

Piskei Halacha of *Maran Rav Asher Weiss Shlit"a*: Yom Kippur for *Cholim*

A. General Guidelines

Medical tests to determine whether a Choleh can fast

A patient in a state of *Safek Pikuach Nefesh* can sometimes clarify whether he can fast safely through medical testing before Yom Kippur. For example, a cardiac patient might undergo a stress test to evaluate heart function and tolerance for strain, while a patient with a kidney disease could have blood work to assess renal function and electrolyte balance.

In his current state of *Safek Pikuach Nefesh*, he is permitted to eat and drink *Shiurim*.¹ Therefore, strictly speaking, he is not obligated to undergo testing, since every examination inevitably involves effort and discomfort. Nevertheless, it is proper to perform these tests to prevent unnecessary eating or prohibited *Melacha* on Yom Kippur. The more diligently he engages in these preparations, the more praiseworthy it is.

The treating physician versus another specialist

The treating physician, who knows the patient personally, is considered a greater expert regarding that patient, and his opinion overrides even that of a physician more highly regarded in the field. This holds true even according to the *Magen Avraham*, who rules that the more expert physician prevails over the lesser expert in many scenarios. In this context, the physician who knows the patient personally and is familiar with his overall condition is considered more expert. However, this applies only when ruling leniently, permitting the patient to eat during the fast, not when ruling stringently.²

Defining "Tzarich Ani"

If a patient says, "I need to eat or drink" ("*Tzarich Ani*"), we listen to him (*Shulchan Aruch*, O.C. 618). This does not mean that he claims that his life will be endangered if he does not eat, because he cannot know that. He means that he feels physically unable to continue without food or drink.³

¹ [Editor's note: Throughout this essay, "*Shiurim*" refers to eating less than the prescribed measure of food or drink at intervals sufficiently spaced so that the ingestions do not combine Halachically.]

² [Editor's note: In other words, the expert physician's opinion prevails if he rules that the patient must eat and is prohibited from fasting.]

³ This is actually subject to a *Machlokes Rishonim*. The *Hagahos Mordechai* (*Shabbos* 464), as well as the *Hagahos Maimoniyos* (*Hilchos Shevisas Asor* 2:5), cite the *Ri ben Shlomo*, that "*Tzarich Ani*" means

One who has no medical background and feels that his life is in danger

A person who is unable to determine his medical condition before or on Yom Kippur objectively but feels that his life is in danger – for example, he becomes weak with a high fever and thinks that he must drink – even though he has no medical knowledge whatsoever and may be mistaken in his self-assessment, is nevertheless permitted to drink as much as he feels is necessary. If he senses that drinking *Shiurim* will suffice, he should do so.

Taking medications before Yom Kippur to enable fasting

If a *Choleh* has reason to fear that he may be unable to fast, and has the option of taking nutritional supplements, electrolyte-rich drinks, or the like, which may help him fast, it is proper to do so.⁴ However, there is no obligation to go to great trouble to procure them.⁵

that he feels that if he does not eat, he will die. Rabbenu Tam disagrees: “Are patients prophets or experts? Rather, [the explanation is that] since the patient or Yolede knows that it is Shabbos or Yom Kippur but [nevertheless] says that they need [to eat] and they cannot endure [fasting] due to their illness, we feed them... Even if they state emphatically that they will not die. Since we assess that he cannot endure, it is permissible.” This position of Rabbenu Tam is consistent with his view that one desecrates Shabbos even for *Sakanas Eiver*. Though Halacha does not follow Rabbenu Tam in this regard (*Shulchan Aruch O.C.* 328), we do accept his definition of “*Tzarich Ani*” with respect to Yom Kippur. This may be inferred from the wording of the *Shulchan Aruch* at the beginning of *Siman* 618: Regarding a physician’s judgment, he rules: “He says that if they do not feed him, the illness may worsen and he may be endangered.” But regarding the patient himself, he simply states: “If the patient says ‘I need [to eat]’...” (R’ Asher explained why the Halacha follows Rabbenu Tam on Yom Kippur but not in the case of *Sakanas Eiver*: When a patient refrains from eating, there is substantial concern that the resulting weakness and metabolic stress could escalate into a life-threatening situation affecting the entire body. However, when the threat is confined to a single organ or limb, there is not a concern for endangering the patient’s life. Therefore, we give greater deference to the patient’s self-assessment of his needs in the former but not the latter.)

Considering the above, R’ Asher rules that a *Choleh she’Ein Bo Sakana* or pregnant woman who experience unbearable pain or discomfort and almost despair of life should be given *Shiurim* to drink.

⁴ *Minchas Shlomo* (2:58:25): It is preferable to take vitamins before the fast rather than to rely on *Shiurim*. The same conclusion is cited in *Halichos Shlomo* (6, *Dvar Halacha* 16). See *Yabia Omer* (9, *O.C.* 54) who rules that a person who finds fasting difficult and takes “*Tzom-Kal*” tablets on Erev Yom Kippur performs a Mitzva.

⁵ In *Igros Moshe* (*O.C.* 3:90), R’ Moshe Feinstein rules that there is no obligation for a person to take medication or an injection that has no therapeutic effect but merely helps him to fast. The obligation of “*v’Rapo Yerapei*” applies only to healing. He makes a similar point in *O.C.* 4:121 regarding vitamins. The same is stated in *Minchas Shlomo* (*ibid.*) and *Halichos Shlomo* (*ibid.*): there is no obligation to seek out such remedies if they are not readily available. This is also R’ Asher’s opinion: a patient is not obligated to take steps like these to enable fasting. It cannot be compared to eating before Yom Kippur (which is an obligation) since eating is a natural act. Nevertheless, it is proper to take fasting aids before the fast if necessary.

B. Shiurim*Caution in permitting Shiurim*

There is a common misconception that eating or drinking *Shiurim* is entirely permissible and readily acceptable for anyone who imagines that he cannot fast. In truth, however, *Chatzi Shiur Asur min haTorah* – each small amount ingested constitutes an *Isur d'Oraisa*. It is permissible to consume less than a *Shiur* only in a situation of *Pikuach Nefesh*. Though consuming less than a *Shiur* is less stringent than eating a full shiur, one must exercise great caution in this matter, in keeping with the severity of Yom Kippur.

Preemptive measures

A *Choleh sheYesh Bo Sakana* or pregnant woman, who knows with near certainty that they will be unable to complete the fast and will need to eat or drink at some stage, should not wait until they experience palpable danger. Instead, they should *preemptively* eat or drink to avoid reaching a state of distress.

Eating Shiurim to avoid eating more than a Shiur

Most Poskim rule that a *Choleh* should begin eating *Shiurim* in the morning rather than waiting until he reaches a state where he must eat more than a *Shiur* in one sitting.⁶ This is a logical approach since he eats and drinks to avoid *Sakanas Nefashos*.

However, if there is a reasonable possibility that he will be able to complete the fast, he should not begin eating and drinking *Shiurim*, even though he might ultimately need to eat more than a *Shiur* in one sitting.

A Choleh who claims that eating Shiurim causes distress

If it is determined that a *Choleh sheYesh Bo Sakana* can suffice with eating or drinking *b'Shiurim*, but he claims that the restriction of *Shiurim* will cause him great distress, he is permitted to eat in his usual manner, for the sake of peace of mind. Nevertheless, the Halachos of the fast are not suspended for him, and he may not eat anything that is not clearly necessary for his physical or mental health.

⁶ *Igros Moshe* (O.C. 4:121); *Moadim u'Zmanim* (8:21); *Shulchan Shlomo* (Refua 2, p238). *Shemiras Shabbos Kehilchasa* (39, footnote 92), quotes R' Shlomo Zalman who explained that by eating less than a *Shiur* the *Choleh* simultaneously saves himself from danger but also feels the *Inui* of Yom Kippur. However, he also cites R' Elyashiv who held that the *Choleh* should rather wait until he must eat, even if it will mean eating more than a *Shiur*.

Determining the Shiur of baked goods

The Poskim discuss how to factor in the airspace in baked goods and similar items when measuring *Shiurim*. Some rule that regarding Yom Kippur, where the *Issur* pertains to *Yisuvei Da'ata* (setting the mind at ease), only the food substance should be considered, excluding air pockets. Accordingly, one should compress the food firmly before measuring it to determine the *Shiur*.⁷

Other Poskim disagree and rule that even for Yom Kippur, the air pockets are counted toward the *Shiur*. Compressing the food may misrepresent the *Shiur*. If one has already compressed it, he may be lenient and measure it in that form, but *leChatchila*, should not do so. The Halacha appears to follow this view.

One who required less than a Shiur but ate a full Shiur within K'dei Achilas Pras

If a *Choleh sheYesh Bo Sakana* only requires less than a *Shiur*, he may not eat a full *Shiur*, since the second *Chatzi Shiur* is *Asur Min haTorah*. In fact, the *Biur Halacha* (O.C. 618) cites the *Binyan Tzion*, who holds that if a patient was initially permitted to eat more than a *Shiur*, and subsequently requires only less than a *Shiur*, but consumes a full *Shiur*, he incurs the penalty of *Kares*.

However, this is not the actual *Psak* of the *Binan Tzion*. The *Mishna Berura's* source for the ruling is the *Pischei Teshuva*, who quoted the *Binyan Tzion* imprecisely. The reasoning is also perplexing: since the first *Chatzi Shiur* was eaten permissibly, why should the second half combine with it to incur the liability of *Kares*? It is inconceivable that the same act (eating the first half *Shiur*) could simultaneously be both a *Mitzva* of *Pikuach Nefesh* and a *Chiyuv Kares*.

Drinking Shiurim

It is important to emphasize that there are rare cases when drinking *Shiurim* would be inadequate, at least according to the lenient view that requires a pause only equal to the time it takes to drink a *Revi'is*. Thus, even those who require abundant fluid intake, such as a woman in labor, should at least pause for this minimal measure of time.

Transgressing an Issur d'Rabbanan to clarify whether one must eat

If a person did not determine before Yom Kippur whether he needs to eat (for example, one who fell ill on Yom Kippur itself and feels that his life will be endangered if he fasts), and it is possible to transgress only an *Issur d'Rabbanan* to clarify whether

⁷ *Shemiras Shabbos Kehilchasa* (39:19); *Or l'Tzion* (4, p114).

he must eat, such as sending a non-Jew to inquire of a physician or a Rav, he should do so, since it may save him from violating an *Issur d'Oraisa*.

The Bracha before eating Shiurim on Yom Kippur

One who must eat on Yom Kippur is obligated to recite a *Bracha Rishona*, even though he eats due to *Ones*.⁸ As long as he has not had *Hesech haDa'as* (for instance, he did not go from his home to the shul), he does not recite another *Bracha Rishona*.⁹ Even though he pauses between each act of eating and drinking to avoid reaching the halachic *Shiur*, this is not considered *Hesech haDa'as*, since he refrains due to Halacha, not because his attention was diverted.¹⁰

Two further reasons can be added:

1. He has not made a *Hefsek* of another action, such as *Tefila* or *Havdala*; he merely sits and waits for *K'dei Achilas Pras* to pass. The critical point is that the passage of time itself is not prohibited; rather, eating within the timeframe of *K'dei Achilas Pras* creates the Halachic *Shiur*. Since the waiting period involves no prohibited action and serves only to allow time to pass, the intervening minutes do not constitute a *Hefsek*. It is not inherently *Asur* to eat during that time; it only prevents the eating or drinking from combining to constitute a *Shiur*. Therefore, the interruption does not constitute a *Hefsek*.
2. He is not actually required to pause at all, since he could, if he wished, continue eating in tiny amounts, provided that he does not consume the volume of a *Koseves* within nine minutes. Therefore, his choice to wait is not considered an *Hefsek*.

⁸ *Shulchan Aruch* (O.C. 204:9), *Mishna Berura* (ibid. 46).

⁹ *Shu"t Maharsham* (6:38): remaining in one's place without *Hesech haDa'as* does not require a new *Bracha*; *Shevet haLevi* (10:90).

¹⁰ *Shu"t Maharsham* ibid.; *Chut Shani* (Yom Kippur 9, p165) et al.