



Dedicated in Honor of Mr Harry Adjmi for his tireless work for our community.

Yom Kippur (5787)

The Source That Saving a Life Overrides Shabbat

The Gemara (*Yoma* 85a) asks: What is the source that saving a life overrides Shabbat? Rabbi Yose ben Rabbi Yehudah derives this from the verse (*Shemot* 31:13), "However, you shall observe My Shabbatot." We might otherwise have understood the obligation to observe Shabbat as applying under all circumstances, even when a life is in danger. The word "however" limits this obligation, excluding situations in which saving a life requires overriding Shabbat. Rabbi Yonatan ben Yosef cites the verse (*Shemot* 31:14), "You shall observe Shabbat, for it is holy to you": Shabbat is entrusted to you; you are not entrusted to it. Rabbi Shimon ben Menasya derives it from the verse (*Shemot* 31:16), "The Children of Israel shall observe Shabbat, to make Shabbat": The Torah teaches us to desecrate one Shabbat on a person's behalf so that he may live to observe many more. Rav Yehudah said in the name of Shmuel: The verse states (*Vayikra* 18:5), "You shall observe My statutes and My laws, which a person shall fulfill and live by them." "Live by them"—and not die by them. This teaches that saving a life overrides the mitzvot. The *Sifra* (134) derives another teaching from this verse: Observing the mitzvot grants a person life not only in this world, since every person must eventually die, but also eternal life in the World to Come. This is also the explanation given by Targum Yonatan ben Uziel and *Rashi* in his commentary on the Torah (*ibid.*). The *Shulchan Aruch* (328:2) rules: "When a person has a life-threatening illness, it is a mitzvah to desecrate Shabbat on his behalf. One who acts promptly is praiseworthy, while one who stops to ask is considered to have shed blood." Maran's wording—that it is a "mitzvah," rather than merely permissible—apparently refers to the obligation expressed in the verse, "Do not stand idly by the blood of your fellow" (*Vayikra* 19:16).

Why Is a Verse Necessary?

This raises an apparent difficulty. Why do we need a verse to teach that saving a life overrides Shabbat? Surely this follows from the fact that Shabbat is not among the three cardinal sins for which one must give up his life rather than transgress (*Sanhedrin* 74a). Indeed, *Tosefet Yom HaKippurim* (*Yoma* 85a) explains that the Gemara was seeking a source for overriding Shabbat even when there is only a possible danger to life. Where the danger is certain, no verse is necessary; the law follows from reason. Another explanation is that desecrating Shabbat is exceptionally severe. The *Rambam* writes (*Eruvin* 2:16): "A Jew who publicly desecrates Shabbat or worships idols has the status of a non-Jew in every respect." Similarly, wine touched by a Shabbat desecrator is treated like wine touched by a non-Jew. We might therefore have assumed that desecrating Shabbat is comparable to idolatry, and that one must give up his life rather than violate it. A verse is thus needed to teach otherwise.

Desecrating Shabbat in Defiance

This explanation, however, still requires clarification. Severe as Shabbat desecration may be, it is nevertheless not included among the three sins for which one must give up his life rather than transgress. This is especially difficult in light of *Shorshei HaYam* on the *Rambam* (vol. 1, p. 40), which explains that a Shabbat desecrator is regarded as a non-Jew and a denier of the fundamentals of faith only when he deliberately desecrates Shabbat in defiance. Here, however, he acts to save a life and certainly does not acquire that status. There would therefore seem to be no reason to compare him to an idolater. An explanation may be offered according to *Tosafot* (*Avodah Zarah* 27b) and *Rosh* (*ibid.* 2:9), who maintain that even regarding other mitzvot, a person may choose to give up his life rather than transgress. They support this position from the *Yerushalmi* (*Shevi'it* 4:2). According to their view, the verses teach that saving a dangerously ill person overrides Shabbat, and that he may not choose to die rather than allow Shabbat to be desecrated.

Mercy, Kindness, and Peace

The *Rambam* writes (*Shabbat* 2:1–3): "Shabbat is overridden in the face of danger to life, as are the other mitzvot.... When these actions are performed, they should not be carried out by non-Jews or minors ... so that Shabbat should not become insignif-

icant in their eyes.... It is forbidden to delay desecrating Shabbat for a dangerously ill person, as it states, 'Which a person shall fulfill and live by them'—and not die by them. This teaches that the laws of the Torah bring neither vengeance nor cruelty into the world, but mercy, kindness, and peace. Concerning those heretics who say that this constitutes forbidden Shabbat desecration, the prophet Yechezkel declares (20:25), 'I, too, gave them statutes that were not good, and laws by which they could not live.'"

Having a Minor Desecrate Shabbat

The *Rambam* also writes in his Commentary on the Mishnah (*Shabbat* 18:3): "Our established principle is that Shabbat is desecrated for a dangerously ill person. These actions should not be performed by minors, non-Jews, or an ignoramus, lest they become accustomed to desecrating Shabbat and begin to treat it lightly. They may not understand that this was permitted only because of the pressing need and absolute necessity. Rather, it should be performed by distinguished Jews." Thus, one should not have minors desecrate Shabbat to save a life, lest they come to treat its sanctity lightly. If, however, no one else is available to save the person, the minor must certainly desecrate Shabbat to do so.

Eating on Yom Kippur Due to Illness

Having seen the overriding importance of saving a life, we can understand that a sick person whose doctor tells him that fasting would endanger him must follow the doctor's instructions. He may not adopt a stringent approach. As the *Ramban* writes (*Torat HaAdam*, 11b; *Milchamot*, *Sanhedrin* 74b), it is no act of piety for a dangerously ill person to insist that Shabbat or Yom Kippur not be violated on his behalf. One who refuses treatment when his life is in danger bears responsibility for endangering himself, as it states (*Bereshit* 9:5), "However, your blood, for your lives, I shall demand." Rabbenu Yonah (*Issur VeHeter*, 60:8) and the *Radbaz* (3:444; 4:67) write similarly. *Chovot Halevavot* (*Sha'ar HaBitachon*, ch. 4) explains that one may not rely on a miracle in such circumstances. He may be unworthy of one and will thus bear responsibility for his own death. Even if a miracle is performed for him, it is deducted from his merits (*Shabbat* 32a).

Stringency Is Forbidden

Admittedly, *Ibn Ezra* (*Shemot* 21:19) writes that one should consult a physician only for an external ailment, such as an injury or wound requiring ointments. For an internal illness, he maintains that one should rely on Hashem rather than seek medical treatment. A similar impression emerges from the *Ramban* (*Bechukotai*, 26:11), who writes that when a person's conduct finds favor with Hashem, he has no need of physicians. In the era of prophecy, the righteous would consult prophets rather than physicians. This was Asa's failing, as it states (*II Divrei HaYamim* 16:12), "Even in his illness, he did not seek Hashem, but the physicians." Rabbi Shlomo Kluger (*HaElef Lecha Shlomo*, O.C. 451) and *Avnei Nezer* (C.M. 193) relied on this approach, writing that one who trusts in Hashem may adopt a stringent course even where there is concern for danger. However, *Yabia Omer* (vol. 4, C.M. 6:4), and *Yechaveh Daat* (1:61), cite their position and find it difficult to understand. The words of the *Rishonim* quoted above—including the *Ramban* himself—clearly establish that a dangerously ill person may not be stringent, even when his illness is internal. Rather, he must make every effort to recover. We therefore cannot follow *Ibn Ezra* where his position conflicts with the Talmud and the halachic authorities. In practice, a dangerously ill person may not insist on fasting on Yom Kippur.

"He Has Planted Eternal Life Within Us"

Nearly sixty years ago, when Maran zt"l served as Chief Rabbi of Tel Aviv, he would take us from hospital to hospital on Erev Yom Kippur. He would approach the administration and ask to be directed to patients whose conditions were life-threatening. He would encounter elderly, observant Jews, with beards and *pe'ot*, who were seriously ill but refused to eat on Yom Kippur. "How can we eat?" they

would protest. “We have fasted on Yom Kippur for eighty years. Should we eat now, in what may be our final year?” Maran would speak to them gently and persuasively: “Our Torah is a Torah of life, and its ways are pleasant. When you eat, you are fulfilling a mitzvah. ‘Live by them’—and not die by them.” He would persuade them to eat on Yom Kippur, and he continued this practice for several years (he also recounts this in *Chazon Ovadia, Avelut*, vol. 1, p. 8, concluding that this is a fitting practice to follow).

Kiddush for One Who Eats on Yom Kippur

A sick person who eats on Yom Kippur does not recite *Kiddush* over wine, even when Yom Kippur falls on Shabbat. The *Magen Avraham* (618:10) rules accordingly, adding that reciting *Kiddush* raises a concern of a blessing in vain. The obligation to sanctify the day has already been fulfilled through the prayers of Yom Kippur night, and the Sages did not institute *Kiddush* over wine for this day as they did for an ordinary Shabbat.

Reciting a Blessing over Forbidden Food

A sick person who eats on Yom Kippur recites the appropriate blessings before and after eating. By contrast, when a person sinfully eats forbidden food, his transgression is serious enough without compounding it by reciting a blessing over the forbidden act. As the Gemara in *Bava Kamma* (94a) teaches, if someone steals wheat, makes dough from it, and recites a blessing when separating *challah*, he is not blessing Hashem but blaspheming Him. Of such a person it says (*Tehillim* 10:3), “The robber who blesses has scorned Hashem.” He will be punished for the blessing as well. Similarly, concerning a mitzvah performed through a transgression, the Gemara (*Sukkah* 30a) cites Hashem’s declaration (*Yeshayahu* 61:8), “For I, Hashem, love justice and hate robbery in a burnt offering.” Even an offering brought to Hashem is hateful when it comes from theft. The *Rambam* (*Berachot* 1:19) therefore rules that one who eats forbidden food, whether deliberately or inadvertently, recites neither a blessing beforehand nor one afterward. The *Ra’avad*, however, comments that the *Rambam* “made a great error in this matter.” In his view, even one who eats forbidden food must recite a blessing. Otherwise, he commits two transgressions: eating forbidden food and deriving benefit from this world without a blessing (*Berachot* 35a).

The Halachah Follows the Rambam

Most *Rishonim* agree with the *Rambam* that no blessing is recited over forbidden food. Even if a person has eaten his fill, he does not recite *Birkat HaMazon*, since the Sages suspended his obligation to do so (see *Rambam*, *Chametz U’Matzah* 6:7). This is the position of the *Ra’ah* (*Berachot* 45a), *Ritva* in *Hilchot Berachot* (5:12), *Riaz* (*Berachot*, ch. 7, 2:1), *Sefer HaMe’orot*, *Me’iri* (*Berachot* 47b), *Rabbenu Manoach* (ibid.), *Shibbolei HaLeket* (end of 151), *Sefer HaPardes* (*Sha’ar* 10, p. 171), *Sefer HaBatim* (*Hilchot Berachot* 1:9), *Rabbenu Yerucham* (16:1) in the name of the *Ramah*, *Ohel Mo’ed* (*Sha’ar HaBerachot* 7:7), and others. The *Shulchan Aruch* (siman 196) rules accordingly.

Eating with Permission

All this concerns someone who gives in to temptation and sinfully eats forbidden food. What, however, is the law when a sick person eats such food on a doctor’s instructions? Maran rules in the *Shulchan Aruch* (196:2; 204:9) that one who eats forbidden food because his life is in danger should recite a blessing, since he is eating with permission. Although some authorities follow Maran, others disagree. In practice, we apply the principle that a doubtful blessing is not recited even when this runs contrary to Maran’s ruling. Accordingly, even where there is danger to life, one should not recite a blessing over forbidden food (*Yalkut Yosef, Berachot*, vol. 2, p. 381).

Blessings for One Who Eats on Yom Kippur

A sick person who eats on Yom Kippur, however, does recite the appropriate blessings. His situation differs from that of someone eating food that is inherently forbidden. In the latter case, no blessing is recited because the food itself is prohibited. On Yom Kippur, the food is permitted in itself; only the day prohibits eating it. A person who must eat may therefore recite a blessing. The *Bach* (siman 204) makes this distinction. *Tosafot* (*Shabbat* 12b; *Gittin* 7a) likewise distinguish between a prohibition arising from the time at which something is done and one inherent in the item itself.

A Sick Person Who Eats Bread

A sick person who eats bread on Yom Kippur must wash his hands, washing the entire hand up to the wrist as he does throughout the year. Many *Rishonim* require washing up to the wrist before eating bread, and this is washing for a mitzvah. He does not, however, recite a blessing over the washing, since he is eating in measured portions—approximately a large date’s volume, about 35 grams, every ten minutes—and is therefore not eating an egg’s volume, 54 grams, within the period of *achilat peras*. Before eating the bread, he recites *HaMotzi*. When he finishes, he recites *Birkat HaMazon*, including *Ya’aleh VeYavo* and the words, “On this Yom Kippur, on this day of forgiveness of sin.” Since he is permitted to eat, the day is

treated, for him, like other festivals on which *Ya’aleh VeYavo* is recited.

Ya’aleh VeYavo on Yom Kippur

Shibbolei HaLeket (siman 312) writes that *Ya’aleh VeYavo* is not recited on Yom Kippur, since we find an obligation to mention the day in *Birkat HaMazon* only when eating is itself a mitzvah. Rabbi Yitzchak Tayeb cites this view in *Chukkat HaPesach* (115b). In truth, however, eating in this case is also a mitzvah, as it states (*Devarim* 4:15), “You shall take great care of your lives,” and (*Vayikra* 18:5), “Live by them.” *Maharam MiRotenburg* (Prague edition, siman 71) rules accordingly, as do *Tashbetz* (siman 568) and *Tur* (siman 618), citing his father, the *Rosh*. The *Shulchan Aruch* (618:10) likewise rules that a sick person who eats on Yom Kippur includes *Ya’aleh VeYavo* in *Birkat HaMazon*. This is also the ruling of *Shulchan Aruch HaRav* (618:19), Rabbi Yaakov Emden in his siddur (p. 468), *Chayei Adam* (145:32), *Mattehe Efrayim* (618:17), *Ma’amar Mordechai* (610:7), and others. *Gur Aryeh Yehudah* (siman 101) also upholds Maran’s ruling based on the Gemara (*Shabbat* 24a), which teaches that any day on which a *Musaf* offering is brought must be mentioned in the prayer appropriate to the occasion.

Adding Something Bitter

One authority proposed that a sick person should add something bitter to his food or drink. Eating in an abnormal, unenjoyable manner would thereby reduce the prohibition to a rabbinic one. In practice, however, once he is permitted to eat and drink, he may do so normally. He is not required to eat bitter food or cause himself suffering. The rule that the least severe prohibition should be chosen first (*Yoma* 83a) is itself rabbinic. On the Torah level, these prohibitions do not stand in the way of saving a life, as the *Mabit*—Rabbi Moshe ben Yosef Trani—explains in *Kiryat Sefer* (*Ma’achalot Asurot*, ch. 14). Similarly, *Nachal Eitan* (*Hilchot Shabbat* 2:1, 27a) writes that even the *Rambam* maintains that, on the Torah level, Shabbat is entirely permitted where saving a life requires it. His statement that Shabbat is merely “overridden” refers only to the rabbinic level. *Magid Mishneh* (*Shabbat* 2:11) also writes that according to the *Rambam*, the Chachamim (*Shabbat* 128b) stated that one must perform a *shinuy* when performing a *melachah* for a yoledet (a woman in childbirth), since only a small percentage of women actually come to a situation of danger. But, one should not perform a *shinuy* when performing a *melachah* for other people who are dangerously ill. This is because Shabbat is entirely permitted when saving a life requires it. The same principle applies to eating on Yom Kippur: A dangerously ill person is not required to eat in an unusual manner.

Eating in an Unusual Manner

The Gaon of Tshebin likewise writes in *Dovev Mesharim* (3:88), that a dangerously ill person should eat normally on Yom Kippur. He should not distress himself by eating in an unusual manner, lest this endanger him. The *Maharsham* (1:123) similarly writes that a patient should not be subjected to the discomfort of receiving nourishment through an enema on Yom Kippur. This itself causes suffering and could place him in danger. *Shemirat Shabbat Kehilchatah* (39:30) also rules that a dangerously ill person who has been permitted to eat on Yom Kippur should not distress himself by resorting to artificial nutrition, such as an infusion. Rather, he should eat normally, or in portions below the prescribed halachic threshold. *Tzitz Eliezer* (vol. 10, siman 25, ch. 21, p. 155), likewise writes, based on medical opinion, that a patient should make an effort to eat naturally rather than receive artificial nutrition, since there is a substantial difference between the benefit the body receives from eating through the mouth and throat and that obtained through artificial feeding. Indeed, this is the accepted practice. Accordingly, a sick person who eats and drinks on Yom Kippur may have his food as he does throughout the year. He may drink soup with salt and seasonings, or coffee with milk or sugar; he need not depart from his usual habits.

Benefit to the Throat or to the Digestive System?

The Mishnah in *Yoma* (73b) lists the restrictions of Yom Kippur, including eating, drinking, washing, anointing, wearing leather shoes, and *tashmish hamitah*. The prohibition against eating requires examination: Does it depend on the benefit experienced by the throat, or on the nourishment received by the digestive system? Several practical differences follow. The **first** concerns someone who eats and immediately vomits. His throat has benefited, but his digestive system has not. The **second** concerns receiving an infusion beginning on Erev Yom Kippur, or being fed through a feeding tube. In these cases, the digestive system benefits, but the throat does not. The **third** concerns whether drinking water incurs *karet*. Water contains no nutrients; its benefit is to relieve thirst and similar needs. It might therefore be argued that drinking water benefits only the throat, rather than providing nourishment to the digestive system. If the prohibition depends on the latter, drinking water would still be forbidden in practice, but would not incur *karet*. If, however, the prohibition depends on the benefit to the throat, drinking water would also incur *karet*. The **fourth** concerns a sick person who must drink on Yom Kippur. If the prohibition depends on the benefit to the throat, even water must be drunk in measured amounts to avoid the prohibition carrying *karet*. If it depends on nourishment to the digestive system, perhaps drinking water does not incur

karet and need not be restricted to measured amounts.¹

1 Does Drinking Water on Yom Kippur Incur Karet?

Halachot Ketanot (2:282) considers whether drinking water on Yom Kippur incurs *karet*, since water does not provide nourishment. As the *Rambam* explains in his Commentary on the Mishnah (*Eruvin*, ch. 3), water cannot be used for an *eruv*. Its function is to carry nutrients to the places where they are needed and to remove the harm caused by thirst; it does not itself nourish. The *Acharonim*, however, challenged this position, maintaining that there is no room for doubt. See *Sdei Chemed* (*Ma'arechet Yom HaKippurim*, 3:7; *Kelalim, ma'arechet ayin*, 69), citing Rabbi Avraham Yisrael in *Adderet Eliyahu* (48b, end) and his son in *Moshe Yedabber* (*Hilchot Yom HaKippurim*, 3). They write that this suggestion should be dismissed entirely and not entertained: Drinking water unquestionably incurs *karet*. The leading poskim did not need to state this explicitly because it was self-evident. Rabbi Chaim Palagi in *Ruach Chaim* (*siman* 611), and his son in *Yafeh LaLev* (vol. 2, O.C. 611), also refute this reasoning at length, as does *Machaneh Chaim* (Sofer, O.C. 3:45). *Tzitz Eliezer* (20:24) cites several of these authorities. See also *Yad David* (*Yoma* 76a), which quotes *Halachot Ketanot* and respectfully rejects its reasoning. *Pachad Yitzchak* ("Yom HaKippurim Asur BaAchilah Ushetiyah") writes that although *Halachot Ketanot* offers arguments for exempting drinking water from *karet*, such a conclusion cannot be accepted. The unqualified term "drinking" certainly includes water. See there. *Tiferet Yisrael* on the Mishnah in *Yoma* (8:3) likewise cites *Halachot Ketanot* and argues that the Mishnah gives examples of exemption only for liquids unfit for drinking. This demonstrates that anything fit to drink incurs liability, even if it provides little nourishment. *Chavolim BaNe'imim* (2:29, 23a), also cites *Halachot Ketanot* and respectfully dismisses its argument. The Mishnah states without qualification that eating on Yom Kippur is forbidden, and the Gemara asks why it describes this merely as "forbidden" when it is punishable by *karet*. If *Halachot Ketanot* were correct, water should have been expressly excluded. Instead, the Mishnah states without qualification that one who drinks a *cheekful* is liable. *Minchat Elazar* of Munkatch (5:58), likewise writes that there is no doubt that drinking water on Yom Kippur incurs *karet*. *Yerech Yaakov* (O.C. 30) also strongly questions the position of *Halachot Ketanot*. He subsequently found that the author of the manuscript *Zachor LaTov*, raised the same objection: Had this position been correct, the earlier Sages would certainly have stated it. The unqualified rulings of all the authorities indicate otherwise. This is also evident from the *Smak* (220), cited by the *Bet Yosef* (*siman* 567), who forbids rinsing one's mouth on Yom Kippur out of concern that some water might enter the throat, since consuming even less than the minimum quantity is prohibited by Torah law. See *Yabia Omer* (vol. 2, O.C. 31), which discusses at length how the leading halachic authorities rejected the position of *Halachot Ketanot*. It also cites *HaRabaz* (*siman* 11), which supports *Halachot Ketanot* from the Yerushalmi and consequently permits a weak and debilitated person to drink water even when his condition is not life-threatening. *Yabia Omer* rejects this conclusion, explaining that the proof can be refuted. Moreover, even if we were to concede that drinking water does not incur *karet*, several authorities—the *Ramban*, *Ra'ah*, *Ritva*, *Rashba*, and others—prohibit a person whose illness is not life-threatening from consuming food or drink forbidden by rabbinic law.

Yabia Omer therefore concludes that, in practice, one may not rely on *Halachot Ketanot* and *HaRabaz* to permit a patient whose condition is not life-threatening to drink water on Yom Kippur, as explained by all the *Acharonim* cited above. Nevertheless, see there: Although most *Acharonim* reject *Halachot Ketanot*, *Divrei Yosef* and *HaRabaz* agree with it, while *Neta Sorek* (*siman* 49) and the *Maharsham* also offer support for this approach. Its reasoning may therefore possibly be included as a supplementary consideration when other grounds for leniency are present. The discussion there further explains that one should not make matters unduly difficult for a dangerously ill person. There are substantial grounds to permit him to drink water with only a brief pause between amounts, based on several combined considerations. [The *Netziv*, relying on the *Bahag*, *Rif*, and *Rambam*, maintains that a sick person need not pause at all. There therefore appears to be clear room for leniency, and one should not impose such a burden on someone whose life is in danger, for one who acts promptly is praiseworthy. Although Maran rules stringently that one should initially wait the period of *achilat peras*, it may be argued that had he considered the *Netziv*'s explanation of the *Bahag*, *Rif*, and *Rambam*, he would not have been so stringent.] Among the supplementary considerations are the views of *Halachot Ketanot*, *Divrei Yosef*, and *HaRabaz*, that drinking water is prohibited only by rabbinic law.

Is the Mitzvah of Abstaining on Yom Kippur Fulfilled at Every Moment?

Regarding the mitzvot of abstaining from food and from work on Yom Kippur, we may ask whether a person fulfills the mitzvah at every moment that he refrains, or only once the entire day has passed without his performing any work [*Divrei Yatziv* (O.C. 134) raises the corresponding question about adding to Shabbat: Does one fulfill the mitzvah of *tosefet Shabbat* at every moment that one refrains from work?]. Some explain on this basis the statement (*Rosh HaShanah* 9a) that anyone who eats and drinks on the ninth is regarded by Scripture as though he had fasted on both the ninth and the tenth. At first glance, either way he fulfills a mitzvah—whether by eating or by fasting. What, then, is added by regarding his eating as fasting? The distinction is that the mitzvah of eating is ordinarily fulfilled only while eating, whereas the mitzvah of fasting is fulfilled at every moment. On Erev Yom Kippur, although a person eats during only part of the day, he is credited with fulfilling the mitzvah at every moment. *Yesod VeShores HaAvodah* (section on Yom Kippur, concerning the intention during the fast) writes that both the mitzvah of *sukkah* and the mitzvah of abstaining from food on Yom Kippur are fulfilled at every moment. He explains: "Every person should reflect that it is fitting to rejoice exceedingly at every moment that he endures the discomfort of abstaining from food, drink, and leather shoes, for with every such moment he fulfills a positive Torah commandment. Someone whose heart is filled with love for the Creator and devotion to His service would surely wish this holy fast day to last many times longer, so that at every moment of discomfort he could continue fulfilling the positive commandment given to him by *Hakadosh Baruch Hu*. For it is clear to any thoughtful person that fulfilling a positive commandment for a short time cannot be compared to fulfilling that same commandment for many hours. The mitzvah of *tefillin* offers a parallel: Wearing *tefillin* briefly is not comparable to wearing them for an extended period. The same applies to the positive commandment, 'You shall dwell in sukkot for seven days.' Accordingly, someone who serves his Creator with understanding, and whose heart is filled with love for His service, should surely rejoice with profound happiness

A Dispute Among the Acharonim

The *Acharonim* disagree on this question. The *Chatam Sofer* (O.C. 127) and *Minchat Chinuch* (313:2) maintain that the prohibition depends on the benefit to the digestive system. Benefit to the throat alone does not incur liability, since the prohibition against eating on Yom Kippur depends on the relief and satisfaction that eating provides, as explained in *Yoma* (81a), and this requires benefit to the digestive system. The *Ohr Same'ach* (*Hilchot Shevitah HeAsor* 2:4), however, demonstrates that the determining factor is the benefit to the throat. Liability is incurred as soon as the food is swallowed, as is also implied by the Mishnah in *Keritut* (13b). Several *Acharonim* compare eating on Yom Kippur to eating forbidden foods, where the prohibition depends on consumption through the throat, as the *Rambam* writes (*Ma'achalot Asurot* 14:3). Regarding water, however, it may be argued that even those who require benefit to the digestive system refer only to other foods. Since the ordinary benefit of water is the relief experienced through drinking, all would agree that this is sufficient, and that water must therefore be drunk in measured amounts. The *Maharsham* (ibid.) and *Achiezer* (3:61) write as a matter of course that even according to the *Chatam Sofer*, the prohibited benefit to the digestive system must come through the throat. Introducing nourishment into the body through an enema is not considered eating and is therefore not prohibited on Yom Kippur.

Pills to Ease the Fast

Another question is whether there is a particular requirement to experience the discomfort of fasting on Yom Kippur. This affects whether one may take a "Kalei Tzom" pill to make the fast easier. The *Sedei Chemed* (*Ma'arechet Yom HaKippurim* 1:18) already discusses the practice of people who take various measures on Erev Yom Kippur to avoid feeling the effects of the fast. The Gemara in *Yoma* (74b) teaches: "You shall afflict your souls." Might this mean that one should sit in the heat or cold in order to suffer? The verse therefore states, "You shall not perform any work." Just as refraining from work means abstaining from an activity, so too, affliction means abstaining. *Rashi* explains that this refers to the restrictions listed in the Mishnah, such as not eating, drinking, or washing. The Gemara also derives from the verse (*Vayikra* 23:30), "I shall destroy that soul," that the required affliction is one which, if prolonged, would result in loss of life—namely, abstaining from food and drink. The school of Rabbi Yishmael taught: The term "affliction" is used here, and it is also used in the verse (*Devarim* 8:3), "He afflicted you and made you hungry." Just as the latter refers to hunger, so does the affliction of Yom Kippur.

There Is No Requirement to Suffer

The Gemara in *Yoma* (81b) similarly expounds the verse, "You shall afflict your souls on the ninth of the month" (*Vayikra* 23:32): Do we fast on the ninth? We fast on the tenth! Rather, this teaches that anyone who eats and drinks on the ninth is regarded by Scripture as though he had fasted on both the ninth and the tenth. *Rashi* explains: Prepare yourself on the ninth so that you will be able to fast on the tenth. Elsewhere, *Rashi* writes (*Rosh HaShanah* 9a) that since eating and drinking on Erev Yom Kippur are termed "affliction," the more one eats and drinks, the better. The *Rash* in *Yoma* (*Perek Yom HaKippurim*, 22) explains that we are to strengthen ourselves through food and drink on the ninth so that we can fast on the tenth. This demonstrates Hashem's love for Israel. It is comparable to a father who requires his beloved child to fast for a day, but instructs that he be given food and drink beforehand so that he will be able to bear the fast. The *Tur* (*siman* 604) writes similarly. The Torah thus does not require us to take active steps to cause ourselves suffering. It requires only that we observe the five restrictions, including abstaining from food and drink. It follows that one may take measures on Erev Yom Kippur to avoid discomfort during the fast, whether by eating and drinking or by taking a pill to ease the difficulty. *Chelkat Yaakov* (2:58) likewise writes that such a pill is clearly permitted. It is no different from eating a substantial meal shortly before sunset on Erev Yom Kippur: The food takes considerable time to digest, and the person does not feel hungry in the meantime.

Immersion on Erev Yom Kippur

The *Rosh* (*Yoma* 8:24) records the custom of immersing in a *mikveh* on Erev Yom Kippur to resemble the ministering angels. As *Pirkei DeRabbi Eliezer* (ch. 46) teaches, just as the ministering angels are free of sin, so too are Bnei Yisrael on Yom Kippur. He cites Rav Saadyah Gaon's view that one should recite a blessing, including Hashem's Name: "Who has sanctified us with His commandments and commanded us concerning immersion." The *Rosh* disagrees. There is no mention of this immersion in the Talmud, and it is neither an enactment nor a custom instituted by the prophets. It certainly has no greater standing than striking the *aravah* on Hoshana Rabbah, concerning which the Gemara relates that the Sage "struck it, but did not recite a blessing" (*Sukkah* 44b). This is because it is a prophetic custom rather than a prophetic enactment, and we do not recite blessings over customs. Perhaps Rav Saadyah Gaon relied on the Talmudic statement (*Rosh HaShanah* 16b) that a person

at every moment of the fast, knowing that he is fulfilling a positive commandment. As the discomfort grows—during *Minchah* and *Ne'ilah*—the joy in his heart should grow as well. Above all, whenever a person becomes conscious of the discomfort of the fast, he should think with great joy: 'Through this affliction, I accept upon myself the positive commandment of *Hakadosh Baruch Hu*.'

must purify himself for a festival, with Yom Kippur treated as a festival in this respect. Today, however, we cannot purify ourselves of all forms of impurity, since we have no ashes of the *para adumah* and are all presumed impure through contact with the dead (*tumat met*).

Immersion for a Mourner During Shivah

The *Bet Yosef* (end of *siman* 606) cites the *Tashbetz*, who permits a mourner during *shivah* to wash on Erev Yom Kippur. He questions this ruling, since the immersion is merely a custom. It is thus clear that immersion on Erev Yom Kippur is customary rather than obligatory.

In practice, we permit the mourner to wash and immerse close to sunset, change his clothes, put on footwear suitable for Yom Kippur, and go to the synagogue, since the festival terminates *shivah*. Before other festivals, however, we do not permit him to end his mourning early in order to bathe. Rather, shortly before nightfall he enters a room and changes his clothes, but waits until night to bathe, since halachah permits bathing on Yom Tov in water heated before the festival. On Yom Kippur, by contrast, bathing at night is forbidden. We therefore allow him to rise from *shivah* about an hour before sunset, bathe, and change his clothes [see *Chazon Ovadia*, *Avelut*, vol. 3, p. 113].

According to Kabbalah

The *Zohar* (*Parashat Pinchas*, 214b) speaks highly of immersion on Erev Yom Kippur, explaining that it enables a person to receive the day's spiritual illumination and sanctity of soul. Even someone who does not immerse regularly during the year should do so on Erev Yom Kippur, to cast off impurity and distracting thoughts. *Maggid Mesharim* (*Parashat Nitzavim*) relates that the heavenly *maggid* instructed Maran, the author of the *Bet Yosef*, to immerse on each day of the Ten Days of Repentance. In *Teshuvot Min HaShamayim*, Rabbi Yaakov of Marvège (*siman* 5) particularly urges prayer leaders to be careful about immersion, writing that if prayer leaders everywhere would purify themselves, they would hasten the arrival of the Redeemer.

Nine Kav of Water

Someone who finds it difficult to immerse in a *mikveh* may have nine *kav* of water—twelve and a half liters—poured over him, whether cold or hot. Some specifically use a bucket, but according to the basic halachah, one may stand beneath a running shower until twelve and a half liters have flowed over him.

Viduy in the Mikveh

Some have the custom of reciting *Viduy* inside the *mikveh* on Erev Yom Kippur. They must be careful, however, not to mention Hashem's Name. Covering the head alone does not make this permissible when the body is not appropriately covered. This applies all the more to contemporary immersion facilities, where the water is heated and produces steam and grime. Hashem's Name may not be mentioned there. Even *Viduy* without Hashem's Name should not be recited, since it is a mitzvah involving a commitment to repentance and should not be performed in an unclean place. One should therefore refrain from reciting *Viduy* in the immersion room.

A Heated Mikveh

The *Yerushalmi* (*Berachot* 9:2) teaches that someone sitting in a lavatory or bathhouse who hears thunder or sees lightning through a window should leave immediately and recite the blessing if he can. Otherwise, he should not recite it. Contemporary *mikva'ot* are generally heated and have the status of a bathhouse, where mentioning Hashem's Name is forbidden, as is evident from the Gemara in *Shabbat* (10a). The *Kesef Mishneh* (*Keriat Shema* 3:3), citing *Rabbenu Manoach*, likewise explains that the principal concern in a bathhouse is its use of hot water, which produces steam and grime. Permission applies only to *mikva'ot* used exclusively with cold water, where these conditions are absent. The *Me'iri* (*Shabbat* 10a) and *Rashba* (7:418) write similarly. Although the *Ben Ish Chai* (*Bo*, 1:7) permits contemplating the relevant mystical intentions during immersion, *Halichot Olam* (ibid.) points out that he clearly refers to immersion in cold water. Where the water is hot, one may not think Torah thoughts, and certainly may not recite a blessing over immersion.

Authorities That Were Overlooked

This runs contrary to the position presented by the editors of *Ohr LeTzion* (vol. 2, p. 58, halachah 16), who permit blessings and sacred words to be recited inside a *mikveh*, whether cold or hot. They overlooked the rulings of the poskim. Rabbi Yaakov Emden writes in *Mor Uketzi'ah* (*siman* 84) that blessings are clearly forbidden in *mikva'ot* used for hot-water immersion. The *Pri Megadim* (E.A. 45:2) likewise writes that heated *mikva'ot* contain steam and grime, and blessings may not be recited there. The *Chatam Sofer* (O.C. 18; Y.D. 207) rules similarly. Maran zt"l wrote (*Yabia Omer*, vol. 9, O.C. 108:44): "I received *Be'er Mayim Chaim* by the Gaon Rabbi Yaakov Sofer, author of the *Kaf HaChayim*. I saw that he ruled that in our *mikva'ot*, that are hot and contain steam and grime, it is forbidden for women to recite the blessing on immersion inside there; rather, they should recite the blessing outside. Therefore, regarding what the editors of the book *Ohr LeTzion* wrote—'The prevalent custom today is that women recite the blessing even inside a hot *mikveh*'—this claim requires proof. Practically speaking, it is clear that women should not recite the bless-

ing on immersion inside the place of the hot water.

A Private Bathroom

The permission to wash one's hands in a bathing room rests on several considerations. First, some poskim maintain that an impure spirit is not present in a bathhouse when no one is bathing. Although the practical ruling is that someone leaving a bathhouse must wash his hands once even if he did not bathe, because of a degree of spiritual impurity—as the *Ben Ish Chai* rules (*Toldot* 1:17)—the lenient view may nevertheless be taken into account. We may also combine this with the view that drying one's hands outside the bathing room removes the impure spirit entirely. Maran the *Chida* writes in *Machazik Berachah* (beginning of *siman* 4) that the impure spirit present upon waking does not fully depart through the morning washing until the hands have been dried. Another consideration is that a private bathing room is cleaner than a public bathhouse, where there is much more grime. In this respect, it resembles the Persian lavatories in which reciting sacred texts was permitted. In practice, one may wash his hands in a private bathing room, but not in a room containing a toilet, and the blessing should be recited outside (See further *Yabia Omer*, vol. 3, O.C. 2), and vol. 7, O.C. 27]).

Viduy on Erev Yom Kippur

On Erev Yom Kippur, *Minchah* is prayed while it is still well before nightfall, before the final meal. In his silent *Amidah*, after "*Yihyu leratzon*," each person recites *Viduy* and *Al Chet*, as on Yom Kippur itself. The Gemara (*Yoma* 87b) teaches that the proper time for confession on Erev Yom Kippur is close to nightfall. Nevertheless, the Sages instructed that one confess before eating and drinking, lest something happen during the meal that prevents him from doing so. The *Ran* (6a) explains that the concern is that he may become intoxicated during the meal and be unable to confess at night. The *Ramban* (ibid.) explains that confession is repeated at night because he may have sinned during the meal. The *Rambam* (*Teshuvah* 2:7) explains that one should confess before eating lest he choke during the meal before having confessed, for the Satan prosecutes at that time.

The Story of Pelimo

The Gemara in *Kiddushin* (81a) relates that Pelimo would say every day, "An arrow in the Satan's eyes!" On Erev Yom Kippur, the Satan appeared to him in the guise of a poor man. He asked for a drink, drank from the cup, and then pretended to choke and die. Word spread that Pelimo had killed a man. Fearing the king's officers, Pelimo fled to a lavatory outside the city.

The Satan followed him and said, "Why did you provoke me every day? You should have said, 'May the Merciful One rebuke the Satan.'" As the verse states (*Zechariah* 3:2), "May Hashem rebuke you, Satan." This is a prayer that Hashem repel and distance the Satan so that he will not lead us to sin. The incident took place on Erev Yom Kippur, suggesting that the Satan's power is greater then than on other days.

How to Recite Viduy

Viduy must be recited standing, with the body slightly bent as a sign of submission. Whenever the prayer leader recites *Viduy* during the Yom Kippur prayers, the congregation must likewise stand and confess with him. Someone who is weak from fasting, elderly, or heavy may stand while leaning on a support. When saying "*Ashamnu, bagadnu*," and the rest of the confession, one should gently strike his chest over the heart with his fist. The heart is situated approximately four finger-breadths below the left nipple. *Al Chet* should also be recited in reverse alphabetical order, in accordance with Kabbalah.

Interrupting Viduy to Answer Amen

Yalkut Yosef, *Mo'adim* (p. 84), published in 5748, explains that one should not interrupt *Viduy* or *Al Chet* to answer *Amen* to blessings. One responds only to *Kaddish* and *Kedushah*, following the laws governing interruptions during *Keriat Shema* and its blessings. *Zichronot Eliyahu* (p. 14) and the *Mishnah Berurah* (beginning of *siman* 131) write similarly. Although the *Kaf HaChayim* (131:2) permits answering *Amen* to blessings as well, it seemed preferable to refrain from interrupting. Even regarding *Kaddish* and *Kedushah*, some authorities maintain that interrupting to respond is permitted rather than obligatory, since one who is occupied with a mitzvah is exempt from another mitzvah. Decades later, however, Maran zt"l wrote in *Chazon Ovadia* (*Yamim Nora'im*, p. 251) that one may answer *Amen* to blessings in this situation. This resembles someone who stepped back before reciting *Elokai netzor*, who may then respond while reciting it. Certainly, this applies to supplications recited after the prayer. This ruling also appears in *Yalkut Yosef* on the *Yamim Nora'im*, 5775 edition (p. 641).