

**Medicines on Yom Kippur,**  
**Being “Pogem” the Water with Which one Swallows Medication,**  
**Quality of Food for a Person who is Dangerously Ill**

1. Something that isn't fit to eat
2. A *Choleh* (sick person), and eating in a way that he doesn't have *Hana'ah* (enjoyment).
3. “*Pegimas Mashkin*” (adding something to liquids to make them foul tasting).
4. The quality of food and drink for a person who is dangerously ill.

One of the most basic rules regarding *Issurey Achila* (prohibitions relating to eating or drinking) in the Torah is that something that is **not fit to eat** is not forbidden *Min ha'Torah*.

This is the ruling of the *Shulchan Aruch* (O.C. 612:6):

"אכל אוכלים שאינם ראויים לאכילה... פטור".

The *Mishna Berura* (*ad. loc.* 15) adds that there is, however, an *Isur Derabanan*:

"...וכן באוכלים שאינם ראויים לאכילה יש איסור לכתחלה מדרבנן, ואפילו בחצי שיעור מהן ג"כ יש ליזהר לכתחלה [פמ"ג]".

On this topic there are a number of important discussions amongst the *Rishonim* and *Acharonim*, a number of which are delineated below. We will focus on the question of administering medications on Yom Kippur to a *Choleh She'ein Bo Sakanah* (somebody who is not dangerously ill).

**Something that isn't Fit to Eat**

The *Mishna* in *Yoma* (81a) states:

"אכל אוכלין שאינן ראויין לאכילה, ושתה משקין שאינן ראויין לשתיה, ושתה ציר או מורייס – פטור".

“If a person ate foods that are not fit to be eaten, or drank liquids that are not fit to be drunk, or eat drunk brine or fish oil – he is exempt.”

The *Rambam* (*Shevisas Asor* 2:5) adds that there is, however, an *Isur Derabanan*:

”אכל אוכלים שאינן ראויין למאכל אדם כגון עשבים המרים או שרפים הבאושין או ששתה משקין שאינן ראויין לשתייה כגון ציר או מורייס וחומץ חי אפילו אכל ושתה מהן הרבה הרי זה פטור מן הכרת אבל מכין אותו מכת מרדות.”

The reason for the *Isur Derabanan* is a principle known as “*Achshevai*”. This means that by ingesting this item, a person has shown that he considers it as “*Chashuv*” and fit to be eaten. Therefore the *Chachamim* forbade him from doing so.

Some note that the *Tur* (O.C. 612) appears to issue contradictory rulings in this regard. First he appears to rule like the *Avi Ezri* (the *Ra’avya*) who held that eating things that are not fit to be eaten is *permitted*:

”אכל מדבר שאינו ראוי לאכילה, כתב אבי העזרי דאפילו איסורא ליכא.”

However, just a few lines later he appears to side with the *Rambam* that while one is exempt from punishment for doing so, it is nevertheless *Asur mi’Derabanan*.

”שתה משקין שאינן ראויין לשתייה, כגון ציר או מורייס וחומץ חי - פטור אבל אסור.”

The *Beis Yosef* (followed by the *Prisha* and other *Poskim*) offers two explanations to reconcile these two rulings of the *Tur*:

”ומיהו אפשר דלא כתב אבי העזרי דאפילו איסורא ליכא בדבר שאינו ראוי לאכילה, אלא באוכל פחות מכשיעור דוקא. ובהכי ניחא מה שכתב רבינו ”שתה משקין שאינם ראויין לשתייה כגון ציר ומורייס וחומץ חי פטור אבל אסור”, דלא פליג אמה (=על מה) שכתב כאן בשם אבי העזרי בלא שום חולק. דאיכא למימר, דההיא בשותה כשיעור היא. ומודה בה אבי העזרי דאיסורא איכא, כיון שהיא כשיעור. ומיהו, ההיא בלאו הכי מיתרצא (=יש ליישב את הסתירה גם באופן אחר), דאיכא למימר דדוקא בשתה ציר או מורייס או חומץ שהם דברים שנאכלים על ידי טיבול הוא דקאמר דאיכא איסורא, וכי קאמר אבי העזרי דאפילו איסורא ליכא - כשאינם ראויים למאכל אדם כלל. אבל אין לומר דבמאכלים שאינם ראויים דוקא קאמר אבי העזרי דאפילו איסורא ליכא ולא במשקין שאינם ראויים, דאין סברא לחלק בין מאכלים למשקין בכך.”

The *Beis Yosef* maintains that one cannot answer that the first ruling of the *Tur* only pertains to foods and the second one to liquids as there is no logical reason to distinguish between the two. Rather, the difference between them could be down to one of two things:

### 1. Whether it Has a *Shiur*.

Eating a full *Shiur* of food or drink that is not fit to be eaten or drunk, is *Asur mi’Derabanan* (hence the second ruling of the *Tur*). Eating less than a *Shiur* is permitted as stated by the *Avi Ezri*.

The *Acharonim* offer two explanations as to the distinction between eating a *Shiur* and less than a *Shiur*. Both are based on the logic behind the prohibition to eat even a “*Chatzi Shiur*” (a part of a *Shiur*) of a forbidden food.

The reason why a “*Chatzi Shiur*” is forbidden is because of the notion of “*Chazi l'Itztarufi*” – the fact that if one would continue eating and ingest another *Chatzi Shiur* it would comprise a full *Shiur* for which one would violate the *Lav* (negative precept). In that light, two reasons can be offered as to why this would not be a concern with foods that are not fit to be eaten:

**(i) The Explanation of the *Beis Meir*:**

The *Beis Meir* explains that in the case of a food that isn't fit to be eaten, since one would not violate a Torah prohibition even one he were to eat an entire *Shiur*, there is therefore no *Isur* on a *Chatzi Shiur* either.

**(ii) The Explanation of the Majority of the *Acharonim***

The other *Acharonim* explain that the concern of *Chazi l'Itztarufi* does not apply to a food that isn't fit to be eaten as we are not concerned that he would continue and eat another *Chatzi Shiur*!

**2. Whether it is Edible When Eaten with Something Else (“*Al Yeday Tibul*”)**

The second distinction offered by the *Beis Yosef* is that the first ruling of the *Tur* (in the name of the *Avi Ezri*) applies to foods that are *completely inedible*. In their case there is no prohibition whatsoever. The second ruling (that assigns it an *Isur d'Rabbanan*) applies to foods that are edible when eaten together with something else. Fish brine, for example, can be used as a condiment. Since they are edible in these circumstances, it is *Asur mi'Derabanan* to eat them at all.

The *Bach* disagrees with both explanations of the *Beis Yosef*. In fact he proves that the *Avi Ezri* who permitted eating foods that are not fit to be eaten was actually discussing a case of eating a *Shiur*! This clearly disproves the *Beis Yosef's* first answer.

Therefore, he offers a different explanation of the contradictory rulings of the *Tur*: The second ruling that maintains that there is an *Isur Derabanan* relates to a person who is **eating with intent on satiation**. In that case, though the food is not edible, he may not eat it. The ruling of the *Avi Ezri* that completely permits it, relates to a person who is **merely trying to moisten his throat**.

*Ha'Ga'on* Rav Asher Weiss *Shlit"a* maintains that whichever of the three distinctions (two of the *Beis Yosef*, one of the *Bach*) one agrees to, it would be permitted for a person to take medications on Yom Kippur even if he is a *Choleh She'ein Bo Sakanah*. In general, medications are not fit to be eaten and they are also invariably less than a *Shiur* in size. Therefore, according to the first explanation of the *Beis Yosef* that food that is unfit to eat and which is less than a *Shiur* is permitted, taking the medication would be similarly permitted.

According to the *Beis Yosef's* second explanation that draws a distinction between foods that are completely inedible and those that are edible "*Al Yeday Tibul*", taking medications should also be permitted as they are usually tasteless or bitter and would not be eaten in any circumstances.

Lastly, according to the *Bach*, it is only when inedible foods are eaten for the sake of satiation that there is any *Isur*. Medications are taken for another purpose and it would therefore be permitted to ingest them on Yom Kippur.

The *Sha'agas Aryeh* (Old Version 74) disagrees with the explanations of the *Beis Yosef*, maintaining that they do not fit well into the actual wording of the *Avi Ezri* and *Tur*. He therefore concludes that the *Avi Ezri* certainly permitted eating inedible foods in all circumstances and the contradictions in the rulings of the *Tur* do not justify the creation of incorrect distinctions:

"אבל הדבר ברור דלראבי"ה בין אוכלין ובין משקין שאין ראוי בתרומתו ס"ל דפטור ומותר בכל גווני. ומשום דקשה דברי הטור אהדי אין לנו לבדות חלוקים שאין להם עיקר..."

The *Sha'agas Aryeh* also maintains that the *Rambam* who ruled that inedible foods are subject to an *Isur Derabanan* held that this applies in all circumstances. Therefore, this matter is subject to a disagreement between the *Rambam* and *Avi Ezri* and, the Halacha is in accordance with the *Rambam*.

The *Sha'agas Aryeh* also draws a parallel between this disagreement and that regarding "*Achila Shelo k'Derech Hana'ah*" (eating in a way that doesn't provide any enjoyment). If a person wishes to ingest a forbidden food in a manner that will not provide him with any enjoyment, the *Ra'avya* holds that is permitted (see *Mordechai, Pesachim* 24) but the other *Rishonim* forbid it. The Halacha is in accordance with the other *Rishonim* and therefore, according to the *Sha'agas Aryeh*, we should also rule stringently and side with the *Rambam* over the *Ra'avya* (*Avi Ezri*) regarding inedible food too.

As cited above, the *Mishna Berura* (in the name of the *Pri Megadim*) rules that eating a *Chatzi Shiur* of an inedible food is still *Asur mi'Derabanan*.

### ***A Choleh (Sick Person) and Achila Shelo k'Derech Hana'ah***

All of the above was said of a healthy person, but regarding a *Choleh* there may be more reason to be lenient.

The *Rema* (Y.D. 155:3) rules that a *Choleh* is permitted to eat things that are only *Asur Derabanan* if he eats them *Shelo k'Derech Hana'ah*.

”בשאר איסורים מתרפאים במקום סכנה אפילו דרך הנאתו. ושלא במקום סכנה, כדרך הנאתו אסור, שלא כדרך הנאתו מותר... יש אומרים דכל איסורי הנאה מדרבנן מותר להתרפאות בהן אפילו חולה שאין בו סכנה.”

The *Shach* (*ibid.* 14) concurs:

”מותר להתרפאות כו'. ובלבד שלא יאכל וישתה האיסור, שם, וכ"כ הרב בסמוך. והיינו דוקא כדרך אכילתו, אבל שלא כדרך אכילתו, כי המרדכי ואגודה ר"פ כ"ש בשם ראבי"ה דמותר, וכתב עוד המרדכי שם דמהאי טעמא מותר לאכול חלב חי, ומיהו אדם בריא יזהר. ע"כ.”

In short, though a *Choleh* may not eat things that are *Issurey Derabanan*, he may do so *Shelo k'Derech Hana'ah*.

If so, we have an additional reason to be lenient regarding medications on Yom Kippur. As explained above, since they are essentially inedible, ingesting them would at worst be an *Isur Derabanan* and since one swallows them (which is not a manner of “eating”) it is considered to be *Shelo k'Derech Hana'ah*. Since according to the *Rema* a *Choleh* is allowed to partake of *Issurey Derabanan Shelo k'Derech Hana'ah*, taking medications on Yom Kippur should be permitted.

However, the comparison between the topic of eating *Issurey Derabanan Shelo k'Derech Hana'ah* (in which the *Rema* and *Shach* rule leniently) and that of taking medications on Yom Kippur isn't necessarily a good one. In the first *Shiur* of this series we discussed at length the notion of *Inuy* (affliction) on Yom Kippur and many of its applications. We cited two interpretations of *Inuy* (as it relates to eating and drinking) offered by the *Acharonim*:

“Rav Elchanan Wasserman zt”l Hy”d (*Kovetz He'aros* 73:3-5 and *Kovetz Shiurim Pesachim* 197) discusses whether the idea of the prohibition of eating and drinking on Yom Kippur is that the actual act of eating and drinking are inherently forbidden (as with all other similar prohibitions in the Torah), or that it is their outcome, namely the eliminating of the *Inuy* that is the problem. The

*practical difference between the two would manifest itself in a case of an act of eating that does not remove Inuy or in a case where **Inuy is absolved without an act of eating having taken place.***”

Rav Elchanan contends that there is a particular *Chiddush* of the *Sha’agas Aryeh* (*Responsa* 76) that depends on this very question. The *Sha’agas Aryeh* rules that while if one ingests other prohibited food items of the Torah in an unusual manner (“*Shelo k’Derech Achilasan*”) one does not receive *Malkus* (lashes) (*Pesachim* 24b), regarding eating on Yom Kippur the law is different. Since the Torah only forbade “*Inuy*” and not “*Achila*” one has transgressed the prohibition in any way that eliminates *Inuy* even if it is *Shelo k’Derech Achila*. The *Yeshuos Ya’akov* (O.C. 612:1) concurs.

However, many *Acharonim* disagree with the *Sha’agas Aryeh* and exempt a person who eats on Yom Kippur *Shelo k’Derech Achila* like in other areas of Halacha. (See *Noda bi’Yehuda Tinyana* 115, in a *Responsum* from his son, *Kesav Sofer* O.C. 111, *Sho’el u’Meishiv* 3:1:402 and *Maharsham* 1:124). Rav Elchanan argues that these *Acharonim* may have understood that the prohibition of eating on Yom Kippur is similar to that of all other Halachos of the Torah. Therefore only a bona-fide “*act of eating*” will cause one to transgress.

If the transgression of eating on Yom Kippur is purely “*that which eliminates Inuy*” (which, Rav Elchanan attests, is the position of the *Sha’agas Aryeh*) it may have been erroneous to invoke the rulings of the *Rema* and *Shach* regarding *Shelo k’Derech Hana’ah* within the Halachos of Yom Kippur. For if one does an act which eliminates *Inuy*, one has transgressed, regardless of the nature of the act of eating.

However, one could argue, that the ingesting of medications is even further removed from an act of eating than a simple case of *Shelo k’Derech Hana’ah*. Usually we speak of an item of food that has been ingested in a manner that brings no enjoyment. Though unusual, it can still be classed as “*Achila*” on some level. However, in the case of medications, there is no concept of “*Achila*” at all. When swallowing a pill one has not ingested it in an abnormal fashion, on the contrary, that is the regular way of taking it. In fact, swallowing medication is just one way of inserting it into one’s body and the same could be achieved by other means (such as intravenously or via suppository).

Furthermore, it is possible that the *Sha’agas Aryeh* would also agree that taking medications would be permitted. He was only stringent in a case where a person’s *Inuy* had been affected even though an act of eating had not taken place. However, when taking medications, one’s *Inuy* (from fasting) is unaffected as they are not foodstuffs.

At any rate, the conclusion of all the later Poskim is to permit a person who isn't dangerously ill to take medication on Yom Kippur as required<sup>1</sup>.

Some say that if the medication does not have a bitter taste one should wrap it in some thin paper and swallow it (*Shemiras Shabbos Kehilchasa* 39:8 in the name of Rav Shlomo Zalman Auerbach *zt"l*). According to the *Achiezer* (3:30) even if it does taste bitter one should act as such.

We should stress that all of the above only applies to a *Choleh* who is "*Nofel l'Mishkav*" (is ill to the extent that he needs to rest). If he isn't as ill as that, he may not partake of any *Refua* on Yom Kippur as *Refua* is always forbidden on Shabbos and Yom Tov.

That said, if a person is currently in good health but if he doesn't take the medication he will become sick to the extent of being a *Nofel l'Mishkav* (such as if he feels that he has a bad migraine coming on) he may take the medication (without water if possible - in fact it is preferable to take it via a suppository). (*Nishmas Avraham* 1, p758 in the name of Rav Yehoshua Neuwirth *zt"l*.)

### **"Pegimas Mashkin" (Adding Something to Liquids to Make them Foul Tasting).**

A related topic is that of using water to help one swallow medications on Yom Kippur. All the Poskim agree that if one is able, one should certainly do without it. However, those who are unable to do so, are in something of a quandary. For while the medication itself is inedible and one ingests it *Shelo k'Derech Hana'ah* (as explained above), the water is certainly drinkable and one will be ingesting it in the regular fashion.

Therefore, the Poskim recommend that one be "*Pogem*" the water by adding something bitter to it such as a strong tea essence or perhaps dissolve the medication itself into the water if it is bitter tasting and can be taken in that fashion. (Obviously he should use less than a *Shiur* of water.)

The reason why this is recommended is that it makes the water unfit to be drunk. This we can derive from the words of the *Mishna Berura* (612:12) who, when commenting on cases of foods that are "*not fit to eat*", writes that "*they are items that are **bitter** or disgusting and are therefore not fit to be eaten at all*".

The *Mishna Berura* implies that one must render the water so bitter that it be completely disgusting and utterly undrinkable. However, the Poskim maintain that one needn't go to

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<sup>1</sup> See *Igros Moshe* (O.C. 3:91) and *Shulchan Shlomo, Erchey Refua* 2, p172. They base their arguments on the ruling of the *Kesav Sofer* (O.C. 111) and *Sedei Chemed (Ma'areches Yom ha'Kippurim* 3:8).

the extent that its taste makes one want to retch (*Nishmas Avraham* 1, p758 in the name of Rav Elyashiv *zt"l*).

Rav Moshe Feinstein *zt"l* (*Igros Moshe*, O.C. 3:91) rules that if a person is a *Choleh She'ein Bo Sakanah* but if he doesn't take medication he will be in danger, then he is considered to already have a "dangerous illness". Therefore, if he is unable to take medications without water or with bitter water he may use regular water (less than a *Shiur*).

In all likelihood the same would apply to somebody who suffers with kidney stones. Though he is not currently in danger, he may drink small amounts of water so as to prevent a recurrence which would place him in danger.

### **The Quality of Food and Drink for a *Choleh Sheyesh Bo Sakanah***

All of the above related to a *Choleh She'ein Bo Sakanah*. However, regarding a *Choleh Sheyesh Bo Sakanah* who needs to drink on Yom Kippur (whether *Shiurim* or regular amounts) there is a question among the Poskim as to whether he needs to be *Pogem* the water he drinks.

Rav Moshe Shternbuch *Shlit"a* (*Moadim u'Zmanim* 1:60) rules that he needn't be *Pogem* the water and attests that that is the prevalent custom. This was also the conclusion of Rav Asher Weiss *Shlit"a* who added that it is better that a person in this state eat high quality foods which will make him feel better as then it is likely that he will need to eat less.

However, the *Chasam Sofer* (*Responsa* 6:23), famously appears to rule otherwise:

"ויושתה רק הנאת מייעיו ולא הנאת גרונו, היינו תה וקפה בלי סוכר וחלב ומרק לא מתובל, ואם היה אפשר שלא כדרך אכילתן היה עדיף טפ"י."

*"He should drink only to satisfy his stomach, and not to satisfy his throat, in other words tea or coffee without sugar or milk and soup that is unflavored. If possible, it would be better that he ingest them in an unusual manner<sup>2</sup>."*

Some argue that the *Chasam Sofer's* ruling only applied to a specific case of a town that had been stricken by cholera. In those circumstances even those who were seemingly healthy needed to make sure to eat so that they wouldn't contract the disease. It was for the healthy people that the *Chasam Sofer* was stringent. But the *Chasam Sofer* would

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<sup>2</sup> This is because of the opinions mentioned above that hold that eating in an unusual manner is also a leniency in the Halachos of Yom Kippur, see *Kesav Sofer* and *Sedei Chemed* from footnote 1.



certainly agree that a *Choleh Sheyesh Bo Sakanah* who is permitted by the Torah to eat needn't render his food or drink bitter or try and ingest them *Shelo k'Derech Achila*.

Either way, it is certainly forbidden for anybody to eat just for the enjoyment even if they are a *Choleh Sheyesh Bo Sakanah* (*Nishmas Avraham* *ibid.*)

Rav Reuven Margulies *zt"l* (*Nefesh Chaya* 618:17) based on the *Halachos Ketanos* (2:282) rules, that a person who is permitted to drink on Yom Kippur should consult with his doctor as to whether water will suffice for him. If it will then he should avoid drinking other liquids because water doesn't contain any calories and does not give him any "*Hana'as Mei'ayim*" (satisfaction in his stomach) whereas other liquids will.

However, the *Nishmas Avraham* (612:1) in the name of Rav Shlomo Zalman Auerbach *zt"l* and Rav Ovadia Yosef *zt"l* (*Yabia Omer* 2:31) maintain that it is permitted for him to drink any type of liquid. In fact, if he drinks liquids that provide him with calories he may be able to lower the amount of food he eats at other times of the day. If that is in fact the case, he should certainly do so.