

The Ruling of Rav Yisrael Salanter during the Outbreak of Cholera

כבוד ידי"נ הגאון המצויין,

REGARDING YOUR NOVEL RULING that in areas where influenza is common and many are sick, one may be lenient and not observe the fast days: You base your contention on the ruling of Rav Yisrael Salanter, who, during an outbreak of cholera, instructed *even the healthy* to eat on Yom Kippur. It is said that he ascended the *bimah* on the day of Yom Kippur and ate in front of the entire congregation. You argue that if he ruled that even the healthy should eat on Yom Kippur—the most stringent of all of the fast days—due to concerns of *pikuach nefesh*, certainly regarding the other fast days, when even a person who isn't dangerously ill is exempt from fasting,¹ one may be lenient.

In my humble opinion, this ruling has no basis for several reasons.

First, the episode involving Rav Yisrael Salanter is highly difficult to understand; in fact, there are several versions of the story (see below). It is true that in many *sefarim* containing anecdotes of the *Gedolim*, the story appears as you relate. For example, the *sefer Mekor Baruch* relates that Rav Yisrael stood on the *bimah* with a cup of wine and a *Mezonos*, and he recited Kiddush and ate.² If so, he must have eaten a *shiur* (which is forbidden on Yom Kippur), for if not, his Kiddush would have been invalid as it wouldn't have been Kiddush *b'makom seudah*.

However, this would have been an astonishing thing to have done, for even a sick person who is permitted to eat on Yom Kippur is bid to eat less than a *shiur* if at all possible!³ Moreover, the halachah is that a sick person who may eat on Yom Kippur is *exempt* from Kiddush.⁴ It seems unlikely to say that Rav Yisrael Salanter held like Rav Akiva Eiger (618) who rules that where Yom Kippur falls on Shabbos, a sick person must make Kiddush before he eats.

The *sefer Tenuas HaMussar*, in a chapter telling of the life of Rav Yisrael Salanter, also relates this story. However, a footnote cites Rav Yisrael's son, who claimed that his father only ruled that **less than a shiur** be eaten. It also cites another source that while Rav Yisrael did rule that others should eat, he himself did not.

Clearly there is some confusion as to the exact details of this episode. Moreover, one may not base halachic rulings on tales of *tzaddikim*, only on the words of the *poskim*. I am only familiar with two *teshuvos* of the *poskim* of the time that tackle this issue.

- First, the *Mitzpeh Eisan*⁵ relates that in his youth in Grodno, he heard that when in Vilna they heard of the ruling of Rav Yisrael Salanter, there was a great tumult and the leaders of the city opposed it. In fact, the aforementioned *sefer, Tenuas haMussar*,

1 Shulchan Aruch, O.C. 554:6.

2 Mekor Baruch 2:11.

3 See Shulchan Aruch, O.C. 618:6.

4 Magen Avraham 618, Shulchan Aruch haRav 1, and Mishnah Berurah 618:29.

5 Written by Rav Aryeh Leib Broda, the Av Beis Din of Levov; O.C. 41.

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recounts that the *gaon* Rav Betzalel haKohen protested the ruling in public, even though his version of the event was that Rav Yisrael only permitted less than a *shiur*!

- The *Shu"t HaRavaz*⁶ maintains that, in fact, Rav Yisrael advised everybody to make a *konam* (a vow) forbidding all food to themselves before Yom Kippur. Then they would invoke the law of "*ein isur chal al isur*—one prohibition cannot fall on [an item that is already forbidden due to] another prohibition," and the food would not be forbidden with the stringency of the laws of Yom Kippur. By eating it, the people would only transgress the *konam*, a lower-level prohibition. The *Ravaz* questioned this solution, as did all of the *geonim* of the generation (as attested by the *Misgeres haZahav*, a commentary on *Kitzur Shulchan Aruch*).

See also the *Igros Moshe*, who cites this episode and does not make mention of the *konam* at all.⁷ Clearly, this episode is surrounded in confusion, even among the *sefarim* of *She'eilos u'Teshuvos*.

Nonetheless, the ruling that even healthy people may eat *less than a shiur* on Yom Kippur during an outbreak of a disease can be found in the *Shu"t Chasam Sofer*.⁸ The *Mitzpeh Eisan* also attests that this was the position of the *Sho'el u'Meishiv* during the plague of 5533. Therefore, though we cannot be certain of the ruling of Rav Yisrael Salanter, this part of the ruling has firm basis in the words of the *gedolei ha'poskim*.

A similar ruling was issued by the *Pischei Olam* regarding Tishah b'Av.⁹ He maintained that it is permitted to eat less than a *shiur* on Tishah b'Av during a plague. I have discussed this ruling elsewhere at length.

Cholera vs. the Common Flu Today¹⁰

Nevertheless, one absolutely cannot compare cholera, the subject of the aforementioned rulings of the *poskim*, to influenza today.

Cholera directly killed many tens of thousands of people during its time and was utterly incurable, just as "*ra'asan*" was during the times of the Gemara (and from which the *Chachamim* urged the utmost caution¹¹). For this reason, people were terrified of contracting cholera; that is why they forbade people from leaving their homes and obligated those who needed to go out to cover their nose and mouth with their garments, as related by the *Sefer Pischei Olam*.¹² The danger of the common flu pales in comparison, both in terms of its level of contagion and in terms of the danger it poses to life. Today, the common flu is considered a "normal" common illness and is not considered a danger to life.

In fact, even with regard to the cholera outbreak, there were those who disputed the ruling of the *Chasam Sofer*. The *Shu"t Reishis Bikurim* testifies that there were thousands in Vilna at the time who did fast on Yom Kippur and none were any the worse for it. Therefore, he ruled that there was no room to permit healthy people to eat.¹³ The *Zecher Yehosef*, by the Griz Stern, argues at length that the fast posed no danger to those who were healthy.¹⁴ At any rate, there does not appear to be a strong basis for ruling leniently regarding eating on the fast days in areas where influenza is common.

It is true that the *Chachamim* did not decree any fasts in cases of illness. But we only know this to be true of those who are **already** sick—not where we are merely concerned about their potential for falling ill. Though in cases of **potential** *pikuach nefesh*, we are lenient in this

6 Written by Rav Binyamin Zeiv Safran, the *Av Beis Din* of Bucharest; *Shu"t HaRavaz* 11.

7 *Igros Moshe*, O.C. 3:91.

8 6:23.

9 Cited by the *Biur Halachah* 554:6.

10 Note that in this response, the *rav* is comparing cholera to the common flu, not COVID-19.

11 See *Kesubos* 77b, which records that Rav Zeira would not stand downwind of a person stricken with *ra'asan* and Rav Ami and Rav Asi would not even eat eggs that were sourced in the same street as a person with *ra'asan*.

12 Ibid.

13 See the *Sdei Chemed* 9, *Ma'areches Yom haKippurim* 3:4, who cites the *Reishis Bikurim* and comments on it.

14 *Zecher Yehosef* 4:203.

regard,¹⁵ that is because *pikuach nefesh* overrides all of the mitzvos in the Torah, even in cases of doubt (*safeik pikuach nefesh*). In fact, I have discussed elsewhere how many *poskim* hold that even a remote possibility of *pikuach nefesh* overrides anything.

However, the mere *potential* for taking ill is no basis for overriding mitzvos, particularly in this case where there is no reason to believe that fasting is any cause for contracting influenza.

Above all, the difference between cholera and influenza regarding the potential risks of fasting is that cholera impacts the digestive system, causing severe diarrhea,

dehydration, and malnutrition. For this reason, one is certain to be more vulnerable during a fast, hence the lenient ruling of the *poskim*. This is not the case with influenza, which does not affect the digestive system.

In light of all of the above, there would appear to be no basis for a lenient ruling regarding fasting due to concerns about contracting coronavirus. Even if many are sick with influenza at that time in that place, those who are not sick are obligated to fast and should not be lenient—even to consume small *shiurim*.

בִּיקְרָא דְאוֹרִייתָא,
אֲשֶׁר וַיִּס

¹⁵ See *Biur Halachah* 618:1.

These essays were written during various stages of the coronavirus pandemic. Facts and knowledge about this virus change daily. Torah is forever.