

בעניין מניינים מצומצמים בחוץ בקהילתנו בזמן מגפת הקורונה***On the Matter of Socially Distanced Communal Prayer at Jewish Center of Teaneck*****I. Introduction**

This communication regarding communal policy concerning minyanim at the Jewish Center of Teaneck is written with the deepest sense of respect, affection, and love for all of the members of the Rabbinical Council of Bergen County (RCBC).

Each and every member of the Council has contributed immeasurably to the formation of a unified and cohesive set of communal policies, and I remain profoundly humbled to be numbered amongst this illustrious *chaburah*, whose members tower in stature over me in wisdom and Fear of Heaven. I offer a special debt of gratitude to our President, Rabbi Kenneth Schiowitz.

It is vital that our immediate shul community, and the community at large, understand that all of the decisions taken in the context of this pandemic, since the fateful night of March 11th, have been taken with the deepest sense of gravity, *koved rosh*, that must accompany all decisions that impact on *dinei nefashot*, human life itself.

In addition, as is axiomatic, all decisions that have been taken by the Va'ad have been done, as is halachically required, on the basis of expert testimony of outstanding physicians from the relevant disciplines, as Rambam writes, *al pi rofeh uman shel oto makom* (Hilchot Shabbat 2:1).

In the crucible of the last eleven weeks, we have spent countless hours in individual and collective deliberation regarding each and every aspect of communal policy during this pandemic. **It is vital that each member of our community feel a full sense of confidence in the decision making of his or her individual Rav, in light of the rigorous process that was undertaken.** Furthermore, it is our collective conviction that the unity which we have maintained *itself preserves life in our community*, and we will continue to speak in one voice.

As has been communicated in the last RCBC letter, we stand unified in our position that **no minyanim may begin before the afternoon of June 4th**, and that individual Rabbanim must be responsible for implementing communal policy concerning minyanim in their shuls from that point forward.

Moreover, we all agree on the basic set of halakhic facts: during a pandemic, there is no obligation whatsoever, for any person, of any age, to daven with a minyan.

As goes without saying, this is not a reflection of the slightest disregard for the importance of prayer in a communal setting under normal conditions, nor the capacity for this mitzvah to catalyze and inspire a disciplined life of Divine service, *Avodat Hashem*. On the contrary, it is a clear reflection of the far superior halakhic value associated with safeguarding and preserving life, both one's own, and others.

II. Halakhic Guidance

In addition to all of the members of the RCBC, each of whom has contributed immeasurably to my perspective regarding this pandemic, I must publicly express deep gratitude to my personal *rebbe*, Rabbi Michael Rosensweig, *shlita*.

While Rav Rosensweig selflessly makes himself available to me on a weekly basis to discuss approaches to challenging issues, and his influence has shaped my understanding of particular areas of halakha, and the halakhic system more generally, since I first entered his shiur some thirteen years ago, his guidance during this pandemic, which has been even more frequent has been of inestimable value. I am profoundly indebted to him.

In the case of this pandemic, I equally wish to express gratitude to Rabbi Mayer Twersky, whose written and spoken-word concerning this topic have contributed greatly to my personal approach.

That being said, I take full responsibility for the communal policy articulated herein.

III. Gratitude to Our Physicians

I wish to offer an additional expression of profound gratitude to our in house medical committee, Dr. Jonathan Resnick, Dr. Benjamin Cooper, and Dr. Steve Myers which convened before the first confirmed case of COVID-19 in the state of New Jersey, and has been a source of constant support and guidance over the last three months.

Moreover, I wish to thank the many physicians who have provided me many dozens of hours of invaluable counsel during this period: Dr. Aryeh Baer, Dr. Margit Kaufman, Dr. Richard Finkel, Dr. Stephanie Haimowitz, Dr. Daniel Lowe, Dr. Zvi Marans, Dr. Alfred Neugut, Dr. Richard Schlusel, Dr. Stephen Schuss, and Dr. Eran Bellin.

For a more extensive and fully deserved tribute to all of the physicians in the community for their heroism and self sacrifice during this pandemic, please click here:

<https://jewishlink.news/monthly-sections/health-link-new/37730-a-tribute-to-our-physicians>

I would be remiss if I did not mention that Dr. Bellin, who has never sought any public credit, was in fact the first person in the community to call for urgent social distancing in our community, prior to Purim, which set in motion a process, over the next week, that saved many lives. Our entire extended community owes him more than words can say.

IV. Statement of Principles

All comments below are intended as halakhic guidance for our community alone. I reiterate that the entire RCBC is fully united with respect to five basic principles; (1) the imperative of maintaining the profound sense of *achdut* that we deem essential to securing life within our community; (2) the halakhic understanding that the pandemic constitutes a halakhic danger (*sakanah*) to the entire community that obviates any obligation whatsoever to daven in a minyan; (3) the inviolable imperative of waiting until, at the very least June 4th to commence any outdoor, socially distanced minyan, (4) that anyone in our broader community who chooses

to attend a minyan do so only in a minyan registered through a shul (5) the need for every Rav to determine the best path forward for his shul after that date, as we all continue to monitor the rate of community spread and burden of disease in our area

As such, **as an expression of complete and total compliance with the mandate imposed upon every individual Rav within our rabbinical council**, the purpose of this communication is to clarify for our shul community alone whether communal prayer, in a context in which it is axiomatic that no obligation exists, should be deemed advisable, permissible, ill-advised, or impermissible. Secondly, I will reflect on a matter which has arisen that is essential for community education. Finally, I would like to articulate what I perceive to be the best general approach to the uncertain road ahead.

Reaching a halakhic conclusion concerning minyanim, as I will in this context, requires a multifaceted exploration of (1) the obligation to pray, both in general and with a minyan; (2) an analysis of the current medical reality, on the basis of expert testimony and established facts, as well as the clear unknowns; (3) an understanding of the social and communal implications of prayer with a minyan at present; (4) a proper understanding of the role of government and law in halakhic decision making. It is with respect to this last point that I will begin.

V. The Role of Government in Determining Halakhic Permissibility of Gatherings

It is a matter of more than a small measure of regret for me that some confusion persists, *outside of our immediate community*, but within the

broader Jewish community, regarding what is legally mandated, as far as social distancing is concerned, and what is halachically permissible.

While maintaining the minimalist government laws governing distancing is obviously a *sine qua non* from a halakhic perspective, it is the absolute floor, and candidly, nowhere approximating the halakhic norm, let alone, the halakhic ideal.

In other words, while a social gathering proscribed by the government during a pandemic is, *eo ipso*, halachically prohibited in the strictest possible terms, the inverse proposition, that is, the legal sanctioning of a certain practice, has no bearing at all as to whether it is consistent with halakhic norms of safeguarding and preserving health.

It should be self evident that just as the government permits consumption of foods which are not halachically permissible, allows for speech that is abhorrent to halakha, allows for business practices that are inconsistent with halakhic standards of integrity, it may also, and has, in fact, permitted practices in this pandemic which are clear violations of the halakhic standards of safeguarding of oneself and others.

This is no criticism of the government in general, nor any government official in particular. On the contrary, we all deeply appreciate the hard work and commitment of those responsible public servants at all levels of government, in the firm tradition of proper respect to the government, *chilku kavod l'malchut*.

And yet, it is quite simply a statement of fact that the government has a manifestly different agenda with respect to public policy in a pandemic than

halakhah; the former, at its best, focuses on ensuring that the rate of infection and death does not overrun the hospital system (“flattening the curve”), and balancing this public health interest with economic productivity.

The latter concerns itself with the preservation of life, based on the axiom that one human life represents an entire world, and that disregard for one’s own health and the health of others constitutes a grave desecration of the Divine name.

Let us take one case in point, relevant to the current discussion. While it took nearly two months for this to become clear, even to the relevant government officials, due to conflicting guidelines issued by the Governor of the state of New Jersey and the Bergen County Executive, it is a matter of fact that as of March 21st, a date when the State of New Jersey had 16 total deaths and just over 1300 confirmed cases of COVID-19, that, pursuant to Administrative Order 2020-4 (<https://www.nj.gov/governor/news/ao/docs/AO%202020-4%20Gatherings.pdf>), gatherings of ten were in fact **lawful in every jurisdiction in the State of New Jersey.**

Some 157,000 cases and 11,350 deaths later, could anyone possibly imagine that holding minyanim at that time, because it would not have violated the law, would have been halachically permissible? The very proposition is absurd.

As such, it is absolutely vital that we have clarity regarding the fact that, as stated, the government guidelines constitute nothing other than an absolute floor as far as halacha is concerned.

The only difference between the sacrosanct independence of halakhic decision making in the realm of human life and the other areas mentioned is the gravity of this area of law.

As Chazal have taught us, *chamira sakanata me'issura*, halakhic laws governing safeguarding one's health, and that of others, are more stringent than virtually any other area of ritual law.

While it is incumbent upon one to be stringent in areas of uncertainty in ritual law, *safek d'oraita l'chumra*, when it comes to matters of preservation of life, one must be concerned for even multiple uncertainties, *sefek sefeikah*. Finally, the halakha treats a threat to the entire community, *sakkanat ha-rabim*, as COVID-19 manifestly constitutes, with even greater gravity than a threat to a specific individual, *sakkanat ha-yachid*.

Let us now turn our attention to the nature of Tefillah and, in particular, Tefillah in communal settings. This discussion, due to constraints of time and space, is circumscribed to those points most directly relevant to our discussion.

VI. The Nature of the Obligation to Pray and its Relationship with Other Mitzvot

To a certain degree, no mitzvah in the Torah exists in isolation. As David HaMelech wrote, “the laws of the Torah are true, together they are righteous (*tzadku yachdav*)”.

As we approach Zman Matan Toratenu, we are keenly aware that the concept of Torat Hashem Temimah, not only the perfection of Torah, but its wholeness and integration, is that each part of Torah is intrinsically linked with others. It is for this reason that the Talmud Yerushalmi famously stated that “words of Torah may be terse in one place, but rich in another.” It is the fundamental truth that underlies basic exegetical principles such as *gezeirah shava*, and others.

And yet, not every Mitzvah is equal in this regard. To cite an obvious example, as Chazal note, “one who affirms idolatry has repudiated the entire Torah.” (Chullin 5a) This is as it must be: one who negates the notion of a commander has obliterated the meaning of a commandment. The same can obviously not be said of neglecting the mitzvah of Arba Minim or even transgressing the prohibition of wearing shatnez, even as we are enjoined to be exceedingly careful in every mitzvah, *heve zahir bi-mitzvah kalah ki-va-chamurah*.

Tefillah is a critical study in this regard. While Rambam and Ramban differed in their view as to whether daily, personal prayer was a Torah obligation, or Rabbinic in nature¹, we shall see in this section that they agreed upon a very fundamental point regarding the nature of prayer, and the extent to which its value must be calibrated against a person’s total Divine service.

Rambam, on the basis of a passage in Ta’anit (2a), rules that prayer is a Torah obligation, rooted in the general mandate to serve the Almighty “with all of one’s heart.” Rambam, who explicitly ruled against including general commandments such as “you shall be holy”, or “you shall guard my

¹ See R. Chaim of Brisk classical analysis of the role of intent in prayer, in which he argues, as others have as well, that Ramban considered daily prayer,

commandments”, in his list of the six hundred and thirteen commandments, poses the obvious question against himself: how can serving the Almighty with all of one’s heart possibly be counted as a mitzvah, given that it is indeed a general obligation (See Sefer HaMitzvot 5). Rambam, nevertheless, concludes that Tefillah is a Torah level commandment², on this basis.

There are multiple implications that “serving the Almighty with one’s entire heart” is both a specific obligation as well as a general obligation. On the one hand, it reflects the capacity of prayer (and Torah study) to catalyze one’s entire spiritual life. On the other hand, it requires that one’s prayer itself be reflective of, and calibrated by, one’s entire Avodat Hashem.

This point is absolutely critical in our analysis. As Yeshayahu Ha-Navi famously stated, when the Jewish people were engaged in terrible sin prior to the destruction of the first Beit HaMikdash, “even as you increase prayer, I shall not listen; your hands are filled with blood.”

Prayer, the specific form of Avodah, can only be meaningful in the context of one’s general Avodah. This should be no surprise, as prayer is rooted in the sacrificial realm (Brachot 26b), where the same principle maintains: “the offering of the wicked is an abomination.”

Ramban, in his critique of Rambam’s interpretation of the verse “and you shall serve Him with your entire heart,” explains that the verse actually means to perform each and every mitzvah with a sense of total and utter conviction. It is actually a commandment regarding the *manner* and *state of mind* in which every single mitzvah is performed. As such, Ramban twice

² This is true of Talmud Torah as well, which is also its own independent mitzvah.

expresses an openness to the possibility that, in times, of crisis³, prayer may indeed become a Torah obligation, for, if one truly does believe with one's total heart, how can one possibly not call out in desperate petition when he finds himself *de profundis*, *mima'amakim*.

As such, even in their very significant disagreement regarding the status of prayer, Rambam and Ramban clearly agree that Torah level prayer is fundamentally integrated with one's total Avodat Hashem, and therefore, uniquely, must be fully calibrated in light of competing Torah obligations as a declaration of fealty to the total will of God.

This should be no surprise. Our Sages most often refer to prayer as "standing before the king", *amidah bifnei ha-melech*. This was the very first modality of prayer, introduced by Avraham (Brachot 26b), *ein amida ela tefilla*, and this standing itself implies a total submission to the will of the Almighty, far beyond the discharging of a local obligation to pray.

It is equally for this reason that prayer is linked by the halakha of *semichat geulah l'tefillah*, to Keri'at Shema, the paradigmatic act of acceptance of the yoke of Heaven, *Kabbalat Malchut Shamayim*.

As Ramban stated, *specifically in the context of communal prayer*: "And the intention of raising of the voice in prayer and the intention of synagogues and the merit of communal prayer is that there be a place for people to gather and ***concede to God that He created them and makes them exist***, and to publicize this and to say in front of Him, "We are Your creatures." (Ramban Shemot 13:16). Prayer, in plain terms, is an encounter with the

³ It is Rambam's view that prayer in times of crisis is a separate commandment altogether. See Mitzvot Aseh, 59.

source of all meaning in life, and He whose total will establishes the basis of personal conduct.

Having established this conceptual foundation, namely, the fact that prayer must uniquely be calibrated as a response to the **total Divine will**, and not perceived in isolation, we can move to the next phase of analysis. What is the status of communal prayer in the current context, in which the non-obligatory nature has already been established.

VII. The Nature of Communal Prayer

The rabbinic obligation to pray in a communal setting, **one which is obviated during a pandemic**, is linked by the Talmud to three principles: proximity to the Divine presence, acting as a good neighbor (*shachen tov*), presumably by enabling others to achieve this proximity to the Divine as well, and enabling the recitation of Devarim SheBi’Kedushah, elements of prayer which uniquely sanctify the Divine name.

It is entirely possible that the proximity to the Divine presence achieved in a communal setting is responsible for the fact that “the prayer of the community is heard.” This linkage is explicit in the Sages statement that individual prayer only merits that response when the Almighty is already nigh, in the days between Rosh HaShanah and Yom Kippur (See Rosh HaShanah 18a, and Yevamot 105a).

As such, in a context in which there is **no obligation** to pray in a communal setting, let us now ask if it is **advisable** to do so, in light of the

aforementioned principles. Definitionally, it would be advisable if it somehow were superior to praying in an individual setting. Let us try and assess this proposition.

While it is true that praying with a quorum would enable the recitation of those passages, including kaddish and kedushah, that are linked to sanctification of the Divine name, it is equally true that one who is involved in the Torah level sanctification of God's name associated with protecting his life and that of others, by refraining from unnecessary entry into communal settings in a pandemic context, is, at the absolute minimum, doing at least as much to sanctify the name of the Almighty. In my judgment, he is doing more, but, I do not believe one can reasonably dispute that it is at least as much.

Moreover, if the unique power of communal prayer, *Tefillat HaRabim Nishma'at*, is associated with proximity to the Divine presence, let us inquire as to whether that proximity is limited to the communal setting. As we have seen, this is certainly not the case, as the individual is afforded such an opportunity between Rosh HaShanah and Yom Kippur.

There is a rabbinic tradition that the Divine presence rests directly above the head of the one who is unwell (Shabbat 12a, Nedarim 40a). When I was in rabbinical school, a close friend of mine had to spend Yom Kippur in the hospital with his wife. He confided in me that he was experiencing distress given that he would not be able to daven with a minyan on the most sacred day of the year, and went to speak with his Rebbe.

His Rebbe, a senior Rosh Yeshiva at Yeshiva University, told him that the point of coming to shul was to have access to the Divine presence. Given

that he was with his ailing wife, the Rebbe told him that he would have equal access to the Divine presence.

I believe that in a pandemic context, that this proximity would be afforded to the entire community, whose collective health is by definition at risk. Indeed, in the words of David HaMelech, “*Imo Anochi B’Tzarab*”, I am with Him in Distress.

In light of these two points, the capacity to sanctify the Divine name by staying at home and praying, as well as the unique access to Divine presence afforded to each individual in the case of pandemic, it seems to me that it is not merely the case that prayer with a minyan is not obligatory, but it seems to me that it cannot be considered **advantageous** relative to prayer in an individual setting. It is thus my conviction that prayer in a communal setting is neither obligatory nor advisable.

Another question yet remains: can it be considered permissible?

I reiterate yet again that what follows is of no relevance to anyone outside of our immediate shul community.

The Talmud states that, under normal conditions, that failing to pray with the community establishes one as a “wicked neighbor.” This ruling is codified by both Rambam and Shulchan Aruch. Rambam, in particular codified this ruling (Tefillah 8:1) in the same halakha as the fact that communal prayer is never rejected, אין הקדוש ברוך הוא מואס בתפילתן של רבים. It seems to me it is reasonable to assume that one is a wicked neighbor because one fails to afford other members of the community an opportunity to have their prayers heard in proximity to the Divine. If there would not be

a minyan, due to one's dereliction, one's neighbor would suffer the consequence of being deprived of communal prayer.

And yet, what if that proximity to the Divine is not even necessary, as indicated before?

Even if one does not accept my extension of the principle that the Divine presence is present in the presence of the infirme, to an entire community in the case of a pandemic, surely one's status as a "good neighbor" in the context of communal prayer would have to be measured against the impact one's engaging in communal prayer has on one's actual neighbor.

Under current conditions, it is considered dangerous for individuals over a certain age (perhaps 60, or 65) to participate in these minyanim. The same applies to individuals who are immunocompromised, have hypertension, diabetes, or other underlying medical conditions. And, given the prevalence of home transmission, the same logic applies to anyone living with such an individual.

It is my deep and profound concern that the formation of these minyanim will create one of two highly problematic situations for a very significant percentage of our overall community. Once again, **at the present time**, given the above categories, we are not talking about one or two people, but a very substantial percentage of the overall community.

For our community, I believe that these communal prayer settings will create pressure for individuals for whom it is dangerous to come to such experimental prayer settings to disregard medical advice and to assume inappropriate risks.

Alternatively, even if individuals should withstand such pressure- and we should not underestimate it, especially given the fact that we are dealing with many individuals who have borne a disproportionate burden of quarantine- should we not be concerned for the impact on their mental health, being made to feel as “second class citizens,” in the words of more than one congregant? Should we not be concerned for the shame that will be felt by those who should not come due to their weight? Is there no relevance at all in our situation to Moshe’s response to Pharaoh’s query as to who would participate in the first Jewish act of communal worship, “we shall go with our young and with our old?”

Does participating in a communal minyan which is neither obligatory, nor, in my view, advantageous relative to private prayer, justify these concerns, especially if a major part of the impetus to join in communal prayer is rooted in seeking the welfare of one’s neighbor?

For our community alone, it seems to me that, on the basis of these considerations alone, such communal prayer is not obligatory, not advisable, and indeed, problematic, and therefore, should be strongly discouraged. As we will see further, there is more medical evidence that must be weighed as far as the question of basic permissibility.

VIII. Outdoor minyanim: Further Challenges

Six months ago, if one had asked any member of our broader community about the safety and wellbeing of those who attend minyan, people would have naturally assumed one was speaking about shul security.

Every shul in this town invested substantial resources, cumulatively totalling many millions of dollars, in developing robust security protocols, and rightly so. Our community vigorously lobbied the government for millions of dollars of grant money to secure our shuls and schools into virtual fortresses, relative to the shuls of even a decade ago.

It has become standard rabbinic practice, including my own, to allow, albeit with great vigilance and control, what otherwise would constitute a violation of Shabbat for the sake of securing minyanim.

For our shul community, for these dispensations to have any integrity, the viability of sanctioning outdoor minyanim, per force, must be questioned. I do not believe I need to elaborate further.

I further do not believe that outdoor minyanim, **for our community**, will be of great benefit for Tefillah itself. The davening will be necessarily abbreviated. It will not be possible to sing in the normal, uplifting way. By definition, constant attention will be needed to ensure vigilant social distancing. I believe that there will be a very high cost, for many, with respect to proper kavanah during davening.

IX. Timeline

All of the members of RCBC are in full agreement that the opening phase of minyanim is *intrinsically experimental*, fully subject to observing in practice whether social distancing can and will be maintained, and the ongoing assessment of trends concerning the burden of disease in our area.

Once again, there is complete unanimity regarding the necessity of waiting until at least the afternoon of June 4th before this experimental phase can

commence. **The entire community should have confidence that this decision has been made, as goes without saying, with the highest level of medical and halakhic authority.**

As we are all aware, there are always a range of views in medicine, and highly qualified experts can and do disagree regarding medical matters, and certainly, ones as complex and fundamentally subject to adopting a series of assumptions/parameters as establishing timelines in the case of a pandemic.

For our shul community, our relevant medical expert has advised us, in light of the extended incubation period of the SARS-CoV-2 virus, and the very substantial rate of asymptomatic transmission, that a more extensive monitoring period is necessary

It is important to remember that national guidelines called for *an absolute minimum waiting period* of two weeks to observe how relaxation of mitigation impacts community spread and burden of disease before resumption of minyanim. It is the case that many have interpreted these guidelines, for a variety of reasons, to mean exactly two weeks. But, let the record show that both the nation and local guidelines do not call for two weeks, but rather, a two week minimum.

For our shul alone, it is important to be mindful that the halakha considers a disagreement between competent physicians in the relevant disciplines regarding matters of danger to life to constitute a *safek pikuach nefesh*, mandating following the more stringent view (Rambam Shabbat 2:1).

To be perfectly clear, even if there was no disagreement, my proclivity would have been to wait more time, as we are always enjoyed to build reasonable

gedarim, boundaries, regarding matters of Torah law, *asu siyyag la-Torah*, and this applies to matters of far less urgency than pikuach nefesh. **This is precisely why the RCBC has charged each Rav with determining the best path forward for his congregation.**

And yet, the question of opening minyanim is not limited to a narrow divergence regarding requisite waiting periods to observe the impact of mitigation release. There is a more fundamental reason, **for our shul community alone**, to take a more cautious approach.

If there is one certainty regarding this virus, it is precisely the fact that we know very little about it.

Can anyone say with certitude why the attack rate of the virus was so high in our region, and does not appear to be in other regions of the globe, or even, the domestic United States?

Does anyone know why the clinical presentations have varied to the point where the CDC had to triple its list of symptoms from three to nine over the course of a short while?

Can anyone say with certitude whether these are manifestations of environmental factors, or simply different strains of the virus?

It is true that this will likely be the case for many more months. And yet, we remain in a critical phase. Let us simply enumerate two pertinent examples of how this clear absence of knowledge, for our shul community, must militate, **for at least the immediate future**, in favor of caution.

First, regarding the incubation period of the virus. Early reports from the second wave in China which resulted in lockdowns in the Northeastern region of the country indicated a longer incubation period, as publicly stated by the leading Chinese authority on COVID-19 response, Dr. Qiu Haibo.

It is obvious that, if this would maintain here, and this too is a matter of uncertainty, that there would be a grave danger of prematurely misreading declining rates of infection, further relaxing guidelines, and discovering that changes in viral behavior have rendered us vulnerable.

Second, perhaps just one month ago, if there was a “protected class” of individuals as concerns COVID-19, it would have been children and the young.

And yet, we now have hundreds- not yet, thank God, thousands, or tens of thousands- of children who have become seriously ill, and some who have died, with what is now called Multisystem Inflammatory Syndrome in Children (MIS-C).

The best understanding of the pediatric infectious disease community, with whom we have consulted on a weekly basis or more over the last month, is that this is an immunological phenomenon, of currently unknown pathophysiology, *secondary* to viral infection.

Can anyone say with certitude that in a month from now we will not have one thousand such cases? Or two months from now, ten thousand?

If the current experimental minyanim have tried to reduce potential danger by eliminating high risk groups, can we be certain that we can precisely

identify, at this stage, exactly who these groups are? Is returning to minyan, for our community, justifiable in light of this sort of uncertainty? The **current** numbers are not of epidemiological significance, to repeat, but we simply do not know enough.

Let us be very sober about where we stand. There are certainly encouraging trends from our hospitals, and we have seen a steady decline in infections and in mortality.

And yet, we are far from anywhere near safety. There have been many thousands of new cases in this state in the last week, hundreds in this county, and new cases in Teaneck every single day for the last two weeks. As reported to me directly by the township board of health, the majority of these have been asymptomatic cases, indicating that we still must be very concerned about silent spread.

If indeed this virus behaves differently in different locales, let us be mindful that we live at the very border between the two states in the country which have, by far, the highest attack rate of the virus, the most infections, and highest mortality rate.

<https://www.statista.com/statistics/1109011/coronavirus-covid19-death-rates-us-by-state/>. We could certainly hope that any second wave would be of substantially lower virulence, but, this is pure conjecture, the very definition of a *safek*.

We are ever mindful of Rambam's forceful assertion, in this context, that even though performing a Brit Milah in its appointed time is a matter of Torah level significance, one for which Moshe's delay regarding his own son's milah resulted in a near death experience, "we only circumcise a child

that has no illness, for a danger to life overcomes everything. It is possible to circumcise at a later date, and it is impossible to ever restore even a single Jewish life.” (Rambam Milah 1:18)

As such, **for our community alone**, in light of all of the above considerations, we will not consider opening minyanim until at least four weeks following memorial day, June 22nd. We will be in constant touch with our medical team regarding the trends in disease, as we have been since the arrival of COVID-19 in our area.

It is my judgment that such minyanim, under present conditions, for our shul community alone, until that time (June 22nd) are not obligatory, not advisable, and not permissible.

If anyone, after reading this, feels the need to daven with a minyan, I ask you to reflect deeply on this matter over the next three days, and, if this desire persists, to please contact me directly for guidance following Shavuot.

I reiterate that this guidance has no relevance whatsoever for anyone outside of our shul community, and that this ruling is issued as an expression of the mandate given by the RCBC to each individual Rav. I reiterate once again the deep love and respect I have for each member of our rabbinical body, and the full confidence each member of the community must have in the judgment of his or her Rav in this matter.

X. Community Pressure for Minyanim- An Assessment

Ramban noted twice in his commentary to the Chumash (Parshat Yitro, Parshat Devarim) that there are three responsibilities of a Rav: to issue halakhic rulings, which I have just done, to attend to pastoral matters, and finally, to engage in Torah education. I would like to now turn my attention to a matter of communal Torah education of the highest import.

I offer the following comments with a profound measure of trepidation, out of concern for being misinterpreted. And yet, I believe the issues here are of such significance that they must be addressed. I want to state for the record, unequivocally, that I do not refer to any individual, nor to one particular Jewish community or another, nor to any specific Rabbi or another. And yet, the astonishing phenomenon of communal pressure to reopen minyanim must be addressed in the context of this discussion.

It seems to me that there are three completely distinct elements of pressure, which have completely different values.

First, and foremost, we should recognize something positive about this. Just as the Jewish people, in the Sefer we just opened, encamped around the Mishkan, so as to allow any Jewish person to access the Mishkan even on Shabbat, *mineged, saviv l'obel mo'ed yachanu*, our community has constructed itself around our very own sanctuaries, *mikdashei me'at*.

This itself is a beautiful phenomenon, and there can be nothing objectionable whatsoever regarding the deep desire of so many to be able to return to the *makom she'megadlim bo tefillah* (Megillah 27a), which,

according to a one view in the Talmud, surpasses even the sanctity of a Beit Midrash.

I would like to think of myself, however modestly, of belonging in this category, and it is for this reason that I became emotional when delivering my final Dvar Torah to the empty shul, recorded on WhatsApp, after our final minyan that Thursday night following Purim. It is a very hard thing to take a Jew away from his or her shul. And this is to say nothing of those who were and are saying kaddish.

These psychological and emotional pressures speak volumes about the attachment of the Jewish people to mitzvot, and are a clear manifestation of the sentiment of *v'amech kulam tzadikim*, the righteousness of the Jewish people.

In contradistinction, and I say this with great pain, and only because it is a matter which implicates nothing less than the honor of Torah itself, there is an aspect of pressure which represents a distortion of the halakhic system itself. Any implication, whatsoever, that in some fashion our spiritual lives have been paused these last three months is an egregious distortion of what halakhic life and living is all about.

For starters, we never stopped davening, we never stopped learning, we never stopped doing chessed. I could not be prouder of our community in which all three of these cardinal areas actually increased: we had two shiurim per day, drashot for Shabbat and Yom Tov, prepared a communal haggadah, had learning questions and videos for all of our children, and tonight, complete the entire Torah, for the first time, in honor of Zman Matan Toratenu. We met three times a day for davening via Zoom, and we added to our Tefillot,

Avinu Malkeinu, Tehillim, etc. And, the chesed which was displayed, in caring for our most vulnerable, in arranging shopping and daily phone calls and providing Pesach in a Box, is simply beyond words.

And yet, even more significantly, we were involved, literally every second of the day, in the supreme mitzvah of Va-Chai BaHem, or protecting and preserving life, which, ipso facto, constitutes the ultimate Kiddush Hashem. As Rav Ahron Solovetchik so incisively observed, when Rambam discusses the mitzvah of Kiddush Hashem (Hilchot Yesodei HaTorah Chapter 5), he does not begin with cases where martyrdom is required, but, on the contrary, when choosing life by performing what otherwise would be a violation of the Torah is an absolute mandate.

Indeed, the Talmud in Makkot explains, based on this very pasuk, Va-Chai BaHem, that refraining from performing *aveirot*- in this case, doing anything that would endanger oneself or others- is tantamount to affirmatively and actively performing mitzvot.

The halakhic perspective regarding safeguarding life is one of absolute and total vigilance. The Talmud Yerushalmi, recorded by the Shulchan Aruch, has harsh words for a Rabbi who fails to inculcate a sense of urgency in his community regarding these matters, even when it comes to what otherwise would entail a violation of Shabbat.

In his formulation of the law that preservation of life takes priority over Shabbat, Rambam writes that it is not merely obligatory to take whatever action is necessary to preserve life, but to do so *immediately*.

Similarly, in his discussion of the prohibition of ‘standing idly by the blood of one’s neighbor,’ Rambam writes that the prohibition is not limited to

simple inaction which results in tragedy, but, more importantly, is directed at an attitude of laxity, *hitrashlut*, towards matters concerning the preservation of human life in general.

The communal pressure which exists based on the distorted notion that we somehow have been spiritually disengaged and inert these last eleven weeks is not merely regrettable, but is a deep affront to halakhic values and an understanding of the internal priorities of Torah. Twice, in Mishneh Torah, Rambam establishes that the entire Torah is meant to be life affirming, and indicates that one who presents the Torah in any other way is indeed guilty of heresy.

Finally, there is a third element of communal pressure regarding minyanim which I believe is far more subtle than either of the first two described. I freely admit that this assessment is not empirical, but still represents a deeply held conviction. If it is correct, I believe the psychological assessment may in fact help restore communal harmony between elements of our community who, right now, are at odds with each other regarding the degree to which the absolutely essential social distancing guidelines are being observed. This aspiration alone may justify sharing what is, once again, a speculation.

The Torah describes the Jewish people as a ‘wise and discerning’ people, and Chazal associates the Jewish people with the attributes of mercy and loving kindness. How is it possible that even a **clear minority** of caring, loving, merciful, wise and discerning people would willfully neglect social distancing guidelines, and thereby endanger themselves and others, without any way of really knowing whether they asymptotically transmitted to someone, who transmitted to another person, and so on, until someone became critically ill, or God forbid died? Is it merely a lack of discipline, of restlessness? For some, perhaps this is true.

I believe, however, that for at least a subset of this population, the outward behavior is merely symptomatic of very deep anxiety regarding the threat of death that not a single one of us can deny. Fear, when there is a real threat is healthy and protective. Some people react to this fear by being vigilant, regarding themselves and others, as is obligated by the Torah.

Others- and I do not excuse it- (please see here for my public plea for compliance, <https://jewishlink.news/features/37947-the-imperative-of-social-distancing>) are perhaps, and I do not believe they are conscious of it, so deeply terrified that they are compelled to behave as if things were normal.

By doing so, they create an alternative reality in which they do not have to fear, as if that could actually make the virus go away. In sum, these two groups, so clearly opposed to each other in outward behavior and practice, may actually share the same underlying concern.

I believe that this is actually an important part of- once again, I do not refer to any specific person, Heaven forbid, nor any specific community or locality- the drive to return to minyanim that, according to all views, are not mandated, and indeed, according to all views, are, at this stage, experimental in nature. It is part of an overall need to move society back to “normal”, so as to create an external reality that will alleviate deep internal fears.

If this is correct, it bears important implications for the question of minyan as well. Each and every one of my colleagues is deeply concerned about the opening of minyanim allowing for a relaxation of life saving social distancing guidelines. I might go one step further: if, for a certain percentage, the very

reopening of these minyanim is indeed driven by an overwhelming need to artificially generate external settings of normalcy that will serve as a salve to a state of internal terror, than further relaxations of vigilance will, by very necessity, ensue.

And, even as I trust that not a single person in our **immediate shul community** is part of such a category, the concern for the general phenomenon associated with reopening minyanim must be assessed at a population level, and not merely in the case of one community.

XI. A Change in Culture- Proactive Measures. *Im Ein Ani Li, Mi Li*

In the famous Mishnah, Hillel challenged us to take responsibility for our own spiritual welfare, and of those around us, and to do so immediately: *im ein ani li, mi li, u-kisbe'ani li'atzmi, mah ani, v'im lo achshav, eimatai?*

As Rambam explains in Shemoneh Perakim and Hilkot De'ot (Chapter 3), this demands of us a single minded focus on cultivating proper intellectual and spiritual virtues. Communally applied, it requires that we take a deep sense of ownership over our welfare.

The best minds in science and virology have simply no idea at present whether this current scourge will simply peter away, as H1NI did just over a decade ago. From a halakhic point of view, it would be completely unacceptable to rely on such an outcome.

Alternatively, we might simply state that, as we relax mitigations, we will simply have to wait to see the uptick in cases, hospitalizations, and mortality,

and try to act soon enough to prevent massive or overwhelming loss of life. From a governmental perspective, this might be acceptable.

And yet, with an eye towards the sanctity of human life, and the equation between one life and an entire world, we must ask ourselves if this is truly the best we can do. In an area of the country where the attack rate of the virus was so high, we must ask ourselves, in the absence of massive surveillance testing and with such a high rate of asymptomatic transmission, whether this is indeed the best that we can do.

If, rather, we look to make, as a shul community, and perhaps others will follow, as I hope they do, a cultural change, predicated on total vigilance for ourselves and for others, as you have so magnificently demonstrated over these many months, we might be able to develop an early surveillance system, where, even as we completely protect the privacy of personal health information, we track spread of symptoms, establish case definitions, and certainly, track any positive results of testing which follow, to help us understand how we can, if necessary, distance a week early, instead of a week too late

We are already in discussions with epidemiologists, our medical team, and our lay leadership regarding what this may look like in practice, and I look forward to updating you.

It is not that I simply hope that this is possible. I know it can be done. In eighteen months, we completely changed the way that we thought about shul security. This can, should, and must be no different. Let us be brave and courageous, let us be innovative, let us be leaders, for the sake of His name.

To me, this is the very definition of our mutual responsibility, of the principle of *areivut*. As the Talmud Yerushalmi in Nedarim explains, it is only possible for us to achieve the mitzvah of loving each other as we love ourselves - something no less an authority than Ramban considered an exaggeration- if we understand that we are part of one body. No one would ever love someone else as he loves himself. If he, rather, expands his definition of self, then this is no exaggeration in the least.

Indeed, the Ritva understood this principle as the very basis of our ability to discharge mitzvot on behalf of each other, even after one has fulfilled his personal obligation, for, if indeed, we are one body, one cannot truly be said to have fulfilled his own mitzvah until a fellow Jew has fulfilled his.

These are perennial halakhic truths. But, in the case of a pandemic, these halakhic realities become intensified by a parallel medical reality, when our minds, properly focused, can protect one another, while our bodies can, God forbid, cause terrible damage, without our even knowing it.

XII. Mattan Torah and the Sanctity of Life

Just before Matan Torah commenced, Moshe Rabbenu ascended the mountain and eagerly anticipated the onset of revelation. Much to Moshe's chagrin, Hashem charged Moshe to descend the mountain, *reid ha'ed ba'am*, so as to warn the Jewish people once more regarding the dangers to their lives posed by inappropriately trespassing upon the mountain while the presence of the Almighty was there.

Moshe protested that the warnings had already been properly issued. The prophet par excellence could hardly wait for a moment for which humanity had already waited twenty six generations, the moment for which the world itself had been created, as our Sages teach us, *yom ha-shishi*, for the sake of the Torah.

And yet, Hashem would not yield to Moshe's impatience. Mattan Torah must be put on hold until the Jewish people had been offered the fullest measure of protection: lest they break through unto the Almighty to see, and many will fall, *Pen Yehersun el Hashem Lirot, V'Nafal Mimenu Rav*.

The Mechilta teaches us that many, in this case, means even one, "even one from amongst you is considered as many to me."

Let us, **as a shul community**, assert the following. If Torah, which, as R. Akiva taught us, is for the Jewish people what water is to a fish; if Torah, for which the world was created and without which the world cannot exist, had to wait for the securing of human life, than surely, we must be able to draw both the analogy, as well the *kal v'chomer*, as it concerns minyanim, for ourselves.