

## Appropriate Conduct during a Pandemic

**AT THIS TIME**, many people want to know how they should conduct themselves during a pandemic such as coronavirus. For example, are they obligated to follow the instructions of isolation and other directives of the health authorities?

This matter is discussed by the Gemara, which describes several directives and various modes of conduct that Chazal instituted in order to prevent the spreading of infectious diseases:<sup>1</sup>

*The Rabbis taught: If there is pestilence in the city, "gather in your legs" [shelter indoors], as it says, "And you, no man shall go out from the entrance to his house until the morning." And it says, "Go my nation, come to your chambers and close the door behind you." And it says, "Outside the sword bereaves, and inside the rooms there is fear."*

*Why did it say "and it says" [in other words, why the need for additional sources]? [The answer is that were it only for the first verse, one might have said that the imperative to shelter indoors] only applies at night, but during the day it does not. For this reason, it cites [the second verse], "Go my nation, come to your chambers and close the door behind you." [And were it only to have cited the first two verses, one might have thought that] this is only true when there is no sensation of fear inside, but where there is fear inside, if*

*he leaves his house and sits in the company of others, it will be better for him. For this reason, it cites [the third verse], "Outside the sword bereaves, and inside the rooms there is fear," [to say that] although inside the rooms there is fear, outside the sword bereaves [which is far more dangerous].*

*The Rabbis taught: If there is pestilence in the city, a person should not walk in the middle of the road, for the Angel of Death walks in the middle of the road, for having been given license [to kill], he walks arrogantly. If there is peace in the city, a person should not walk on the side of the path, since he [the Angel of Death] has not been given the license, he travels secretly ["hiding" himself at the sides of the street].*

We see that, in their great wisdom, Chazal derived the information that medical authorities espouse today from *pesukim* in the Torah, namely, that during a pandemic each person should isolate himself in his home and avoid the company of others to the greatest possible degree.

In the *Sefer Likutei Amarim*,<sup>2</sup> there appears a letter from Rav Menachem Mendel of Vitevsk (one of the disciples of the Maggid of Mezeritch), regarding the plague in the city of Teveria in the year 5546. The letter describes the suffering of the residents of the city, including the following passage:

<sup>1</sup> Bava Kamma 72b.

<sup>2</sup> Michtavim, michtav 13, p. 19.

*We have enclosed ourselves in the new courtyard, inside of which is slightly more than a minyan so that it is possible to pray with a tzibbur...And others outside saw this and did likewise, in order to conceal themselves from the charon af in their courtyards and in their castles...And the only people that can be found on the streets are empty and foolish people, as well as gentiles.*

Clearly, during plagues or pandemics, the Jewish people have always conducted themselves in accordance with Chazal, who invoked the verse in *Yeshaya*:<sup>3</sup> “Go my nation, come to your rooms and close the door behind you.”

The Gemara above also implies that it is important to avoid sadness or depression, which are often a product of isolation. One may therefore even contemplate leaving one’s home during a plague in order to enjoy the company of other people, so as to escape the anxiety that pervades one’s home. However, the Gemara ultimately deduced that doing so would be a mistake: becoming infected is a greater danger than sadness, and therefore it is imperative to remain at home.

The Gemara asserts that during times of danger the “Angel of Death walks in the middle of road,” and in times of peace he can be found on the side of the street road. Simply understood, this is no scientific or medical recommendation. However, the *Rashbash* suggests a most novel interpretation of the Gemara:<sup>4</sup>

*The intent of this [statement of the Gemara] is that during times of good health, a person should act consistently and remain on the middle ground regarding his food, drink, dress, sleep, times to awaken...exposure to fresh air, periods of activity, periods of rest, his mental state—namely, his feelings of joy, grief, anger, and desire. In all matters that are necessary for his body, a person should act in moderation: neither too much nor too little.*

*However, during a plague, a person must take the utmost care and should become accustomed to avoiding unnecessary extras: he should refrain from overeating and should eat high-quality food and less of it. He should rest for longer and avoid exertion. He should...distance himself from distressing matters and be increasingly glad. In all of these matters, he shall go to the extreme and not suffice with taking the middle ground. This is the allusion in [the words of the Gemara that] “A person should not travel in the middle of the road” but rather on the extremities. All of this is a natural [medical] matter.*

The *Rashbash*’s explanation of the Gemara is novel in the extreme, but is undoubtedly wise advice and an important lesson. During a plague or pandemic, a person must go to extremes in matters of health and in seeking to safeguard himself from infection.

The same message is explicitly stated by the Gemara regarding “*ra’asan*” (a highly infectious disease of the skin).<sup>5</sup> The Gemara records the extreme measures taken by various Amoraim to avoid infection:

- Rav Yochanan would avoid any flies that had come into contact with a person suffering with *ra’asan* (as they transmit the disease).
- Rav Zeira would not stand downwind of a bearer of *ra’asan*.
- Rav Elazar would not enter the room of a bearer of *ra’asan*.
- Rav Ami and Rav Asi would not even eat the eggs from the street on which he lived!

The measures taken by these Amoraim were extraordinarily astute. Scientists today have discovered that infectious diseases pass from one person to another in one of three ways:

- First, through the bloodstream—as is the case with malaria, which is transmitted via mosquitoes that infect people by biting them.

3 26:20.

4 *Shu”t responsa* 195.

5 *Kesubos* 77b.

- Second, through the respiratory organs—as is the case with flu and the various coronaviruses where pathogens are exhaled into the atmosphere by those suffering with the disease and are inhaled by others.
- Third, through the digestive system—as occurs when a person ingests food that has been infected.

On account of all of these concerns, a person must refrain during a pandemic from coming into any contact with the sick or those who may be carrying the disease, as explained by the Gemara in *Bava Kamma*.

How incisive were the words of the *Chachamim*, who warned about the risk of infection in precisely these three ways:

- Rav Yochanan, who would avoid flies that had come into contact with a person suffering with *ra'asan*, wanted to avoid the possibility of infection through an insect bite, in other words, through the bloodstream.
- Rav Zeira, who evaded the air-stream of a diseased individual, wanted to avoid infection by inhalation.
- Rav Ami and Rav Asi, who avoided any food that had the chance of being infected were guarding their digestive systems from infection.

Finally, Rav Elazar avoided any proximity to the sick at all.

Hashem reveals the secrets of the world to those who fear him - or perhaps they knew from experience that these modes of conduct cause the spread of disease.

### **What Is Sakanah?**

Let us examine the definition of *sakanah* and what our perspective on it should be:

- Do we consider every distant concern of danger to be a *sakanah* in Torah law?
- What degree of *sakanah* obliges a person to take steps to avoid the danger?

This latter question is particularly relevant to our situation today.

The Mishnah rules that if there is an incidence of *Makkas Dever* (a plague of pestilence), we fast and sound

the shofar.<sup>6</sup> The definition of *Makkas Dever* is when three deaths are recorded in a town of five hundred people, three days in succession. Fewer than that is not a halachic cause for fasting or sounding the shofar. This is also ruled by the *Shulchan Aruch*.<sup>7</sup> These guidelines are merely criteria in the halachos of fasting and sounding the shofar. One cannot, however, draw any conclusions as to the extent of the general obligation of avoiding *sakanah*.

I have discussed the definition of *sakanah* in *Shu"t Minchas Asher*,<sup>8</sup> and I noted that it is discussed in three separate fields of halachah:

1. In *Hilchos Berachos*, there are two pertinent halachos. The Gemara rules:<sup>9</sup> There are four who need to offer thanks (recite *Birkas HaGomel*). Seafarers, those who traverse the deserts, a person who was sick and recovered, and a person who was incarcerated and set free.

There are two disputes among the *Rishonim* with regard to this halachah:

- According to the *Rambam*,<sup>10</sup> a person who was sick in any way and recovered or one who has been on any sort of journey needs to recite *Birkas HaGomel*.
- According to the *Tur*,<sup>11</sup> only a person who was dangerously ill and only those who undertook a dangerous journey, such as through a desert, need to offer thanks.
- The *Shulchan Aruch* notes that regarding reciting *Birkas HaGomel* after a journey, the custom in France and Germany followed the *Tur*, whereas in Spain it followed the *Rambam*.<sup>12</sup>
- Regarding sickness, the *Shulchan Aruch* rules like the *Rambam* and the *Rema* like the *Tur*.<sup>13</sup>

6 *Taanis* 19a.

7 O.C. 567.

8 3:121.

9 *Berachos* 54b.

10 *Hilchos Berachos* 10:8.

11 *Tur* 219.

12 *Ibid.* 7.

13 *Ibid.* 8.

The *Yerushalmi* states:<sup>14</sup> “All journeys are presumed to be dangerous...all of the sick are presumed to be in danger.” This appears to be a clear proof for the position of the *Rambam*. However, the *Beis Yosef* defends the view of the *Tur*, arguing that the *Yerushalmi* is only discussing the law of *Tefillas HaDerech*, which must be recited when undertaking any journey, as he clearly rules.<sup>15</sup>

According to the *Beis Yosef*, the definition of *sakanah* regarding *Tefillas HaDerech*, in which “all journeys are presumed to be dangerous,” is different from its definition regarding *Birkas HaGomel*, in which only those in actual peril must recite the *berachah*.

2. In the aforementioned *teshuvah*, I also explained that there is a distinction between a singular **incident of danger to an individual** and a **naturally recurring danger to the general public**. The *Magen Avraham* rules that one may not desecrate Shabbos on account of *pikuach nefesh* when the likelihood of danger is only one in a thousand or less.<sup>16</sup> Nevertheless, regarding a woman who is due to give birth, he rules that one may desecrate Shabbos on her behalf (though one should utilize a *Shinuy*) **despite the fact that fewer than one in a thousand women die in childbirth**.<sup>17</sup> The reason for this is that birth is a natural process, and if that process is certain to cause **somebody's** death, even if that person is only one in several thousand, we are obligated to do all that is in our power to save them.
3. This is all the more true when avoiding *sakanah*—for if we desecrate Shabbos even in cases where danger is extremely unlikely, given that a small percentage of people will certainly be endangered, one must certainly take measures to avoid contracting an infectious disease. For this reason,

I have vehemently stated on previous occasions that there is an absolute obligation to immunize children against mumps, rubella, and measles.<sup>18</sup> Though statistically, the chance of death in childhood from these diseases is low, since it is certain that if these immunizations are not administered, a certain number of children will die—even if they will be only one in several thousand—there is an absolute responsibility to ensure this doesn't occur.

The *Binyan Tzion* goes even further.<sup>19</sup> He discusses the issue of *metzitzah b'peh* (the procedure where a *mohel* sucks blood from the *bris milah* wound) and argues strongly that this custom should not be abolished due to the danger of infection. He also vehemently disagrees with those who maintained that *metzitzah* of any kind should be abolished. Nevertheless, he does note that one should not ignore the medical opinions that *metzitzah b'peh* may be a dangerous practice, **even if the likelihood of danger is only one in tens of thousands!** Therefore, if the *mohel* is sick, or there is a fresh wound in his mouth, he must be prevented from performing *bris milah* and certainly from performing *metzitzah*.

We have seen that the *Binyan Tzion* implies that one should be concerned about *sakanah* that has a likelihood of only one in tens of thousands. His reasoning almost certainly is that the sickness contracted from *metzitzah b'peh* is a natural phenomenon, and if we were to broadly permit it, many children would take ill and some would die. Therefore, it must be prohibited wherever there is any possibility of danger, no matter how small.

During the cholera outbreak of the eighteenth century, many of the great *rabbanim* of the time expressed extremely lenient positions with regard to eating on Yom Kippur.<sup>20</sup> Rav Yisrael Salanter also famously ruled at that time that even those who were healthy should eat on Yom Kippur so that those who were sick wouldn't

14 *Berachos* 4:4–34b.

15 *Shulchan Aruch* 110:4.

16 *Magen Avraham* 316:23.

17 *Ibid.* 330:3, based on a *Maggid Mishnah*, *Hilchos Shabbos* 2:11.

18 See *Kovetz Zichron Shabsi v'Aryeh*, *Kovetz 3 miBei Rav* 5–7.

19 *Shu"t* 1:23–24.

20 See *Shu"t Chasam Sofer* 6:23 and *Shu"t Mizpeh Aryeh* (by Rav Aryeh Leib Broda, the Av Beis Din of Levov, O.C. 41) who testifies that this was the position of the *Sho'el u'Meishiv* during the epidemic of 5633.

think of acting stringently and fasting. (See below, No. 3, where we discuss this ruling at length).

In *Igros Rabi Akiva Eiger* (Igeres 71), a letter that Rav Akiva Eiger wrote to his *talmid* Rav Eliyahu Gutmacher appears, regarding the cholera outbreak of the time. In it, he outlines several enactments, halachic rulings, and other pieces of advice regarding the prevention of the spreading of the disease. One thing he proposes is “social distancing,” forbidding any gathering for *tefillah* that comprised more than fifteen people. He recommends keeping a record of those who were to be participating in each minyan so as to ensure that no larger gathering would ensue, and that if people were not adhering to the guidelines, the local, non-Jewish police were to be enlisted to enforce it!

### ***Halachah L'Maaseh***

This should also be the practice today.

All instructions from the medical authorities and Health Ministry should be scrupulously adhered to, and those who have been instructed to remain in isolation should not leave their homes. Doing so would endanger the public and is prohibited. During times of pestilence, plague, or pandemic, one must “walk on the sides of the street” and go to extremes in order to avoid any danger.

ונעתור בתחנון ובתפילה לפני בורא רפואות ומצמיח ישועות לרחם עלינו  
ועל פליטתנו, ולמונע משחית ומגיפה מעלינו ומעל כל עמו בית ישראל  
ונאמר אמן.

*These essays were written during various stages of the coronavirus pandemic. Facts and knowledge about this virus change daily. Torah is forever.*



# The Obligation of Proper Hygiene and of Preventative Measures

**CHAZAL FAMOUSLY** “grant the physician the license to heal.”<sup>1</sup> The *poskim* explain that a physician not only has permission to practice medicine but has a mitzvah and obligation to do so.<sup>2</sup>

What about the imperative to live a healthy lifestyle in order to lessen the likelihood of ill health in the first place? Are there sources in the Torah that discuss this and place this obligation upon each individual? Or may individuals disregard the notions of general health maintenance and only seek medical attention when falling ill?

There are indeed many sources both in the written and oral Torah that enjoin us to guard our health and observe a healthy lifestyle. In fact, the *Rambam* declares, “The goal of the entire Torah is twofold—enhancement of the soul **and enhancement of the body**!”<sup>3</sup>

At first glance, this assertion of the *Rambam* appears to contradict another of his statements found in the introduction to his commentary on the Mishnah. There he writes, “The destruction of the soul comes with the enhancement of the body, and the enhancement of the soul comes with the destruction of the body.”

So which is correct? Is the “enhancement of the body” the “goal of the entire Torah” or “the destruction of the soul”?

The answer is that there are two sorts of enhancement of the body. Pursuing one’s bodily desires, physical

enjoyment, and living a life of decadence are indeed the destruction of the soul. The same is true of a **love for the physical body**. Historically, that which unites all of the various sinful movements, great artists, and philosophers is the great reverence they had of the body and its natural beauty. There are, moreover, hundreds of thousands of people alive today who waste their days in focusing on and developing their physical attributes. This outlook is thoroughly harmful, and it is this form of enhancement of the body that destroys the soul.

A wise person with Torah perspective perceives the physical body as a “ministering vessel,” a mere host for his holy soul. His individuality is not embodied by his body but by his soul. Since Hashem fastened his soul to his body, it is his duty to protect his body, support it, and strengthen it so that it can continue to serve the soul as it should do. The following are the words of the *Rambam*:<sup>4</sup>

*Perhaps a person will say, “Since jealousy, desire, honor, and the like are an evil path and remove a person from the world, I will thoroughly desist from them and distance myself from them to an extreme degree. To the extent that I will not consume meat, nor drink wine, nor will I marry, live in attractive living quarters, wear pleasant clothing—just sackcloth and coarse wool and the like, as do the non-Jewish*

1 *Bava Kamma* 85b.

2 See *Shulchan Aruch*, Y.D. 336:1 and *Taz ad. loc.* 1.

3 *Moreh Nevuchim* 3:27.

4 *Hilchos Deios* 3:1–3.

monks." This is also an evil path and it is prohibited to pursue it.

A person must direct his heart and all of his acts exclusively toward knowing Hashem. His acts of sitting, rising, and his speech should all be trained toward this matter. How so? When he conducts his business activities or works for a living, his intentions shall not be purely to benefit financially. Rather, he should work in order to provide his body with that which it needs in terms of food, drink, accommodation, and marriage. Similarly, when he eats, drinks, and engages in marital relations, he should not intend to perform these activities merely for the physical enjoyment, to the extent that he only eats those things that are sweet to the taste and engages in marital relations only for the enjoyment. Rather, he should intend to eat and drink only in order to sustain his body and his limbs.

It follows that a person who conducts himself in this manner during all of his days is constantly serving Hashem, even while he is conducting his business activities and even while he is engaged in marital relations. For his intention in all of these matters is to fulfill his earthly needs so that his body will be fit to serve Hashem. Even while he is sleeping—if he is doing so in order that his mind and body will rest so that he won't take ill and would be unable to serve Hashem—his sleep is itself a service of Hashem. Regarding this, the Chachamim said, "And all of your acts shall be for the sake of Heaven." This is what Shlomo HaMelech in his wisdom said, "In all of your ways, know Him and He will straighten your paths."

These words are clear and obvious. A person must maintain their general health in order to be able to better serve Hashem.

Famously, the Rambam, who was one of the great doctors of his time, did not content himself merely with composing books of medicine. He dedicated two entire chapters in *Mishneh Torah* to teaching the Jewish people the importance of preventative medication and

observing a healthy lifestyle so as to prevent illness and disease. These are chapters 3 and 4 of *Hilchos Deios*.

There are several sources for this in the Gemara itself, a number of which are cited below:

### **Shabbos 82a**

Said Rav Huna to his son Rabah, "Why do you not frequent [the shiur of] Rav Chisda, whose teaching is sharp?" He said to him, "For what reason shall I attend? Whenever I go to him, he discusses matters of the world with me. For example, he said to me, 'Somebody who goes to the bathroom shall not sit down directly, nor shall he squeeze too strongly. For the karshata sits on two "teeth," and [if he squeezes too strongly] perhaps the teeth of the karshata will come apart and he will be endangered.'" He [Rav Huna] said to him, "He is discussing matters of healthy living, and you dub them [merely] 'matters of the world'? All the more so shall you attend!"

This is an extraordinary episode. Rav Chisda would expound and teach how a person should conduct himself healthfully and safely in the bathroom, and Rabah thought that these were merely "matters of the world" and therefore didn't wish to attend the *shiurim*. But his father Rav Huna chided him, "He is discussing matters of healthy living, and you dub them [merely] 'matters of the world'? **All the more so shall you attend!**"

Clearly, healthy conduct is Torah itself and not merely "matters of the world." In fact, this aspect of the Torah is more important than many halachos, for "matters of danger are more stringent than matters involving prohibitions."

### **Berachos 40a**

Said Rava bar Shmuel in the name of Rav Chiya. After every meal you shall eat salt, and after each drinking session you shall drink water, for if not you will be harmed.

The Gemara proceeds to discuss at length many types of healthy foods that prevent diseases.

**Berachos 54b**

*Ten things cause a person to contract piles, etc.*

The Gemara proceeds to discuss many similar medical axioms at length.

**Shabbos 10a**

The Gemara discusses not only the types of foods to eat but when during the day to eat them. It cites Abaye, who strongly advocates “*Pas Shachris*” (a bread or *Mezonos*-based meal for breakfast) and outlines its remarkable benefits.

**Shabbos 41a**

Chazal also offer advice as to the manner in which one should eat, such as, “A person who eats and does not drink—his eating is ‘blood.’ This is the cause of the onset of diseases of the intestines”; “A person who eats and does not then walk four cubits—his eating will be rotten. This is the cause of the onset of a foul odor.”

**Nedarim 80b**

In this Gemara, Chazal also discuss the importance of laundering, maintaining general cleanliness, and avoiding dirt. They specifically recommend cleaning one’s head, body, and clothes.<sup>5</sup>

Clearly, the *Chachamim* saw fit to include matters of health and hygiene in the Talmud—the basis for almost the entirety of the oral Torah, halachah, *Agaddah*, and matters of piety.

Many of the Rishonim even contend that matters of health and hygienic living help form the basis of some of the mitzvos in the Torah. In other words, the Torah forbade certain items due to the possible harm they may cause to the body and to one’s general health. Here are several examples.

<sup>5</sup> See also *Nedarim* 81a.

**Rambam, Moreh Nevuchim 3:48**

*The mitzvos that are included in the thirteenth category are those that we enumerated in the halachos of forbidden foods, the halachos of ritual slaughter, and the halachos of vows and Nazarite vows. We have already clearly explained the benefits of this category of mitzvos above and in our commentary to Avos at great length. We will also add additional explanation when we enumerate those mitzvos individually.*

*It has been said that all the foods that the Torah prohibited are lowly, and there is nothing that is prohibited to us about which there can be any doubt that it is harmful, aside from the pig and forbidden fats. But the matter is not so. For the pig has more fluid than it should and contains much dirt and excesses. The majority of that which the Torah deems disgusting is due to its filthiness and the fact that its diet is disgusting.*

*You are already aware of the Torah’s aversion to even the sight of dirt, even in the open spaces in the camp and certainly within the areas that people dwell. If the Torah would have permitted the consumption of the pig, the markets and houses would have been filled with more filth than a bathroom, as can be seen in the lands of the French today! You are already familiar with the statement of Chazal, “The mouth of a pig is like moving excrement.”*

*Similarly, regarding the fats of the innards: It overwhelms and damages the digestive system and produces cold, tacky blood. It is more fitting that it be burnt than consumed.*

*Likewise, blood and neveilos (animals that died without ritual slaughter) are difficult to digest, and their nutritional properties are poor. It is also known that the state of a treifah (an animal that will die within twelve months due to illness or injury) is the onset of a neveilah.*

*You should know that these signs—namely, rumination and split hooves among land animals, and fins and scales among fish—their existence is not the very*



*cause of the permission [to consume them] and neither is their absence the very cause of the prohibition. However, these signs are a sign of a superior species over a lowly species.*

Evidently, forbidden foods, *neveilos* and *treifos*, are forbidden due to the harm they cause to health. The pig is forbidden because of the dirt and filth it introduces to the surroundings, which are also damaging to health.

Of course, I am well aware that there are those who say that *Moreh Nevuchim* is not the true Torah of the *Rambam* and was only written to convince the confused people of his generation seduced by Greek philosophy.<sup>6</sup> And of course, the *Gra* famously said that the *Rambam* himself had been negatively influenced by philosophy.<sup>7</sup> Nevertheless, many of the great Chassidic masters very much venerated the *sefer Moreh Nevuchim*, particularly the *Divrei Chaim*, who cites it constantly in his *sefer* on *Chumash*. Furthermore, Rav Gershon Henich of Radzhin, in his introduction to the *Sefer Beis Ya'akov* (authored by his father) explains at length that all of the words of *Moreh Nevuchim* are based on Kabbalah.

### **The Ralbag**

The *Ralbag* also maintains that the Torah forbade the consumption of those creatures that “are not good for the health of our bodies.”<sup>8</sup> He adds that it is also not unexpected that one mitzvah may have many benefits (both spiritual and physical).

However, during his lifetime, there were many who opposed the *Ralbag's* positions. The *Rivash* relates that while the *Ralbag* was a great sage of the Talmud and authored a fine commentary on the Torah, his observations include positions that are forbidden to condone.<sup>9</sup>

### **Sefer HaChinnuch**

The *Sefer haChinnuch* adopts a similar view, expressing it in five separate places in his *sefer*. In mitzvah 73, he

contends that the prohibition of consuming a *treifah* is due to its harmful influence on a person's health. He writes similarly regarding the prohibition of consuming forbidden fats in mitzvah 147 and non-kosher animals in mitzvah 154. In mitzvah 166 and mitzvah 178, he notes that relations with a *niddah* or a *zavah* is also harmful to health.

### **Ramban**

Of greatest significance is that the *Ramban* is also of this view. In *Parashas Shemini*, he asserts that eating forbidden fats damages the reproductive organs, which is why the Torah forbade them.<sup>10</sup> In *Parashas Kedoshim*, he states that the reason for the prohibition of *Orlah* (the fruit of the first three years of a tree's harvest) is that the fruit during these years is harmful.<sup>11</sup> In *Parashas Metzora*, he explains that *zivah* (the emission experienced by a *zav* or *zavah*) is the sign of an illness, which is why a *korban* must be brought upon their recovery.<sup>12</sup> Finally, in *Parashas Re'eh* he expresses this view about all forbidden foods.

In his *drashah* “*Toras Hashem Temimah*,” the *Ramban* reiterates that the forbidden species “have properties that are bad for the body and soul.”

The *Ramban's* words carry particular weight, for he was a man of wide-ranging and inconceivable greatness, leader of the Rishonim, and the great Kabbalist of his time.

We should note that the *Rambam*, in his enormous wisdom, included in *Sefer Kedushah* of *Mishneh Torah* three groups of halachos: *issurei biah* (forbidden relationships), *ma'achalos asuros* (forbidden foods), and *shechitah* (ritual slaughter). This implies that these three are the basis for the holiness of the Jewish people. Fascinatingly, it is with regard to these three halachos that we have found that the Rishonim also attribute reasons of health and hygiene as the basis for the mitzvah.

6 See the *Rivash* 1:45. For this reason, the *Rivash* cautions against adopting the positions espoused in *Moreh Nevuchim* in several instances.

7 Y.D. 179:13.

8 *Shemos* 23:19.

9 Ibid.

10 *Vayikra* 11:13.

11 Ibid. 19:23.

12 Ibid. 15:11.

The *Abarbanel* disagrees entirely.<sup>13</sup> He holds that it is a mistake to explain that the reason for the prohibition of *ma'achalos asuros* is that they are damaging to one's health, as there are many permitted foods that are unhealthy and many prohibited ones that are not. Moreover, there are many non-Jews (who consume *ma'achalos asuros*) who are healthy and strong. We can only conclude that these foods are forbidden only because they are detrimental to the soul, not the body.

There is more: Kabbalists cite the *Ari haKadosh* as arguing that the purpose of the mitzvos is to affect the "upper worlds and the *Sefiros*" and are not related to the physical world at all.

However, one understands the "reasons" for the mitzvos; it is clear that a just and G-d-fearing man must lead a healthy lifestyle and accustom himself to a manner of conduct that should protect him from illness or disease.

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13 Ibid. 11:13.

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# The Ruling of Rav Yisrael Salanter during the Outbreak of Cholera

כבוד ידי"נ הגאון המצויין,

**REGARDING YOUR NOVEL RULING** that in areas where influenza is common and many are sick, one may be lenient and not observe the fast days: You base your contention on the ruling of Rav Yisrael Salanter, who, during an outbreak of cholera, instructed *even the healthy* to eat on Yom Kippur. It is said that he ascended the *bimah* on the day of Yom Kippur and ate in front of the entire congregation. You argue that if he ruled that even the healthy should eat on Yom Kippur—the most stringent of all of the fast days—due to concerns of *pikuach nefesh*, certainly regarding the other fast days, when even a person who isn't dangerously ill is exempt from fasting,<sup>1</sup> one may be lenient.

In my humble opinion, this ruling has no basis for several reasons.

First, the episode involving Rav Yisrael Salanter is highly difficult to understand; in fact, there are several versions of the story (see below). It is true that in many *sefarim* containing anecdotes of the *Gedolim*, the story appears as you relate. For example, the *sefer Mekor Baruch* relates that Rav Yisrael stood on the *bimah* with a cup of wine and a *Mezonos*, and he recited Kiddush and ate.<sup>2</sup> If so, he must have eaten a *shiur* (which is forbidden on Yom Kippur), for if not, his Kiddush would have been invalid as it wouldn't have been Kiddush *b'makom seudah*.

However, this would have been an astonishing thing to have done, for even a sick person who is permitted to eat on Yom Kippur is bid to eat less than a *shiur* if at all possible!<sup>3</sup> Moreover, the halachah is that a sick person who may eat on Yom Kippur is *exempt* from Kiddush.<sup>4</sup> It seems unlikely to say that Rav Yisrael Salanter held like Rav Akiva Eiger (618) who rules that where Yom Kippur falls on Shabbos, a sick person must make Kiddush before he eats.

The *sefer Tenuas HaMussar*, in a chapter telling of the life of Rav Yisrael Salanter, also relates this story. However, a footnote cites Rav Yisrael's son, who claimed that his father only ruled that **less than a shiur** be eaten. It also cites another source that while Rav Yisrael did rule that others should eat, he himself did not.

Clearly there is some confusion as to the exact details of this episode. Moreover, one may not base halachic rulings on tales of *tzaddikim*, only on the words of the *poskim*. I am only familiar with two *teshuvos* of the *poskim* of the time that tackle this issue.

- First, the *Mitzpeh Eisan*<sup>5</sup> relates that in his youth in Grodno, he heard that when in Vilna they heard of the ruling of Rav Yisrael Salanter, there was a great tumult and the leaders of the city opposed it. In fact, the aforementioned *sefer, Tenuas haMussar*,

1 Shulchan Aruch, O.C. 554:6.

2 Mekor Baruch 2:11.

3 See Shulchan Aruch, O.C. 618:6.

4 Magen Avraham 618, Shulchan Aruch haRav 1, and Mishnah Berurah 618:29.

5 Written by Rav Aryeh Leib Broda, the Av Beis Din of Levov; O.C. 41.

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recounts that the *gaon* Rav Betzalel haKohen protested the ruling in public, even though his version of the event was that Rav Yisrael only permitted less than a *shiur*!

- The *Shu"t HaRavaz*<sup>6</sup> maintains that, in fact, Rav Yisrael advised everybody to make a *konam* (a vow) forbidding all food to themselves before Yom Kippur. Then they would invoke the law of “*ein isur chal al isur*—one prohibition cannot fall on [an item that is already forbidden due to] another prohibition,” and the food would not be forbidden with the stringency of the laws of Yom Kippur. By eating it, the people would only transgress the *konam*, a lower-level prohibition. The *Ravaz* questioned this solution, as did all of the *geonim* of the generation (as attested by the *Misgeres haZahav*, a commentary on *Kitzur Shulchan Aruch*).

See also the *Igros Moshe*, who cites this episode and does not make mention of the *konam* at all.<sup>7</sup> Clearly, this episode is surrounded in confusion, even among the *sefarim* of *She'eilos u'Teshuvos*.

Nonetheless, the ruling that even healthy people may eat *less than a shiur* on Yom Kippur during an outbreak of a disease can be found in the *Shu"t Chasam Sofer*.<sup>8</sup> The *Mitzpeh Eisan* also attests that this was the position of the *Sho'el u'Meishiv* during the plague of 5533. Therefore, though we cannot be certain of the ruling of Rav Yisrael Salanter, this part of the ruling has firm basis in the words of the *gedolei ha'poskim*.

A similar ruling was issued by the *Pischei Olam* regarding Tishah b'Av.<sup>9</sup> He maintained that it is permitted to eat less than a *shiur* on Tishah b'Av during a plague. I have discussed this ruling elsewhere at length.

### Cholera vs. the Common Flu Today<sup>10</sup>

Nevertheless, one absolutely cannot compare cholera, the subject of the aforementioned rulings of the *poskim*, to influenza today.

Cholera directly killed many tens of thousands of people during its time and was utterly incurable, just as “*ra'asan*” was during the times of the Gemara (and from which the *Chachamim* urged the utmost caution<sup>11</sup>). For this reason, people were terrified of contracting cholera; that is why they forbade people from leaving their homes and obligated those who needed to go out to cover their nose and mouth with their garments, as related by the *Sefer Pischei Olam*.<sup>12</sup> The danger of the common flu pales in comparison, both in terms of its level of contagion and in terms of the danger it poses to life. Today, the common flu is considered a “normal” common illness and is not considered a danger to life.

In fact, even with regard to the cholera outbreak, there were those who disputed the ruling of the *Chasam Sofer*. The *Shu"t Reishis Bikurim* testifies that there were thousands in Vilna at the time who did fast on Yom Kippur and none were any the worse for it. Therefore, he ruled that there was no room to permit healthy people to eat.<sup>13</sup> The *Zecher Yehosef*, by the Griz Stern, argues at length that the fast posed no danger to those who were healthy.<sup>14</sup> At any rate, there does not appear to be a strong basis for ruling leniently regarding eating on the fast days in areas where influenza is common.

It is true that the *Chachamim* did not decree any fasts in cases of illness. But we only know this to be true of those who are **already** sick—not where we are merely concerned about their potential for falling ill. Though in cases of **potential pikuach nefesh**, we are lenient in this

6 Written by Rav Binyamin Zeiv Safran, the *Av Beis Din* of Bucharest; *Shu"t HaRavaz* 11.

7 *Igros Moshe*, O.C. 3:91.

8 6:23.

9 Cited by the *Biur Halachah* 554:6.

10 Note that in this response, the *rav* is comparing cholera to the common flu, not COVID-19.

11 See *Kesubos* 77b, which records that Rav Zeira would not stand downwind of a person stricken with *ra'asan* and Rav Ami and Rav Asi would not even eat eggs that were sourced in the same street as a person with *ra'asan*.

12 Ibid.

13 See the *Sdei Chemed* 9, *Ma'areches Yom haKippurim* 3:4, who cites the *Reishis Bikurim* and comments on it.

14 *Zecher Yehosef* 4:203.

regard,<sup>15</sup> that is because *pikuach nefesh* overrides all of the mitzvos in the Torah, even in cases of doubt (*safeik pikuach nefesh*). In fact, I have discussed elsewhere how many *poskim* hold that even a remote possibility of *pikuach nefesh* overrides anything.

However, the mere *potential* for taking ill is no basis for overriding mitzvos, particularly in this case where there is no reason to believe that fasting is any cause for contracting influenza.

Above all, the difference between cholera and influenza regarding the potential risks of fasting is that cholera impacts the digestive system, causing severe diarrhea,

dehydration, and malnutrition. For this reason, one is certain to be more vulnerable during a fast, hence the lenient ruling of the *poskim*. This is not the case with influenza, which does not affect the digestive system.

In light of all of the above, there would appear to be no basis for a lenient ruling regarding fasting due to concerns about contracting coronavirus. Even if many are sick with influenza at that time in that place, those who are not sick are obligated to fast and should not be lenient—even to consume small *shiurim*.

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אשר וי"ם

15 See *Biur Halachah* 618:1.

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# A Physician Who Must Shave His Beard in Order to Protect Himself

כבוד יקירי תלמיד חכם ירא אלוקים ורופא מומחה ד"ר...

**CONCERNING YOUR POSITION** in a hospital treating coronavirus patients and the view of experts that your beard doesn't allow a protective mask to fit hermetically over the face, thus exposing you to the risk of infection—you describe your distress at shaving your beard that you have grown since your youth.

Truthfully, this is only a matter of *chassidus*. According to halachah, there is no prohibition in shaving one's beard as long as one does not use a razor. The *Chasam Sofer* attests that there were many great people who shaved their beards, including the *Rama miPano* (one of the foremost Kabbalists),<sup>1</sup> and doing so isn't the slightest sin. *Rashi* in *Krissus* cites one explanation that Aharon HaKohen would shave his beard, and that two drops of the anointing oil spread to the roots of his hair.<sup>2</sup>

True, according to the *Zohar Hakadosh*,<sup>3</sup> a "*dikna kadisha*" (holy beard) is enormously significant, and the *Ari haKadosh* cautions against uprooting even one hair from one's beard "for the hairs of the beard are the conduits of bounty from above."<sup>4</sup> Nevertheless, this is a matter of Kabbalah, not of halachah.

The *Chida* writes:<sup>5</sup>

*Fortunate is he who allows his beard to grow, as is the custom in the cities of Turkey, etc. But he who dwells in the cities of Edom and is a businessman and needs to shave his beard should be most careful to only do so with scissors or with cream and not, G-d forbid, with a razor.*

The *Sheyarei Berachah* writes similarly:<sup>6</sup>

*In the cities of Edom, many G-d-fearing people place a cream, a thin solution, on their beards, and all the hair falls out. Doing so is absolutely permitted, as ruled in *Shu"t Shemesh Tzedakah* [ibid.], unlike the authority who forbade it. I, also, in the paucity of my knowledge, wrote as such at length in that same *teshuvah*, with the help of Heaven. I also explained that it is better to use the aforementioned cream than scissors that resemble a razor.*

*This is all according to halachah. However, according to Kabbalah it is forbidden to shave one's beard at all. The Acharonim already bring as such from the Ari, zt"l.*

I know that the *Shu"t Tzemach Tzedek* holds that it is forbidden by Torah law to trim one's beard using scissors

1 *Shu"t* O.C. 159.

2 *Krissus* 5b, s.v. *mi'sefer*.

3 *Zohar Hakadosh* 3, 130b.

4 *Ta'amei haMitzvos, Kedoshim, Mitzvas Ha'zakan*.

5 See the *sefer Moreh b'Etzba*, 135.

6 *Y.D.* 181:7-10.

that resemble a razor,<sup>7</sup> but his position contradicts the simple understanding of the Gemara—and all of the *poskim*.

Since you deal with cases of *pikuach nefesh*, and your position in the department cannot be fulfilled by others,

this is your mitzvah, your obligation, and your merit. Just as you received reward for maintaining a beard until this point, so will you receive a reward for refraining from doing so now.

שים שלום טובה וברכה חיים חן וחסד ורחמים עלינו ועל כל ישראל עמך.

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7 *Shu"t Tzemach Tzedek, Y.D. 93.*

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# Lifesaving Activity That Endangers Members of One's Own Household

**REGARDING A MEMBER** of Hatzalah whose wife suffers with multiple sclerosis, a terrible disease that affects the immune system—he asks whether he should continue working for Hatzalah and saving lives or whether he should be concerned that he will become infected with coronavirus and thus put his wife at risk.

In several other places, I have discussed the degree to which a person is obligated to put himself at risk in order to save his fellowman. I explain that it depends upon the level of risk to which a person exposes himself in relation to the degree of the plight of his fellowman.<sup>1</sup> Therefore, if the risk to the rescuer is slight, and the level of danger of the person he is to rescue is acute, it is certainly a matter of piety to rescue him.

I also explain that if society has a need for the public to accept civic responsibilities, it is permitted to voluntarily undertake these duties, even if some risk is involved.<sup>2</sup> Therefore, it is permitted to become a policeman, fireman, coastguard, or mountain rescuer.

Therefore, at first glance, it would appear that it is permitted for this man to continue working for Hatzalah, in spite of the risk—and the merit of the public shall protect him and his household.

However, upon reflection, this is not in fact the case, for several reasons:

- Coronavirus is exceedingly infectious, and it is impossible to accurately assess the actual risk of infection, particularly for a member of Hatzalah who is exposed to many sick people. Medical personnel have been found to comprise a high percentage of those infected with the disease due to their treatment of the sick. Therefore, it is highly unclear whether he would be obligated to place his wife to this degree of risk in order to save others.
- Even if a person has the right to expose himself to a small degree of danger for the sake of saving others, he has no right to endanger others. Why would he be permitted to save one person at the expense of another? Particularly in this case, where this man's wife is at high risk, and if he were to infect her with coronavirus, he would place her in acute danger. What basis would there be to permit him to take this risk?
- Above all, this mitzvah can be performed by others. Though in general, this argument does not absolve him of life-saving activities—given that all Hatzalah members are equally at risk (and for this reason, they are all permitted to place themselves in slight danger)—in this case, where his wife will be at greater risk than other members of Hatzalah, it is better that this mitzvah be performed by others.

Therefore, if the situation does not appear to place him at any risk of contracting coronavirus (such as a car accident or child who has fallen from a height), he may

<sup>1</sup> See *Minchas Asher* 1:115 and 3:121.

<sup>2</sup> *Ibid.* 3:121.

respond and provide treatment. But if there is any concern that the person in distress is infected by the virus, he should not respond.

In fact, it would appear to be more advisable to refrain from working for Hatzalah until the danger of coronavirus has passed, as it will be difficult for him to safeguard himself completely. Given that his wife is sick, he should

refrain from the company of other people to the greatest possible extent. He should only resume his Hatzalah duties if they have a shortage of manpower and his lack of participation will endanger others. This would appear to be an unlikely scenario.

אבינו מלכנו מנע מוגפה מנחלתך.

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