

Emor 5781

Covid 19 Vaccine refusal!

Should willful refusal of Covid 19 vax exclude one from the community?

Israel is leading the way in showing the world what a post-COVID reality can look like.

With over 80% of the eligible population (those over 16) vaccinated, life is very much returning to normal. Kids are fully back in school, shopping centers are bustling, restaurants are open for indoor dining, tourists will soon be welcomed.

Israel now regularly has days with no deaths from COVID at all. The case count is the lowest it's been since the pandemic started.

The key to Israel's re-opening is vaccinations. And to take advantage of many of these benefits, such as dining indoors, you must have a *tav yarok* or "Green Passport," certification from the Ministry of Health that you have either been vaccinated or have recovered from COVID in the last few months. This is how Israel is getting the case count way down.

Other countries, including Canada, are looking at the Israeli example and wondering whether and how to emulate it. The EU plans to institute a green passport program literally to be used as a passport to allow travel to and from the EU. In some countries it stirs up a big debate: is it fair to exclude people who haven't been vaccinated?

Israel didn't institute the green passport model until after everyone over the age of 16 was made eligible for the vaccine. At this point, anyone in Israel who isn't vaccinated isn't vaccinated because they chose not to get vaccinated. There are vaccines available for everyone, and there is no shortage of appointments.

Some might argue it's still not fair – it's discriminatory to say that only people who have been vaccinated get to have a normal life. What if you don't want to get

vaccinated because you don't trust the vaccine? Or because you have some kind of health problem that makes the vaccine inadvisable for you, or it won't work for you?

In the parsha a few weeks ago, Tazria, we were told what they did with people who could be a danger to others during the days of the Torah: they were put outside the camp. The *metzurah*, a person afflicted with a leprosy-like disease was not allowed to dwell inside the camp; neither were others who had forms of spiritual impurity deemed dangerous to the community. In this week's parsha, Emor, a blasphemer is taken outside the camp prior to his being stoned to death.

In the heart of the upscale German Colony neighborhood of Jerusalem there's a place called Beit Hansen which was originally built as a leper colony in the late 19th century. It's now a bustling community center with art galleries, performance space, a bar and a café. We no longer exclude lepers from our community: we treat them. In a kind of reversal to how the leper colony originally worked, nowadays if you are unvaccinated – meaning you're a potential spreader of an infectious disease – you are excluded from being able to enter closed spaces at Beit Hansen.

According to halacha, it's not only permitted to get vaccinated, it's mandatory, and it's even permissible to get vaccinated on Shabbat if that's the only time a vaccine is available.

The halachic discussion surrounding vaccination goes back to the late 18th century – before true vaccines were developed. In those days, smallpox was an incredibly dangerous disease. An estimated 400,000 people died from smallpox every year in Europe alone – and the population of Europe was less than 1/3 of what it is today.

In 1785 Rabbi Abraham Nanzig permitted the procedure of variolation, a process where healthy people were deliberately infected with a very small amount of smallpox or cowpox in order to cause a mild form of the disease that would grant them immunity. There were very real risks to this treatment: since it used the actual disease, about 1 in 1000 people would get a severe case and die. However, he himself had lost two children to smallpox; it was well known that the risks from the

disease were far greater than 1 in 1000. He considered it a mitzvah to undergo the treatment.

When the vaccine did become available, R. Yisrael Lifshitz ruled it's permissible to get vaccinated even though it may lead to death because you can expose yourself to something that rarely leads to danger in order to avoid a more likely danger."

Regarding a different health issue, a Rabbi Hida said that something that has a 1 in 10,000 chance of happening is sufficiently rare that it counts as *batla da'ato eitzel kol adam*, nullified in everyone's opinion, and not given any attention.

Canada has a fairly high fatality rate from COVID: 2.0%. For every 1 million people who get COVID in Canada, 20,000 die. A study done in America on the first 23 million vaccinations given found no deaths that could be directly attributed to the vaccine, and no excess deaths in the population that had been vaccinated. There have been a few rare cases of anaphylactic shock, a severe allergic reaction, which is why people have to wait 15 minutes after receiving the vaccine to make sure they won't have such a reaction. None of the people who have had the reaction died from it.

With over 243 million people in the world now fully vaccinated there is sufficient data to tell us that the vaccine does not present any danger to life. The vaccine will clearly save millions of lives.

BUT – the vaccine is NOT 100% effective. Even the best of the COVID vaccines is only about 95% effective. Which means a small number of vaccinated people can still get the disease, and an even smaller number will die from the disease, even though they are vaccinated.

Which is why getting vaccinated is not only permissible, it's halachically mandatory, unless you have a medical reason that makes it inadvisable to get vaccinated. And it's why the "green passport" system, such as has been introduced in Israel, is not only permissible, it's wise.

The scientists tell us that it's safe for vaccinated people to get together. The odds of someone who has been vaccinated having COVID and spreading it to someone

else who has also been vaccinated are astronomically small. But someone who is not vaccinated is much likelier to be infected, and that person could more effectively transmit the virus to one of that unlucky 5% for whom the vaccine doesn't provide protection. Once vaccines are widely available, there's nothing unfair about a society saying, "we're going to open up, but only for those who are vaccinated." People who choose not to get vaccinated continue to be a danger to themselves and others, and just as the Torah put public health over individual convenience in excluding the leper from the camp, the same thing applies here.

What about those rare people who for medical reasons can't get vaccinated? Isn't it unfair to keep them "outside the camp?" They want to get vaccinated, it's not their fault if they can't.

Sadly, such people shouldn't be endangering their health by going into enclosed spaces with potentially infectious people during a pandemic. That's why everyone who CAN get vaccinated MUST get vaccinated. It's the only way we will get to herd immunity, which will allow those people who can't get vaccinated to safely rejoin society.

Even if someone just doesn't like the idea of the vaccine and they are comfortable living with that risk, they are obligated to get vaccinated because of our obligations to others. We are not only commanded to keep ourselves healthy and safe, we are obligated to be concerned for the health of others. The Torah commands us *lo ta'amod b'dam re'acha*, do not stand idly by your neighbor's blood. If we can help prevent danger to someone else, we are obligated to do so, even if it's inconvenient for us.

Many leading halachic authorities say it is obligatory to get vaccinated: R. Moshe Ehrenreich, R. Yosef Carmel, R. Zalman Nechemiah Goldberg, R. Nachum Rabinovitch, and R. Yisrael Rosen wrote a joint letter where they said, "if the vast majority of the physicians in the world and in Israel state unequivocally that one must vaccinate, this becomes halakha, like any halakha, and perhaps even more so because it is known that we act more stringently with dangers than with prohibitions."

R. Mordechai Halperin said that someone who refuses vaccination during an epidemic could be classed as a *rotzeach b'grama*, an indirect killer, or a *mazik*, someone who causes damage to others from a non-fatal case of COVID.

We have been through a very difficult year. The situation in Israel shows us what a post-COVID future could be like, but only if we all get vaccinated. Hard-core “anti-vaxxers” will probably never listen to reason, but if you know anyone hesitating to get the vaccine, please encourage them to get vaccinated, if not to protect themselves, to protect others, especially those who for medical reasons either can't get vaccinated or for whom the vaccine is potentially ineffective. Someone I know of who had a heart transplant got vaccinated, but two weeks after the second shot her system shows no antibodies because the drugs she takes to avoid having her body reject her heart. The only way people like that can be protected is if everyone else gets vaccinated.