Suspension and reversal of the law (Halakhah) in disease, plague, and Covid-19

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Old wisdom

• When plague is [raging] in town – keep stay home and close door and windows; when you are on the road, keep to the margins.
• when hunger strikes – go away.

(Baba Kama 60b)
Tiberias 1786, smallpox

- Lockdown from 
  Purim to Iyar (May).
- Some settled in caves for a whole year.
The normative tension

- “Recovering a soul [trapped under rabble]” פך נפש
  When necessary, saving life requires the violation of Halakhic taboos.

- “Giving one’s soul [utmost devotion]” מוסרט נפש
  making utmost efforts and sacrifices. Halakhically, it refers to martyrdom. In Jewish virtue ethics, it stands for unbounded dedication perseverance.
The riddle...
Rosh Ha’Shana and the second lock-down in Israel
The riddle

• Are these public and deliberate behaviours violation of the principle of "recovering a soul"?

• If this is "devotion of the soul", why risk so much for a folk habit (מנגנת תנועה) and not a religious duty (mitzva)?
Yisroel ben Shmuel of Shklov (1770-1839) introduction to *Pe’ath Ha’Shulhan*

Episodes from the life of the Jewish community of Safed.

- 1813 plague: loss of 3 children, one son in law, mother and father.
- 1819 – arrest of the rabbi for ransom extraction.
- 1825 mud disaster: numerous houses collapsed under torrential rains burying hundreds alive.
- 1834 – peasant revolt drove the Jewish community to exile
The cholera outbreak in Jerusalem. July – November 1865
Yellin, Avo’tei’nu. pp. 27-33

• Public health official feared a zoonotic disease, banning agricultural product from entering the city.

• Rabbi Salant declares an outbreak of cholera and cancels the fast of 9th of Av.

• First Jewish victim died on October 7th, 1965. Death toll estimated 600 (10%). (All the English missionaries escaped the city and none died).

See. D. Barel. An Ill wind: Cholera Epidemics and Medical Development in Palestine in the Late Ottoman Period. Bialik Institute, Jerusalem, 2010 [Hebrew] 

ד”ב בראל, רוח רעה [Hebrew]
Coping with Cholera

• Joy – the “company of rubbers” – hilarious public processions.

• Stimulation of circulation - personal massages. (כאמפאנניו ריבער)

• ½ the population escaped the city.

A synthesis of

“recovering a soul” and “devotion”

• Risk for life requires the suspension of a taboo within the fabric of religious life. – such suspension reinforces life and the fabric of traditional life.

• It does not necessitate / justify the suspension of religious life. – such suspension threatens the fabric of traditional life.
Discipline is key
Marriage in Bnei Brak, 18/3/2020
Plague weddings: the defiant boundary crossing.

"The pious women collected from the market an ugly virgin begger whose image is a recipe for puking. A groom was found, a short-legged blind man whose huge nose overlooks Damascus. In a fortunate hour, they were led to the cemetery and married with *mazal tov."

Black Huppa, Jerusalem 1865
(library of congress)
Black Wedding,
אוצר כל מנהגיишור עון

• Bride and groom are orphans.
• They are dressed in black.
• Huppa under the sky.
• In / near a cemetery


Zoya Cherkassky, “Black Chuppah” (2020).

ليلבלום, קהל רפאים
Logic behind *plague weddings*

**Catholic world – avoidance of sinful life**
(The Catholic Historical Review 2006; 92:74-79).

**Jewish sources:**

Marrying poor orphans is one of the greatest charities, and will please God.

In the time of plague, every ploy and trick is done to distract the public from fear and panic, which are quite harmful, and to induce happiness and composure. This is why orphans are wedded, to make the world happy. Because among us, the Jews, the only joy is a joy of Mitzvah. We cannot frequent theatres and circuses...when orphans get married, the whole nation participates (i.e., this is not a family affair).

A black wedding during a cholera epidemic in 1892.
• Ordinary life is occasionally disturbed by risk to life, hence temporary and specific suspension of ordinary religious life to save life.
• Suspensions **within** the fabric of religious life, not suspension of the fabric **of** religious life.
• When ordinary life is no more ordinary, humans cope by a defiant reverse of the ordinary:

Excess, absurd, joy, tradition resilience

(Christian *danse macabre* belongs to the genre of *memento mori*)
Exceptions within the law v. carnivalesque reversals of the law.
Resolution of the riddle

• “The law” operates on top of the “fabric of life” / “lifeworld”. It creates rules and it creates exemptions. The “fabric of life” is beyond the law.

• In Judaism, the joys of religious life are considered protective of life.

• When life misses its joys, the reversal calls for counter-reversal such as joy in the cemetery. Not only isn’t life a life; death isn’t death. You live the tradition (“the furniture and ornaments of Jewish life) even if it is impossible to abide by the laws. One set of laws disrupts another. We create boundary disruptive habits, with the hope they re-establish order.

• The epidemic reshuffles the interplay among the fundamental axes of religious life: holy v. unholy; pure v. impure; good v. bad; timely, out-of-order.
Speaker’s related literature

- Covid-related papers