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Dedicated in loving memory of  
Harav Yosef Grossman zt"l



## ILL PREPARED: AVOIDING SOMETHING LIKE THE PLAGUE

Adapted from the writings of Dayan Yitzhak Grossman

The current coronavirus outbreak is one of the worst international public-health emergencies in recent years, with more than 88,000 confirmed cases in 67 territories, resulting in more than 3,000 deaths as of March 2. In this article, we present various approaches in *hashkafa* and halacha toward epidemics and contagious diseases.

The Torah commands regarding a *metzora*: "All the days on which the plague is in him he shall be defiled; he is unclean. He shall sit alone, outside the camp shall be his dwelling place."<sup>1</sup>

Chazal famously construe the *metzora's* requisite seclusion theologically, as a punishment *midah k'neged midah* for causing dissension (by speaking *lashon hara*): "He caused separation between husband and wife, between

friends; the Torah therefore says 'He shall sit alone...'"<sup>2</sup> But they also offer a lesser-known, naturalistic explanation for the seclusion: to avoid contagion. The *midrash* enumerates the prophylactic habits of various *amora'im* to avoid *metzora'im*, culminating in that of Reish Lakish: "When he would see one of them in the province, he would pelt him with stones. He said to him: 'Leave [and return] to your place; do not contaminate people.'" Reish Lakish cited the above *pasuk* as the basis for this practice.<sup>3</sup>

These two approaches, the theological and the naturalistic, are emblematic of the duality that we find in Torah sources with regard to disease. On the one hand, the fact of Hashem's justice suggests that we understand disease and death theologically, as punishment for sin, although some do point out that there are sources in Chazal and *Rishonim* for the idea that not

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<sup>2</sup> *Arachin* 16b and *Rashi* there s.v. hu hivdil, cited in *Rashi's* commentary to the above *pasuk*.

<sup>3</sup> *Vayikra Rabbah* (*Metzora*) parshah 16 os 3 (and see R' Yehudah Leib Binyamin Katzenelson, *Sheimos Ha'Negaim Be'Kisvei Ha'Kodesh*, in *Ha'Yekev*, p. 62 end of n. 35). This is also the understanding of the Ramban in his commentary to *Bereishis* 19:17.

<sup>1</sup> *Vayikra* 13:46

The Bais Havaad  
on the  
Parsha  
Bring the Parsha to Life!

Adapted from a shiur by  
Dayan Yehoshua Grunwald

### PARSHAS TETZAVEH

Must women give *matanos la'evyonim*? According to the Rama, they must, but the Magen Avraham says he has not seen women practicing this, though a husband can give on his wife's behalf. The Magen Avraham concludes that women should be strict.

Two explanations are given for the Magen Avraham's statement that a husband can fulfill *matanos la'evyonim* for his wife. The Aruch Hashulchan explains it based on *ishto k'gufo*: Husband and wife are like one person, so his giving for himself counts for her as well. The more accepted approach is that he may give for her but it must be an additional amount to what he gives for himself (Rav Karelitz, based on Rambam, *Peirush Hamishnayos*, *Nega'im* 9:12).

There are also two explanations for the Magen Avraham's ruling that women should be strict. Some say this means she must either acquire the money herself and give it or her husband can

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## Q&A from the BH hotline

BUSINESS HALACHA: EXT. # 1

Q: I hired a cleaning contractor to dry out my home after we experienced flooding. His crew set up large fans to do the job. About three-quarters of the way through, one fan caused an electrical fire that damaged the home and required me to make extensive repairs.

Do I have to pay the contractor for drying my home?

(answer on back)

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all death and suffering is the result of Divine justice. On the other hand, empirical evidence points toward a naturalistic model of disease and suggests ways to minimize the danger. Following are some of the positions taken by *poskim* on various questions involving the risk of contagion.

### FLEE INFESTED

The Rashbash was asked whether flight from an area afflicted by plague is rational, because *ma nafshach*, if one has been sentenced to death on Rosh Hashanah, flight will not help, and if one has been granted life, remaining in place will not result in harm. In a fundamental study of the interplay between Divine Providence and naturalism, he explains that while the two prongs of his correspondent's dilemma are both quite correct, the fallacy is that not everyone is actually destined to either survive the plague or die. Those who have neither sufficient merit to be assured of life nor sufficient sin to be sentenced to death receive no decree at all, and it is the members of this group whose fates will be determined by naturalistic considerations and who stand to benefit from prudent action such as flight from the plague. He assures us that

great sages would indeed flee the plague, "as we have heard of the Rav Rabbeinu Nissim z"l (the Ran) that he fled from it twice."<sup>4</sup>

Similarly, in response to a correspondent who apparently felt that it is forbidden to flee a plague-infested area as this would constitute an attempt to flout Hashem's will, the Maharil argues that not every death can be attributed to Divine justice, "and that is the reason that they are accustomed to flee...and so have I seen great people who fled."<sup>5</sup>

But while the Rama codifies Maharil's position,<sup>6</sup> R' Avraham Azulai apparently disagrees, and he strongly criticizes the practice of fleeing to the villages to avoid the plague, as this causes disruption to *talmud Torah* and *tefilah* and leads to sin. He considers such behavior contrary to the Torah. He initially suggests that the "naturalists" who assert the doctrine of contagion are simply wrong, but he subsequently argues that the fact that individuals who survive the plague once are likely to survive a subsequent bout indicates the operation of natural processes. He therefore arrives at a hybrid model, somewhat similar to that

of Rashbash, where naturalistic considerations are in play, "for Hashem desires [the laws of] nature" and He prefers not to set them aside. He notes that someone who is destined to die but manages to survive the plague through flight or a strong constitution will simply be killed by Hashem in some other manner.<sup>7</sup>

### VISIT UPON THEM

Rama insists that with certain limited exceptions, *no* diseases are actually contagious, "for Hashem is the Smiter and the Healer," and that is why we find no distinction in the laws of visiting the sick between contagious and noncontagious diseases.<sup>8</sup> Rav Azulai, too, insists that in times of plague, one must visit the sick and bury the dead. He argues that as outbreaks of plague typically lasted several months, inattention to the victims will result in grievously unsanitary conditions. He explains that the level of risk involved is acceptable; that "Hashem watches over fools;" and that He does not place the world in intolerable situations. He recom-

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4 *Shu"t HaRashbash* 195 (mentioned by R' Akiva Eiger in *Gilyon HaShas Bava Kama* 60b and *Pis'chei Teshuvah Yoreh De'ah* 116:8.)

5 *Shu"t Maharil* (Machon Yerushalayim) 413

6 *Hagahos Ha'Rama* *ibid.* se'if 5

7 *Chesed L'Avraham* (Azulai) *Mayan 5 Ein Mishpat Nekar* 28. It is not clear why this conclusion does not cause him to reconsider his staunch opposition to flight from the plague. See also *Rashbash* *ibid.* sv. *ve'af al pi*.

8 *Shu"t HaRama* (Warsaw 5643) 20 (18 or 19 in other editions), cited in *Shiurei Kenesses HaGedolah Yoreh De'ah siman 335 Hagahos Tur* os 2, and see *Shach Choshen Mishpat* 312: 2. Regarding the apparent contradiction between this responsum of Rama and his codification of Maharil's endorsement of flight from the plague, see *Nishmas Kol Chai chelek 2 Yoreh De'ah siman 49 sv. pash gaban* and *Shu"t Tzitz Eliezer* Vol. 9, 17:5. (I do not understand the distinction that the latter develops at great length.)

## EVENTS & HAPPENINGS AT THE BAIS HAVAAD

### HILCHOS BRACHOS EVENT HELD IN LAKEWOOD

This past Sunday, a special event took place at the Prospect Park Shul.

The OU and the Bais HaVaad partnered to present Daf Yomi learners with an opportunity to learn how a variety of foods are made and thereby understand what their proper *brachos* should be.

Rabbi Moshe Chaim Kahan *shlit"á*, Rov of the Williams Street Shul, delivered a shiur on the correct *brachos* for wraps, blintzes, and pancakes. He concluded with a discussion of the *bracha* to make on everyone's favorite Jewish food, sushi.

Rabbi Eli Gersten, OU Rabbinic Coordinator and Recorder of Piskei Halacha, spoke about the complexities involved in determining the proper *bracha* on many breakfast cereals. He spoke about energy bars, Kind bars, and granola bars as well.

The event was dedicated to the memory of R' Yosef Yisroel ben R' Moshe Grossman *zt"l*, longtime educational director at OU Kosher, who was instrumental in teaching many *rabbonim*, *chavrei kollel*, and families the intricacies of *hilchos kashrus*.

"All Daf," a project of the Orthodox Union, is a huge database of Daf Yomi resources, featuring just about everything Daf Yomi-related available. Its app and website include many shiurim and myriad other user-friendly features to help with Daf Yomi study.



The Bais HaVaad of Lakewood offers a unique resource for Daf learners in the form of its "Daf in Halacha" audio series, which organizes the complex *sugyos* found in each day's Daf and presents the participant with a practical and authoritative halachic application of the material studied that day. The shiurim are presented by *poskim*, *dayanim*, and *magidei shiur* of the Bais HaVaad and by a select group of renowned halachic authorities from across the globe.

The event was livestreamed on Torah Anytime, with Agudas Yisroel of America partnering to organize the shiur.

**A:** The Nesivos Hamishpat (235) discusses various cases where a courier is hired to deliver a letter and the letter cannot be delivered. He rules that if the letter is undeliverable because the recipient has died, this is considered to be an accident that befell the sender, not the courier, so the courier would have to be paid in full. If, however, the courier experienced an oness on the way to the delivery—for example, he got stuck in traffic—this is the courier’s accident and the

sender needn’t pay.

If the letter somehow got destroyed due to no one’s fault, it would be considered the sender’s oness, and he would be obligated to pay. But it isn’t clear whether he must pay if the letter was destroyed due to an oness that happened to the courier. In your case, the fan malfunction that caused the job to remain unfinished is definitely an oness that happened to the contractor, so the case would fall in this gray area. Because the homeowner’s liability is uncertain, and he is in possession of his money, he wouldn’t have to pay.

It is also unclear whether the completion of three-quarters of the job can be considered a benefit for the owner at all and require payment, as he never was able to reap the benefits before the house was

damaged and required repairs.

With regard to liability for the damage, if the contractor was not negligent and the malfunction was beyond his control, he would not be obligated to pay. If, however, he knew there was something wrong with his fan and still used it, this may fall under the category of grama, an indirect tort that one is not liable for in Bais Din but for which one will be held accountable in the Heavenly Court. (Ultimately, the homeowner in this story received insurance money to cover the repairs. Still, it is not clear that this would exempt the worker if he was negligent, as the arrangement with the insurer is separate and would not necessarily relieve the contractor of his obligation.)

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mends that one trust in Hashem and avoid sin (particularly gazing at the faces of women).<sup>9</sup> R’ Chaim Palagi, however, strongly disagrees, asserting that plague most definitely is contagious, as evinced by both empirical evidence and as various comments of the *Rishonim*,<sup>10</sup>

and that flight and avoidance are certainly the prudent course.<sup>11</sup> The *Shulchan Gavo’a* also strongly rejects the position of Rama, declaring that the custom is that ordinary members of the public do not visit plague victims, and only special groups who are well compensated for doing so visit them.<sup>12</sup>

May we merit the fulfillment of the *pasuk*,  
*Every illness that I placed in Egypt I will not place upon you, for I am Hashem your Healer.*

<sup>9</sup> Chesed Le’Avraham ibid.

<sup>10</sup> Ramban ibid. (cited in *Rabbeinu Bachya Bereishis* 19:17 and *Sefer Tziona to Bereishis* 19:17), and see also *Rabbeinu Bachya Bamidbar* 16:21 (cited by R’ Akiva Eiger in his chidushim to *Shulchan Aruch Yoreh De’ah*

<sup>11</sup> 1165).

<sup>12</sup> *Nishmas Kol Chai* ibid.

<sup>13</sup> *Shulchan Gavo’a Yoreh De’ah* Vol. 3, 335:1. See Tzitz Eliezer ibid.

<sup>14</sup> See also *Sefer Chofetz Chaim* Vol. 4, 116:1 for an explanation of why the special, well-compensated squads are permitted to visit in spite of the danger. The *S’dei Chemed* (Vol. 1 *ma’areches habeis* end of os 116 s.v. u’ve’ikar) cites the opinions of both the *Kenesses HaGedolah* and the *Shulchan Gavo’a* and cannot decide between them: “It is truly difficult to decide either way, may Hashem the Merciful have mercy on His creatures and make peace in His high places and prevent plague and every evil thing.” Cf. Rabbi Dr. Avraham Steinberg, *Encyclopedia of Jewish Medical Ethics*, Vol. III p. 1123 and the notes thereto (on p. 1125).

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give the *gabbai* money to acquire on her behalf (*Kaf Hachaim*, *Shevilei Dovid*, and

gen Avraham’s *chumra*, a father can do the same for a daughter to fulfill her obligation. According to the second, he cannot, because *ishto k’gufo* applies only to one’s wife.

*pidyon habein*: The *Chemdas Shlomo*, cited in *Pis’chei Teshuva*, does not allow the mitzvah to be fulfilled via sponsorship, because it is a *chovas haguf*, an obligation incumbent upon the person himself. The *Chazon Ish*, however, permits it. Therefore, one who wishes to fulfill the mitzvah according to all opinions should either have his daughter use her own money, give her the money first, or have the *gabbai* acquire the money on her behalf.

Rav Elyashiv). Others say that the husband can give additional money and have in mind he is fulfilling her obligation, possibly based on *ishto k’gufo* (R’ Shlomo Zalman Auerbach).

According to the first approach for the Ma-

According to the second approach, perhaps the daughter can also fulfill the mitzvah through a *kinyan eved kena’ani*, where one person “sponsors” another, if giving her the money first or having the *gabbai* acquire it on her behalf is difficult. However, this appears to be subject to a dispute concerning



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