

Counter a Tax: Disincentivizing Unhealthful Behavior

Adapted from the writings of Dayan Yitzhak Grossman

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New Israeli finance minister Betzalel Smotrich recently declared his intention to roll back the taxes on sweetened beverages imposed by the previous government. While the *Chareidi* Knesset members apparently had nothing but praise for this decision,[1] R' Bentzion Mutzafi, a leading Sephardi *Chareidi posek* and *rosh yeshiva* had a very different reaction:

Following a positive reaction among the *Chareidi* public following the decision to lower the tax on sweet drinks in Israel, Rav Bentzion Mutzafi, *Rosh Yeshiva* of Yeshiva Bnei Tzion, attacked the decision of finance minister Betzalel Smotrich.

"What fools these are," said Rav Bentzion. "This donkey is going to lower the tax on sugary drinks? Fool. We are the number one country in amputations. Where does this come from? From the disease of diabetes. We have over a million diabetics, over ten percent of the population, and that's the known ones."

The *Rosh Yeshiva* went on. "There are those who have silent diabetes who have not discovered it. Diabetes comes when you eat sugar and drink sweets, and it also makes you fat and brings terrible diseases.

Diabetes is a terrible plague." [2]

Rav Mutzafi has been outspoken and vehement in articulating the imperative to avoid unhealthy and dangerous behavior, and in implicitly insisting on the necessity of following the guidance of the medical and scientific establishments in this area:

[Rav] Ben Zion Mutzafi kicked out a man attending his lecture on Sunday evening due to the man's opposition to the COVID-19 vaccine. In video footage of the incident...the rabbi can be seen repeatedly calling the man "crazy" and "evil." He later said he stood behind those descriptions.

After the anti-vaxxer started loudly voicing his opinions against the vaccine, [Rav] Mutzafi, who ordered all his followers to get the vaccine earlier this year, was seen shouting: "More than 6,500 people died, stop making things up. Go, get out of here, you're crazy."

The man kept protesting, and the rabbi kept responding. "You're crazy, I am declaring you crazy—get out of here," he said. "I will not allow you to speak, you are a heretic, you are evil."

...[Rav] Mutzafi said he has encountered anti-vaccination sentiment outside his classes, saying that was because he actively speaks in favor of the vaccine.

"I pity those who cause this conflagration," he added. "We need to embrace them and bring them closer, but they are spreading rumors...Science fiction today is right here, in this community." [3]

Early in the COVID-19 pandemic, he called those who refuse to wear face masks in shul "murderers":

"Those who come to the house of G-d without masks and endanger

the synagogue with a fine and closure—aren't they guilty of wasting time which should be spent learning Torah?" one of Rabbi Mutzafi's students asked.

In response, Rabbi Mutzafi said, "What waste of time? They are murderers! Today there are over 4,000 people ill, hundreds of people dead, and much suffering and financial loss, horrible suffering for the entire family. And we haven't even talked about the tens of thousands who were required to quarantine!"

"Woe betide those [who don't wear masks] from Heaven, in another three months it will be the Day of Judgement, when the three books are opened."

When asked how to handle those who refuse to wear masks in the synagogue, even after being asked to do so, Rabbi Mutzafi responded, "Chase them out of there, they are murderers." [4]

He has declared that one who rides an electric scooter or electric bike on the road is considered suicidal and may forfeit his portion in *olam haba*: [5]

Rabbi Mutzafi wrote that "there is no police, no visible enforcement or deterrent. Anyone who goes on intercity roads and even local roads sees the total lawlessness with electric bicycles and electric scooters, which are absolute tools of murder.

"I bless the hand which will sign a prohibition against riding electric scooters and bikes on the roads. I bless the parents who prevent their children from riding on them. They lead to Gehinnom and the rider is classified as suicidal. I doubt whether he has a portion in the World to Come.

"Traffic supervisors, take initiative and stop them and you will save lives."

A few months ago Rabbi Mutzafi suggested that those who have children who ride electric bikes or scooters should hang in a central place in their homes the names of those killed on these vehicles and warn their family members against riding them. [6]

Other Sephardi *poskim* have also taken remarkably stringent public positions regarding the sinfulness of practices that they consider to constitute reckless disregard for health. R' Chaim Jachter reports:

Techumin volume 33, published in 5773 (2013), includes a groundbreaking *teshuvah* from Rav Eliyahu Abergel, who serves with distinction as an Av Bais Din [7] in the district State Rabbinic court of Yerushalayim. Rav Abergel urges Rabbanim to refrain from using one who smokes to serve as a witness at halachic events such as a wedding ceremony. While Rav Abergel does not invalidate a smoker *bedieved* (post facto), he seems to be the first mainstream authority to publish a *teshuvah* calling on Rabbanim to *lechat'chilah* (initially) refrain from using such a smoker as a witness. [8]

Although Rav Jachter terms this ruling "groundbreaking," Rabbi Dr. Mordechai Halperin has stated that he heard directly from R' Shlomo Zalman Auerbach that "only in a situation where the smokers do not know that they are violating the prohibition against murder (the punishment of

which is from Heaven), do they indeed not become disqualified from testimony.”[9]

R’ Shlomo Aviner has sharply criticized the distribution of candy to children in shuls on a variety of grounds, including health:

Do not distribute candy to children, because sugar is poison. It is indeed a sweet poison, but it is poison, the white drug, the sweet falsehood, the dark side. It causes cancer, obesity, type 2 diabetes, heart and vascular diseases, and tooth decay. Ask the World Health Organization. There are more and more sick people in the world due to the consumption of sugar. In recent years, the number of sufferers of type 2 diabetes has risen threefold. In Israel, there are half a million children suffering from obesity. We are second in the world in this—and it gets worse every year. We know that children do many stupid things, and it is our duty to gird ourselves with patience toward them, but for us to encourage them in detrimental things?
Chas vechalilah.[10]

While one can certainly challenge some of the particular positions cataloged above, the basic principle that the Torah commands us to preserve our health and not recklessly endanger it is universally accepted.[11]

[1] *Harav Mutzafi Neged Hahachlatah Shel Smotrich: Chamor, Tembel. Srugim.*

[2] Rav Mutzafi Calls Smotrich a “Donkey” for Lowering Tax on Sugary Drinks. Matzav.com.

<https://matzav.com/rav-mutzafi-calls-smotrich-a-donkey-for-lowering-tax-on-sugary-drinks/>.

Cf. Haredi rabbi slams Smotrich for reducing soda tax. The Jerusalem Post. <https://www.jpost.com/israel-news/article-726675>.

[3] ‘You’re crazy, a heretic’: Senior Haredi rabbi kicks out anti-vaxxer student. The Times of Israel.

<https://www.timesofisrael.com/youre-crazy-senior-ultra-orthodox-rabbi-kicks-out-anti-vaxxer-student/>.

[4] Leading rabbi says those who don’t wear masks in synagogue ‘are murderers’. Israel National News/Arutz Sheva.

<https://www.israelnationalnews.com/news/282315>.

[5] The widespread assertion that one who commits suicide has no share in *olam haba* is of uncertain provenance; see here for a number of sources on the topic.

[6] Rabbi Mutzafi: Riders Of Electric Bikes And Scooters ‘Are Suicidal, May Lose Their World To Come’ VINNews.

<https://vinnews.com/2022/09/06/rabbi-mutzafi-riders-of-electric-bikes-and-scooters-are-suicidal-may-lose-their-world-to-come/>.

[7] He actually served as the *Rosh Avos Batei Hadin (Ra’avad)*.

[8] R’ Chaim Jachter. The Prohibition to Smoke—a Groundbreaking *Teshuvah*. Kol Torah. Volume 23, Halachah. 5774/2014.

This remarkable ruling was widely publicized at the time in the Israeli media; see here; here; here; here; and here.

[9] Shlomo Greenberg. *Psak Halacha Shel Hagra Abergel: “Me’ashein Pasul*

Le'eidus." *Bechadrei Chareidim*. <https://www.bhol.co.il/news/131179>.

[10]R' Shlomo Aviner. *"Yardu Meihapasim": HaRav Aviner Neged Haminhag He'atik Bevais Haknessess*. Srugim.

[11]See our previous discussions of this principle and limitations thereto in the Bais HaVaad Halacha Journal: Hurricane Housing: When a Storm is the Norm (September 20, 2018); Value Judgment: What's a Life Worth? (Sep. 17, 2020); Professional Courtesy: The Authority of Experts (March 19, 2020); Risk Factors: Can You Be Too Safe? (Jul. 15, 2021); Pool Rules and Road Codes: Safety in Halacha (Sep. 2, 2022); Striking Out: Force-Feeding in Halacha (Sep. 9, 2022).