

The accepted practice vs the majority opinion

הלכה למעשה

2/11/2019 - אדר א'

Part I

There is a fundamental question that comes up throughout history which I believe requires clarification, especially when it involves scientific or medical decisions affecting public health. It is particularly relevant today when we find ourselves in the middle of a fierce and impassioned vaccine campaign. I was going to call it a debate, but then I realized that for the most part, there is no debate. Just about every Rabbi and every board member I speak to refuses to have a discussion about vaccines. Rather, it is a campaign to force every human being to get vaccinated. Understandably, they refuse to discuss it because they know nothing about the topic. The president of the Baltimore Vaad Harabbonim, author of the recent חרם that was placed on anyone in the Baltimore community who doesn't vaccinate, even told me straight out that he is "not educated". Someone recently [posted](#) on baltimoregoyishlife.com a translation of an article written by a prominent Rabbi which included absurd statements like: "there are no known cases where death was caused by vaccination for certain". Right, except for all the cases where it was [proven in court](#), or where the government [conceded](#) that the vaccine killed the child, or where the child was perfectly healthy and [died within minutes](#) of being vaccinated.

Here's another scholarly quote from the same article: "...if most people would act in this manner, things would revert to what they were; we would return to the medieval era, and hundreds of thousands would die from terrible diseases." Interesting. That's like saying: if we stop vaccinating, dinosaurs will once again roam the Earth. Most of the current childhood vaccines on the market were developed and marketed beginning in the 1960s and into the 1990s. Let's put on our thinking caps and try to figure out what would happen if everyone stopped vaccinating. Would things revert back to the 15th century or possibly the Jurassic era, or would they revert back to the 1960s?

Personally, I would be thrilled if we reverted back to the 1960s. Children's health today is *much* worse than it was in the 1960s. Autoimmune disorders were a fraction of what they are today. Autism, ADD, ADHD, and other forms of learning disability and brain damage were a fraction of what they are today. Are hundreds of thousands of people going to die as this Rabbi would like us to believe? No. In fact, the death rate from measles and pertussis, as well as other "terrible diseases", were practically down to zero *before* we had a vaccine. See [Roman Bystryanyk's article](#) for more information.

How does a Rabbi justify making a decision which affects the lives of so many people medically and spiritually, when it would appear that they have no idea what they're talking about? Usually, a Rabbi is expected to understand the facts of the case before giving a ruling or making a decision. The excuse they always give to this troublesome question is that we go with the majority. In other words, it's ok that the Rabbi doesn't

know what he's talking about. He doesn't have to. He is simply relying on the majority. That sounds like a very nice answer. Whether requiring every individual to vaccinate their child, or to give a *ישיבה* the right to throw children out, this is the bumper-sticker response every Rabbi likes to use: we follow the majority. The problem is, it is a completely irrelevant argument. It is irrelevant in *הלכה*, in *השקפה*, and in basic logic.

First, we need to establish what it means to "follow the majority". The only way we would ever do that is if you had the majority *opinion*. It isn't enough to just have the majority, because then it simply becomes "the accepted practice". I will give you several examples throughout history which illustrate this concept, beginning with my all-time favorite, Dr. Ignaz Semmelweis (1818-1865), a Jewish Hungarian physician whose discoveries could have saved countless lives, had his colleagues not insisted on "following the majority".

Back then, women who gave birth were at great risk of dying from puerperal fever. Dr. Semmelweis was determined to find a solution. He had access to two maternity wards at the hospital in Vienna where he worked. He began by collecting data. He found that the clinic which consisted entirely of male doctors had a death rate five times greater than that of the second clinic, run by female midwives. He tried to think of any difference between the two clinics which would possibly yield conflicting mortality rates. One difference he noticed was that the midwives had the women give birth on their side, while the doctors had them give birth on their backs. He instructed the doctors to deliver on their sides, but Dr. Semmelweis noted that this had no effect. He then noticed that in the doctors' clinic, every time someone died, the priest would walk down the hall ringing a bell. He thought that the bell somehow scared the mothers in the ward and caused them to develop fever and die. He did away with the priest and the bell, but again, it had no effect. To make a long story short, he noticed another difference: the doctors did autopsies on infected corpses, while the midwives didn't. He theorized that there might be tiny pieces of the cadaver remaining on the hands of the doctors which then got transmitted to the mothers during childbirth. He ordered the doctors to wash their hands in a chlorine solution before delivery. This caused the death rate to drop significantly. Dr. Semmelweis published his findings in a book in 1861. His book was translated into English in 1983.

The way you would expect the story to end is that Dr. Semmelweis was awarded the Nobel prize and everyone respected him for his incredibly important contribution to medicine and public health. But unfortunately, the opposite was true. His colleagues hated him, they refused to adopt his new approach, he lost his job, and he was eventually put into a mental institution where he died. According to what the Rabbis are telling us today, that we always follow the majority, the way they treated Dr. Semmelweis was perfectly appropriate. Back then, *nobody* washed their hands before delivering a baby except for Semmelweis and a few of his followers. Most doctors rejected his work. Therefore, he must be wrong. But here's the question that we have to ask: *why* did most doctors reject his work? Was it because they disproved his theory

by doing similar experiments and finding no difference in mortality rates between delivering babies with or without washing the hands? Or, did they despise him because he was suggesting that they were responsible for the death of their own patients? The answer is B. But regardless of the psychology behind their behavior, the bottom line is that no subsequent experimentation was done, and Semmelweis was never scientifically challenged or disproven. Therefore, it would be accurate to say that the majority medical opinion back then was in favor of washing your hands. The fact that the medical community "disagreed" did not represent a scientific opinion. Yes, it was the accepted practice that nobody washed their hands. But you can't call that the majority opinion. The *only* medical literature available at the time showed the importance of washing your hands, and there was *no* medical literature to disprove it. If you think about it, Semmelweis's belief was not only the majority medical opinion, it was unanimous.

I want to make sure this point is very clear because it is critical in understanding the difference between these two concepts, and we don't want to continue making the same mistake, especially at the cost of innocent lives. You have to look at the specific question at hand. In this case: will fewer mothers die from childbirth if the doctor's hands are disinfected? The only scientific way to develop a reliable solution is by conducting a controlled experiment, which is exactly what Semmelweis did. It's irrelevant that nobody, including Semmelweis, understood the true reason behind his results. Bacteria wasn't discovered until several years after his death. We don't care what the reason was. That wasn't part of the question. All we wanted to know was, does it help, and the data showed that the answer was yes. Did any other doctor in the world find conflicting data? Did any other doctor conduct the same type of controlled experiment showing different results? No. They probably complained that they don't understand why it should help. I'm sure they argued that "correlation doesn't equal causation". They probably called Semmelweis and his followers anti-science and quacks. But since nobody else tried it, they were in no position to disagree.

This begs the question: *why* didn't anyone else try it? People are dying! A well-respected physician published his hypothesis, claiming that he drastically reduced mortality rates. How difficult is it to wash your hands? Is it not worth one minute of your time to possibly save countless lives? There are various human emotions which may have played a role in the way the medical community reacted to Dr. Semmelweis's discovery. And believe it or not, doctors and scientists are human. Interestingly, they made the exact same mistake back in Biblical Egypt. Perhaps if scientists spent more time reading the Bible, they would make less mistakes. Of course, Stanley Plotkin has no time for that sort of thing. In Feb 2017, he spoke at the [NVAC meeting](#). The person who introduced him said "Bill Gates calls his book the bible for vaccinologists". Listen to how the ממזר Stanley Plotkin responded: "I hope you all indeed have read the book, and I hope it's more accurate than the Bible." I'm sure that his תלמיד מובהק, Paul Offit, shares the same level of respect for the Bible. And these are the types of people you are inviting to speak to us in front of the ארון קודש. Anyway, getting back to Egypt, G-d

sent Moses to instruct Pharaoh to let the Jews go. Because of his stubborn attitude, and because he didn't believe in G-d, the Egyptians endured six painful and devastating plagues, exactly in the manner that Moses predicted. Now it was time for plague number seven, fiery hail. Moses was kind enough to warn the Egyptians to remove all animals and belongings from the field. He warned them that anything left outside would be destroyed and killed. The next verse is astonishing: *Whoever did not take the word of G-d to heart – he left his servants and livestock in the field [Exodus 9:21]*. Think about it. Moses got it right six times in a row. He has a perfect track record. Was it so difficult to bring their stuff inside that they're willing to risk all that damage and loss of property? The answer is, of course they knew they were going to lose everything. But if they brought it inside, then they would be admitting that they were wrong. And human nature doesn't allow a person to do that. This is especially true in our case. Had the doctors tried the new approach of disinfecting their hands, they would be admitting that the death of their patients had been their own fault, and it was too difficult for them to accept that level of guilt.

After learning about the experiences of the Egyptians, as well as the story of Dr. Semmelweis, you would think we would have learned our lesson. Fast-forward to February 2018 when the following [news report](#) came out: *Doctors “sound the alarm” on possible harms of saline in IV bags. New research calls into question what’s in those IV bags that nearly every hospitalized patient gets. Using a different intravenous fluid instead of the usual saline greatly reduced the risk of death or kidney damage, two large studies found. The difference could mean 50,000 to 70,000 fewer deaths and 100,000 fewer cases of kidney failure each year in the US, researchers estimate. Some doctors are hoping the results will persuade more hospitals to switch.*

That's great news. But here's the problem: *“We’ve been sounding the alarm for 20 years” about possible harms from saline, said Dr. John Kellum, a critical care specialist at the University of Pittsburgh.* Do you understand what that means? Hospitals knew that they might be killing 50-70 thousand people annually, and all they had to do was switch products. According to reports, the cost of the new product is exactly the same as the old one. It wouldn't have cost them a dime to make the switch. So, why pray tell, did hospitals sit around for 20 years potentially killing hundreds of thousand of people? *“It’s purely inertia” that prevents a change, he said.* Were other large studies done, also looking at thousands of patients which concluded that the saline bags were *not* killing anyone and were *not* causing kidney failure? No. They didn't disagree with the science. They were just too lazy to make the switch. Unbelievable.

A fascinating book was published on this very topic, *Genesis and Genes* by Rabbi Yoram Bogacz, discussing numerous examples throughout history where scientists not only ignored compelling evidence against a generally accepted principle, but ridiculed and berated the scientist who reported the evidence. The book begins with an approbation from Rabbi Aharon Feldman, which reads as follows: *Yoram Bogacz has written an excellent book defining the assumptions made by science in formulating their*

theories. In particular the book deals with the assumptions made by the theory of evolution which the author shows very convincingly rest on shaky ground. The book is well researched and makes for fascinating reading. It has much to contribute to the discussions regarding conflicts between science and Torah, and I highly recommend it. Respectfully, Rabbi Aharon Feldman.

As noted, the primary focus of the book is the theory of evolution. But the first few chapters discuss the concept of science in general, showing numerous examples where doctors and scientists have a tendency to disregard the most currently available science. I was going to quote various sections of the book describing additional examples, but then this letter would have been much longer than it already is. Instead, I will just share with you a brief email exchange that I had with the author in December of 2017. After reading through the first few chapters, I immediately noticed its relevance to vaccines. I emailed the author to see what his thoughts were on the matter, to see if he agreed that vaccines were a good example of doctors ignoring the scientific literature. Here's what he responded: "Hello, Thank you for your interesting email. I have never examined the issue of vaccines in detail, so I am not in a position to comment. Yoram Bogacz." I want every Rabbi to take note: He said that he is **not in a position to comment**. Why not? Because he **never examined the issue of vaccines in detail**.

There's one more example I want to discuss: tobacco. On June 12, 1957, Surgeon General Leroy E. Burney declared it the official position of the U.S. Public Health Service that the evidence pointed to a causal relationship between smoking and lung cancer. What changed on that day? Was the announcement made because on that day, the medical opinion of experts had suddenly changed? Or, were the experts already aware of the risks of smoking 100 years prior, and it just took the government a little while until they were ready to admit it? Let's take a look at the writings of Rabbi Yechiel Heller (1814-1862), שו"ת עמודי אור ס' כט, which I attached at the end of this letter. Rabbi Yechiel Heller, of blessed memory, was an אב בית דין and a tremendous Torah scholar, as is evident from his writing. He is dealing with a very complex question in הלכה, if it is permissible to smoke on the Jewish holidays. In the middle of his long and complex dissertation, he makes the following argument: ומ"מ דנו בזה בפשיטות: לאוסרו דאין שוה לכל נפש...וכל ספרי הרפואה מזהירין שלא ירגיל אדם עצמו בו

Meaning to say, in order for something to be permissible on יום טוב, it must fit the requirement of being שוה לכל נפש, a basic necessity of most people. Rabbi Heller is arguing - how can you call smoking "a basic necessity" when **all medical literature** warns us not to smoke. He doesn't say that there is *some* medical literature, or even *most* medical literature. Rather, he writes that *all* medical literature speaks of the dangers of smoking. I couldn't find an exact date for when this was published, but he died in 1862. I guesstimate it was written around 1855, over 100 years before the Surgeon General announced that smoking is dangerous. Let's discuss this scenario for a minute. In 1855, the vast majority of doctors are not only enjoying their cigarettes, they are telling patients that there's nothing wrong with it, and that it's good for them.

Are the vast majority of doctors illiterate? Did they not notice that ALL medical literature showed the dangers of smoking? I think this is another demonstration that humans are a very stubborn species. Maybe the doctors didn't believe what the medical literature was telling them, or maybe they simply didn't feel like changing their lifestyle. But regardless of the reason, we learn a very important concept from here: Rabbi Heller is teaching us that in הלכה, when there's a conflict between the accepted practice of doctors, and what it says in the medical literature, we follow the medical literature. You might ask, how can Rabbi Heller say such a ridiculous thing? Doesn't he know that we always follow the majority? And if the majority of doctors are smoking, then there's no reason it shouldn't qualify as "a basic necessity".

Again, you have to ask the question, *why* were the vast majority of doctors ignoring the medical literature? Was it because they personally ran their own studies and determined that the literature was incorrect? Of course not. What doctor has time to conduct research and experiments? A doctor who happens to be a smoker does not qualify as having an opinion on the matter. Perhaps they had a hunch that smoking is safe. However, having a "hunch" doesn't qualify as having an expert opinion, especially when said hunch contradicts *all* medical literature. Therefore, Rabbi Heller was correct in following the medical literature, *not* the accepted practice of the doctors. Even more importantly, what this shows us is that such a thing exists, that the vast majority of doctors can accept a certain practice or idea which is in direct contradiction with *all* medical literature. This concept alone disproves the bumper-sticker statement that many Rabbis like to claim: that we should blindly follow the majority of doctors. They are saying that it is completely irrelevant what the science says. There's no need to become educated or have any discussion regarding the science. There's no need to have a debate. It is completely irrelevant that I showed Rabbi Hauer how Paul Offit lied through his teeth when he spoke at Bnei Jacob Shaarei Zion. Paul Offit could have done the chicken dance, and people would have been just as satisfied. Who cares that the Rabbis know absolutely nothing about vaccines? The science and the literature are completely irrelevant. All we care about is the fact that the vast majority of doctors still give vaccines. There's nothing else to discuss. Period.

Wrong!! It is extremely important to look at what the literature says. I could list over a hundred examples of when the current medical science said one thing, and the majority of doctors did the exact opposite. Therefore, in any given situation, especially where an important decision must be made, it isn't enough to just look at what the doctors are doing. You must examine the scientific literature. Of course, everyone is entitled to their opinion. But if you disagree with me, you will be required to make the assertion that Rabbi Yechiel Heller was a fool who didn't know his right from his left. If that's the path you would like to take, it's a free country. Otherwise, let's continue.

Part II

Now that we are on the same page, and we agree that there is a need to at least take a glance at what the science has to say, let's do just that. Remember, you have to look at the specific question at hand. The devil is in the details. There's a very long list of specific questions I would ask regarding the safety of vaccines. Let's begin with this one: **does DTaP cause autism?** We have experts from around the world who have done extensive research and experiments on aluminum adjuvants in vaccines, some of them for 30 years or more, and they have concluded that vaccines, specifically aluminum containing vaccines like DTaP, very likely are causing the increased rates of autism and other neurodevelopmental disorders that we see in children today. Three of these experts have written their opinions in a letter addressing HHS which you can read in [the HHS debate](#). [The three letters are included in appendix C which begins on page 30/135.] We will discuss that document in more detail later. In support of their opinion, the data in the United States shows a very strong correlation between the increased number of vaccines given to children over the last 30 years, and the rise in autism rates over the same time period [see [the CDC debate](#) page 32]. It's no coincidence that thousands of parents are complaining that their child began a regression into autism immediately after being injected with DTaP.

We also have Dr. Andrew Zimmerman, the biggest pro-vaccine expert the government was able to find in 2007 to testify on their behalf that vaccines don't cause autism. There was just one slight problem: he happens to be of the opinion that vaccines *do* cause autism. As soon as the DOJ lawyers discovered this new development, they informed Dr. Zimmerman that his services will no longer be required. You can read his [32 page sworn affidavit](#) for more details. The first 5 pages describe his experiences with the DOJ attorneys, how they lied in court and misrepresented his opinion. The last 27 pages itemize his qualifications.

That's the opinion of the first group of experts, whether you like what they say or not. Now let's see what everyone else's opinion is on the matter. Let's begin with the Institute of Medicine and ask them how they would answer the question. Wait a minute, HHS already asked them three times; in 1991, 1994, and again in 2011. You can read "the HHS debate" referenced above for more details. All three times, the IOM gave the exact same response: the available literature is inadequate to determine whether or not DTaP causes autism. In other words, we have no idea. The Institute of Medicine is reporting to HHS that "**we have no opinion on the matter**". That was their final answer, which was even confirmed again in [the 2014 report](#) which HHS references [page 170/740]. Let's tally up what we have so far. I believe we have at least a dozen experts who are warning us of the dangers of DTaP, but I only showed you three of them, plus Zimmerman, so let's call it four. Then we have HHS and IOM who are telling us that they have no opinion on the matter. So that's four against zero.

But it gets interesting. The CDC says on their website that "[Vaccines Do Not Cause Autism](#)", and then of course you have thousands of doctors parroting the same line. But

where did that opinion come from? It obviously didn't come from the Institute of Medicine. They already told us that they have no opinion on the matter. Right? Wrong. The *primary* reference that the CDC gives on their website for the statement that vaccines do NOT cause autism, is none other than the 2011 IOM report. Here's how that happened: Remember how we suggested that the doctors in the 1850s might have been illiterate? Well, the CDC is illiterate. See "the CDC debate" page 8. Either that, or they deliberately misquoted the IOM and hoped nobody would read [the 895 page report](#). The CDC makes no reference of any study showing that DTaP does NOT cause autism. Therefore, the CDC's statement is no better than the doctors who smoked, or the doctors who ignored Dr. Semmelweis, or the hospitals who were too lazy to switch the IV bags. They don't have ANY scientific basis for what they are saying. Did they experiment on mice and inject them with aluminum like Dr. Shaw and Dr. Gherardi have done, finding opposite results? Did they dissect brains of people who had autism like Dr. Exley did, and not find extremely high levels of aluminum? No, they did not. Then why are they making this claim? I can give you a few good reasons. But one thing we know for certain, it has no basis in science. And if the statement has no basis in science, you can't call it a scientific opinion.

When the former Director of the National Institute of Health, Dr. Bernadine Healy, was asked about whether public health authorities are correct to claim that vaccines do not cause autism, she answered: "You *can't* say that." When asked again, Dr. Healy explained: "The more you delve into it – if you look at the basic science – if you look at the research that's been done, in animals – if you also look at some of these individual cases – *and*, if you look at the evidence that there *is* no link - what I come away with is: *The question has not been answered.*" ["The HHS debate" page 11]

It turns out we have three categories of "opinions": 1. Four doctors who believe, based on their own extensive research, that vaccines can and do cause autism. 2. IOM, as well as the former director of NIH who say that "the question has not been answered", which means, we have no idea. 3. CDC and thousands of loyal followers who erroneously claim that "vaccines do not cause autism".

That concludes the summary of how I would address my first safety question on vaccination. To summarize how I would *answer* the question, I would say that the current medical opinion is unanimous: DTaP is very likely triggering the development of autism in children.

Again, the main purpose of this paper is to show that there is a need to discuss the science. I don't want to get too involved in the actual science right now. I just wanted to get the conversation started. And "the HHS debate" which I quoted above is a perfect place to start. You will see in that document that there are 135 commonly reported vaccine injuries to which IOM reported that the data is inadequate. Thousands of parents have submitted complaints on each of those injuries, which is why HHS wanted to know if there were any studies showing if those complaints can be validated. The answer was no, we never did any studies. Even after being reprimanded in 1994 for not

having done any research on 38 out of the 54 commonly reported injuries, HHS did absolutely nothing for 17 years when again, IOM reprimanded HHS in 2011 for not having done any research to identify a causal relationship between vaccinations and 135 out of 158 commonly reported injuries.

We began a discussion on one injury on the list, autism. The next step is to discuss the medical opinion on the other 134 injuries, which also includes death. And that just covers vaccine safety. We would have to have a separate discussion about vaccine efficacy.

There is just one more point I would like to address before moving on to the next section. I have heard statements like the following one quoted from various pediatricians: "I have thousands of patients and I have administered millions of vaccines, and I have *never* witnessed a serious vaccine injury in *any* of my patients."

There is a very basic flaw with that statement: The pediatrician has no idea what an unvaccinated child looks like. The reason for this is very simple: in almost all practices, unvaccinated children are not allowed. How can you say you have never seen a serious vaccine injury if you have nothing to compare to? Today, 54% of children suffer a chronic illness or neuro-developmental disability. 10% of children have asthma. 10% of children have a learning disability. One in 400 is diabetic. And 1 in 50 children has autism. There is a tremendous amount of science showing that all these conditions are linked to vaccines to some degree, and there is a tremendous *lack* of science showing the opposite. There is also a very strong correlation between the increased number of vaccines we have been giving our children over the last 30 years, and the increased rates of all these disorders. Here's what the pediatrician *meant* to say: "It's true that more than half of the children in my practice suffer some type of chronic illness or mental disability. But I can't imagine it's because of vaccines. I spent \$200,000 on medical school, and they told me vaccines were safe."

The only way for a pediatrician to make a relevant statement on this matter with any amount of credibility would be if they allow unvaccinated children into their practice, like [Dr. Paul Thomas from Portland, Oregon](#). He explains how he gathered data from his patients from 2008 to 2015 with over 1,000 patients who used a modified vaccine schedule, where he eliminates some of the vaccines, like HepB (assuming the mom wasn't infected), and delays the others. In that group of over 1,000 children, there wasn't a single case of autism, while statistically there should have been at least 16. He had a 2nd group of 238 patients who chose to not vaccinate at all. Again, no new cases of autism. In his 3rd group, there were almost 900 patients who were either fully vaccinated, or began on the CDC's schedule from birth, including HepB on the first day of life, and then slowed down with the other vaccines. In that group, there were 15 patients with autism, consistent with national statistics. He also reported a huge difference in developmental delays between the different groups, as well as the number of sick visits, hospitalizations, and ER visits for respiratory illness.

Another physician who I spoke to personally, Dr. Toni Bark, told me that in her practice she notices a clear difference in the overall health between the children who were vaccinated and those who were not. I have heard similar reports from other doctors as well.

This is a good example of another safety question we should be looking into as soon as we're ready to sit down like adults and have a serious conversation: **is the overall health of unvaccinated children inferior, equal to, or superior to fully-vaccinated children?** Remember, we can't ask the doctors who only accept fully vaccinated children in their practice. Those doctors are not in a position to answer the question. My suspicion is that the majority opinion among pediatricians is going to be that unvaccinated children are *much* healthier than vaccinated children. It might even be unanimous.

Part III

Just in case basic logic isn't your forte, and you still think we should blindly follow the accepted practice, I will prove to you that I am correct according to the שלחן ערוך. Let's begin with the ש"ך [יו"ד ס' מו"ק יד].

ולפענ"ד דגם הב"י ראה דברי ר' ירוחם ואפ"ה לא הכריע להקל משום דהטור ור' ירוחם הם תלמידי הרא"ש הנמשכי' תמיד לשטת הרא"ש ואין ראייה מהכרעתם

The ש"ך is saying that in this particular case, we can't trust the opinion of the טור and ר' ירוחם. This is surprising since our entire religion as we know it is based on the teachings of the טור, so why is the ש"ך saying that we can't use his opinion to be מכריע the הלכה in this case? The reason is *not* because the טור is simply repeating what he heard from his רבי. The טור isn't a parrot, he's a פוסק. He reviewed and studied the subject in its entirety before stating his opinion. However, we are concerned that his final decision may have been influenced by the way he was taught.

Now let's talk about the thousands of doctors who swear on their life that vaccines are safe and effective. Are they saying that because they conducted clinical trials showing that each vaccine is safe and effective? Of course not. They are simply relying on the CDC. This is true with at least 95% of doctors. They spent 30 minutes in medical school memorizing the vaccine schedule. Since then, they may have glanced at a few pages on the CDC website. That doesn't qualify as an expert opinion. They are just parroting what they heard in medical school and what they read on the CDC website. The ש"ך isn't talking about those doctors, whose "opinion" obviously doesn't count. The ש"ך is referring to the 5% of doctors who have done a reasonable amount of research. The ש"ך is telling us that even in a case where a reasonable amount of research was done, we can't rely on their opinion because it may have been influenced by the way they were taught. Also, there's an additional conflict when dealing with doctors which makes it even more difficult to rely on their judgement: they don't want to lose their job.

Any doctor who makes even the slightest negative comment about vaccines risks losing his/her license and getting fired. Think about it. If you had to stand trial, and for some reason your judge was faced with the following dilemma: if he rules in your favor he will lose his job. If he rules against you, he can keep his job. Would you trust that the judge is capable of making an impartial decision?

In reality, I believe that the expert opinion in favor of vaccination counts only as one. However, I'll give you 15, since ACIP, the CDC committee who decides which vaccines will be included for recommendation, consists of 15 voting members. Even that's a stretch, because often those members have conflicts of interest, will probably lose their job if they vote against a vaccine, and most probably went to medical school. So, really the ש"ך should apply to them as well. But the point is, you certainly don't have thousands of independent, expert opinions in favor of vaccines.

How many expert opinions do we have saying that vaccines are *not* safe, and *not* effective? I believe we have at least 200 physicians who have spent a minimum of 3 years researching vaccines. For argument's sake, let's say we have just 20. Each of these 20 doctors count as a separate opinion. Although they went to medical school, their opinion is going *against* what they were taught. If the טור would פסקין against the ש"ך, which he sometimes does, then his opinion would count according to the ש"ך.

These doctors who are against vaccines, are they doing it for the money? As hilarious as that sounds, I have to address this since otherwise intelligent people have made this claim. As I said, any doctor who speaks out against vaccines *will* lose their job. The only reason there are some who haven't yet, is because they have experienced some sort of divine intervention. You can't say they are נוגע בדבר when they risk losing their entire career, just so they can sell some vitamins or a book that they wrote.

According to הלכה, the majority opinion is *against* vaccination.

I'm not sure which Rabbi thinks they have the authority to disagree with the ש"ך. But let's say you disagree with the ש"ך, and for some reason the fact that doctors are at risk of losing their job doesn't make them נוגע בדבר for being in favor of vaccination. So now you have thousands of opinions who think vaccines are the best thing since sliced bread. But there are 200 opinions who say vaccines are dangerous. To be nice, I already reduced that number to 20. Now I'll be even nicer and reduce that number to 2. There are only 2 doctors on planet Earth who say that vaccines are dangerous and toxic. Who do we listen to? According to [ש"ך] [או"ח ס' תריח סע' ד], when you have 2 doctors who say that there's a risk of death, even if 100 doctors say there's no risk, we listen to the 2 doctors. The משנה ברורה explains:

"ולא אזלין בתר רב דעות בסכנת נפשות"

Are vaccines safe? We have a פירוש שלחן ערוך telling us that when it comes to פיקוח נפש, **we don't follow the majority**. Therefore, according to הלכה, vaccines are dangerous and toxic. Period. Unless, of course, you want to disagree with the שלחן

ערוך. I don't like to make assumptions, but assuming that you do *not* want to disagree with שלחן ערוך, we are all in agreement that vaccines are dangerous and toxic, and should be treated as being in the category of ספק סכנה.

If that's the case, why should we vaccinate our children? The only valid reason to do so would be if the vaccine preventable diseases are more dangerous than the vaccines. There are many doctors who think they are. So let's assume for right now that the diseases are more dangerous than the vaccine. What does the שלחן ערוך say we should do? It depends who you are trying to protect. If you are vaccinating yourself in order to protect others from catching a disease, that is for sure אסור:

There is a dispute [ש"ע ח"מ ס' תנו סע' א סמ"ע ס"ק ב] whether it is permissible to put oneself into a ספק סכנה of injury or death, in order to save someone else's life. The majority of פוסקים say that you may not. And of course, we always like to follow the majority opinion. Even those who say that you may, that's only if your friend is a ודאי סכנה. But if your friend is only in a ספק סכנה, it is absolutely אסור according to all opinions to place yourself in a ספק סכנה. If I don't vaccinate, will I cause someone else to catch measles? It's a little far-fetched, but perhaps. If that individual catches measles, will he die? It's *very* far-fetched, but perhaps. Anyone whom you are trying to protect is at best a ספק סכנה. Should I vaccinate myself, which itself is a ספק סכנה, in order to protect them? No. And by the way, with DTaP, not only are you not protecting other people from pertussis, you are putting them in *greater* risk of infection. The CDC acknowledges this fact. See "the CDC debate" for more details.

What if you want to vaccinate yourself in order to protect *yourself* from a "terrible disease", assuming the disease is potentially deadly? I believe we can bring a proof from [או"ח ס' שכח ס"ק ו ומחצית השקל שם] that it would be אסור to vaccinate, being that vaccination itself is a ספק סכנה as we have previously established. You have to read it very carefully, and you have to know how to apply the different variables to our case. I'm not going to work through all the details because it is not directly relevant to our discussion. You want to force people to get vaccinated so they can protect other people, which is clearly אסור. If it was only an issue of protecting themselves, we wouldn't be having this discussion.

The last three paragraphs were assuming that becoming infected with a vaccine "preventable" disease is a סכנה, at least as big of a סכנה as vaccination. This is based on many doctors who say that those diseases are highly contagious and potentially deadly. How deadly? It depends who you ask. According to the Rabbi I quoted earlier, if we stop vaccinating, "we would return to the medieval era, and hundreds of thousands would die from terrible diseases". He didn't make that up. I'm sure he heard it from a doctor. [According to CDC](#), however, there were around 400 reported annual deaths from measles the years before we had a vaccine. There were around [100 deaths](#) reported from chicken pox. The overall trend of measles deaths shows a steady decline which would have continued to drop, possibly all the way to zero, even if we never had

a vaccine. But apparently some doctors are under the impression that vaccines are preventing hundreds of thousands of deaths annually.

If you saw the misleading study published in 1988 in [Pediatrics](#), you would get the impression that DTaP is preventing 5 to 10 thousand deaths each year. The article reads:

In the United States, pertussis has been successfully controlled by the routine mass immunization of infants and children. In the prevaccine era, there were 115,000 to 270,000 cases of pertussis and 5,000 to 10,000 deaths due to the disease each year. During the last 10 years, there have been 1,200 to 4,000 cases and five to ten deaths per year.

Using the authors' reference documents, it is clear that the most marked decline in deaths from whooping cough occurred before the introduction of the vaccine in the late 1940s. The authors' data shows that the death rate from whooping cough in the United States had already fallen by approximately 92 percent before the vaccine was in widespread use and that the vaccine had no appreciable effect on the downward trend. [*Dissolving Illusions* pages 305-306].

Then we have our friend Paul Offit who lied to Rabbi Hauer, as I pointed out in a previous letter, when he said regarding mortality rates: "It's true, with some diseases as sanitation improves you start to see a lessening of the disease, but when the vaccine comes in you see a dramatic drop and a clear definitive drop associated with the vaccine." What he's saying might be true about incidence rates, but the question that Rabbi Hauer asked him was specifically regarding mortality rates. Even if Paul Offit was referring to mortality rates, he certainly has no data to back up his claims.

Some of the things doctors say to their patients are outrageous. The story that sticks out in my mind is the case of [Kari and Bryce Bundy from Indianapolis, Indiana](#), but there are many more stories just like this. They brought their infant to the pediatrician and were reluctant to give him the DTaP vaccine. The doctor said to them, if you don't vaccinate, you're signing his death certificate for whooping cough. Meaning, if he doesn't get his vaccine, he will get pertussis and die. Of course, they didn't want that to happen, so they agreed to give him his vaccine. Three days later, their baby was dead. I'm not ושלום on trying to prove that vaccines are responsible for SIDS. One of the most basic tenets of the vaccine religion explicitly states that correlation does not equal causation. Even after thousands of parents have been complaining about it, and the Institute of Medicine has been warning HHS for decades that more studies need to be done to determine if vaccines are causing SIDS, the most responsible way to handle the situation is obviously to do everything in our power to make sure that *no* studies ever get done to determine what's going on with SIDS. But what this story *does* prove is that pediatricians are lying to us. This was a typical line doctors are taught to say to parents who are hesitant to vaccinate their children. The death rate of pertussis had declined by 90-99% before we had a vaccine, depending on the country. In Sweden, the odds of dying from pertussis before they had a vaccine was 1 in 13 million. This is all based on

undisputed public data. And the stupid, arrogant doctor tried to scare them by saying their baby will die if he doesn't get vaccinated.

Why am I showing you all these examples of doctors who lied to us? Take a look at [ביאור הלכה [ס' תריח ד"ה חולה]. Even when you have doctors who are saying that there is a risk of death, if there is a reason to say that they might not be giving us accurate information, we shouldn't rely on their recommendation. He writes: צריך עיון רב אם יש - I saw it brought down from ר' אלישיב who explains that you should try to find a more reliable doctor. But if you don't have anyone else, you can rely on this doctor since it would still put it into a status of ספק פיקוח נפש. Meaning, we have doubts if this particular doctor is correct. If we don't have any other doctor to verify, we can rely on this one in order to allow someone to eat on יום כיפור, just like we would do with any other ספק סכנה.

I'm going to use a little bit of Talmudic logic: Why is the ביאור הלכה reluctant to follow the advice of this doctor? Because we are faced with an איסור אכילה. If the doctor is incorrect, then we would be wrongly allowing someone to eat on יום כיפור. We will do it anyway, since there is a ספק סכנה. But what if we know for *certain* that the doctor is lying? And what if we're not dealing with an איסור אכילה, but a ספק סכנה which is much more stringent? חמירא סכנתא מאיסורא. Clearly, the הלכה would be that we should ignore the doctor who is lying, and we would not permit a ספק סכנה. Vaccination is a ספק סכנה since we have at least 200 doctors who are telling us, backed by published science, that vaccines are dangerous and toxic. On the other hand, we have doctors who are telling us that everybody is going to drop dead from chicken pox and measles if I don't vaccinate my child. We know for a fact, based on public, undisputed data, that they are incorrect. According to the הלכה and ביאור הלכה and ר' אלישיב, those doctors should be ignored. Maybe you'll try to claim that since we have most doctors telling us that the disease is dangerous, we should listen to them. Please don't forget what we learned from R' Yechiel Heller. Even when most doctors recommend something, if they have no science to back them up, and all the science indicates that they are incorrect, we follow the science and ignore the doctors.

Maybe you'll try to argue that the doctors who are against vaccines are lying. I challenge anyone to find a single inaccuracy in the entire "HHS debate". I'm not talking about the 10-page response from HHS. There are tons of inaccuracies there. I'm talking about the initial 37-page legal notice from ICAN, and their 88 page response.

Even if we were to believe the doctors who say that the diseases are deadly, it still does not necessarily justify vaccination. There are methods of treating diseases which have been proven to drastically decrease the severity of infection, thereby minimizing any possible risk of death. Why should we use a method which creates a ספק סכנה when we can use methods which are perfectly harmless? For example, vitamin C is very effective in treating pertussis, and it's safe. I'm not aware that thousands of parents are complaining that their child died immediately after giving vitamin C. You can read

several [testimonials](#) of the success rate of vitamin C. I don't know about the vaccine religion, but in my religion, testimony carries some weight.

I would like to end with the following point: the job of a scientist is strikingly similar to that of a judge. They have to sort through piles of information and determine which pieces are relevant and which are not. Then they need to put all the pieces together and come up with a clear understanding of what's going on.

There's a very interesting difference that we find between a judge and a witness, as explained by the [ח"מ ס' לג ס"ק א]. There is a list of scenarios which disqualify an individual from being a witness. The same list applies to a judge, plus some. The ח"מ explains why we are more stringent with a judge.

הטעם דבעדות המעשה כאשר הי' לפניו הוא מעיד ולא חשדין ליה שישנה בכון בשביל אהבתו או שנאתו משא"כ דין שתולה בסברא והמעשה נשתנה מחמת אהבתו או שנאתו אפילו בלא כוונת רשע

The basic idea is that a witness just has to testify on an event. It's very clear cut, and the only way to lie would be to do so deliberately. But a judge, who needs to evaluate and objectively assess the situation, would be much more sensitive to conflicts of interest which could possibly throw off his judgement, even unintentionally.

Clearly, when it comes to a judge, we want to avoid any conflict of interest. The same thing should be true with a scientist, especially when we are relying on their science for the health and safety of our children.

Having a conflict of interest, or being נוגע בדבר, means that we are concerned that there is a certain push that *might* throw off his judgment. We don't know for sure that the judgement will be biased, but because the conflict exists, the judge is disqualified. Then you have a completely different level of fraud: מוזק שקרן, someone who has a history of lying for money. This type of person is disqualified from testifying, and certainly from being a judge, not because we are concerned that he *might* be lying, but because he most definitely *is* lying.

Now let's take a look at what HHS wrote in their response in "the HHS debate": Please turn to page 40/135, where HHS refers to a 740 page study, which I referenced earlier on page 7 and hyperlinked the PDF. HHS describes this report as "the most comprehensive review to date of published studies on the safety of routine vaccines recommended for children in the United States." Now turn to page 81/135, where ICAN spends the next 8 pages explaining numerous reasons why the statement of HHS is incredibly disturbing. I want to focus on one of those points, found on page 84/135, where ICAN writes: "...the review then eliminated almost all studies showing that vaccines cause harm by excluding 20,312 of the 20,478 studies it identified as related or potentially related to vaccine safety. The handful of studies that HHS did include for review were overwhelmingly studies in which a pharmaceutical company funded and/or authored (usually both) a review of its own vaccine." You can see what this is referring to in the report on page 8/740.

We're going to get back to this shocking development in a minute. But first, let's go back to 2004, when Merck pulled their multi-billion dollar drug, Vioxx, off the market. It was proven in court through internal emails and documents that Merck manipulated data, lied to the FDA, and was aware that their drug was causing heart attacks for several years until they finally pulled it off the shelf. Merck knowingly and willingly killed thousands of people with their drug. Even after the \$4.85 billion settlement, Merck still walked away with billions in profit. It was just the cost of doing business.

These are the same guys who are making vaccines for your children. Merck is the biggest vaccine manufacturer. Now let's go back to discuss the geniuses at HHS. This is what they're saying: we want to do a thorough, comprehensive review on the safety of routine vaccines recommended for children. How should we go about doing that? Let's take 20,478 relevant studies, shred the vast majority of them which might suggest something negative about vaccines (99.19%), and let's look at less than 1% of them - the ones that were conducted and funded by the manufacturer. According to HHS, the "most comprehensive review" of safety should be done by *only* looking at the studies which were written by the scientists who have been previously proven in court to lie and murder for money.

We have a very serious decision to make, effecting the well being of an entire generation. Do you really want to base your decision on the majority of doctors, who are simply relying on CDC and HHS, who rely on studies conducted by liars and murderers? I challenge anyone to show me where it says in שלחן ערוך that the correct, responsible thing to do in this case, is to follow the recommendation of HHS.

It's confusing, and it's difficult to accept the fact that your doctor made a mistake. But we need to follow what it says in שלחן ערוך. And we also need to listen to what the science is telling us.

השמים מספרים כבוד א-ל ומעשה ידיו מגיד הרקיע

Science is there to communicate with us and guide us in the right direction. But we have to make sure that what we're listening to is science. It can't be fake garbage produced by the manufacturer to promote their product, otherwise known as tobacco science.

If you made it this far, thank you for reading. But it's not enough to read. You have to act. And if we act properly, we will be זוכה that הקב"ה will give all of us a true רפואה.

ראו עתה כי אני הוא ואין אלקים עמדי אני אמית ואחיה מחצתי ואני ארפא ואין מידי מציל [דברים לב:לט]

מאת

רפאל מנחם סנדרו

היום, דלקרבן חזית, דהא אין גריד שבות כ"א לזרוק הדם ביום [וכשיתע הש"א שכל היום כשר לזריקה, כמו שצ"ח שיטת הש"ס והרמב"ם בזה ע"פ] והאימורים ושאר הצבר מתקטרי צלילה, אבל אי מתשיל עלה צריך שבות גדול, לללות הצבר, וכ"ז הוא לדידן דק"ל כה"ק המתניתין (צ"ה כ"ה). דצעי שבות נשחיתת צמה ביו"ט כדי לאכול ממה כזית גלי מצטוד יום, אבל לר"ע דס"ל התם דאף כדי לאכול כזית חי מצית עציחתה בני, והכו וימש כשהות קבלה הדם מהצואר חריקתו, וא"כ שייך הואיל כל אימת דחזית לקרבן, אי מתשיל עלה חזית לי לאכול מצית עציחתה כזית חי, ולהכי לא מיתוקמי ברייתא דשוחט עולת נדבה כר"ע, דלדידי לא לקי משום הואיל כמש"ל, וכמה שפירשנו בשם השאגת אריה דצ"ח צ"ל דרבנן מהני הואיל למפטריו ממלקות וחשב"ע דרבנן כש"ל ציסוד הסוגיא.

(ה) וראיתי

בספר ענוק יהושע ש" (בס"י י"ד) לדחות דברי הש"א ומהירושלמי שזכרנו דפליגי ר' יוחנן ור"ל במשגל צו"ט ר"י אומר אינו לוקה כי ר"ל אומר לוקה שלא הותר מכלל גישול אלא לאכילה בלבד, ודקדק המחבר הג"י הא ר"ל ס"ל צו"מ (ע"ד:) דח"ש אין צו איסור רק מדרבנן, וא"כ הא חי לר"ל לאכול פחות פחות ממשעור, ומהו הכריע דגם איסורא דרבנן מיתיי לידו מלקות במלאכת יו"ט, כיון דלא חי ודרבנן לקי עליו, ואין זה מחוור כלל ולדבריו מה נעשה בסוגיא דחולין (פ"ה). לענין כיסוי הדם דק"ל השוחט טריפה פטור מביסוי, ויליף לה ר"ש (שם) מדכתיב אשר יאכל, הקאי לר"ל הא חי להכלל פחות פחות ממשעור, ומצוה חיוב צביסוי, הוא בסוגיא דחולין (כ"ז:) דצמה שאסור רק מדרבנן חיוב צביסוי, דהא פריך אי אמרת אין שחיטה לעוף מה"ט, נחירתו זו היא שחיטתו ולצעי כיסוי, אף ע"ג דמדרבנן צעי שחיטה לא מיפטר בזה מביסוי, ונקשה לר"ל מכל שוחט טריפה אמאי ופטור מביסוי, ואין לומר דר"ש מארי דהאי תלמודא לטעמי דס"ל (מכות י"א). כ"ש למלקות, וי"ט הא צביסוי הדם רבי דבריו של ר"ש וסתם לן כותבי ורבי וסתמי הנשניתו ודאי ס"ל אכילה בכזית, ויקשה לר"ל לדברי רבי וסתמי דמתניתין, וע"כ הדבר פשוט כיון דכתיב אשר יאכל צעין ראוי לשיעור אכילה היינו כזית, והא האי לישנא ממש כתוב גבי יו"ט אשר יאכל לכל נפש, ואיך נכתיב בזה דבר הראוי להאכל פחות פחות ממשעור, וזה פשוט וצדור, ובכל דוכתא בלחם מדכירין צענין יו"ט אכילה כזית, שזוחט מסוכנת (צ"ה כ"ה). אם יש שבות צו"ט לאכול כזית משמע כזית דוקא צעין, ובפסחים (נ"ו:): מפרשין לה דמשום הפסד מומנו גמר לאכול כזית, וכ"ז מצוה דדווקא הוא, וכן הוא בכמה מקומות הזכר כזית צעין מלאכת יו"ט ואין ספק בזה לענין, וראיתי להמחבר הג"י בספרו השני נהלת יהושע שכתב עוד כדבריו אלו, ופלפל שם גם בדברי ר' יוחנן צעין אכילה חגי שיעור, וכ"ז הינו לענין ודברי הש"א קיימין, והסוגיא מהפרשת יפה ע"פ דרכו ז"ל כמו שנתבאר, באופן שישבנו שמועתינו מכל מה שעמונו צפירושה וקצת המפרשים דחוק מהלכה (עי' פרמ"ג צו"ח לה' יו"ט) ולפי מה שצ"ח ארנו הדבר פשוט דהני דמעטינכו קרא צדיא כגון לצבוח ולעכו"ם, או דבר שאין שיהי לכל נפש, אהדרינכו לאיסורייהו ולקי עלייהו, וא"כ יש לחוש צעין העצאק הוה דבר שאינו שיהי לכ"י ולוקחין ע"ז, והרי צלל התלמוד מצוה רגילות המוגמר אלץ בסעודה וכיוצא, ומ"מ דנו בזה נפשיות לאוסרו דאין שיהי לכל נפש, ולענין כ"ש הוא עישון הזה שהרבה בני אדם קצין צו ומחסיין אוהו, ואינו צורך כ"א לרגילים צו, וכל ספרי הרפואה מזכירין שלא ירגיל אדם עצמו צו, ואיך נסמך להקל צו לא של תורה, ומה שכתב הפ"מ להתירא בשם הפ"י דכיון דעשון העצאק רפואה הוא לרגילים צו, צרפואה לא צעין שיהי לכל נפש, לא הכנה יסוד זה, אם מהורה רפואה אנו צאין להתירו, פשיטא דצריך בזה כל תנאי היורה לרפוא' לדחות מלאכת יו"ט, שיהא צו סכנה, ע"פ בקיאים, או ע"פ החולה עצמו, וישגנו רק כפי הצורך להצלתו והסרת סכנתו, וכ"ז לא כיון להאמר צעין העצאק של סתם צ"א, ומדברי התוס' נשנת שהצ"ח הפ"י אין התחלת ראי' לה דזיעה שיהי לכל נפש, וכל אדם מרגיש צו הגאה ורפואה, אבל עישון העצאק כבר כתבנו וצ"ח ארנו ענינו שהוא מרוחק למי שלא הרגיל עצמו צו ודוק.

(ו) לענין

לכל הפוסקים, והוא דכבר האריך המ"ח צ"ח

(כי תק"ז ס"ק ג' וסי' תק"ט ס"ק ט"ו) דמוקצה וכ"ש נולד אסור בבהמה לכתחלה עכ"פ, אפי' אינה הנאה הנוג ממש, ונלענ"ד פשוט דבהנחת הנוג ממש כגון סיכה וכיוצא כ"ע מודו שהוא אסור, כגון לטוך בשמן שהוא מוקצה, וזה מצוה צ"מ ופשוט שהוא אסור לאכילה ממש, ולפי"ה הא מצוה (צ"ה ט'). דאמר שהוסק צו"ט הוה נולד, ולשיטת כל הפו' דנולד זה אף ר"ש מודה דהוה דבר חדש גמור, וא"כ העשן המתהוה מהטחצאק פשיטא דלא עדיף מאפר, והוה נולד גמור, וא"כ אסור למושכו ולהעבירו דרך פיו, לענין כענין סיכה הוא, וכבר התבאר דכל הגאה אסורה ממוקצה, ואין להקשות דא"כ צמוגמר נמי הי' לנו לאוסרו משום מוקצה, ולמה לא הזכרה לתא דמוקצה בזה כלל, זה אינו דהא מצוה צ"מ א"א (כי תק"א ס"ק י"ב) דהא דהוה ליכנות מסיסן כלים, אף ע"ג שא"כ נעשים צברים והוה נולד היינו משום דההנאה צ"ה א"כ מאילי, אבל להסיק שצברים אפילו צמוקמן צלי טלול אסור עש"ה, ולפי"ה צמוגמר הוה שרי אי לאו דחינו שיהי לכל נפש דהרי הריח צ"א לו א"כ מעשן הגימור מחילין, ודבר זה התבאר מדברי רש"י (כריתות ז'). שכ' אבל המריח בקטרת של בית המקדש לא אזהרה ולא כרת דריח אין צו משום מעילה ולא דמי לטוך שמן המשחה דהתם אית צ"י מעשה משום הכי אית צ"י לאו וכרת עכ"ל, מצוה מדצ"ו ז"ל דריח המגיע לאדם אין צו מעשה [ע"פ עיקר דבריו גרידן אלא מלמד דהא מצוה לקמן (שם י'). דהמריח בקטרת מעל, ולא מהני לי' הא דלית צ"י מעשה לפטורו ממעילה, וגם לאו וכרת לא תלי מידי במעשה כלל הוה אכ"מ] והוא ממש כבפירושנו שכתבנו, אבל לשאוף עישון הטחצאק לתוך פיו פשיטא דהוה מעשה גמור [ופשוט שיהי דומה להיתר מצינת ענבים צפין שאין אנו חוששין לנולד, דהתם דרך אכילה הוא ואין זה ענין לענין דוק] ואסור ליהנות מנולד כבענין זה דוק, ועי' פמ"ג בפתחה לה' יו"ט ח"ב ס' י"ב כנלענ"ד.

(ז) שוב

התבוננתי שחש נולד יש לדחות, דכיון שהטחצאק עומד לעישון, וזה עיקרו שנעשה לכך לא חשיב העשן כנולד, דדוקא אפר לענין כיסוי כשנענען חשבו נולד, שסתם עשנים להסקה הן, ועשבו נתחדש צ"ח א"א [שם מהדש] השמים אחר, אבל הא חזינן דנעשה שהוא חם עושין צו כל צדק, ואדרבה אמרינן אם ראוי לללות צו צ"ה מותר אף לבסות צו, א"כ חזינן דלדבר שהוא ענינו לא שייך לרין צו נולד, והכי נמי עישון הטחצאק, העשן לא חשבו נולד שלכך נעשה מתהללו לעשנו, וזהו מיושב ג"כ הענין צמוגמר כפשוטו, דלגמר הוא עומד, וקייטורו לא חשיב נולד להריח צו ודוק, ומימי מה שכתבנו למעלה בצ"ח ארנו דהצ"ח כגון לענין, ויש לחוש באיסור תורה.

(ח) עוד

ראיתי בנתי' שאגת ארי' בסופו שהאריך להכריח דדין הואיל ומתוך לא אמרינן ביחוד, וזה היפך ממה שצ"ח ארנו, ואף כי חגיגי כדאי לדבר נגד דעת ק', מ"מ צפרת זה נהוג עלמא דלא כותמי שהכריח שם דאם יאל חובת לולב שוב אסור להויתא צ"ה לצורך הנענועין [ולפי דבריו הי' אסור גם להוליכו בתחלה לכה"כ (דרך ר"ה) לצאת שם ידי חובת המנוה, שהרי אין ההוצאה צורך המנוה, דהא יכול ליטלו צביתו ולצאת ידי חובתו] ולא נהגו כן, ולפי זה ע"כ [לשיטתו שם] אמרינן הואיל ומתוך ביחוד, וצ"ח יסודו מסוגיא דחולין (פ"ד:) דסקיל וטרי הש"ס באיסור תקיעת שופר בגבולין בשנת דספיקא דחיה יו"ט לעומטס דתלי בפגזת' דר' יהודה ור' יוסי אי נשים סומכות רשות, ופירשהו התוס' דמאיסור הוצ' דייק ע"ש, ודקדק השי"ה חמ"י לא נדון להתיר ההוצאה מוכח הואיל ומתוך ביחוד, והאריך (שם ס' ק"ו) ולענין הי' אפשר לפרש איסור הוצאה שנתצו התוס' בדרך זה, דהא רש"י צ"ה (ל"ג). כתב דלר' יהודה דס"ל נשים אינן סומכות, הי' דאינן תוקעות [וכדומה] דעברי צלל תוסין [ותמייהו ז"ל צ"א שם על רש"י מסוגיא דחולין הנו', יישגנו צ"ה צ"ח] וא"כ לר' יהודה דאינא איסורא בתקיעת נשים אסור להויתא השופר בשבילן, דהוה שלא לצורך כלל, ולר' יוסי דס"ל דרשות לקיים הסמיכה וה"ה התקיעות, א"כ הוה ההוצאה צורך יו"ט, שפיר מיוצגת השמועה, ובדבר שאינו לצורך כלל צלמת שיטת התוס' דאיסורא הוא צו"ט אי דאורייתא אי דרבנן, ולפי מה שנתבאר בדבריו לעיל יסוד מתוך יש לו פנים אחרים, והמקום צרחמינו יאיר ענינו צעמקי תורתו, להורות כהלכה בקהל עדתו.