To You Will Bow Every Knee

Translated by Elli Fischer

“Everyone who dwells on earth shall recognize and know that to You will bow every knee... And they will all accept the yoke of Your dominion.”

Aleinu L’Shabei’ach

Adar 5780

WE ARE IN THE midst of a pandemic. Millions of people have taken ill and lie in distress on their sickbeds, tens of thousands have passed away, and the global economy is collapsing. The world has not known a crisis like this in over a century.

On one hand, Chazal said, “Calamity does not befall the world except because of Israel,” 1 and Rashi comments there: “To frighten [Israel], so that they return in teshuvah.” Indeed, we are commanded to examine our actions and return in teshuvah. However, it is clear that Hakadosh Baruch Hu is also sending a message to all of humanity, to every human being, wherever they are.

Often, when I see the sublime entreaty of Aleinu L’Shabei’ach that concludes our prayers, 2 I think to myself: How will we reach the fulfillment of this prayer, “To You will bow every knee, will swear every tongue; and they will all accept the yoke of Your dominion”? Does not the world today consist of great powers, microstates, and everything in between, each with its own unique culture? They are so different from one another, with distinct beliefs, cultures, and worldviews. They do not think alike.

However, it seems to me that these days the entire world is indeed on bended knee, powerless.

When Titus the Roman became arrogant after defeating powerful armies, occupying Jerusalem, and destroying the Beis Hamikdash, he taunted the Heavens: “It seems to me that the God of these people only has power over water. Pharaoh came, and He drowned him in water. Sisera came, and He drowned him in water. Now He threatens to drown me in water. If He is truly powerful, let Him come upon dry land and do battle with me.” 3 A Divine echo went forth and said to him: “Wicked man, son of a wicked man, descendant of the wicked Esav, I have created in My world a tiny creature called a gnat... Go upon the dry land and do battle with it.” A tiny gnat entered his nostril and pecked at his brain for

1 Yevamos 63a
2 Sefer Totsaas Chayim, written by the author of Reishis Chochmah, writes Aleinu is the equivalent of reciting Shema.
3 Gittin 56b.

The Inyana D’yoma newsletters have been sponsored by the Nechamkin family, Rabbi Yoni and Randi Levin, and כהן וזהבה אלישע.
seven years, until he died a horrible death, after suffering terribly.

Contemporary, modern man has also become arrogant. He has already walked on the moon, sent a probe to Mars, and invented the means to retrieve any information from anywhere in the world instantaneously. He studies and discovers the secrets of science, to the point where he feels he is master of his fate and in control of his life and his environment. It seems as though a Divine echo has gone forth and said to him: “I have created in my world a tiny creature, immeasurably smaller than a gnat, so small as to be invisible. It is called a virus. Go upon the dry land and do battle with it.”

The entire world is on bended knee, begging for its life, powerless to defend itself from this tiny creature. Yet we still have not merited that “they will all accept the yoke of Your dominion, and You shall reign over them, speedily, forever.”

Perhaps our Sages further elaborate this idea, suggesting that Titus’s experiences reflect a pattern:

_The wicked Titus entered the Kodesh Kodashim while cursing and blaspheming.... He said, “The God of these_ people only has power over water. If He wants, He can come upon dry land and battle me, and we will see who wins.” Hakadosh Baruch Hu said to him: “Wicked man, son of a wicked man! Lowly inferior creature! I will send the smallest of My creatures against you, to eradicate you from the world.” A gnat entered his nostril, and he died a horrible death... For it is the way of Hakadosh Baruch Hu to send tiny things as His agents against all who are arrogant against Him. He sends a tiny creature to exact retribution, to teach you that the power [of the wicked] is insubstantial.

The midrash continues:

_And in the future, Hakadosh Baruch Hu will exact retribution from the nations by means of tiny things, as it says (Yeshayahu 7:18): “On that day, Hashem will whistle to the flies at the ends of the channels of Egypt and to the bee in the land of Assyria.”_.

May it be His will that we merit the speedy fulfillment of these words from Aleinu: “They will all accept the yoke of Your dominion, and You shall reign over them, speedily, forever.”

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4 Bamidbar Rabbah 18:22.
Medical Triage
Translated by Yonah (Jonah) Rubin, MD

Nissan 5780

As the coronavirus pandemic progresses, medical centers worldwide fear impending shortages of medical equipment, particularly ventilators, and anticipate unfathomable decisions about who—and who not—to save. What is the halachic approach to medical triage in this scenario? Also, may physicians disconnect a patient who has no chance of survival from a ventilator, to avail the ventilator to another patient with a much better chance of survival?

There are two key factors to consider in developing halachic medical triage guidelines:

• Degree of danger: Halachah prioritizes a patient in grave danger over a patient in less immediate danger, who can be cared for later if/when their illness becomes more severe.

• Likelihood of survival: Halachah prioritizes the patient with a higher likelihood of survival.

Notably, age has no halachic relevance in medical triage. God alone knows and determines longevity, and the value of an individual’s life is not necessarily related to their age. For these reasons or others, nowhere does halachah consider a person’s age relevant in this context.

These triage guidelines apply only before a patient is connected to a ventilator or other medical device. However, once connected, one may not disconnect a patient from a ventilator regardless of their prognosis, even to save someone much more likely to survive.

However—and I say this with tremendous fear and trepidation, since we are dealing with life and death issues—if there truly becomes a ventilator shortage, and patients are continuously arriving and requiring ventilation, then if a present patient has almost no chance of survival, it is my humble opinion that the medical team may withhold the ventilator from the present dying patient (choleh b’faneinu) to save it for the patient with a much better prognosis who is certain to come soon.

This opinion is based on the view of the Chazon Ish,1 who sees no difference between a literal cholel b’faneinu (a patient physically present before a physician) and a patient who is certain to present soon. Consider the following: What would we do if a critically ill patient with almost no chance of survival arrived in the emergency room, where there is one ventilator remaining, and the ambulance dispatcher informs the hospital that a young patient, with an excellent chance of survival, is en route and will need the ventilator? In my opinion, we would reserve the ventilator for this patient, and this situation is just the same.

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1 Yoreh Deiah, siman 208.
We can seemingly prove this concept from a Talmudic story involving Rebbi, based upon which the Shulchan Aruch in Hilchos Tzedakah ruled as follows:

Rebbi was distraught that he gave his bread to an am-ha’aretz, because it was a year of famine, and [the food] that the am-ha’aretz ate detracted from [that which could have been given to] a talmid chacham.

However, if it weren’t for this [fact that it was a year of famine], he [Rebbi] would have been obligated to support him [the am-ha’aretz].

If someone came before us dying of hunger, one is obligated to support him even though this might detract from a talmid chacham later.

Evidently, even though a charity distributor generally must support an am-ha’aretz, he should not do so at the expense of supporting a talmid chacham, even when the talmid chacham is not immediately present.

Furthermore, if an am-ha’aretz is dying of hunger, but a talmid chacham in similar need is certain to come shortly after, we should again not support the am-ha’aretz. Only when a talmid chacham might, but will not certainly, come later, are these funds directed to the am-ha’aretz in immediate need. While there is a difference between saving people financially and medically, this discussion nevertheless reveals that, in the context of triage in matters of life and death, we consider someone who is certain to arrive as if they are already physically present.

Some halachic authorities maintain that upon arrival to hospital, a patient immediately earns a “right” to the available medical equipment, which cannot be revoked for a patient arriving afterwards. However, in my humble opinion, no such right exists. The patient did not buy the ventilator or acquire it in any other way. The only relevant discussion points here are the halachic considerations in medical triage.

The Teshuvos Minchas Shlomo has a lengthy discussion on this topic, and seems to agree that one should not offer a ventilator to a patient unlikely to survive over another patient who is likely to survive. However, he adds a novel suggestion that if the physicians already began giving medical attention to one patient, they cannot leave this patient prematurely to care for another patient, similar to the halachic principle that one actively involved in a mitzvah is exempt from performing another mitzvah. He also suggests that the first patient may somehow have financially acquired a right to continued care. But these suggestions were not meant to be acted upon; they were discussed and considered, but never intended to be implemented. Truthfully, we never thought these questions would become practically relevant.

I did see an astounding opinion of Rav Zalman Nechemia Goldberg, shliita, where he argues, at great length, that one should disconnect a critically ill patient with no hope of survival from a ventilator to save another patient who may be saved, but there is a lot to debate about this opinion.

This is my humble opinion on this difficult subject. May Hashem enlighten us in the Torah and save us from mistakes.

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2 Bava Basra 8a.
3 Yoreh Deiah 251:11.
4 Tenyana 86.
Experimental Treatments for Coronavirus

Translated by Yonah (Jonah) Rubin, MD

MANY RABBIS AND DOCTORS have asked about offering unproven experimental coronavirus therapies to patients. Some of these drugs may cause severe side effects, including cardiac arrhythmias and blindness. Under normal circumstances, medical regulatory authorities are cautious and would not advise or authorize use of these medications in patients who are likely to otherwise survive. However, given the panic and urgency during the pandemic, many experimental treatments are being used and studied. This leads to the obvious question: May a physician prescribe unproven medical therapies when they may, in fact, be harmful?

A second, particularly challenging, question was asked regarding human challenge vaccine trials. Ordinarily, the process of assessing the efficacy of a vaccine involves administering a vaccine to one group of people, a placebo to a similar group, and following both groups to see if the vaccinated group was relatively more protected from infection. However, with social distancing and its resultant significantly slowed infection rate, this process will not work; it would take too long to collect actionable results. Therefore, some groups propose “human challenge” studies, in which the two groups (one vaccinated and one given the placebo) voluntarily and deliberately expose themselves to the virus, intending to become infected, to accelerate the findings of the study. All who expose themselves to the virus are endangering themselves, some are even risking death, whether in the vaccine group or placebo group. May one initiate such a study? And may one volunteer to endanger themselves by joining such a study, for the greater good?

Answering these questions is an awesome responsibility, and I fear the consequences of erring while dealing with matters of life and death. Nevertheless, we are obligated to face these questions, and so I will try to do so.

Prescribing/Taking Unproven Experimental Medications

I have discussed at great length, in several places,¹ the degree of risk one is obligated, or allowed, to accept in order to save another from even greater danger. The conclusion, based on the Teshuvos Radvaz, is that when the risk to oneself is small but real, and the danger facing the other person is significant and common, saving such a person is a middas chassidus but not obligatory. If this applies to saving an individual, then it certainly applies to saving many people, worldwide.

However, this discussion of experimental therapy is even better, because we are not dealing with someone accepting risk only to save others, but rather to save oneself as well! If the medication works, the patient will benefit from it, too. This is comparable to a case in Teshuvos Shvus Yaakov² regarding a dying patient who has only days to live (chayei shaah), and the only way to possibly save him is by administering a medication that might kill him immediately, or might cure him fully (chayei olam). The Shvus Yaakov rules that the patient may endanger himself for the chance of surviving more than just a few days.

¹ Teshuvos Minchas Asher, vol. 1, siman 115; vol. 3, siman 121–122.
² Vol. 3, siman 75.
The *Teshuvos Binyan Tzion*\(^3\) discusses a similar situation, seemingly unaware of the discussion of the *Shvus Yaakov*, and proves from the Talmud\(^4\) that the chance of complete cure (*chayei olam*) outweights the value of transient, fleeting remaining life (*chayei shaah*). He therefore similarly rules that a dying patient may take a treatment that might bring about his immediate demise for the chance that it may instead cure him completely. He proves this further from the *Ramban* in *Toras ha'Adam*\(^5\) and the *Tur*,\(^6\) who discuss a statement of Chazal.\(^7\) To quote the *Ramban*:

“And he shall surely heal,” from here [the Torah] permits a physician to heal. Meaning, perhaps a physician will say, “What do I need this responsibility for? Maybe I will err and accidentally kill someone.” Therefore, the Torah granted [specific] permission to heal.

Thus, physicians need not fear that in trying to heal, they may kill, and they can therefore offer this medication to the dying patient.

One might refute this point, claiming that this permission to heal despite the risk, described by the *Ramban*, only applies to a physician who might accidentally or unintentionally kill a patient while providing an effective treatment, such as performing difficult surgery or even prescribing certain medications, but this does not apply in a situation like that of the *Binyan Tzion*, where the physician, aware of the side effects of this unproven treatment, knows in advance that they might cause the death of the patient, and asks whether he may prescribe these medications to begin with. Similarly, the opinion of the *Ramban* may not be applicable to a physician providing unproven coronavirus treatments where, again, the physician knows that a certain percentage of patients may be harmed by this treatment, and asks whether they may be prescribed initially. Nevertheless, the *Binyan Tzion* ruled that the patient may take the potentially harmful medication, like the *Shvus Yaakov* ruled as well.

However, in my humble opinion, these discussions are actually irrelevant to our case, because the above cases describe patients who, unfortunately, only otherwise have hours or days to live (*chayei shaah*). In these cases, the fundamental halachic principle is that the possibility of longevity (*chayei olam*) outweights the value of the patient’s otherwise fleeting, remaining life (*chayei shaah*). However, in a coronavirus patient, despite the illness, the patient may recover without ever becoming critically ill. In such a case, who says he may endanger himself by taking experimental drugs?

On the other hand, the risk of death from these experimental therapies is exceedingly low, as major risks seem to be a danger to normal health and organ function, whereas the danger discussed by the *Shvus Yaakov* involved a very real risk of immediate death.

Every day, people undergo surgeries and treatments that have defined risks, without necessarily a risk of death, and no one pays any attention. I already discussed elsewhere\(^8\) that one may accept a defined, small risk if needed for his income or quality of life, and not necessarily only if needed for life and death purposes. And so in this case too, it seems that one may try an experimental therapy to treat coronavirus, even though the treatment may actually cause harm. Obviously, a physician may not administer an experimental therapy without informed consent, after explaining the risks.

Furthermore, for a young, healthy person who is unlikely to become dangerously ill from coronavirus, it is less clear that he may endanger himself to test the efficacy of a given drug. It seems more appropriate that this be done instead by others, whose lives are in more potential danger, and therefore stand to gain more from the potentially harmful therapy.

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3 Siman 111.
4 *Avodah Zarah* 27b.
5 *Sha’ar Hameichush, inyan ha’askanah*, 6.
6 *Yoreh Deiah*, siman 336.
7 *Bava Kama* 85a.
8 *Teshuvos Minchas Asher*, vol. 3, siman 121 and 125; *Minchas Asher Devarim*, siman 7; *Minchas Asher Shabbos* 87, 2.
“Human Challenge” Vaccine Trials

This second question is significantly more challenging than the first. The first question discusses an untested therapy that is thought to be likely to help and unlikely to harm; in such a case, it is quite reasonable to be lenient. But in this second question, we deliberately expose a volunteer to disease and endanger him without any direct benefit, just to determine the efficacy of a vaccine. It is less clear whether there is halachic room to be lenient here.

However, I already explained elsewhere\(^9\) that when there is a vital communal need, one may voluntarily and altruistically endanger himself to serve in a position that entails greater risk, such as a policeman, firefighter, rescue worker, and the like. These jobs require individuals to accept more risk than is asked of ordinary individuals, but they may do so because every civilized society needs people to take on these dangerous responsibilities for the greater good.

Apart from the logic, I also proved this from the fact that judges are commanded, “Do not tremble before any man.”\(^{10}\) The Rambam\(^{11}\) explains this commandment based on the Sifrei:

> A judge should not be afraid of anyone before him in judgment, that perhaps he may kill me or my son, perhaps he may set my field aflame, or chop my newly planted trees. For this, the Torah commands that “he [the judge] not tremble before any man.”

The Bach\(^{12}\) wonders how this can be, since nothing overrides saving lives, and he distinguishes between a known murderer and one who is not. The Teshuvos Shvus Yaakov\(^{13}\) writes that no Jew is considered suspected to murder for financial gain.

However, it appears obvious that one can always be afraid if someone may wish to kill him. Certainly, a judge concerned that someone may wish to kill him is not dealing with a tzaddik like Moshe and Aharon, but rather anyone who could potentially be dangerous, and in any other context we would advise someone to avoid such a person as much as possible, but we cannot allow a judge to stay away from such people—because otherwise we would have no judges and anarchy would prevail. Therefore, in the absence of a substantiated threat, a judge cannot act on suspicion alone.

While these situations are not exactly comparable, our situation is also seemingly one in which there is a great societal/communal need. Therefore, a young, healthy person may voluntarily expose himself to coronavirus in a controlled environment after receiving the test vaccine (or placebo), since the danger to such a person is extremely low; nearly all who died have been the elderly or those with medical comorbidities, and very few were young and otherwise healthy. There is tremendous utility to developing such a vaccine, which can save tens of thousands of lives. One may therefore participate in such a study.

There is much to debate here, but this approach seems to make the most sense.

One may point out that according to the Noda B’Yehuda\(^{14}\) and Chasam Sofer,\(^{15}\) furthering medical research is not considered a life and death matter (pikuach nefesh) in halachah, and cannot override any Torah or Rabbinic prohibition. Accordingly, they prohibited autopsies that may have advanced medical knowledge. Perhaps, then, our case should similarly be considered simply advancing medical research. If so, and it is therefore not halachically considered a matter of life and death, what gives someone the right to endanger their life to participate in such a study? This comparison, however, is incorrect for several reasons:

- Even if it is not halachically considered a matter of life and death, such that it cannot override a Torah or Rabbinic prohibition, it nevertheless is certainly a mitzvah, since an effective vaccine may save an

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\(^{9}\) Teshuvos Minchas Asher, vol. 3, siman 121.

\(^{10}\) Devarim 1:17.

\(^{11}\) Hilchos Sanhedrin, chap. 22, 1; Sefer haMitzvos, l’s 266.

\(^{12}\) Choshen Mishpat, siman 12.

\(^{13}\) Vol. 1, siman 143.

\(^{14}\) Tenyana, Yoreh Deiah, siman 210.

\(^{15}\) Teshuvos, Yoreh Deiah, siman 336.
entire generation from disease and death. This is sufficient to allow someone to accept a remote risk.

- More importantly, this is incomparable to the study of anatomy, especially two hundred years ago, when the results of the investigation will not impact clinical care at any clear point. In our situation, however, experts believe the vaccine will be proven effective, and can then be immediately put to lifesaving use. The Chazon Ish\textsuperscript{16} wrote, in explaining the position of the Nodeh B’Yehuda and Chasam Sofer:

> And there is no difference whether it is before us or not before us, rather, it matters if it is common...But it is not considered [to be a case of] possible life-saving when dealing with the future; things that at present do not exist at all. And in truth, we are not experts in the future, and sometimes what we think will be rescuing turns out to be shambles, and therefore we do not rule based on the distant future.

Verifying the efficacy of a vaccine would not be categorized as a benefit in the distant future, but rather as a great mitzvah that is, in fact, halachically considered to be possibly lifesaving.

- The Teshuvos Minchas Shlomo\textsuperscript{17} writes that one may voluntarily participate in a medical research study, because the war against disease is considered a war that is a mitzvah (milchames mitzvah), and in such a war, one may endanger oneself for the cause. But this idea isn’t entirely clear to me, because if the fight against disease is considered a milchames mitzvah, then everyone is obligated to fight, not just as volunteers, and certainly the Torah does not mandate that everyone join medical research studies. In my humble opinion, the comparison to milchames mitzvah is incorrect; the laws of milchames mitzvah apply only against enemy armies, but when protecting against wild animals or disease, only the halachos relevant to saving lives apply.

In summary, I think one may volunteer for a human challenge vaccine trial.

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\textsuperscript{16} Yoreh Deiah, siman 208, 7.

\textsuperscript{17} Vol. 2, siman 82, 12.
PHYSICIANS IN NEW YORK have asked about the halachic permissibility of splitting ventilators. This is a technique that has been done in New York hospitals whereby, due to a lack of ventilators, in some circumstances, two patients who require a ventilator may be attached to a single ventilator, but in so doing, one patient may cause harm to the other.

Since there is no other option, and we must save as many lives as possible, this is permissible. In medicine, there are many times when caring for one patient negatively impacts another, but as long as this impact is unintentional, and not direct or definite, one may continue providing such care.

For example, we know that the more monitoring and medical attention paid to a given patient, especially the critically ill, the more likely they are to survive. Should we therefore refuse to accept more patients to the intensive care unit to make room for more critically ill patients?

The Chazon Ish goes further and says that if an arrow is headed towards a group of people and it will likely kill several of them, and one can deflect the arrow towards a smaller group where fewer will die, one is obligated to do so, even though he is causing the death of people who were initially in no danger at all, since his intention and action is one of saving and not killing. It is an act of mercy, not cruelty. (According to Rav Dovid Frankel, a student of the Chazon Ish, the question arose after an incident in which a driver lost control of his brakes and was headed towards a group of people, and quickly swerved to avoid them but accidentally killed a bystander, and he came asking how to do teshuvah).

Certainly, in our case, where in the majority of cases both patients will survive and be cured, one should split ventilators, hoping that neither of them is harmed, even though added harm is possible.

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

1 Yoreh Deiah, siman 69,1.
K’rias HaTorah and Birkas Kohanim on Porches

Translated by Elli Fischer

Erev Rosh Chodesh Nissan 5780

I HAVE BEEN ASKED whether those who are davening on porches can join together for K’rias HaTorah and Birkas Kohanim, since one rabbi noted that since the view on which we rely to make minyanim in this way is based on a teshuvah of the Rashba that is subject to dispute, perhaps it is better not to recite berachos on these mitzvos.

In truth, I see no practical difference between the berachos on these mitzvos and the berachos of chazaras ha’shatz; if there is no minyan, then the berachos of the shatz are also berachos l’vatalah, and with respect to these berachos, as well, we say “safek berachos l’kulah.” (It does not make sense to say that one must have kavanah for it to be a tefillas nedavah; we will not discuss that here.) Rather, I wrote what seems correct in my humble opinion: Since Shulchan Aruch, the Nosei Keilim, and most major poskim ruled in accordance with Rashba, one should rely on them, especially when we cannot gather together, as I have written. The same rationale applies to Birkas Kohanim and K’rias HaTorah.

But there is another reason to discuss Birkas Kohanim and K’rias HaTorah, as I will explain.

With regard to Birkas Kohanim, there is a straightforward halachah that the Kohanim must stand facing the congregation, as explained in Sotah and in Shulchan Aruch. However, it seems that we can be lenient on this matter, and the Kohanim on one porch should turn to face the other porches where some of the other mispalelim are standing. Moreover, when an entire congregation is comprised of Kohanim, they still recite Birkas Kohanim and bless the people who are out in the fields, and the same applies to the present case. It therefore seems that Kohanim should certainly raise their hands and recite Birkas Kohanim.

K’rias HaTorah, however, requires further study. The Gemara explains that even though it would technically be enough to recite one berachah at the beginning of the reading and one at the end, the Chachamim ordained that each of the seven olim recited the berachos, out of concern for those who come late and leave early. The main institution is that seven people are called up, but only the first olen makes the first berachah before the beginning of K’rias HaTorah, and the seventh olen makes the second berachah at the conclusion of K’rias HaTorah.

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1 38a.
2 Orach Chayim 128:10.
3 Orach Chayim 128:25.
4 Megillah 21b.
Nevertheless, it is still necessary for seven people to be called up to the Torah, and it seems quite clear that when each person is standing on his porch, it is impossible to \textit{go up}, "la’alos," to the Torah.

One of the gedolim wrote that since Ashkenazic practice is to give an \textit{aliyah} to a blind person, as \textit{Rema} writes\textsuperscript{5}, the same applies to someone standing on a different porch. I completely disagree, because one nevertheless must \textit{go up} to the Torah and stand next to the \textit{Sefer Torah}, which is impossible from a distance. Even if we offer a constrained explanation that calling a person up with "\textit{ya’amod Ploni ben Ploni}" is itself the \textit{aliyah}—which does not seem correct at all, in my opinion—it still seems that he may not recite the \textit{berachah}, and even though the \textit{minhag} is for a blind person to go up to the Torah and say the \textit{berachah}, this is a \textit{chiddush}, and we should not expand it; indeed, \textit{Magen Avraham}\textsuperscript{6} wrote that a blind \textit{am ha’aretz} should not get an \textit{aliyah}. In my view, the same principle should apply in the present case.

Yet even though someone who is at a distance cannot be called up to the Torah, there are two ways to have \textit{K’rias HaTorah} with \textit{berachos}:

\begin{itemize}
  \item If there is a family with three adults, such as a father and two sons, we may be lenient and call them up one after another. \textit{Shulchan Aruch} states\textsuperscript{7}:
    \begin{quote}
      One can call two brothers one after another or a son after a father, but only because of \textit{ayin hara} we do not allow them to ascend [to the Torah].
    \end{quote}
    \textit{Rema}: Even if one is the seventh \textit{aliyah} and the other is the maftir, the latter is not called up by name, because of \textit{ayin hara} (Maharil)

As a technical matter of \textit{halachah} there would be no problem, but there is \textit{ayin hara}. \textit{Mishnah Berurah} writes\textsuperscript{8} that if the brother or son was \textit{oleh}, they should not go back down, because the concern is only \textit{l’chatchilah}. \textit{Sha’ar HaTziyun} cites this\textsuperscript{9} from

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  \item In truth, it seems that all of this is unnecessary. Rather, the \textit{ba’al korei} should ascend to the Torah, make the \textit{berachos}, and then repeat the process seven times. As explained in \textit{Tur} and \textit{Shulchan Aruch},\textsuperscript{11} this is the practice where there is no one who knows how to read. And even though the \textit{poskim} write that according to our custom, even a blind person or an \textit{am ha’aretz} who cannot read along with the \textit{ba’al korei} can get an \textit{aliyah}, they did not question the essential, underlying \textit{halachah}. It therefore seems that this is what should be done in the present situation.

\end{itemize}

\textit{B’yakra d’Oraysa v’ahavas olam,}
\begin{flushright}
  Asher Weiss
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\textit{These essays were written during various stages of the coronavirus pandemic. Facts and knowledge about this virus change daily. Torah is forever.}
Reciting the Berachah Me’ein Sheva (Magen Avos) at Minyanim in Yards and on the Street

Translated by Elli Fischer

Nissan 5780

TO MY HONORED and beloved student, Rav Chaim Rosen, shlita, Rosh Kollel Torah Efrayim Shlomo, Yerushalayim:

You have asked my opinion about whether it is proper to recite the Berachah Me’ein Sheva on Friday night at minyanim in yards, on balconies and porches, or in open public spaces.

Many have asked this question, and ever since the shuls closed down, I have been considering what the proper practice should be. One should not object to those who recite it in yards and public parks, since even in the case of a minyan at a house of mourning or a wedding celebration, one should not object, as explained by Radbaz\(^1\) and Maharalbach\(^2\) as quoted in Magen Avraham.\(^3\) (But see Pri Megadim there, who questioned this and suggested that perhaps one should object to the recitation of the berachah on the grounds of safek berachos l’hakel, as cited by Mishnah Berurah 268:25.)

Nevertheless, in my opinion, it is better not to say it in parks and open areas, and certainly not in minyanim on porches and balconies. I will now explain.

The source of this halachah is in the Gemara in Shabbos.\(^4\) They instituted this berachah because of danger. Rashi explains that their batei knesses were outside of settled areas, so they instituted the berachah to extend the davening, so that latecomers would not walk home alone, which would place them in danger of mazikin.

The Rishonim consequently were mechadesh that one does not recite this berachah when davening alone, only with a tzibbur. So say the Mordechai\(^5\) and Tur\(^6\) in the name of the Ra’avyah. The Beis Yosef there quotes the Semag\(^7\) in the name of Ri that someone who recites it while davening alone makes a berachah lvatalah—against what Mordechai writes in the name of the Geonim, namely, that even someone davening alone must recite the Berachah Me’ein Sheva.

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1 Teshuvas HaRadbaz 4:18.
2 Teshuvas Ralbach §122.
3 Orach Chayim 268:14.
4 Shabbos 24b.
5 Shabbos §284.
6 Orach Chayim §268.
7 Esin §79.

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Shulchan Aruch thus writes: 8

One does not recite the Berachah Me’ein Sheva in the house of a wedding celebration or of mourning, for the reason, that latecomers might be harmed, does not apply.

And Mishnah Berurah writes: 9

“In the house of a wedding celebration,” meaning, when they daven in their home with a minyan, and certainly those who occasionally daven with a minyan at home. However, when there is the permanence [kevius] of several days, and they have a sefer Torah, as at fairs, it is like a permanent beis ha’knesses, and they recite it.

Thus, this berachah is not recited except in a permanent place of tefillah, not in a temporary place. Therefore, one who occasionally daven at home does not say this berachah. Even in a house where there is a wedding celebration or mourning, which have a certain kevius, they should not recite this berachah.

We find the halachah that this berachah is not recited in a house where there is a wedding celebration or mourning in the writings of three gedolei olam: Rivash, 10 Radbaz, 11 and Maharalbach. 12 We learn from all of them that it is not recited except in a permanent beis ha’knesses. Ralbach and Beis Yosef cite this halachah in the name of Mahari Abohab—but Radbaz writes that it is also recited when davening in a beis midrash, even if it is not a beis ha’knesses. This is quoted by Magen Avraham. 13

On the other hand, poskim were mechadesh that even the kevius of a few days is considered a kevius. However, it is still necessary to have a permanent beis ha’knesses. Therefore, this berachah is only recited in a permanent beis ha’knesses.

Regarding this, the poskim were mechadesh that even the kevius of a few days is considered a kevius. However, it is still necessary to have a permanent beis ha’knesses for several days. Presumably, this was the practice at the fairs. When masses of Jewish merchants came to the fair, they would designate a specific place for tefillah for the duration of the fair. For this reason, I pasken every year for the masses who travel every summer to vacation in various places, where they stay in hotels that have been

8 268:10.
9 268:25.
10 Teshuvos Rivash §40.
11 Teshuvos HaRadbaz §1092.
12 Teshuvos Ralbach §122.
13 268:13.
14 268:8.
15 268:19.
16 Orach Chayim 4:69.
17 268:13.
rented by Jews, and where the common practice is to set aside a specific room as the shul, that they should recite the Berachah Me’ein Sheva on Friday night—because they established a beis ha’knnesia for a specific amount of time. However, in my view, this is not akin to the present case, for even if people daven in a public park or square, it is obvious that it is not a beis ha’knnesia—not even for a short time—since every hour of the day the place functions as a park or a street. It was never set aside or designated to function as a beis ha’knnesia. Rather, people daven there for lack of choice.

The same applies when every person daven in his yard or on his porch; yards and porches are not defined as batei knniness since they serve the members of the household for the rest of the day as they do all year. It is clear to me that even according to the poskim who say that kevius of just a few days is sufficient, this applies only to a place that functions as a permanent beis ha’knnesia for those few days—unlike in the case at hand.

With respect to minyanim on porches and in yards, there seems to be another reason not to say the Berachah Me’ein Sheva: The entire enactment was for those who return home from the beis ha’kniness, and here people did not even leave their homes. Each person sits in his home or yard; there is nothing more dissimilar to the original enactment of Chazal to recite the Berachah Me’ein Sheva. It would be very peculiar to recite the Berachah Me’ein Sheva.

The words of Sefer Tehilah LeDavid make a great deal of sense: If the entire tzibbur, or most of it, left the beis ha’knnesses for a different house, then that house becomes like the permanent beis ha’knnesses. However, this is not similar at all to our case, for two reasons:

- It was only said in a case where most of the tzibbur actually chose a different place to daven—unlike in the present case, where there is no one place where most people daven. Rather, everyone daven at a different place, close to home, or even in the yard of his own home.
- It was only said in a case where they established a house in which to daven. That house is then considered an established beis ha’knnesses by most of the tzibbur—unlike in the present case, where, as explained, there is no beis ha’knnesses.

However, some Acharonim say that the minhag of Yerushalayim is to recite the Berachah Me’ein Sheva in any place, under any circumstance. So states Ben Ish Chai, so is written in Rav Yechezkel Michel Tukachinsky’s Sefer Eretz Yisrael, and so is cited in Shu”t Har Tzvi and Pischei Teshuvah.

But the nature of this minhag is not clear to me. Pischei Teshuvah states only that the minhag was to say it in most places where they daven every night, even if there is no sefer Torah there. Thus, he is speaking of a place where they daven every night. Har Tzvi says that the custom was to recite it in a house where there is a wedding celebration. Only Sefer Eretz Yisrael writes that the minhag is to say it even in a place that is not set aside for davening.

I personally am very perplexed by this whole idea of minhagei Yerushalayim and whether they have any significance now that Yerushalayim has become a city comprised of every Jewish community, a great metropolis where the exiles are gathered. It makes sense to me that only the Prushim, who are the descendants and carry on the traditions of the Yerushalmim in the way they dress and act, may be lenient and follow the minhag of Yerushalayim. However, residents of the city who follow, in all matters, the customs that their communities brought with them from Europe, the Middle East, or North Africa—it would be problematic for them to follow the leniency of minhag Yerushalayim.

One final point. I know that according to the sages of Kabbalah, the Berachah Me’ein Sheva is very important and is in lieu of chazaras ha’shatz, and that they recite this berachah wherever they daven, as Ben Ish Chai writes (cited above), and as Kaf HaChayim writes as well.
However, I have written at length elsewhere that when words of Kabbalah contradict the words of the poskim, one should follow halachic sources and ignore the view of the mekubalim. Even though Mishnah Berurah\textsuperscript{23} writes in the name of Kneses HaGedolah that when there is a dispute among poskim, one should follow the view of the mekubalim, in my opinion, once the mehber of Beis Yosef has made a clear ruling in Shulchan Aruch, it closes the door to us and we can no longer follow the view of the mekubalim against the decision of the poskim. This is the case with regard to the matter at hand; even though there are opinions among the Rishonim that even an individual recites the Berachah Me'ain Sheva, Shulchan Aruch rules that it is not recited in a house of a wedding celebration or of mourning, as explained.

In conclusion, one should not object to someone who recites the Berachah Me’ain Sheva, but, in my humble opinion, it is better not to recite it.

Affectionately,
Asher Weiss

\textsuperscript{23} 25:42.

These essays were written during various stages of the coronavirus pandemic. Facts and knowledge about this virus change daily. Torah is forever.
On Davening with a Minyan during an Epidemic

Translated by Elli Fischer

Nissan 5780

TO MY DEAR FRIEND, Rav Aharon Gordon
Kew Gardens Hills, New York:

“May abundant peace [flourish] as long as the moon endures.”

Tehillim 72:7

I will honor your request and write what I deem proper with respect to tefillah b’tzibbur during this difficult epidemic.

In our neighborhood, the homes of many observant Jews are next to one another, and residents can see one another from their yards. Is it proper to encourage members of the community to daven with a minyan from their yards, even if word of their actions will spread? Or is it better to organize a secret minyan in one of the larger yards, where it is possible to maintain distance between people? One of the rabbanim in the community does so, gathering ten men from among the neighbors into his yard, where they daven b’tzibbur while maintaining caution and distance. It should be noted that both options are permissible according to the law and the regulations of health authorities. Or perhaps it is better for everyone to daven at home, individually?

It is a twofold and threefold question.

I generally refrain from expressing my opinion on matters of hashkafah and public guidance in other countries, and in my view, it is incumbent upon Gedolei Yisrael in the United States to decide such matters. However, since I have heard that the community’s rabbanim have not offered their opinions on this matter, and many people want to hear what I think, I will not refrain from expressing what seems correct, in my humble opinion, with regard to these questions.

For the past month and a half, I have been standing and shouting from every rooftop that there is an absolute obligation at this time for each person to distance themselves from others—not spiritually, chas v’shalom, but physically. This is the only way to minimize and prevent the spread of the epidemic, as has been proven time and again, and as is clear as day.

Chazal instruct us:1 “Our Rabbis taught: When there is plague in the city, go inside, as it says, ‘Go, my people, enter your chambers and close your doors behind you....’”2 Maharsha comments: “He should go inside and not go out in the streets.”

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1 Bava Kamma 60b.
2 Yeshayahu 26:20.
Since this is a matter of pikuach nefesh, which supersedes the entire Torah, it is clear and certain that pikuach nefesh supersedes the mitzvah of tefillah b’tzibbur.

On the other hand, if it is possible to daven with a minyan such that each person stands in his home and yard, one can uphold both [pikuach nefesh and tefillah b’tzibbur]; grasp the one without letting go of the other.

Rambam writes:3 “The tefillah of a tzibbur is always heard; even if there were sinners among them, Hakadosh Baruch Hu does not despise the prayers of a multitude. Therefore, a person must participate in a tzibbur and not daven individually whenever he can daven with a tzibbur.”

It is precisely at a time of trouble and distress that we need the tefillah of the tzibbur, which always has an effect. Therefore, I think that if there is indeed a possibility of davening with a minyan of ten in which each person stands in his private yard or on the balcony of his home, and no one leaves home, how good and how sweet it is.

In fact, the words of the Gemara prove explicitly that even when they meticulously followed the instructions of Chazal and isolated themselves at home in times of disease, they nevertheless davened b’tzibbur, for the Gemara in Bava Kamma continues: “Our Rabbis taught: When there is plague in the city, an individual person should not enter a synagogue, because the Malach Ha’maves deposits his instruments there. This applies when children are not learning there and ten are not praying there.” Thus, even in times of plague, they davened with a minyan in shul.

We likewise find in Sefer Likutei Amarim4 that the tzaddik Rav Mendel of Vitebsk, a student of the Maggid of Mezeritch, wrote as follows during the terrible plague of 5546 (1786) in Teverya: “We isolated ourselves in a new courtyard where there was more than a minyan, in order to daven b’tzibbur...” We see that even in times of plague and epidemic, they made efforts to daven b’tzibbur.

Nevertheless, we should certainly not learn from this that it is permitted to gather to daven b’tzibbur; they isolated themselves together at the beginning of the plague.

No one entered or left. It was as though they were one family, and no one was exposed to the plague. This is not the case in the present circumstances.

When it concerns risk and the status of pikuach nefesh, we rely completely on the words of contemporary doctors and experts, who have determined beyond a shadow of a doubt that there is no way to prevent the spread of the epidemic except through social distancing and isolation.

I have already explained at length my opinion that in times like these, even l’chatchilah one may make a minyan in yards and balconies when the people see and hear one another (see the halachic compendium that we published).

On the other hand, I am exceedingly concerned about the organization of minyanim in homes and yards, even if participants try to maintain distance from one another, because experience has proven that there is no way to ensure that everyone keeps a safe distance, and it is clear as day that once people start leaving their homes to attend minyanim, more people will become infected, and more people will die.

Therefore, the right and proper thing is to prevent minyanim where people leave their homes, even if they will maintain distance, and to encourage minyanim where each person stands in the private domain of his home or yard.

It is also important to be attentive and not cause a chillul Hashem. In mixed neighborhoods where Jews and non-Jews live side by side, minyanim in yards should not be loud, so that they do not disturb the neighbors. As I have explained elsewhere, chillul Hashem applies to how we are perceived by non-Jews as well, not just by Jews. Nowadays especially, when haters and enemies of the Jews are resurgent and anti-Semitism runs rampant all over the world, we should be cautious about anything that may cause a desecration of the name of Hashem or hatred of Jews.

B’yakra d’Oraysa,
Asher Weiss

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3 Hilchos Tefillah 8:1.
4 Letter §13.
Concerns about the Easing of Restrictions in Eretz Yisrael

Translated by Elli Fischer

Sunday, parashas Acharei Mos-Kedoshim

**THIS MORNING WE RECEIVED** notice that, **baruch Hashem**, we can go out to daven in open spaces with **minyanim** of nineteen people, that [men] can go to the **mikveh**... and I am extremely apprehensive.

I think that the representatives of our community who have been fighting against these regulations are making a grave mistake. These are not "gezeiros" (decrees of a hostile government). When we isolate ourselves in our homes, we are not doing it for the government or for "them," for others. We are doing it for ourselves. We are doing it for our children. More accurately, we are doing this for our parents and for the elderly among us. We are doing it because this is what Chazal commanded us to do. I have stressed—dozens of times, hundreds of times—the words of the Gemara: 1  "When there is a plague in the city, go inside." Chazal quote the pasuk from the **Navi** Yeshayahu: 2  "Go, my people, enter your chambers and close your doors behind you." When we isolate and quarantine ourselves, each person in their home, it is not for "them." These are not gezeiros that one must fight against. We are doing this for ourselves.

In the wider world, there are leaders who say, "We need to stimulate the economy! Let a few old people die. The main thing is money. The main thing is the economy." This is not our **hashkafah**. This is not how we view the world.

Who are these old people who might die? For us, the elderly are not the past. In our world, the elderly are the future. The **Ziknei Yisrael**, the Elders of Israel, are the "einei ha’eidah," the "eyes of the congregation." 3 They are our future, not our past. Each person should look closely at his immediate environs and consider: Who are these "old people" who might be endangered? It’s his rav. It’s his rosh yeshiva, grandmother, and grandfather. Look each of these people in the eye. Who among them are we prepared to relinquish? Which of them are we willing to give up on? On the elderly rabbi? The senior rosh yeshiva? The zeyde? The bubbe?

These are not "gezeiros." We are isolating ourselves at home to protect everyone.

The situation in Eretz Yisrael is, **baruch Hashem**, much better than abroad, in **chutz la’aretz**. I said three weeks ago—and it is difficult for me to repeat, because these are harsh words—that we will take this seriously only when people start to die. To our great sorrow, people are dying. In **chutz la’aretz**, just within our communities in the United States, almost a thousand people have died.

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1 **Bava Kamma** 60b.
2 26:20.
3 **Bamidbar** 15:24; **Bava Basra** 4a.

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There are hundreds more in Europe. Just this morning, I addressed two halachic questions. They called me from France. There were four funerals of people from our communities this morning in France, and right now there is no room in the Jewish cemetery. They asked me whether it is better to bury them in a mixed cemetery, of Jews and non-Jews, or to bury family members one on top of the other, in a single grave. These are the questions that communities in chutz la’aretz are dealing with.

I was also asked this morning, from the US: A thirty-five-year-old man died from the coronavirus. A young man of thirty-five. Family members in Eretz Yisrael want to know when to begin their aveilus. Within our communities, hundreds of people in Europe and almost a thousand in the US have died. The only reason that our situation in Eretz Yisrael is better—it’s the same virus, and we, like they, are human beings—the sole reason is that we began taking isolating measures before they did. We stayed home.

That is why I am so terrified now. They will start minyanim in every open space, in every park: nineteen on the east side, another nineteen on the west side, another minyan to the north and another to the south, and a few minyanim in the middle. We will start crowding in the mikveh every morning. I hope I am proven wrong.

We have started seeing a positive trend in Eretz Yisrael: For the first time since the plague broke out, the number of new recoveries is greater than the number of new cases of infection. But this trend can reverse in one day, in one moment, if we loosen the reins and once again start getting together and coming close to one another. The trend can be reversed in just one day, and then, to our dismay, people young and old will die.

But the elderly are precious to us—no less than the young! Our elders are not superfluous. We need them. Every Jew is a world unto themselves; anyone who sustains one Jewish life is considered as though they sustained an entire world, and anyone who destroys one Jewish life is considered as though they destroyed an entire world.

Therefore, all of the leniencies that we have instituted remain as they were. Minyanim should continue in backyards, porches, and balconies. In our present circumstances, it is permitted l’chatchilah to make a minyan by joining people on balconies and in yards if they can see one another. There is no dispute between Sephardim and Ashkenazim here. This ruling is based on the Shulchan Aruch, whose author was a Sephardi, as is known. Under the present circumstances, people that can see one another from yards, porches, and balconies combine to form a minyan for any davar she’b’kedushah: Kaddish, Kedushah, Kriyas HaTorah, and Birkas Kohanim.

I want these minyanim to continue. They are preferable to [minyanim that require] entering a public space, because, once again, people, and primarily youngsters, do not understand. Who will supervise them? Young men will meet up with one another, the virus will be transmitted from one to the next, and the price will ultimately be paid primarily by the infirm and the elderly. They deserve to live. There are many ill and infirm people among us who may yet live for decades hence. They do not deserve to die. We must show them compassion, and the elderly likewise.

The same applies to the mikveh. Standing under the shower head for five minutes amounts to nine kabin [of water] and is effective for tevilas Ezra for one who is ill or under pressing circumstances, and it is certainly effective to fulfill the middas chassidus of immersing in the morning before tefillah.

I cannot be frummer than the Ministry of Health, and so cannot say that [davening in open spaces and going to the men’s mikveh] are forbidden. However, I am begging and pleading: Act with extreme caution! Those who go outside to pray—and I wish blessings on them, too—should keep their distance from one another when entering and exiting [the prayer space]. They should remain apart while praying, and everyone must wear a mask; most importantly, on their way to davening and on their way home, they should not walk together or engage in light conversations with one another. It is especially important to watch over the young people.
and make sure they do not come into contact with one another or come too close to one another.

May Hakadosh Baruch Hu keep all pain and plague away from His people, Beis Yisrael. We will continue to daven to Hashem to send a refuah sheleimah to all who are sick. This Friday and Shabbos will be Rosh Chodesh Iyar. The dorshei reshumos, those who explicate allusions, say that the Hebrew letters of Iyar stand for “Ani Hashem Rofecha—I, Hashem, am your Healer.” May Hashem heal all of the sick. May He comfort all of the brokenhearted people who have lost loved ones to this terrible plague. And may we all merit a yeshuas olamim.

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