



SHALOM HARTMAN מכון
INSTITUTE הרטמן שלום

The Compatibility of Jewish Law with Infectious Disease Safety Measures

Jason Topolski

Fellowship for Emerging Jewish Thought Leaders
Summer Capstone August 2020

As part of the Hartman Fellowship for Emerging Jewish Thought Leaders, fellows were given a deceptively simple task: write a short persuasive essay or create a persuasive piece of multimedia that grapples with big Jewish ideas. The fellows proved themselves equal to the challenge and responded with an array of remarkable and powerful projects on a vast array of subjects, representing a wide array of political positions. We have highlighted a number of the pieces which showed particular originality or writing and production excellence below.

The Compatibility of Jewish Law with Infectious Disease Safety Measures

In light of the recent COVID-19 pandemic, it has been critical that the public understand the latest research being conducted in the fields of epidemiology and public health. Pandemics have ravaged portions of the world since antiquity, yet the length of time that scientists have understood how to prevent the spread of infectious diseases is infinitesimal when compared with the period that Jewish laws have endured. The current recommendations to control the spread of COVID-19 include washing hands frequently, maintaining a distance of six feet when in public, wearing a cloth face covering when in contact with people other than family members, and becoming vaccinated when it becomes available.¹ As with other religious groups, noteworthy infectious disease outbreaks have occurred within observant Jewish communities in recent years.

The 2019 measles outbreak within the Orthodox community in Brooklyn was attributed to a lack of vaccination,² while the spread of the novel coronavirus among observant Jews in Israel has gained attention in the media.³ With all of this in mind, the question must be asked: to what extent is it possible to adhere to both Jewish laws and infectious disease safety measures. To many observant Jews, the answer may mean the difference between life and death. For this reason, it is important to evaluate some Jewish practices that are pertinent in the era of COVID-19. Although some individual customs might be problematic from an epidemiological standpoint, many Jewish practices are compatible with current safety measures, as well as the principle of *pikuach nefesh*, which states that the act of saving a life takes precedence over other religious commandments.

Minyan and Synagogue Services

It is true that some Jewish practices are cause for worry during an infectious disease pandemic. In particular, gathering for a minyan generally clashes with the idea of social distancing. For certain prayers, a quorum of at least ten adult Jewish males must be present,⁴ which generally takes place in-person. Praying with a minyan is an integral part of religious life for many observant Jews, so ordinances by public health officials to not gather in public create a real quandary. This dilemma is exacerbated by the fact that a virtual minyan is not always an option; many types of work are prohibited on Shabbat,⁵ so turning on the computer to join a webinar is prohibited. While a socially distanced minyan is certainly viable, many congregations do not choose this route for in-person prayer, which creates the potential for viral transmission through droplets and aerosols.

¹ Centers for Disease Control and Prevention, 04/24/20

² CDC Morbidity and Mortality Weekly Report, 05/17/19

³ Wall Street Journal, 03/30/20/

Caring for the Sick

That being said, it is riskier to interact with confirmed positive patients than people whose status is unknown. This comes into play because the Torah places a great emphasis on saving lives,⁶ as well as on caring for the sick. Doctors and other medical professionals who are trained in infectious disease control measures should obviously do their job to the best of their ability when it is safe, but laymen might feel obligated to care of sick community members without proper protection. The last thing that many people want to do when a loved one is ill is to leave them alone, but it is what must be done. Rather than in-person care, alternative methods of fulfilling this commandment should be pursued, such as dropping off food or calling the sick person.

Face Masks

After staying socially distanced, the safety measure that gets the most attention is wearing a cloth face covering. There is some debate among Jewish scholars over whether a Jew may wear a face mask outside on Shabbat. The answer depends on if the mask is classified as a garment as it is typically worn or an object that would have to be carried. The Shulchan Arukh goes into great detail about tying the straps of a garment in the "typical" way,⁷ but this is a minor technicality. If an eruv is set up, carrying a mask is not an issue; if this is not a feasible option, a choice must be made between strict adherence to religious laws and health.

Hand Washing

Despite the practices that could potentially be problematic, there are many customs that are in line with epidemiology safety recommendations. For example, Jews customarily wash their hands in the morning and before eating a meal with bread.⁸ Not only is this practice matched by modern infectious disease control measures, it has proven to be wise in pandemics long before COVID-19. The lower infection rates of the plague among 14th-century European Jewish communities have been attributed to frequent ritual handwashing.⁹ The idea of cleanliness and purity manifests itself several times in the Halakhic tradition, which is precisely why handwashing as an effective means against disease is compatible with Jewish religious practice.

Other Laws Related to Epidemiology

Because pandemics are not a new phenomenon, they receive multiple mentions within the

⁴Babylonian Talmud, Megillah 23b

⁵Deuteronomy 5:12

⁶Leviticus 19:166

⁷Shulchan Arukh, Orach Chaim 3301:13-14

Jewish set of laws. If a plague breaks out in a city, parents are instructed to remove their children from the city as soon as possible.¹⁰ In modern terms, this is roughly a parallel to the idea of social distancing or leaving the areas with high infection rates. As with hand washing, it appears that Jewish laws had a decent grasp on how to avoid transmission of infectious diseases. Beyond the scope of illnesses spread through human contact or respiratory fluids, the Jewish texts contain extensive writings on food safety practices, such as which animals are deemed unslaughterable.¹¹ Food-borne pathogens can cause grave diseases and have the potential to spread quickly through a community that is dependent on the same food supply.

Like most questions of significant import, there is no perfect answer in response to the question at hand. It is possible to uphold both religious observance and public health recommendations by thinking of creative ideas, even if they deviate from the norm and require extra effort. Sometimes extenuating circumstances arise, which is where the concept of pikuach nefesh becomes relevant. When a life is at stake, such as a person who is susceptible to health complications from COVID-19, the action of saving the life must be carried out even if other observances are compromised.¹² With thorough planning and the principle of pikuach nefesh in unexpected situations, Judaism does not offer a reason to ignore infectious disease safety measures. Compromises must be made along the way, which is to be expected. It is reprehensible to blatantly feel exempt from public health recommendations due to Jewish practices, as such an action is not aligned with Jewish values and laws. Judaism has adapted to survive numerous crises, so it will weather this one, too.

⁸ Exodus 30:17-21

⁹ Rabbi Berel Wein, *5,000 Years of Jewish History*

¹⁰ Mishnah Berurah on Shulchan Arukh, Orach Chaim 576:7

¹¹ Shulchan Arukh, Yoreh De'ah 29-60

¹² Mishneh Torah, Sabbath 2:33