

Shiur 2

“Lev Yodea Maras Nafsho” - “A Heart Knows the Bitterness of its Soul”

The Protocol When a Patient and Doctor Disagree about Eating on Yom Kippur

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1. The *Sugya*

The Mishna in *Yoma* (82a) states:

”חולה מאכילין אותו על פי בקיאיין, ואם אין שם בקיאיין - מאכילין אותו על פי עצמו, עד שיאמר דיי”.

A sick person, he should be fed (on Yom Kippur) based on the word of knowledgeable people; but if there are no knowledgeable people there – we feed him based on his own assessment, until he says (he has eaten) “enough”.

According to this Mishna, the decision as to whether a *Choleh* (sick person) should eat on Yom Kippur, should be made by a doctor. However, in the event that no doctor is available, the decision is given to the *Choleh* himself even though he has no medical expertise.

What happens when doctor and patient disagree as to whether the patient should eat? The Gemara in *Maseches Yoma* (83a) discusses this question at length.

Let us carefully examine the *Sugya* (which is the source of many Halachic rulings on the subject):

”אמר רבי ינאי : חולה אומר צריך, ורופא אומר אינו צריך - שומעין לחולה, מאי טעמא - לב יודע מרת נפשו. פשיטא! מהו דתימא : רופא קים ליה טפי, קא משמע לך”.

Said Rabbi Yanai: If a Choleh says that he needs (to eat), and the doctor says that he does not need – we listen to the Choleh. Why? Because “a heart knows the bitterness of its soul”. Is that not obvious? (No because) one might have said that a doctor knows better, (therefore Rabbi Yanai needed) to come and teach us (otherwise).

In short, the opinion of a *Choleh* is more relevant than that of a doctor as he understands his condition better, in spite of the doctor's expertise.

"רופא אומר צריך וחולה אומר אינו צריך - שומעין לרופא. מאי טעמא - תונבא הוא דנקיט ליה".

If the doctor says that (the Choleh) needs (to eat) and the Choleh says that he does not need – we listen to the doctor. Why? Because madness has overtaken him.

Here we learn that the rule of *Lev Yodea Maras Nafsho* has its restrictions. For even though a sick person intuitively understands his condition, occasionally he may believe that he doesn't need to eat because his mind has become confused due to his illness.

If so, why do we rely on him in the circumstances that he says he does need to eat? Should we not suspect that the illness has left him confused? This question is asked by the *Ran* (*Yoma* 4a), and he answers as follows:

"ומשום דספק נפשות להקל תלינן הכי, דכי אמר "צריך", לאו מחמת ביעתותה קאמר, אלא קים ליה בגוויה טפי, ולב יודע מרת נפשו. וכי אמר "לא צריך", תלינן דמחמת תונבא הוא דאמר הכי - דספק נפשות להקל".

And because of (the rule of) "in matters of life and death we rule leniently" do we assume as such, that when (the Choleh) says "I need (to eat)", we don't assume it is because of his fear (i.e. confusion), but rather it is because he knows himself better and "a heart knows the bitterness of its soul". But when he says "I do not need (to eat)", we assume that it is due to madness that he says it – for "in matters of life and death we rule leniently".

In other words, the most important factor in this discussion is that of "*Safeik Nefashos le'Hakel*" – "*in matters of life and death we rule leniently*". Since we are dealing with a matter of *Pikuach Nefesh* we rely on the estimation of the *Choleh* when he says that he needs to eat on Yom Kippur. However, being that the rule of *Lev Yodea Maras Nafsho* is not absolute (as his judgment may be clouded by his illness), if a sick person claims that he needn't eat but is disputed by a doctor, we listen to the doctor.

The Gemara continues:

"תנן : חולה מאכילין אותו על פי בקיאיין. על פי בקיאיין – אין, על פי עצמו - לא. על פי בקיאיין – אין, על פי בקי אחד - לא!"

We have learned in a Mishna: a Choleh, he is given to eat based on the word of those who are knowledgeable. (This implies that) based on the words of the knowledgeable he

may be given to eat, but based on his own words, he may not. (It also implies that) based on the words of a number of knowledgeable people he may be given to eat, but based on the words of just one knowledgeable person, he may not.

The Gemara asks a contradiction between the ruling of the Mishna (cited earlier) that we rely on a *Choleh's* own assessment as to whether he needs to eat (when no doctor is there), and the implication of the beginning of that same Mishna that one may only do so based on the words of several informed people.

The Gemara therefore clarifies, that the Mishna is to be understood as follows: Ideally one would garner the opinion of at least two knowledgeable people. In the event that there is only one, we also take the *Choleh's* opinion into account. The opinion of the *Choleh* alone is not to be taken seriously.

The contradiction within the Mishna is thus resolved but the Gemara is left with a question on Rav Yanai who asserted that a sick person is to be relied upon when he says that he needs to eat and even when the doctor says otherwise.

The Gemara therefore offers the following answer:

”הכא במאי עסקינן - דאמר לא צריכנא

Here, what are we dealing with? – Where (the Choleh) says “I don’t need (to eat)”.

The Gemara’s answer is that the Mishna’s ruling, that two doctors are required to permit the sick person to eat, only applies when the *Choleh* himself insists that he doesn’t need to. In that case, one doctor isn’t enough to override him.

The Gemara then asks:

וליספו ליה על פי בקי!

“Let them give him to eat based on the words of one knowledgeable person”

Why are two people required – why isn’t one enough?

לא צריכא, דאיכא אחריןא בהדיא, דאמר : לא צריד”.

No, it is necessary (to have two knowledgeable people who say that he should eat) because there are other (knowledgeable people) with him (the sick person) who (agree with him and) say “he doesn’t need to eat”.

In other words, if one doctor sides with the *Choleh* who says that he does not need to eat, we rule accordingly unless there are two doctors who say that he does need to eat. However, if there is no doctor who agrees with the *Choleh*, we pay heed to a doctor who insists that he does need to eat, against the wishes of the *Choleh*.

The Gemara continues to ask:

”מאכילין אותו על פי בקיאים. פשיטא! ספק נפשות הוא וספק נפשות להקל!”

We give him to eat based on the opinion of knowledgeable people. That is obvious? It is a situation of possible danger to life, and any situation where there is a possible danger to life, we rule leniently!

In other words, though we have clarified that the first part of the Mishna is speaking of a case where two doctors maintain that the person needs to eat, and a doctor and the person himself say that he didn't, there still does not appear to be any *Chiddush* (novelty) in the Mishna's ruling. Of course we would side with the doctors who say that he needs to eat as “*Safeik Nefashos l'Hakeil*”.

The Gemara therefore adjusts the case:

”לא צריכא דאיכא תרי אחריני בהדיה, דאמרי: לא צריך. ואף על גב דאמר רב ספרא: תרי כמאה, ומאה כתרי - הני מילי לענין עדות, אבל לענין אומדנא - בתר דעות אזלינן. והני מילי לענין אומדנא דממונא, אבל הכא - ספק נפשות הוא.”

No, it is necessary, as (we are speaking of a case where) there are two others with him (the Choleh) who maintain that he does not need to eat. Even though Rav Safra said that “two are like a hundred and a hundred are like two, that is only (true) in the laws of testimony, but regarding making an appraisal of a situation, we would (have thought) to follow the (number of) opinions. And this only applies regarding an appraisal regarding financial matters, but here – it is a case where there is a possible danger to life.

The Gemara's conclusion is that the Mishna is speaking of a case where no fewer than two doctors side with the *Choleh* who claims that he doesn't need to eat. However, there are two doctors who maintain that he does. Though the side that argues that he doesn't need to eat, is the majority opinion (which is usually important in the realm of “appraisals” (as opposed to testimony), nevertheless, since there is a possible risk to the person's life, we rule leniently and do not follow the majority opinion. This is the *Chiddush* of the Mishna.

Earlier, we cited *Rav Yanai* who holds that if a person believes that he needs to eat but two doctors oppose him, we follow the doctors' opinion. Later in the *Sugya* the Gemara cites a more lenient opinion:

”מר בר רב אשי אמר: כל היכא דאמר צריך אני אפילו איכא מאה דאמרי לא צריך - לדידיה שמעינן, שנאמר לב יודע מרת נפשו.”

Mar bar Rav Ashi says: In any case that he (the Choleh) says “I need (to eat)”, even if there are a hundred who say that he doesn't need – we listen to him, as it says “A heart knows the bitterness of its soul”.

The Gemara asks a question on *Mar bar Rav Ashi's* opinion from the Mishna:

”תנן: אם אין שם בקיאיין - מאכילין אותו על פי עצמו. טעמא - דליכא בקיאיין, הא איכא בקיאיין - לא!”

We learned in our Mishna. If there are no informed people there, we give him (the Choleh) to eat based on his own opinion. The reason (that we do so) is because there are no knowledgeable people (there), however, if there would be knowledgeable people (there), we would not do so!

The Gemara answers as follows:

הכי קאמר: במה דברים אמורים - דאמר לא צריך אני, אבל אמר צריך אני - אין שם בקיאיין כלל מאכילין אותו על פי עצמו, שנאמר לב יודע מרת נפשו.”

This is what was said: When do these words apply – when he (the Choleh) said “I don't need (to eat)”, but if he says “I do need (to eat) – (it is as if) there are no informed people there at all (and) we give him to eat based on his own opinion, as it says “A heart knows the bitterness of its soul.”

2. Who is Considered a “Baki” (A Knowledgeable Person)

The *Rambam* (*Hilchos Shabbos* 2:1) defines a “Baki” as “an expert doctor of that place”. The *Beis Yosef* (*O.C.* 328) cites a *Ri* (also cited by the *Hagahos Meimonis ibid.*) who holds that a *Baki* needn't be an expert. Any person could be somewhat knowledgeable and if they say “I know a little about this disease and in my opinion this person needs to eat” we consider him a *Baki* in that situation. The reason we do so is because the person may be in danger and *Safeik Nefashos l'Hakeil*.

The opinion of the *Ri* is cited by the *Shulchan Aruch* (*ibid.*) as a “*Yesh Omrim*” and is brought *l'Halacha* by the *Magen Avraham* (328:7), *Shulchan Aruch ha'Ray*, *Mishna Berura* (618) and *Biur Halacha* (328).

It should be noted that although this ruling is a product of the rule of *Safeik Nefashos l'Hakeil*, nevertheless the opinion of a non-Jew in this regard is not to be reckoned with. A Jew would not offer this opinion unless he was certain (for he doesn't want somebody to erroneously eat on Yom Kippur) whereas a non-Jew doesn't feel the same way (*Shulchan Aruch* 328 and *Mishna Berurah* 29 *ibid.*).

3. The Halacha

Based on the *Sugya* cited above, the *Shulchan Aruch* (O.C. 618:1) rules as follows:

ואם החולה אומר : צריך אני, אפילו מאה רופאים אומרים : אינו צריך, שומעים לחולה.

And if the Choleh says "I need (to eat)", even if a hundred doctors says "he doesn't need (to eat), we listen to the sick person.

Here the Halacha clearly follows the lenient opinion of *Mar bar Rav Ashi* (as ruled by the *Rosh Yoma ibid.* 13 in the name of *Rabbenu Chananel* and the *Geonim*, the *Ramban* (*Toras ha'Adam Inyan ha'Sakanah* and *Tur*).

The *Tur* and other *Poskim* add that one should remind a sick person who needs to eat, that it is Yom Kippur.

The *Brisker Rov zt"l* (*Hilchos Shevisas Asor* 2:8) maintained that the lenient ruling of *Mar bar Rav Ashi* that a sick person who insists that he needs to eat, may overrule even a hundred doctors, only applies to a person who is *already dangerously ill*. Then we may invoke the rule of "*Lev Yodea Maras Nafsho*". However, if his condition is not yet grave but he argues that he needs to eat *so that he will not become endangered*, we will only do so if the doctors agree with him. This is because the estimation as to whether a person will become endangered by fasting, requires great expertise and medical knowledge. A regular person does not possess this knowledge. (The *Rov* did concede that the *Shulchan Aruch* does not appear to make this distinction).

4. An Explanation of the Idea of "Lev Yodea Maras Nafsho" ("A Heart Knows the Bitterness of its Soul")

The rule of *Lev Yodea Maras Nafsho*, that appears to propose that a person understands his condition better than a doctor needs explanation.

Let us examine a number of sources in that regard.

Above we cited the ruling of the *Shulchan Aruch* (618:1) that if a *Choleh* insists that he needs to eat on Yom Kippur, he may override even a hundred doctors who maintain that he does not because of *Lev Yode'a Moras Nafsho*.

The *Radvaz* (*Shu"t* 4:66) has a fascinating *Responsum* on this subject:

”שאלה. שאלת ממני ידיד נפשי, על חולה שאמר ”צריך אני לתרופה פלונית” שיש בה חלול שבת, ורופא אומר ”אינו צריך”, והוא חולה שיש בו סכנה, אלא שתרופה זו שאומר עליה, אומר הרופא שאינו צריך לה. ודימית לאותה שאמרו ביום הכפורים ”חולה אומר צריכני לאכול - אפילו ק' רופאים אומרים אינו צריך מאכילין אותו”, והכא נמי לא שנא, דלב יודע מרת נפשו

In this paragraph the “*Sho'el*” of the *Radvaz* presents a case of a *Choleh*, who insists that his life is in danger if he does not imbibe a certain medication (which necessitate *Chilul Shabbos* to procure). The doctor maintains that the medicine will not help him at all.

Essentially, the law of *Pikuach Nefesh* (and its overriding of all of the Halachos of the Torah) applies on Shabbos just as much as on Yom Kippur. Therefore, there should be reason to pay attention to the *Choleh*, in case he is right. However, the *Sho'el* was unsure about another aspect of the case:

. ויש מקצת נבונים שאמרו, דלא דמיא כלל, דבשלמא גבי אכילה שייך למימר שפיר לב יודע מרת נפשו; אבל לגבי שאר תרופות, אין החולים בקיאים בחולי שלהם, ולבקיאים שומעים ולא לחולה. ואף על גב דקיימא לן ספק נפשות להקל, אין כאן אפילו ספק, ולא מחללין. וסייעו את סברתם זו, ממה שלא הוזכר דין זה בשבת אלא לגבי יום הכפורים, משמע דלגבי שאר חילול אין הדין כן. ורצית שאודיעך דעתי בזה.”

The *Sho'el* posits that there may be a different reason to distinguish between this case and that of the person who says that he needs to eat on Yom Kippur. Regarding Yom Kippur, the person who insists that he must eat, may have a greater understanding of his condition (in other words whether or not he must eat) than the doctor because *Lev Yodea Maras Nafsho*. But regarding the question of whether a certain medication is appropriate for his condition, perhaps he does not know better than the doctor. Indeed, the fact that the Halacha of *Lev Yodea Maras Nafsho* is only cited in *Hilchos Yom Kippur* and not in *Hilchos Shabbos*, implies that it does not apply in *Hilchos Shabbos*.

The *Radvaz* in his reply, maintains that there is no reason to distinguish between the Halachos of eating on Yom Kippur, and the procuring of medications on Shabbos. He supports his conclusion from the *Rishonim* (such as *Rabbenu Tam*, the *Ramban* and others) who appear to hold as such.

Then he adds:

”ומעתה, אין צריך לומר אם התרופה ששאל החולה היא מהדברים שרגילין לעשות לאותו חולי, דפשיטא דלחולה שומעין ולא לרופא, אלא אפילו אינו מהדברים שרגילין לעשות - שומעין לחולה, משום לב יודע מרת נפשו.

Here the *Radvaz* asserts that one would listen to a sick person who insists that he needs a certain medication, *even when that medication is not the usual one prescribed for his condition.*

But he then makes an important caveat:

ומכל מקום, מודה אני שאם החכם הרופא אומר שהתרופה ששאל ייקחו, שומעין לרופא, ואפילו בחול, דכיון דטעמא הוי משום סכנה, מאי חזית דסמכת אחולה? אדרבה, סמוך ארופא דבקי טפי ויבוא לידי סכנה יותר אם יעשו לו אותה תרופה.

If the medication that the sick person insists upon is deemed by the doctor to be hazardous to him, we pay heed to the doctor (even during the week). We would not risk the person’s life. [However, this is not the case with regards to eating on Yom Kippur. Then, even if the doctor maintains that it would be dangerous for the person to eat, we would allow him to eat because *Lev Yode’a Moras Nafsho*.]

Let us summarize the rulings that emerge from this *Responsum* of the *Radvaz*:

1. The *Choleh* may override a doctor, both with regards the need to eat and the necessity of a certain medication.
2. Therefore, if a *Choleh* insists that he must eat and the doctor maintains that he needn’t eat – we listen to the sick person.
3. If a *Choleh* insists that he must eat but the doctor says that the food will harm him, we nevertheless listen to the sick person.
4. If a *Choleh* insists that he needs a certain medication but the doctor says that it will not help him at all, we nevertheless listen to the sick person.
5. However, if a *Choleh* insists that he needs a certain medication but the doctor says that it will harm him, we listen to the doctor.

These rulings of the *Radvaz* appear to be inherently contradictory. If the rule of *Lev Yodea Maras Nafsho* may be invoked both with regards eating and the need for a certain medication (as evident from 1-4), why is there a distinction in the case where the doctor

says that the medication will cause him damage? (In other words, what is the distinction between 3 and 5?)

Moreover, the very notion of the *Radvaz* that a *Choleh* understands his condition better than a doctor to the extent that he may overrule him regarding medications, is completely baffling! According to the *Radvaz*, the *Choleh* is to be trusted even when he says that a medication that is never prescribed for his condition, is the correct course of treatment for him! Can the rule of *Lev Yodea Maras Nafsho* really justify that?

These rulings of the *Radvaz*, are cited *l'Halacha* by the *Magen Avraham* and *Mishna Berurah* (in *Hilchos Yom ha'Kippurim* – O.C. 618 and in *Hilchos Shabbos* O.C. 328). The *Biur Halachah* makes the following comments:

”עיינן במשנה ברורה שכתבתי בשם הרדב”ז (ח”ד סימן ס”ו), שאם חולה אומר צריך אני לתרופה פלונית, ורופא אומר אינו צריך, שומעין לחולה, כמו דאמרינן לענין תענית יום הכיפורים. ולעניות דעתי אין הדברים אמורים אלא כשאומר ”מרגיש אני חולשא באבר פלוני, על כן יעשו לי תרופה פלונית שמועלת לחולי אבר זה”, ובוה ודאי שומעין לו, דלב יודע מרת נפשו שייכא בכל מילי, ואפילו רופא אומר שאינו צריך שום תרופה אין שומעין לו. אבל אם המחלה ידועה, והחולה אומר שתרופה זו מועלת למחלה זו, והרופא אומר שאינו מועיל בזה, אין סברא לשמוע לחולה לחלל שבת בחנם ... והא דאמרינן גבי חיה (=יולדת), דעד שבעה (=ימים מהלידה) מחללין, כשאמרה צריכה, ומבואר בחידושי הרשב”א דאפילו רופא אמר אינה צריכה שומעין לה, מיירי גם כן באופן זה, שהיא אומרת שצריכה חמין לשתות, או לרחיצה, שמרגשת חולשא באבריה, וכדומה, ורופא אומר שלפי חיזוק גוה אינה צריכה, על כן אין שומעין לדבריו דלב יודע וכו’, אבל כשהיא מחולקת לאיזה תרופה תועיל - אין סברא לשמוע לה [ועיינן בשלטי הגבורים פרק מפנין ד”ה השאלות ודוק] וכן משמע בתשובת הרשב”א ח”ד סימן רפ”ד כדברינו”.

In these words, the *Biur Halacha* is adamant that the *Radvaz* never meant to rule that a person is more knowledgeable than a doctor regarding the correct medications for his condition. **Rather, it is in the field of diagnosis that a person may know better than a doctor because of *Lev Yodea Maras Nafsho*. As far as prescribing medications or a method of treatment, the doctor certainly knows better.**

However, the *Biur Halachah* does concede that:

[ומ”מ אפשר לומר דהיכי דאומר החולה דידוע לו שטבע גופו להתרפאות ממחלה זו כשנוטל רפואה זו אפשר דשומעין לו דגם בזה שייכות קצת לומר דאדם בקי בגופו יותר ממאה רופאים],

Where a sick person says that his body commonly reacts well to a certain medication, we would listen to him (even if the doctor says that it won’t help him at all), as in that regard he does perhaps know better than the doctor.

He also concedes that:

אם לא דאיכא חשש שמא תטרף דעתו עליו אם יראה שאינם עושים כדבריו.

Where a person would become distressed if we do not pay heed to his requests for a certain medication and would therefore be endangered, we would listen to him and fulfill his request.

In light of the *Biur Halacha's* explanation, we may now return to the rulings of the *Radvaz* and offer an explanation. We noted that according to the *Radvaz*, if a doctor maintains that eating will be harmful to a person, but the person insists that he must eat, we listen to him and not the doctor.

This surely does not sit well with the distinction drawn by the *Biur Halachah* between “*diagnosis*” (where we listen to the *Choleh*) and the “*prescription of medications*” (where we listen to the doctor). Eating (in other words a correct diet) is most certainly within the field of “*prescription*” and not “*diagnosis*” as an inseparable part of medical treatment is to insist upon the correct diet to aid one’s recovery. If a person suffering with diabetes would insist that a large piece of chocolate cake would save him from becoming dangerously ill, and the doctor would contend that it would cause him a great deal of harm, surely we would side with the doctor! Why then, does the *Radvaz* maintain that we listen to the *Choleh* when the doctor says that eating will be harmful to him?

This question is, in fact, posed by the *Aruch ha'Shulchan* (O.C. 618:5):

”ואם הוא אומר שצריך, אפילו מאה רופאים מומחים אומרים שאין צריך, שומעין לחולה, דלב יודע מרת נפשו. ואפילו אם אומרים שהמאכל יזיק לו שומעין לחולה [מג”א סק”ג בשם רדב”ז]. ואף על גב דלעיל בסי” שכי”ח דכשהחולה אומר דצריך לרפואה פלונית והרופא אומר שתזיקיהו שומעין לרופא, זהו מפני שברפואות וודאי הרופא בקי טפי, אבל בעיקר אכילה וודאי החולה יודע בעצמו יותר כשאומר שצריך [אחרונים]. אבל הדבר תמוה, דלפי הנראה אפילו שלא ביה”כ אם החולה מבקש לאכול והרופא אומר שהאכילה תזיק לו - אין נותנין לו, וכן הוא מעשים בכל יום, שהרי גם זה מהלכות הרופאים להבין שהאכילה תזיק לו, והרבה פעמים אנו רואים שהחולה מבקש דבר המזיק לו ואין נותנים לו ע”פ ציווי הרופא, וכי מפני שעתה יוה”כ מיגרע גרע, בתמיה? ובשלמא כשהרופא אומר אין צריך, כלומר שיחיה בלא זה, שומעין מפני הספק לחולה, כיון שגם לדעת הרופא לא תזיק לו האכילה, אבל כשאומר שהאכילה תזיקנו, איך אפשר להאכילו אפילו בלא יום הכיפורים, וכל שכן ביום הכיפורים! וצריך עיון גדול.”

Perhaps (due to the severity of the questions on the *Radvaz*) we could suggest the following *Chiddush*.

Let us examine the words of the *Radvaz* in which he discusses the cases that the doctor maintains that eating / taking a certain medication will harm the *Choleh*:

”שאם אמר ”צריך אני לאכול”, אפילו שאמר הרופא שהמאכל יזיקהו, שומעין לחולה, דלב יודע מרת נפשו. אבל אם אמר ”צריך אני לרפואה פלונית” ורופא אמר שאותה תרופה יזיקהו, שומעין לרופא, משום סכנת חולה, ואפילו בחול.

Regarding the case where somebody insists that he needs to eat, the disagreement between the *Choleh* and the doctor was not as to *which food* he should eat, but as to *whether he should be eating at all*. Perhaps the view of the *Radvaz* is, that **this decision is within the field of diagnosis and not in that of prescriptive medical treatment**. In this instance the person feels weak, *and the doctor would agree that this can only be resolved by him eating*. Where they disagree is *whether eating would be more harmful to him than not eating*. According to the doctor, though he is dangerously ill, eating at this moment would cause him more harm than refraining from eating. According to the person himself, his great hunger is endangering him. **The heart of this disagreement is the correct diagnosis of his condition – is eating more dangerous to him than fasting?**

Therefore, since according to the *Biur Halachah*, a person may override the doctor in the field of diagnosis, it is only right that we allow him to eat if he says that he must for even the doctor agrees that eating is the correct “medication” for his hunger. (Therefore, there is no disagreement about “prescription” and no reason to favor the position of the doctor over that of the person himself).

However, where a doctor maintains that the particular medication that is demanded by the sick person will harm him, we most certainly listen to the doctor, *as the question of whether a certain medication will be harmful or helpful is more certainly within the field of prescription*.

It follows that if the disagreement between the sick person and the doctor is not about whether a certain medication will be helpful, but whether his condition is grave enough to warrant taking a certain medication (but both agree that this medication is the correct one for his disease), we would listen to the sick person as the heart of this disagreement is in the field of diagnosis, not prescription.

In summation – the *Biur Halacha* draws a distinction between cases where the heart of the disagreement between the sick person and the doctor is in the field of diagnosis (where we always listen to the sick person) and where it is in the field of prescriptive medical treatment (where we bow to the opinion of the doctor).

Rav Shmuel Vosner *zt”l* (*Shevet ha’Levi* 1:164) cautions that while the Halacha in general is that we listen to the sick person if he says he needs to eat (even against the opinion of the doctor), nevertheless there are instances where this would not be the case.

For example, eating following surgery can genuinely put a person's life in danger. Therefore in all such cases, a doctor must have the final word and we should judge each illness and set of circumstances separately.

This addition of Rav Vosner forces us to alter the distinction drawn by the *Biur Halacha*. We should no longer just distinguish between diagnosis and prescription as we have been until this point, but also *between different types of Choleh*.

A person who is suffering with a certain illness or is in the midst of a certain course of treatment, is not more knowledgeable about the details of his illness or treatment than his doctor. His own diagnosis, more often than not, is likely to be flawed. Particularly in modern day medicine, where the instruments that appraise a patient's condition and the diagnostic tools available to medical staff are greatly advanced, it is certainly conceivable that a doctor's knowledge of a patient's condition is on par with the patient's own feelings about the matter. (Certainly the extensive results of a blood test should be just as telling as a patient's feelings about his condition).

Either way, we would suggest, that where a person is undergoing a specific course of medical treatment, we should bow to the knowledge of the medical staff and they should determine whether he should eat on Yom Kippur. However, if the patient suffers with a long-standing medical condition and knows how to diagnose himself by recognizing certain symptoms and reactions and knows those things that are usually harmful for him and those things that are good for him, then we would very much take his opinion into account.