



Halakhic Responses to Past Pandemics

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Case #1: Moses and Aaron stop the plague after Korah's rebellion:

Numbers 17: 9-15

⁹ the Lord spoke to Moses, saying, ¹⁰ "Remove yourselves from this community, that I may annihilate them in an instant." They fell on their faces. ¹¹ Then Moses said to Aaron, "Take the fire pan, and put on it fire from the altar. Add incense and take it quickly to the community and make expiation for them. For wrath has gone forth from the Lord: the plague has begun!" ¹² Aaron took it, as Moses had ordered, and ran to the midst of the congregation, where the plague had begun among the people. He put on the incense and made expiation for the people; ¹³ he stood between the dead and the living until the plague was checked. ¹⁴ Those who died of the plague came to fourteen thousand and seven hundred, aside from those who died on account of Korah. ¹⁵ Aaron then returned to Moses at the entrance of the Tent of Meeting, since the plague was checked.

במדבר פרק יז, ט-טו

(ט) וַיִּדְבֹר ה' אֶל מֹשֶׁה לֵאמֹר: (י) הֲרָמוּ מִתּוֹךְ הָעֵדָה הַזֹּאת וְאָכְלָה אֹתָם כָּרְגַע וַיִּפְּלוּ עַל פְּנֵיהֶם: (יא) וַיֹּאמֶר מֹשֶׁה אֶל אַהֲרֹן קַח אֶת הַמִּזְבֵּחַ וְתֵן עָלָיָה אֵשׁ מֵעַל הַמִּזְבֵּחַ וְשִׂים קֹטֶרֶת וְהוֹלֵךְ מִהֲרָה אֶל הָעֵדָה וְכַפֵּר עֲלֵיהֶם כִּי יֵצֵא הַקָּצֵף מִלִּפְנֵי ה' הַחֹל הַנִּגָּף: (יב) וַיִּקַּח אַהֲרֹן כַּאֲשֶׁר דִּבֶּר מֹשֶׁה וַיֵּרָץ אֶל תּוֹךְ הַקֹּהֵל וְהִנֵּה הַחֹל הַנִּגָּף בָּעָם וַיִּתֵּן אֶת הַקֹּטֶרֶת וַיִּכַּפֵּר עַל הָעָם: (יג) וַיַּעֲמֵד בֵּין הַמֵּתִים וּבֵין הַחַיִּים וַתַּעֲצֹר הַמַּגֵּפָה: (יד) וַיִּהְיוּ הַמֵּתִים בַּמַּגֵּפָה אַרְבָּעָה עָשָׂר אֲלָף וּשְׁבַע מֵאוֹת מְלֻבָּד הַמֵּתִים עַל דְּבַר קִרְחָה: (טו) וַיָּשָׁב אַהֲרֹן אֶל מֹשֶׁה אֶל פֶּתַח אֹהֶל מוֹעֵד וְהַמַּגֵּפָה נִעְצְרָה:

Note that Moses and Aaron act decisively here to rescue the people—the very people who just before had rebelled against their authority. Crisis can be an opportunity for noble leadership, or for political payback. The sons of Amram set a high bar for Jewish leadership in a crisis. In the Talmud (Bava Kamma 60b) the rabbis give practical advice when plague comes to town—don't walk down the middle of the street, because the angel of death has permission to walk about brazenly.¹

Epidemics are discussed frequently in the responsa literature using the terms *magefah*, *dever*, *ippush ha'avir*, *shinui ha'avir*. The first two are biblical terms, plague and pestilence. The latter two refer to dangerous air, reflecting the pre-modern (and current) conviction that many contagions are airborne.

¹ בבלי בבא קמא דף ט עמוד ב. ת"ר: דבר בעיר - אל יהלך אדם באמצע הדרך, מפני שמלאך המות מהלך באמצע הדרכים, דכיון דיהיבא ליה רשותא מסגי להדיא.

Case #2. May people flee the plague? Responsum #195 of Rabbi Solomon ben Simon Duran, known as Rashbash (Algiers, 1400-1467).

Question: Fleeing from place to place during an epidemic—can this help a person or not, for if it is written on Rosh HaShanah that they are to die, what benefit will come from fleeing? And if they are written for life, then what harm is there in remaining?²

Response: Rabbi Duran's reply is extensive—true, every person has a fixed lifespan, as taught in the Torah, Prophets and Writings, and confirmed by the rabbis. On the other hand, we know that Rabbenu Nissim fled the plague twice, and the rabbis give many recommendations for how to avoid or recover from illness. On Rosh HaShanah some people are sentenced to life and others to death, but then some are left unresolved. It is this middle category that requires attention. He interprets the Talmud's statement that during a plague a person should avoid the middle of the road metaphorically. In general, in life we should stick to moderation, not too hot, not too cold, but in an emergency, one should go to extremes to protect their health. And so, run! Rabbi Duran does not address the problem that people in flight could become vectors of infection, since they did not yet have germ theory. Today of course we understand the importance of quarantine.

So it is with the plague—those who serve [God] are written on Rosh HaShanah for life and are rescued; those who rebel were written for death, and even if they were to hide in the hidden places or in grottoes by the sea, from there a snake will be sent to strike them, and it will not help them to hide or flee. As for the many who flee the plague, they may die in the place to which they fled, or will die upon their return, for they have already been written for death. But those who did not serve [God] nor did they rebel, and were not written either for life or death, and their hour has not yet arrived, and they remain within the realm of possibility—if they arrange their conduct properly or flee, they can be saved, but if they remain and do not arrange their conduct properly, they might die. About them it is said, “hide for a time until the anger passes” (Isaiah 26:20).

כן הדבר הזה, העובדים שנכתבו בראש השנה לחיים נצולו, והמורדים שנכתבו למיתה אם יסתרו במסתרים ובקרקע הים משם יצוה הנחש ונשכם ולא תועיל להם שמירה ולא ניסה. וזהו שתמצא שהרבה נסים מן המגפה, ובמקום שברחו שם ימותו או בחזרתם ימותו לפי שכבר נכתבו למיתה. ואשר לא עבדו ולא מרדו הם אותם שלא נכתבו לא לחיים ולא למות שלא הגיע קצם ונשארו בחק האפשר, אם סדרו הנהגתם או ברחו נצולו, ואם נשארו ולא סדרו הנהגתם אפשר שימותו, ועליהם נאמר חבי כמעט רגע וגו'.

² שו"ת הרשב"ש סימן קצה. שאלת. הניסה בימי דבר ממקום למקום אם תועיל לאדם או לא, שאם נכתב בראש השנה למיתה מה תועילנו הניסה, ואם נכתב לחיים לא תזיקנו העמידה

Case #3. Can people in quarantine make a minyan? Rabbi Haim Yosef David Azulai (1724-1806), known as Hid"א, served at the end of his life as the rabbinic leader of Leghorn (Livorno) in Italy. In his Shulhan Arukh commentary Mahazik Brakhah (OH 54:11), he addressed the religious lives of Jews being kept in a Lazaretto, a quarantine facility:

In these lands there is a practice of [interning visitors] in a Lazaretto—if there are two groups that are not permitted to contact one another, six in one house and four in another house, and they are divided in these groups by law [may they form a minyan]? I heard from one rabbi, our beloved friend, may God protect and bless him, that while they are there, if the four could gather by the entrance of their house—since they can see each other—could they join together [to form a minyan] or not? In my inexpert opinion it seems that they could join together, for after all they are not allowed to gather together, and there is a guard in the field before the entrance, and there is also no room to step outside, for it is a narrow space, and is a public thoroughfare. In such a case they are not allowed to gather together by decree of the king and the public officials. And these four have tried to gather by the entrance to show them their faces, which is like [the Talmud's case] showing one's face through a window, who is permitted to join [the minyan]. This is a similar case, and more so, because it is absolutely impossible for them to be together, or even to come close. And since there are several authorities [who permit joining separate groups to make a minyan], we should rely on them, so that forty days [i.e., quarantine] will not be wasted with no public prayer, and they won't hear Kaddish and Kedushah. And we have also written [about a man standing] in a veranda, or in the women's gallery—as long as he tries to come down a bit closer to the gathering [below] and can show them his face, we can rely [on precedent] to join them, and all the more so in this case.

בלאזאריטו שנוהגים בערים האל אם יש ב' כתות שם שאינם יכולים ליגע זה בזה ויש ששה בבית א' וד' בבית אחר והם חלוקים במספרם כמשפט שמעתי מרב אחד אהוביניו נר"ו שנסתפק הן בעודנו שם אם הד' יכולים להיות לפני פתח הבית ויצטרפו לעשרה כיון שרואים זה את זה או אינם מצטרפים ולי ההדיט נראה לפי מה שכתבנו דמצטרפים דהרי אלו אינם יכולים לבא בבית והשומר עמם בשדה לפני הפתח וגם אשר בבית לא יוכלו לצאת חוץ כי המקום צר בחוץ וגם הוא מעבר לרבים ובכי האי גונא דאינם יכולים להיות ביחד מטעם המלך ושרי המדינות וכבר השתדלו אלו הד' לבא נגד הפתח ומראים להם פניה' הו"ל כמראה פניו דרך חלון דמצטרף והכא נמי דכוותא וכל שכן הוא כי לא אפשר בשום פנים להיות יחד ולא קרב זה אל זה וכיון דאיכא כמה פוסקים נראה לסמוך עליהם ולא יתבטלו מ' יום מלהתפלל בצבור ולא ישמעו קדיש וקדושה ומה גם כי אפי' בואראנדאדו ועזרת נשים כתבנו בעניותנו דכל שהוא טורח קצת לירד לבהכ"נ והם מראים להם פנים יש לסמוך לומר דמצטרפים וכמש"ל וכ"ש וק"ו בנדון זה.