

ליקוטי ופסקי הלכות "הוקר הזרם"



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Halochos of Taking care of oneself

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Vayakhel-Pekudei 5780

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Chiyuv to Take Care of One's Body

Chiyuv to Protect from Danger

- 1. "ונשמרתם מאד לנפשותיכם"." The Torah warns us in multiple places to protect ourselves from danger. One posuk (דברים ד'ט"ו) says, " השמרתם says, "בשמרתם המאד ''. The Torah also says, "מאד לנפשותיכם." This is the only mitzvoh in the Torah where the word "מאד is used: a person must protect himself from danger and from just a chance of danger (פלא יועץ, ערך שמירה).
- 2. "רעשית מעקה לגגך ולא תשים דמים בביתך." We have a mitzvoh to put up a fence on a rooftop, and the like, that consists of a mitzvas asei and a lav. The poskim write that besides for the mitzvoh to put up a fence, this mitzvoh applies to anything harmful, e.g., not using a shaky ladder or raising a dangerous dog in one's home (גמ' כתובות מ"א ע"ב). If something is life-threatening, there is also a mitzvoh to get rid of it and protect oneself from it (מכר בצ"ב).
- 3. "י. ולפני עור לא תתן מכשול". Many poskim hold that besides for forbidding causing someone else to do an aveirah, the issur of "לפני עור" applies to causing physical harm that cannot be seen (ז"ד רמה ב"ב פ"ב אות ק"ז). Thus, someone with a contagious disease may not bathe with others so that they do not catch the disease.

Just Life-Threatening or Also Damaging?

- 4. Life-threatening. Some poskim imply that the Torah only obligates us to protect ourselves from life-threatening dangers. The Shulchan Aruch's wording is: "It is a mitzvas asei to remove and protect oneself from anything that is life-threatening and to be very cautious, as the posuk says, 'קשמר לך ושמור נפשך'. If one does not remove dangerous things, he nullifies a mitzvas asei and transgresses "השמר ל" ו"לא תשים דמים בביתף'. שו"ע.
- 5. **Injury, harmful occurrences.** However, many others hold the mitzvoh to protect ourselves is not limited to life-threatening situations. We must also protect ourselves from injury and harmful occurrences; it is unbefitting for a person with intellect to endanger himself. Thus, one should be careful about anything that can cause him harm (הקמ"ו חקמ"ו). It is also a mitzvoh not to have obstacles or hazards on our land and in our houses to protect people from death and injury (שם תקמ"ז, יראים מצוה מ"ד, ערוה"ש). This applies to anything harmful (סי' תכ"ז ס"ו', שו"ת דבר אברהם ח"ב סי ל"ז ס"ו, שו"ת דבר אברהם ח"ב סי ל"ז ס"ו.

Reason for the Chiyuv to Take Care of Our Bodies

6. The reason for this is because one hour of Torah and good deeds in this world is greater than all the life in the Next World (פלא יועץ שם). We need to value life, utilize it, and not waste even a moment since Hashem created the world with chessed in order to benefit His creations by allowing them to recognize His Greatness and serve Him through following His mitzvos and Torah. If someone endangers himself, it is like he rejects his Creator's wishes and does not want to serve or receive reward from Him (דבאר הגולה חו"מ סוף סי תכ"ז).

Entering a Dangerous Place

7. Chazal say, "A person should never enter a dangerous place; perhaps a miracle will not be done for him. If a miracle is done, it is deducted from his zechuyos." In other words, he can get punished for transgressing "זונשמרתם," and additionally, he will lose zechuyos. This is like trading a beautiful pearl for something trivial (פלא יועץ שם).

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Definition of "Danger"

Potential Danger

8. A situation is called dangerous even if there is only a chance of danger, not just if there is a high probability (ב"ד ע"ב). Everyone agrees that when there is a chance of danger, there is a chiyuv deoraisa to be machmir due to the rule of "במ"ג) "חמירא סכנתא מאיסורא").

Double Sofeik ["Sfek Sfeika"]

9. Some say the opinion of the Rambam is that we are not worried about danger in a situation of sfek sfeika (מ'יכ שבת ה"ב, ישועות יעקב סי'). Others, however, say even the Rambam agrees we are machmir when there is a sfek sfeika in a situation of danger. It is paskened in halochoh that a sfek sfeika does not permit anything in a situation of danger; we are machmir even if there is a triple sofeik, even to violate Shabbos (ש"ע ס"ע שכ"ע ס"ג). We must certainly watch out for danger to fulfill the mitzvos of "ות בהם" and "נשמרתם מאד לנפשותיכם".

Percentage Considered a Danger

10. The poskim discuss the statistical chances that constitute a situation of danger. Some write 1% is not called a danger (ס"כ"ט אות ה' הי"ט אות ה', מנחת שלמה ח"ב), but multiple poskim write that 2% is already enough of a danger to violate Shabbos and certainly to watch out and be cautious in fulfillment of "ונשמרתם מאד וכר". ונשמרתם מאד וכר", ובשם החזו"א).

How People View a Danger

11. Some define danger in terms of how most people view a particular situation. If most people treat something as dangerous and avoid it, it is considered potentially life-threatening and the mitzvoh to live by the mitzvos and not die by them ["וחי בהם' ולא שימות בהם"] applies; if most people are not afraid of something it is not considered dangerous (הגרשו"א, מנחת שלמה שם, תשובות והנהגות שם). On the contrary, in such a situation, people should utilize their bitachon and not exaggerate the degree of danger whatsoever (שמסילת ישרים פ"ט).

Chiyuv to Leave a Dangerous Place

12. If there is a fast-spreading plague, sickness, or epidemic somewhere, one must leave the place or city until it passes (ה"כ ס" ס" ס" ס" ס" ס"). If the epidemic is in most of the world, or if one can sufficiently protect himself in other ways, e.g., by staying away from gatherings of people etc. or by staying confined to the house — as per the Gemara (ב"ק ס:): If there is a plague in the city, take your feet inside, as the posuk says, "ראתם לא תצאו איש מפתח ביתו עד בקר" — he must do so and protect himself from becoming infected or infecting others.

Chiyuv of Hishtadlus

Chiyuv to Stop the Spread of a Disease

13. In a situation where a disease is spreading, everything possible must be done to prevent its spread and follow the doctors' instructions. One who ignores what the doctors say sins greatly toward Hashem, as danger is more serious than issur. Someone who comes to a place that puts him and/or others in danger by ch"v causing the disease to spread in the city has an aveirah too great to bear (לשון מכתב רע"צ has an aveirah too great to bear (לשון מכתב המפשטות מחלת 'חולירע' בפולין בשנת תקצ"א והודפס באיגרות סופרים סי' ל'

Hishtadlus Versus a Gezeirah

14. Many people ask at this time, and in general, why this is necessary and how we are allowed to do hishtadlus in these areas – if there was a gezeirah in Shomayim for one to get ill, what will hishtadlus help? If it was determined that one will not get ill, he doesn't need hishtadlus, they say.

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- 15. **The gezeirah depends on hishtadlus.** The seforim explain that there are three groups: 1) the people upon whom there is a decree to live no matter what will be saved even without hishtadlus [on occasions, great tzaddikim have relied on this for themselves]; 2) the people upon whom there is a decree of death, ch"v, will not be saved even with hishtadlus; 3) there are people whose decree depends on their hishtadlus: if they do what is necessary by the laws of nature, they will be saved, and if they do not do what the chiyuv of hishtadlus dictates is necessary, they will not be saved. This is why Chazal warn us not to live in a place where there are no doctors; without hishtadlus, one surrenders himself according to the laws of nature (מ"פ החינוך מצוה תקמ"ו, רשב"ש, פלא יועץ, ערך רפואם).
- 16. **The Soton accuses at times of danger.** Chazal teach us another principle that Rashi mentions on the posuk, "He did not send Binyamin, Yosef's brother...for he said, 'perhaps a tragedy will happen to him.'" (בראשית מ"ב, ד) "And in his house, a tragedy will not happen to him? Rather, from here we learn that the Soton accuses at a time of danger," i.e., if someone is in a dangerous situation, he needs extra zechuyos to be spared.

Coronavirus – COVID-19

Description of the Virus

- 17. Lo aleinu, recently, a worldwide coronavirus pandemic, or more specifically, COVID-19, appeared. It causes flu-like symptoms, but it can cause respiratory complications and, lo aleinu, death.
- 18. Different than typical flu. Some people are claiming that it is not dangerous, and that it is just like the flu, which people also die from. However, the experts determined that it is many times more serious than the typical flu. First of all, it is much more contagious than the flu. Also, the mortality rate is much greater than the flu. Thus, they are not comparable at all.
- 19. Dangerous to the elderly. Experts say that it is not very dangerous for the average person and most people infected will recover, b'ezras Hashem. Still, for the elderly, the immunocompromised, and people with diabetes, high blood pressure, or respiratory issues, it is very dangerous, and many people have already died internationally because of it.

How Countries Are Treating It

- 20. Serious. Each country is reacting differently to the virus. Some are treating it with the utmost seriousness. For example, in China, where the virus originated, they proclaimed a total quarantine in places where the virus spread and took harsh steps against violators.
- 21. Moderate. In other countries, measures were set into place when the virus began to spread to prevent it from spreading nationally. For example, in Eretz Yisroel, they forbade gatherings of many people together. Originally, the number was 5,000, then it went down to 2,000 people, then again to 100. As of this writing, gatherings of 10 people are forbidden. Also, as of now, everyone who comes from outside the country must be quarantined for 14 days.
- 22. Light. Some countries, e.g., Italy, barely took any steps to prevent the spread and treated it like the regular flu, allowing nature to run its course. Top researchers in England explained that there is an advantage to the population getting infected, as that will eventually create a national immunity to the virus in the future, and after all, it only kills the elderly.. They are preparing for a high number of fatalities, r"l.
- 23. Bottom line. What we have seen until now is that the countries that took steps to prevent the virus's spread had some success, while the countries that were careless, e.g., Italy and Iran, were hit with many fatalities.

From a Halachic Standpoint

- 24. This virus is potentially dangerous (above, 8), has a mortality rate between 2% and 4% [enough of a chance to be treated as a danger] (10), and, especially, is viewed by the whole world as dangerous the proof being that if one would identify a patient infected with coronavirus, he would flee as one would flee from fire (11). Therefore, there is a mitzvoh of "נושמרתם מאד לנפשותיכם" (1).
- 25. Even if a tzaddik who is full of bitachon doesn't need hishtadlus (above, 15), this is only as pertains to himself. Toward others, he must employ every strategy and hishtadlus possible to prevent the spread of the disease and not gather or get together with many people together, especially if they are crammed together on bleachers.. We do not rely on a miracle in a situation of danger (7).
- 26. Even though young people are only at risk of a temporary illness, not death (above, 5), they must still see to it that the virus doesn't spread among us at all and reach older people, ch"v, for whom it is a life-threatening danger (4). We know that due to the sanctity of life, one may not give up on the life of a single Jew, no matter what age. Hence, we are obligated by the Torah to do whatever possible to prevent further spread of the disease and to listen to and obey the doctors and the authorities who are dealing with it, as Rebbi Akiva Eiger warned (13).

- 27. In places like England, where the authorities are taking the matter lightly, members of the Jewish community and its leaders must take their own steps to prevent the disease's spread and not endanger the lives of the elderly, ch"v, just like Rebbi Akiva Eiger did when he personally introduced policies for his community to daven in small minyanim, and the authorities ended up agreeing with him. Also, walking around on the city streets and gatherings of many people should be prevented.
- 28. Follow good hygiene. It is also very important to be very careful everywhere about hygiene, especially in public places. Do not use public towels; only sneeze into a tissue, and throw it out; dry your hands with paper towel; don't lick your finger to make it easier to flip through a sefer; it is better to use a personal siddur instead of a shul siddur, and the like.

Halochos of Quarantine

Obligation to Be Quarantined

- 29. In light of all the above, whoever the authorities say must be quarantined has a halachic obligation to obey the experts and not outsmart them, thereby harming others; he can say a Lesheim Yichud on fulfilling several mitzvos asei. The main thing is to serve Hashem and do what is temporarily necessary with joy, not sadness, ch"v (מכתב של רע"א הנ"ל).
- 30. If one violates his quarantine and comes to the beis medrash, he may be asked to leave. If he doesn't listen, one may rebuke and shame him until he leaves in order to keep an endangerer of the public far away.

Davening with the Tzibbur

- 31. If someone does not have the option of coming to shul, he should daven at the same time as the tzibbur (ט""ע ס" צ' ס"ט), i.e., when the community he belongs to davens. Although this is not technically "tefillah betzibbur," he has the advantage of davening with the tzibbur (טו"ת חבצלת השרון ס" ב').
- 32. **Set minyan.** One who usually davens in a "shtieblach" that has minyanim all the time should still try to daven at the time his regular minyan davens. For example, if he always davens at a 7:30 minyan, he should daven at home at 7:30, and start Shmoneh Esrei at the time they usually get there (אַר פֿיח העי ל״ב"ם אָשי ישראל פ״ח העי ל״ב. However, if one does not daven in a set minyan, whenever he davens is called davening with the tzibbur.
- 33. **Speaker, phone.** If one wants, he can join a minyan by phone or livestream so that he can say the whole davening together with the tzibbur, and he can even answer amein to the brochos he hears. Rav Chaim Pinchas Scheinberg did this at the end of his life.
- 34. Multiple individuals in a house. If multiple people are quarantined together in the same house, even though they don't have a minyan, there is an advantage to them davening together. This is a fulfillment of "ברוב עם"," and even just two people should daven together (מהר"ם) מהר"ם. מהנות ו"ה., תשובות והנהגות ח"ב סי' נ"ז, מו"ר בשו"ת שבט הקהתי ח"ב סי' מ'.

Mikveh

- 35. Someone in quarantine or with symptoms of illness may not toivel in a public mikveh; doing so endangers others and violates "לפני עור"). One may not justify this under any circumstances, even for tevilas Ezra. He should say brochos and learn Torah as usual; chas vesholom to refrain from learning Torah for this. This is certainly true about toiveling for extra kedushah or lechavod Shabbos.
- 36. **Hataras nedarim.** If someone who is always careful to toivel, e.g., tevilas Ezra or on Erev Shabbos, etc., is quarantined, he does not need to do hataras nedarim since he is a complete oneis and it is only temporary (שו"ת חשב האפוד ח"ב סי' נ"א ע"פ דגול מרבבה יו"ד סי' רי"ד"ס). Similarly, someone who doesn't shower after the mikveh so that the mikveh water remains on him for reasons of kedushah does not need hataras nedarim to shower after the mikveh during this time.
- 37. **Nine kav.** At the present time [as of this writing], the mikvaos in Eretz Yisroel are closed and men cannot toivel. Therefore, one who does tevilas Ezra should at least make sure to pour nine kav [22 liters (הגר"ח באה) or 12.5 liters (הגר"ח באה)] of drawn water over himself (הגר"ח באה). He may do this by standing under the shower; he should turn on the water after he is already standing under the showerhead (שר"ת מנח"י ח"ד ס" כ"א) and the water should stream onto his whole body uninterrupted.





