



Fasting Pills on Shabbos Erev Tisha b'Av

[We are interrupting the discussion of Mumin and Kohanim as this essay is particularly relevant this week. We will return to that topic next week.]

There is a growing industry of "fasting aids" that is marketed to the Torah-observant community to prevent or mitigate the unpleasant symptoms of fasting. These range from proprietary mixes of herbal extracts and supplements to delayed-release caffeine, acetaminophen, and/or ibuprofen. Some are specially formulated for different patient populations, such as the elderly, pregnant and postpartum women, and so forth.

In this essay, we will discuss Halachic questions related to these pills: Firstly, is it permissible to take pills to alleviate the discomfort of fasting? Secondly, may one take them on *Shabbos Erev Tisha b'Av* (as occurs this year - 5782)?

The Poskim first discuss these pills in the context of Yom Kippur on which a person must afflict himself, as the Torah states, "*v'Inisem es Nafshoseichem – And you shall afflict your souls*" (*Vayikra* 23:27). The Gemara (*Yoma* 74b) derives from the prohibition of *Melacha* set forth in the following *Pasuk* that the *Mitzva* of *Inuy* is also to be performed in a *passive* manner. In other words, a person must abstain from food and drink (as *Rashi* explains) but he need not actively cause himself to suffer, such as by sitting in an uncomfortably hot or cold place. Moreover, the Gemara states (*Yoma* 81b) that there is an obligation to eat on the ninth of *Tishrei* "so that you can fast on the tenth" (see *Rashi*). We see that although the Torah demanded "*affliction*", it is permissible – and in fact on *Erev Yom Kippur* it is even a *Mitzva* – to eat and to prepare the body so as to minimize the discomfort of fasting.

Some Poskim take the view that taking these pills is just like eating and drinking on the eve of a fast. In their view, they are nothing more a dietary supplement containing vitamins that can also be found in foods and beverages, only ingested in a concentrated and delayed-release form. This was the view of the *Chelkas Ya'akov* (2:58), *Tzitz Eliezer* (7:32), and *Mishneh Halachos* (7:82).

Rav Ovadia Yosef (*Yabia Omer* 9, *O.C.* 54) cites these Poskim and several others. He concludes: "*When everything is considered, whoever is in great discomfort during Yom Kippur, or anxious about a headache and the like, is permitted to take a pill on Erev Yom Kippur to prevent him from bearing the brunt of the Yom Kippur fast*".

Presumably this can be extended to the other fasts as well. If these pills are permitted before Yom Kippur – on which there is an obligation of *Inuy* – they should certainly be permitted prior to the other fasts that are *d'Rabbanan*¹.

This position is nearly unanimous among the Poskim. These pills may be taken when there is a need, such as for pregnant women, the elderly, and those who are weak and concerned about fasting. (Certainly, those who may become unwell and will need to break their fast without them should take them.)

A more complex question is whether these pills can be taken on Shabbos which falls on the eve of a fast.

The *Chachamim* forbade anyone other than a *Choleh she'Ein Bo Sakana* – a sick but not endangered patient – from taking medication on Shabbos. They did so as a protective measure lest a person come to crush herbs and prepare medications on Shabbos, a process that could easily transgress Torah prohibitions. The *Chachamim* were concerned that a person who is concerned about his health may be anxious and forget that it is Shabbos and perform a forbidden *Melacha*. Therefore, unless he is truly sick – in which case the *Chachamim* did not enact their decree – he may not use medications on Shabbos, even if they were prepared beforehand.

However, there is considerable debate in the Poskim as to whether a completely healthy person may take medications to enhance or improve his health. The *Shulchan Aruch* (328:37) rules:

All foods and beverages that are [normally consumed by] healthy individuals may be consumed [on Shabbos] – even though they are harmful for some healthy people and it is thus evident that they are being taken for their medicinal effect – they are nonetheless permitted. And anything that is not [normally consumed by] healthy individuals should not be eaten or drunk for medicinal effect. This is specifically when he has a minor ailment but is as strong and mobile as healthy people. But if he has no minor ailment, it is permissible. Rema: Likewise, if he is bedridden – it is permissible (Beis Yosef).

In other words, according to the *Shulchan Aruch*, a healthy individual is not prohibited to take medication on Shabbos – even for a medicinal purpose, such as to enhance or improve his health. However, the *Magen Avraham* disagrees (*ibid.* 43):

The Tur states, "Drinking to quell his hunger or quench his thirst is permissible". This implies that doing so for medicinal effect is forbidden even though he is healthy.

¹ [Editor's note: There is also no requirement of *Inuy* on any of the other fast days.]

The *Magen Avraham* cites numerous proofs in support of his position. However, the Poskim debate whether they constitute actual proof. In fact, many express surprise at the *Magen Avraham's* supposed proofs and side instead with the *Shulchan Aruch*; see *Eglei Tal (Tochen 57)*, *Tehilla l'David (5)*, and *Igros Moshe (O.C. 3:54)*. Nonetheless, in practice, the *Mishna Berura* rules stringently like the *Magen Avraham*.

Further complicating matters is that the *Magen Avraham* does not clearly state which case he referred to; his comments may be interpreted in two ways:

The first possibility is that he was referring specifically to a **genuine medicine** being taken by a healthy person **for a curative effect**. The second is that he was not referring to a medicinal agent taken for curative effect since the person is healthy and not in need of a cure. Rather, he referred to a medicine taken for the purpose of enhancing one's health. Assuming that the second interpretation is correct, it is possible that his ruling was not limited to genuine medicines and would include anything taken for these reasons.

The *Mishna Berura* maintains that the *Magen Avraham's* intent was that the person "takes the medication in order to enhance his health." The *Pri Megadim (Eshel Avraham 49)* states: "In order to maintain his health so that he should not weaken".

It seems that despite the difference in their respective definitions, the *Pri Megadim* and *Mishna Berura* mean the same thing: According to the *Magen Avraham*, both those who are prone to weakness and those who are already weak may not take anything for medicinal purposes on Shabbos, even if it cannot be considered genuine *Refua*.

This raises the following question: Why is it forbidden to ingest something for medicinal purposes while eating healthy foods and drinking healthy beverages that also enhance health is permitted? Obviously, there is a difference between the Halachic status of a "medicinal agent" and regular food and beverages.

This idea is also implied in the words of the *Shulchan Aruch* upon which the *Magen Avraham* made his remarks. The *Shulchan Aruch* was discussing something that is neither a food nor a beverage of healthy people and is therefore a genuine medicinal agent. He ruled leniently for the healthy while the *Magen Avraham* ruled stringently. However, both parties agree that "all foods and beverages that are [normally consumed by] healthy individuals" may be ingested on Shabbos.

In light of this, there should be a Halachic distinction between vitamins taken as medicinal agents to enhance one's health, and dietary supplements that are intended to meet the need for nutritious minerals and vitamins. According to the *Magen Avraham*, the former would be forbidden, and the latter would be permitted. The *Shemiras Shabbos Kehilchasa (35:85)* attributes a similar distinction to Rav Shlomo

Zalman Auerbach *zt"l*. He therefore permits taking vitamins in lieu of another food. (This is also suggested by Rav Yitzchak Rubin *Shlit"a* in *Orchos Shabbos* 2, p288.)

Based on the above, it would seem obvious to differentiate between a weak person taking vitamins to strengthen his body, and a healthy person taking pills in advance of a fast. In this latter case, there is nothing unusual about the person's health. He is fully healthy and strong; he has no particular condition that requires enhancing or improving his health. Rather, knowing that he will not eat or drink the next day, he eats a special advance diet in lieu of the food that he would have eaten the following day under normal circumstances. (Had he been able to eat normally the following day, the pills would have been superfluous.) Therefore, it is reasonable to suggest that even the *Magen Avraham* would agree that taking these pills this does not constitute *Refua* and one may take them on a Shabbos which falls on the eve of a fast.²

We can also add the view of Rav Moshe Feinstein *zt"l* (*Igros Moshe, O.C.* 3:54) who contends that the *Magen Avraham's* stringent ruling only applies to those who suffer from weakness or nonspecific poor health. He agrees that perfectly healthy people are permitted to take vitamins. Seemingly, the same is true in our case; since the person does not suffer from any innate bodily weakness and the expected weakness during the fast is related to an external cause, the vitamins are considered dietary rather than medicinal.

In fact, Rav Asher rules leniently in our case (*Shu"t Minchas Asher* 2:38). His reasoning is that there is room for leniency with vitamins and "*certainly for something that is not taken for any health purpose but to provide some other form of relief*". In other words, taking a pre-fast pill is comparable to taking sleeping pills and birth control pills which are permitted [on Shabbos]. He supports this ruling with numerous examples. For instance, it is permissible to chew *Matztichi* – a fragrant natural agent – in order to rid oneself of bad breath (*Shulchan Aruch O.C.* 328:36) even though it is a medicinal substance (as apparent there). It is similarly permissible to swallow a raw egg to enhance the voice (*ibid.* 38) and to moisturize the body with oil to relieve intoxication (*ibid.* 41).

On this basis, Rav Asher concludes that "*reestablishing the body's properties and functions in their rightful place is not classified as curative medicine as long as there is no condition which can be called sickness.*" He therefore permitted these pills to be taken

² It should be noted that *HaGaon* Rav Asher Weiss *Shlit"a* (*Minchas Asher* 2:38) challenges Rav Shlomo Zalman's leniency (he cites an example of a garlic extract that has great health benefits and is taken in lieu of eating raw garlic because of its pungent taste and smell). He writes:

"But in my humble opinion, we have not resolved this question, because the person is nonetheless not eating these things out of thirst, hunger, or appetite, but because of his health requirements. Admittedly, if we do accept this reasoning, it would allow us to side in favor of permitting all vitamins, for in truth they are nothing other than nutritional elements found in all foods and beverages, and are totally unlike antibiotics".

on Shabbos when it falls on the eve of a fast. As an added, praiseworthy step, he advised first dissolving them in water (if this will not impair their efficacy).

However, Rav Yitzchak Rubin *Shlit"a*, in his Sefer *Orchos Shabbos* (2, p417) rules that it is forbidden to take these pills on Shabbos that falls on the eve of a fast; if one wishes to take them they must be mixed into another food or drink before Shabbos. In the footnotes (284), this ruling is attributed to Rav Elyashiv *zt"l* and Rav Shmuel Wosner *zt"l* and their reason is that these pills are also included in the *Magen Avraham's* prohibition for a healthy person to take medicine to enhance or improve his health lest he come to crush herbs.

[The allowance to take pills (not necessarily in this case) when they are dissolved before Shabbos (to the extent that they become undetectable; *Shulchan Shlomo, Erkei Refua*, 2:174) is based on the ruling of the *Shulchan Aruch* (328:21):

A person may dissolve Kilorin – a medicinal agent – on Erev Shabbos and apply it to the eye, for it looks like nothing more than washing. But this is only if he does not blink. We are not concerned that he may crush herbs for this since they only allow him to dissolve them on Erev Shabbos, this serves as a reminder.

This ruling is based on Rashi's interpretation of Shmuel's teaching in *Maseches Shabbos* (108b) permitting dissolving an eye medicine called *Kilorin* on *Erev Shabbos* and applying it to the eye on Shabbos. Rashi explains that the unusual method for preparing the *Kilorin* is the basis for leniency: The patient who is aware that he is applying a medicine is mindful of the fact that he had to prepare this in an unusual manner and this serves as a reminder. As for those in the patient's surroundings, they are unaware that it is a medicine and believe that he is simply washing his eyes. Hence, it is similarly permissible to take pills in this manner on a Shabbos which falls on the eve of a fast.]

As concerns the prohibition of *Hachana* – preparing for a weekday on Shabbos – the Poskim explain that it is not an issue in this case. Firstly, the vitamins already begin to be released and affect the body on Shabbos itself. Secondly, it is not self-evident that the action is being performed for the following day. To this end, it is reported in the name of Rav Shlomo Zalman Ullman *zt"l* that one should not verbally state that he is taking the pills for the purpose of easing his fast.