classified as "kosher". Although the CEO is an expert on how the product is made, he is not familiar with all the rules. And even if he was, we don't trust he will follow them.

HALACHIC STANDARDS FOR MEDICINE

Medicine is no different. We have standards. One example of many, is regarding safety: והוא שיזהר מאד מאד כמו שראוי ליזהר בדיני נפשות [טור י"ד ס' ש"ל] – *doctors must be very, very vigilant when practicing medicine*. This is one of only five places the phrase מאד מאד is used [ט"מ ס' ט]. We must define what that means on a practical level, which we will do in a moment. But if that objective standard is not met, it is irrelevant if experts say it is very, very safe, and it makes you healthy. Experts should tell us which specific actions were taken to ensure safety. Based on those facts, we can determine if it is in compliance with Halachah. Looking at specifics, double-blind placebo-controlled trials are considered the "gold standard" of safety trials, and is standard practice for drugs produced in the US.

THE HEPATITIS B VACCINE

As an example, let's see if the HepB vaccine meets the requirements. According to FDA, the trial relied upon to verify safety consisted of 147 children who received the vaccine and

were observed for 5 days. No control group, and no placebo. With a small group being observed only 5 days, and no control group to compare to, it is a joke of a safety trial. On a scale of 1 to 10, it's a 0. It makes no difference how many experts say it's safe. It is categorically not "kosher". Now let's look at the upside; it may prevent infection of hepatitis. By any standard, the disease is of no public danger. An infected child is federally protected under ADA. If a school excludes an infected child due to fear of the disease, the child can sue in federal court for discrimination. The law specifically does not view hepatitis as a risk to others. Using Talmudic logic, we can infer that a child who is NOT infected is also not a threat. On top of that, the common methods of spreading hepatitis are nonexistent in religious schools. However, Dr. Shanik from Lakewood was quoted as saying we should still give the shot to every newborn, because what if on the way home from the hospital there is a car accident and the baby needs a blood transfusion, and the person who donated the blood had hepatitis? The correct response to this is, experts have no business dictating when we should or should not be afraid. They should only tell us the facts. Rav Moshe זצ"ל was very upset at doctors who exaggerated the risk of disease attempting to push vaccines.

In conclusion, it is critically important to fully appreciate this fundamental idea, to focus on the facts. If a fact is disputed, we have guidelines in Halachah how to deal with that. But as we will learn in future articles, very few facts are actually disputed. It is the editorials and conjectures which become controversial. With this in mind, we can now have civilized, productive conversations, and we should exemplify כל מח' שהיא לשם שמים סופה להתקיים.