



FROM THE VIRTUAL DESK OF THE OU VEBBE REBBE

RAV DANIEL MANN



Taking Medicine to Facilitate *Mitzvot*

Question: [This is my question.] Last Friday, I developed minor nasal issues, resembling my allergies, but uncommon for me in the fall. I woke up at night, sneezing. I reasoned that if I am not sure it is allergies, I should stay home until I can rule out Covid (even though I am fully vaccinated and was without other symptoms). I would miss shul and have a problem with scheduled guests (disinvite? stay in my room?). I figured that if I take my allergy medicine and wake up symptom-free, I can assume it was allergies. Was I permitted to take it (nasal spray) on Shabbat?

Answer: It is Rabbinically prohibited to have medical treatment (*refuah*) on Shabbat (Shabbat 111a; Shulchan Aruch, Orach Chayim 328:1) out of concern that this may lead him to violate Shabbat, e.g., by grinding herbs. However, just as there are

dispensations for one who is truly sick, even if it is not life threatening (*choleh she'ein bo sakana* =csebs) to have things done that are usually forbidden on Shabbat (see Shulchan Aruch, Orach Chayim 328:17), so too the prohibition of *refuah* is waived (Rama ad loc. 37; see Orchot Shabbat 20:(149)).

There is also leniency in the other direction. Sometimes a health-minded action is not considered medicinal, either because there is no “halachic malady” or because the action is not similar enough to the prohibition. (Details/distinctions are complex – see Shulchan Aruch, OC 328 and Shemirat Shabbat K’hilchata 34.) However, nose drops/spray for nasal issues are halachically medicinal (Shemirat Shabbat K’hilchata 34:10).

Seasonal allergies do not usually rise to the level of *csebs*, which is described as someone who is forced into bed by the illness (Shulchan Aruch *ibid.*), but is called *meichush*. While literal time in bed may not be critical (see Shemirat Shabbat K’hilchata 33:1), it still conveys a level of severity well beyond what I experienced.

One can raise grounds for leniency. The goal was not to solve a problem of allergies but to rule out a concern for Corona and allow normalcy. In contrast, the logic of *issur refuah* is that one whose mind is focused on healing his malady may forget to not avoid violating Shabbat in the process (see Rif, Shabbat 24b; Eglei Tal, Tochen

Secluded Vacation
Retreat that sleeps 50

- Large Heated Pool
- Kosher Kitchen
- Sports / Game Room
- Kid Friendly

isravilla.com 058.416.6927



The Orthodox Union - via its website - fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and OU Israel's Torah Tidbits.



16). Rav M. Feinstein (Igrot Moshe, Yoreh Deah IV, 13) allowed a “healthy asthmatic” to take medicine to prevent an attack while exerting himself walking to *shul*, because he was not suffering when he took the medicine, so it is dissimilar to the classic concern. This could apply to our case as well. However, while my main motivation was for something external, I also would have used the spray, during the week, to alleviate the likely allergies.

A better justification is to facilitate *mitzva/ot* (*minyan*, *kri'at hatorah*, guests – discussion of which need is a sufficient *mitzva* is beyond our scope). The *Minchat Yitzchak* (I:108) argues, in a parallel case, that since *mitzvot* are grounds to allow asking a non-Jew to violate a Rabbinic prohibition (Shulchan Aruch, OC 307:5), they can justify taking medicines (based on Radbaz III:640).

The *Orchot Shabbat* (20:(197)) strengthens this approach with the Magen Avraham's statement (338:1) that whatever is permitted for a *csebs* is permitted for a *mitzva*. He is slightly hesitant, perhaps primarily out of concern for a slippery slope (e.g., people will say “I cannot learn or

enjoy my meal properly the way I feel”). I would distinguish between defined *mitzvot* one will miss and between enhancing *mitzvot*. *Chazal* were well aware that people with a *meichush* enjoy everything less, and still their concern about *chillul Shabbat* caused them to prohibit medicine. Similar concerns made them cancel the *mitzvot* of *shofar* and *lulav*!

Some claim that *issur refuah* is anachronistic, as people do not prepare their own medicines nowadays. The main refutation is that we do not undo Rabbinic laws even if their basis changes (Rambam, *Mamrim* 2:2). Actually, the claim is anachronistic - nowadays many people prepare home-made remedies (Google search “herbal remedies” – 141 mil. results).

I did use the medicine. ■

Eretz Hemdah has begun a participatory Zoom class - "Behind the Scenes with the Vebbe Rebbe" - an analytical look at the sources, methodology, and considerations behind our rulings, with Rav Daniel Mann. Contact info@eretzhemdah.org to join.

Having a dispute?



For a Din Torah in English or Hebrew contact 'Eretz Hemdah - Gazit' Rabbinical Court: 077-215-8-215 • fax: (02) 537-9626
beitdin@eretzhemdah.org

TRANSFER YOUR OLD FILM/VIDEO'S
(All formats) In Quality to Digital

Preserve Family History from Fading

Michael 052.286.8626

Photography with feeling

Facebook.com/L'Dorot Photography

