The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרי"ח סעיף א'-ו'

Overview

Siman 618 Seif 1:

Concerning someone who is ill and must eat, if there is an expert doctor, even if he is an idolater, who states that if one does not feed the patient it is possible that his condition will worsen and his life will be in danger, we feed based on this assessment and it is unnecessary to say that this is true if not eating could lead to the patient's death. Even if the patient says it is unnecessary to eat, we listen to the doctor. If the patient says that he needs to eat we listen to the patient even if 100 doctors say it is unnecessary.

- Locally, he must be considered an expert. There is a dispute whether we assume people are experts when it comes to matters pertaining to life and Rema's conclusion is that gentiles must be recognized as experts. (M.B. 1)
- Even if the doctor says that fasting may cause his condition to worsen we feed him out of concern that it will leave him in danger. (M.B. 2)
- Even if the doctors say that eating will be harmful we listen to the patient. (M.B. 4)
- We refer to where the patient articulates that fasting will worsen his condition. We must, however, first remind him that it is Yom Kippur. Poskim write that it is a severe transgression to fast if one is supposed to eat. One who eats when necessary does not require atonement. (M.B. 5)

Siman 618 Seif 2:

If one doctor says that he must eat but another doctor says he does not need to eat, we feed the patient. The same is true if two doctors disagree with another two doctors, even if some are not as expert as the others. This is what appears to me.

- We refer to where the patient is either silent or doesn't know whether he should eat because if the patient declares that he doesn't need to eat we would ignore the doctor who says that he must eat. (M.B. 7)
- Some authorities contend that when the two sides are equal in number we give more credibility to the group that is more expert. When the group that is more numerous says the patient must eat we listen to them even though they are not as expert. (M.B. 8)

Siman 618 Seif 3:

If the patient and a doctor say that he does not have to eat but another doctor says that he must eat, or if the patient doesn't say anything and one doctor says he must eat and two say that he does not have to eat we do not feed the patient.

- If that one doctor is far superior to the others we would take his opinion into account and feed the patient even though the majority is against him. (M.B. 10)

Siman 618 Seif 4:

If two doctors say he must eat, even if 100 say that it is unnecessary and even if the patient declares that it is unnecessary for him to eat, we feed the patient once there are two doctors who say so. The same is true if the patient and a doctor say that he must eat even though there are 100 doctors who say that it is unnecessary, we feed him and we are not concerned that the patient says that he must eat simply because he trusts the doctor who says that he must eat

Halacha Highlight

A patient choosing IV rather than eating

Shulchan Aruch Siman 618 Seif 1
חולה שצריך לאכל
A person who is ill who must eat

Shulchan Aruch (סע' א') rules that when someone is ill and fasting would cause his condition to worsen and it goes without saying if fasting could possibly put his life at risk, we feed the patient. One way to determine this is if the patient himself informs us that he must eat. Even if the doctors relate that in their opinion eating would be harmful to the patient, we feed the patient since we assume that he is more aware of his condition than others (מ"ב סק"ד). Alternatively, if an expert doctor informs us that the patient will be harmed if he fasts, we feed the patient. The only difference between these two examples is that when we are feeding the patient because he maintains that he must eat we first remind him that it is Yom Kippur because perhaps due to his illness he forgot and is asking to eat not realizing that it is Yom Kippur. However, we do not apply any pressure to him to fast once he is informed that it is Yom Kippur. Poskim write that a patient who wishes to be stringent and fast when he is supposed to eat is considered to be in violation of the prohibition of putting his life in danger.

Poskim discuss one who is supposed to eat on Yom Kippur but has the option to arrange for an IV that will provide him with all of his nutritional needs and will keep him properly hydrated. They ruled that not only should one not exercise this option but it is prohibited as well. One concern is that the nutrition that comes from IV will not settle the patient's mind to the same degree as eating food. Secondly, inserting a needle is a form of physical injury. A doctor is permitted to do so in the course of healing a patient but one may not use medicinal therapies that involve injuring a patient so that a patient can fulfill a mitzvah (פסקי תשובות אות ג' והע' 16).

- We don't follow the majority when it comes to matters of life and death. (M.B. 11)
- This is true even if the 100 doctors are greater experts than this one. (M.B. 12)

Siman 618 Seif 5:

If the patient says that he does not have to eat and the doctor is uncertain we feed the patient but if the doctor says that he does not have to eat and the patient is uncertain we do not feed him.

- The patient's opinion matters only when he says that he must eat. (M.B. 14)
- If one doctor is uncertain and another doctor says that he does not have to eat, we feed the patient. There is a disagreement whether we feed a patient who is a doctor and is unsure whether he needs to eat and another doctor says that it is unnecessary. It seems that we would have to determine whether the patient's mind was clear enough to make the assessment. (M.B. 15)

Siman 618 Seif 6:

If a doctor does not recognize the condition he is the same as anyone else and his opinion does not play a factor. If the patient is very weak so that most people can see that he would be in danger if he were not to eat, we feed him.