

Questions and answers with Rav [Hershel Schachter](#) shlit”a, regarding situations arising from the [coronavirus](#) crisis. Transcribed by Rabbi Pini Dunner (assisted by Michael Bernstein). This transcript has been approved by Rav Hershel Schachter. With many thanks to Rabbi Marc Dratch of the RCA, who posed the questions to Rav Schachter, and to Rabbi Aryeh Richter for adding the footnotes.

With regard to Mechiras Chametz (the sale of chametz) and appointing a Rav through a Shtar Harsha’a (authorization document), if they are unable to be face-to-face. Can this be done via email, or on a phone call, if there is a Kinyan (act of acquisition) involved?

The [Rambam](#)¹ in Hilchos Mechira says that there are some things that do not require a *kinyan* (act of acquisition), and he gives the example of appointing a *shaliach*. Both the Chazon Ish and the Steipler did not insist on a *kinyan* when they did Mechiras Chametz, because the Rambam does not require a *kinyan* when appointing a *shaliach*, and the rabbi is a *shaliach* when he sells your chametz. Rav Soloveitchik thought that the Rambam initially says that it does not make sense to have a *kinyan* – but afterward he explains it. In fact, Rav Soloveitchik gave a whole beautiful shiur on the nature of *Kinyan Chalipin* (acquisition of exchange), of “Sudar,” and he explained why it does make sense to have a *kinyan* when appointing a *shaliach*.

As Rav Soloveitchik says, every rabbi knows that on Erev Pesach, just before he is about to go and sell the chametz to the *nochri* (gentile), some guy will call him up at the very last minute and say “Rabbi I forgot to come to ask you to sell the chametz – can I appoint you as my *shaliach* over the phone?” In such a case, Rav Soloveitchik said we should at least try to fulfill the minhag even on a phone call. The question is, how can you do that?

According to Rav Soloveitchik there are two ways to do it. One way is this: the person who called on the phone – and by the way, you can appoint a *shaliach b’al peh* (via oral instruction), you do not have to do it *bi’ksav* (in writing). More correct is to have a written record, so you can give it over to the Nochri, and say to him, “all these people signed this document and they want me to sell their chametz to you on their behalf.” But if the rabbi just writes down a list of the people it is also fine. If the person sends an email, that would be better – he sends an email to the rabbi that says: “Rabbi, I appoint you as my *shaliach*” – strictly speaking that would certainly be good.

Rav Soloveitchik thought we should also try to fulfill the custom of making a *kinyan*, even under these circumstances. The Chazon Ish didn’t bother with the *kinyan* at all, and nor did the Steipler, but the Rav insisted that we do it even under these circumstances. The Rav was a big stickler on *minhagim*; any *minhag* (custom) that’s mentioned in Shulchan Aruch, as far as he was concerned, you need to observe it, even if nobody observes those customs these days.

¹ רמב”ם הלכות מכירה פרק ה הלכה יא יש דברים הרבה שאינן צריכין קנין ואין לקניין בהם טעם, כגון המשחרר את עבדו, והמגרש אשתו, או עושה שליח, או המוסר מודעה, או המבטל מודעה, או ט המוחל לחבירו חוב או י פקדון שיש לו בידו, וכל כיוצא בדברים אלו.

He said there are two ways to do it. One way is to ask the Jewish person who's calling on the phone "is there another Jewish person there with you?" If there is, have the other person give his handkerchief to the one who wants to appoint you as his *shaliach*, and *mi'din eved k'na'ani*² (the laws of a non-Jewish servant) it works. The *din* is that if you want to free an *eved k'na'ani*, you can do it either *al yedei shtar* (via a contract) or *al yedei kesef* (via monetary means).

The Tannaim (Talmudic sages) raise an issue: how is it possible for the *eved k'na'ani* to have money? We have a principle: *Kol mah shekana eved kana rabbo*, which means that 'anything that the servant acquires belongs to his master.' The servant does not own any money – it is not his to own! The gemara explains, therefore, that it is *kesef al yedei acheirim* (money given via a third party). If someone else gives the money on behalf of the *eved k'na'ani* – that works.

Tosafos points out that in fact we do this all the time. For example, when we write a *kesuba* before a marriage, the bride acquires the *shibudim* (obligations) from the groom. Surely the bride should have to give her handkerchief to the groom – *keilav shel koneh* – objects owned by the acquirer (see: Bava Metzia 47a) – in order for it to be binding?

But we've all been to a *chosson's tisch* – the bride doesn't come into the room! Instead, the *mesader kiddushin* (the person who performs the marriage) or the *eidim* (witnesses) give a handkerchief to the groom, and by their giving him their handkerchief he accepts upon himself the responsibility to give the bride the amount of *tosefes kesuba* (extra contractual obligations contained in the marriage contract) that is added on.

The *ikkar kesuba* (principal contractual obligations contained in the marriage contract) are binding in any event, but the *tosefes kesuba* are not, there's no rabbinic requirement on that. Tosafos says that this way of doing it is the common practice – just like *kesef al yedei acheirim* – and it is completely acceptable, which means that *kinyan chalipin al yedei acheirim* is an acceptable form of *kinyan*.

What do we do if there is no Jewish person to make the *kinyan chalipin* on behalf of the rabbi? The Rav said the Rambam says that the whole reason that one does *chalipin* when you appoint a *shaliach* is a *minhag*. When a husband appoints a *shaliach* to give a Gett (divorce document) to his wife, the one who is appointed as a *shaliach* gives a *sudar* to the husband in order to acquire the right to give the Gett to the wife. But it's a *minhag*, not a *din*. It is done to demonstrate that *be'lev shalem gamarti ve'amarti davar zeh* ('I agreed to this and said this with a full heart'), in other words, that he really means it.

The Rambam³ asks: what if the person appoints a *shaliach* to give a Gett to his wife, or the man appoints the rabbi as a *shaliach* to sell the chametz, and he says "I'm doing it with complete

² תלמוד בבלי מסכת קידושין דף כב עמוד ב מתני'. עבד כנעני נקנה בכסף ובשטר ובחזקה, וקונה את עצמו בכסף על ידי אחרים, ובשטר על ידי עצמו, דברי רבי מאיר; וחכמים אומרים: בכסף ע"י עצמו, ובשטר ע"י אחרים, ובלבד שיהא הכסף משל אחרים. תלמוד בבלי מסכת קידושין דף ז עמוד א הילך מנה והתקדשי לפלוני - מקודשת מדין עבד כנעני, עבד כנעני לאו אף ע"ג דלא קא חסר ולא מידי קא קני נפשיה, האי גברא נמי, אף על גב דלא קא חסר ולא מידי קא קני לה להאי איתתא.

³ רמב"ם הלכות מכירה פרק ה הלכה יב נהגו רוב המקומות להקנות למקצת אלו הדברים או כיוצא באלו, ואומרים וקנינו מפלוני שעשה פלוני שליח, או שמחל לפלוני חוב שיש לו אצלו, או שבטל המודעה שמסר על גט זה וכיוצא באלו, אף על פי שאינו צריך. הלכה יג קנין זה שנהגו להקנות באלו הדברים אינו מועיל כלום, אלא להודיע שאינו אומר דברים אלו כמשחק ומהתל אלא שגמר בלבו ואחר כך אמר, לפיכך אם אמר בלב שלם אני אמרתי וגמרת לעשות דבר זה אין צריך דבר אחר כלל.

awareness of the seriousness of this issue, and I really mean it” – then it is not an *asmachta* (a conditional commitment), because the person really means it – and in that situation you have also satisfied the *minhag*.

The whole *minhag* to make a *kinyan chalipin* is to demonstrate that you really mean it seriously. So if you use a text like this for an email that people can sign up to for the purpose of selling chametz, then they don't have to come in person, they can just add a line that says they are doing this with the full understanding of the seriousness of what it means to appoint a *shaliach*, and that they really mean it, that it's not a joke, and it's not an *asmachta*. In that way, you have even satisfied the *minhag*.

By email, as long as there is such a text, would that be sufficient without any kind of kinyan?

Yes. It's good even without the special wording, but if you want to satisfy the *minhag*, so you add it on, and repeat in the email, “I really mean it!” – and in that way, you'll even satisfy the *minhag*.

In terms of the selling chametz to a non-Jew, is there any way of doing it without the non-Jew being present? Is that crucial to the transaction, namely without it the transaction won't be valid?

I think it is crucial. You've got to do the *chalipin*, you have to make the *kinyan*. You have to give them the contract to rent the *karka* (land/ground), and via the *karka* all of the acquisitions. This *kinyan* has to be made in person in order for it to be valid⁴.

What about making a siyyum (completing a Talmudic tractate) online? You have said that it's not a problem if there's no choice, and people can be mitztareif (join together) over the phone or via a video conference?

I think that is the practice – normally, people travel on Erev Pesach in the morning to go to their parents or in-laws for Pesach, so those who are firstborn usually listen online to somebody making a *siyyum* live, and in that way are considered to have participated in the *siyyum*.

Is it possible for people to do a cursory kashering of part of their stove in order to cook for Pesach and freeze food in advance, in case they do not have a chance to kasher their whole kitchen and cook for Pesach if, G-d forbid, they get sick? They will only kasher part of the stove, cover part of the kitchen, to cook this food in advance.

Yes. Whatever they will kasher, they will certainly be careful. We are talking about religious people who are careful.

⁴ עיין מ"ב סימן תמ"ח ס"ק י"ט וביאור הלכה שם

There seems to be a run in some stores on Kosher LePesach items, and some of the shelves are becoming empty, and a lot of Pesach hotel programs are being canceled, so there may not be enough Kosher LePesach food items available for people when it comes closer to Pesach. Can we rely on batel beshishim (1 part in 60 nullified) of chametz for food cooked before Pesach, which is a devar heter (permitted) before yom tov, but is a leniency we might not rely on in any other year?

We pasken in Shulchan Aruch⁵ that if chametz became *batel* (nullified) before Pesach, we don't say *chozer ve'nei'or* (it reawakens). You can also call up the OU, the kashrus organizations, and find out: is it really so that you have shishim (60) against the chametz? Sometimes the product is a *nosein ta'am* (adds flavor), sometimes you don't have shishim... you have to call up the kashrus organization to find out details.

Is there a preference this year for using machine matzas as opposed to handmade matzas for fear of the virus – people who hand baked them may not have washed their hands properly?

I don't know. I think we would have heard. Actually, I think they probably finished baking all the *shmura* matza some time ago – so there is nothing to worry about

Someone heard that Rav Soloveitchik preferred machine matza over handmade – is that the case?

Yes. And many of the *tzaddikim* in Yerushalayim also prefer machine-baked matza over hand-baked matza, because it is made much faster. It takes less than half the time from beginning to end to make the whole thing, so it's a better way to avoid *chimutz* (becoming chametz). The reason why others insist on the hand-baked matza is because there is a question whether or not machine matza can really be called "*lishma*"?

You set up a whole machinery system and you push the button and you say "I'm making all the matzas *lishma*," which means that when you harness this force of electricity and it does the *lisha* (kneading), it does the *afiyya* (baking), it does everything – "*isho mishum chitzo*" (it is analogous to shooting an arrow). Whenever you harness a natural force to bring about a certain result, it all relates back to you.

But the question is whether "*isho mishum chitzo*" is only a *din* in *nezikin* (damages)? Or is it also a *din* in *kol haTorah kula* (the entire body of Jewish law)? That question is the subject of a big *machlokes* (debate) among the *Rishonim* (medieval-era halachic authorities).

The Vilna Gaon writes that according to the Rambam it is only a *din* in *nezikin*. The Brisker Rov quotes a *Shittas haGeonim* (an opinion of the Geonic period) which says the same thing. The Avnei Nezer quotes a *Machlokes Rishonim* whether harnessing the fire in the oven, putting the raw dough into the oven to bake — that relates back to me even though I am not the heat source that bakes the dough into matzah, but despite that it is called *afiyya lishma* (purposeful baking) –

⁵ שולחן ערוך אורח חיים סימן תמב סעיף ד דבר שנתערב בו חמץ ואינו מאכל אדם כלל או שאינו מאכל כל אדם, כגון התריאק"ה וכיוצא בו, אף על פי שמותר לקיימו אסור לאכלו עד אחר הפסח, ואף ע"פ שאין בו מן החמץ אלא כל שהוא, הרי זה אסור לאכלו. הגה: ולקמן סימן תמ"ז סעיף ד' בהגה יתבאר דיש חולקים ומתירים אם נתבטל קודם הפסח, והכי קיימא לן.

even though I don't do it, and really the fire does it. Harnessing the fire, the natural force, relates back to me, and it is considered as if I did the baking.

But the *she'elah* (halachic question) regarding machine baked matzah is that you push a button and it does the *lisha* also – and the *lisha* also has to be done *lishma*. That's a good question. Tosafos⁶ assumes that "*isho mishum chitzo*" is actually a *din* in *kol haTorah kula*, in other words, it's not only a *din* in *nezikin*. But other *Rishonim* and some *Geonim* are not so convinced that it applies in other areas of halacha.

Rav Moshe Soloveitchik lived in Warsaw for a while before coming to America, and in Warsaw they were all extremely fussy to have only hand-baked *shmura*. All the leading Polish rabbis were opposed to having machine *shmura*. A local newspaper in Warsaw interviewed Rav Moshe Soloveitchik – he wasn't very savvy regarding politics, and they quoted him as saying – imagine, he lives in Warsaw, a chassidische city – “you don't gain anything at all by having hand-baked *shmura*, it's a *minhag shtus* (pointless custom) to insist on it, there's no *kiyyum*, no *hiddur* (enhancement), nothing.”

Everyone attacked him. Somebody wrote a whole essay on this episode a year or two ago, maybe in the journal *Hakira*.

This was part of the trouble he suffered from when he was in Warsaw. They interviewed him in the newspaper, and he said it isn't even a *middas chassidus* (an act of piety) to have hand-baked *shmura*.

But, truthfully, it is not so simple. Although it is certainly true that the Rav thought that machine-baked *shmura* is better.

There have been many questions concerning virtual minyanim. If there is a minyan in a certain place and somebody can listen into the minyan via phone or video – they certainly can't count as one of the 10 for the minyan – but can they answer kaddish and kedusha? Would they be able to say kaddish? And if there's no way to assemble a minyan anywhere, is there an advantage for a community to daven together, biyechidus (each separately and on their own), but linked with each other over the Internet?

Can someone say kaddish without a minyan? I don't think so. Let's say a woman wants to say kaddish because one of her parents has died. So fine, we assume a woman can say kaddish. But she has to be in the same room with 10 men. If the woman is in a particular *Ezras Nashim* (women's section in a shul) and the *mechitza* is attached to the floor creating a comprehensive barrier, then the *Ezras Nashim* constitutes a separate room.

The fact that there are 10 men on the other side of the *mechitza* doesn't help – in such a case the rabbi or the board of the shul has to decide whether they should allow the woman to come into

⁶ עין תוס' סנהדרין דף ע"ז. ד"ה סוף חמה לבא, וע"ע נמוקי יוסף בב"ק י. (דפי הר"ף) ד"ה אשו משום חציו

the men's section to be able to say kaddish. You can't say kaddish without 10 men present in that same room.

What about answering kaddish or borchu over the internet?

Tosafos points out that to be *mitztareif* to (i.e. join in with) the *minyan* you need all 10 people to be in the same room. The simple understanding is that you can join up when you have 5 people in one room and 5 people in another room at a *beis aveil* (mourner's house), and they can see each other – but in separate rooms when you can't see each other, just hear each other, it only works with respect to *Birkas Hamazon* with a *mezuman* of 10.

But when it is a *davar shebik'dusha* (a sacred prayer that requires a full *minyan*), like kaddish, kedusha, or borchu, you have to have all the 10 people in the same room, or at least they need to see each other from one room to another.

But to answer, “*amein yehei shmeih rabba*,” the gemara says *afilu mechitza shel barzel eina mafsekes bein Yisrael l'Avihem Shebashamayim* (“even an iron wall cannot separate the Jewish people from G-d”), and Tosafos says that's that this means if there's a *minyan* in a shul and I'm in the street, I can answer *amein yehei shmeih rabba*, kaddish, kedusha, and borchu.

The question we are addressing here, though, is that I'm not even hearing it directly, I'm hearing it many blocks away, in a different location in the same city, or maybe not in the same city. There are those who cite the halacha of *amein yesoma* (an orphan amen), which means you're not allowed to answer *amein* too late after the completion of the bracha.

In electronic communication there's a delay of a few seconds between the time the person says the bracha and the time I say *amein*.

Personally, I'm not so convinced that this is what is meant by an *amein yesoma*. If I answer *amein* right after I hear the bracha — I didn't hear the bracha 2 seconds ago, I heard it just now — let's say there's a 2 second delay, I answered *amein* right after I heard the bracha, I don't think that can be considered an *amein yesoma*.

The gemara tells us, in Alexandria, Egypt, there were so many people in the shul there that it wasn't always possible to hear the brachos directly from the chazzan and answer *amein* to what was heard, but nonetheless they used to wave a flag so that they knew when the chazzan finished his bracha – they knew what bracha he was saying, so they were able to answer *amein*.

The simple fact is that you can answer *amein* like this, and not just *amein* to a bracha, but *amein yehei shmeih rabba*, in other words you can also answer *amein* to a *davar shebik'dusha*. If I know what he's saying, and I know that it's time to answer, just like the question we are dealing with: someone is saying kaddish miles away, and I say *amein yehei shmeih rabba*, I know that he's saying it right now, so then it is obvious that you can answer *amein*.

With regard to *tefillah betzibbur* – if you have 10 people davening in the shul and I'm davening in the street, Rav Soloveitchik said, and the Aruch Hashulchan also said this, it is considered *tefillah betzibbur*.

In Yeshiva University, we used to daven Mincha in Furst Hall on the 3rd floor, the Beis Midrash was not big enough, so instead of everybody pushing in, a lot of boys used to daven in the hallway. They asked Rav Soloveitchik whether they could daven outside the Beis Midrash if they could hear the chazzan, and he thought it was ok, just like the Aruch Hashulchan.

In our situation right now it could be also *tefillah betzibbur* even though I'm many miles away. After all, I know that they're davening over there. Maybe it's *tefillah betzibbur* like Rav Soloveitchik and the Aruch Hashulchan said, or maybe – at the very least – I'm davening *beshah'ah shehatzibbur mispallelin* (at the time that the congregation is praying, which also has value in halacha..

But if there is no minyan anywhere, but there are ten people in separate locations and each one knows that the other 9 are davening right now, probably there is *some* advantage. It's not the same as when the gemara says he's davening *beshah'ah shehatzibbur mispallelin*, because here you don't even have a *tzibbur mispallelin*, but probably there is at least *some* advantage – and it's certainly better than davening on your own at whatever time you'd decide to daven.

There is a question from a rabbi from Florida... they have a daily mincha-maariv where mincha is davened before plag hamincha (one and a quarter hours before sunset) and maariv just the other side of plag, as a convenience for people who have to go to sleep early, or eat meals, etc. If a person is davening biyechidus (on his own), can they rely upon that approach, or is it better to daven maariv later on in the evening?

The Rishonim say that there's an issue of *tartei d'sasrei* (an inherent contradiction) – all year long we daven mincha right before *shekia* (sunset), and we're not careful to finish before plag. It's a contradiction of one time of year to the other. You should certainly avoid that.

For the purpose of *kabbolas tosefes Shabbos* (bringing Shabbat in early to add time to Shabbat), we're *meikil* (lenient) – even though all year long we daven right before *shekia*, to bring in Shabbos early we're *meikil* on the *tartei d'sasrei* from one day to the other. But we try not to be *meikil* on a *tartei d'sasrei* on the same day. We should try not to daven mincha after the *plag* and maariv before the *shekia* – although many *kehillos* are *meikil* on that also; for the sake of *tosefes Shabbos* they'll daven mincha late after the *plag* and maariv before the *shekia*. For the purpose of *tosefes Shabbos* or the purpose of *tefillah betzibbur* many are *meikil*.

The Mishna Berura quotes *lehalacha* from the sefer *Olas Tamid* that if the only minyan in town davens *tartei d'sasrei* on the same day, mincha after the *plag* and maariv before the *shekia*, it's better to daven with a minyan even though you have a *tartei d'sasrei* on the same day. The first Tosafos in Brachos discusses this *machlokes*, namely: is there an issue if you have a *tartei d'sasrei* on the same day. Apparently Rabbeinu Tam was not worried about it, although all the other Rishonim were not happy about it.

There are those who are *meikil* in a *she'as had'chak* (extenuating circumstances). If you have a *she'as had'chak*, you can certainly be *meikil* on *tartei d'sasrei* one day to the other – for instance, in Breuer's (Kehal Adath Jeshurun in Washington Heights, NY), all summer long they have a lot of people daven at the early minyan which davens mincha before *plag*, and maariv right after the *plag*. But during the rest of the year they daven mincha after *plag*. From one day to the next they are *meikil*. We try to avoid it, and many Rishonim say that only for the sake of *kabbalas tosefes Shabbos* is there room to be *meikil*, but there are others who are *meikil* as they do it in Breuer's.

Rav Moshe Feinstein has a teshuva in Igros Moshe where he talks about this topic, and he discusses the Mishna Berura's question about the only minyan in town davening *tartei d'sasrei*. Rav Moshe doesn't refer to the psak of Olas Tamid in the Mishna Berura, but he discusses the same *she'elah* and he actually thinks that the Mishna Berura is not correct. According to Rav Moshe the advantage of davening *tefillah betzibbur* is because it means one truly davens properly – in other words, by davening together with a minyan you enhance your *Tefillah*, making it much better. But if it's going to be *tartei d'sasrei* Rav Moshe thinks it's better to daven on your own. I personally always follow what Rav Moshe said – it's better not to daven *tartei d'sasrei* even if you'll miss *tefillah betzibbur*.

Many have a minhag not to sell chametz gamur (proper chametz, like bread or pasta). But this year because of fears of supply shortages after Pesach, is that something they can be meikil on?

Yes.

Does it require hataras nedarim (nullifying a vow)?

No. There's a Dagul Me'revava on Yoreh De'ah at the beginning of the 3rd cheilek in Hilchos Nedarim and Sh'vuos. There's a whole siman (maybe 214) on whether a *minhag tov* (good practice) is binding *mita'am neder* (because it has turned into a halachic vow). The Ran in Nedarim cites this concept from the Baalei Tosafos on Nedarim Daf 81b, and the Shulchan Arukh assumes that this is the way it should be.

Whenever you want to give up a minhag that you've been observing for years you have to do *hataras nedarim*. But the Dagul Me'revava explains that this is only if you want to give it up *mikan ul'haba* (from now and forever). If you just happened to have a one-off event, *she'as had'chak*, he says it's self-understood that when you have a *minhag tov*, once in a long while you get stuck, you won't be able to do it, that does not require a *hataras nedarim*.

Let us say someone's family doesn't eat *gebrokts* on Pesach, and he's in Eretz Yisrael for the year learning in yeshiva, and the only place he has to stay over Pesach is at a relative who is eating *gebrokts*. Does he need a *hataras nedarim*? The *pashtus* is you can't make *hataras nedarim* – you're not even the *ba'al haneder*! It's a *minhag hakehilla* (community vow), and you belong to that *kehilla* that is careful about *gebrokts*. If they just got stuck one year, for that you don't really need *hataras nedarim*, and it wouldn't really help anyway.

So according to Dagul Me'revava if once in a while you get stuck in a *she'as had'chak* you don't need *hataras nedarim*, since it is understood from the start that if it is not feasible, the minhag is not binding.

If we're afraid that a person who lives alone might become depressed, especially if God forbid depression could lead to suicidal ideation, can they leave on a TV or radio over Shabbos to have other voices in the house and to pass the time? Someone elderly or alone with no human interaction for 25 hours?

That's a problem, we must not allow someone with such problems to let these problems get worse. One should definitely tell them to leave something on. Although, if a person listens to the news and it makes them depressed, maybe they shouldn't listen to the news.

Can a rabbi refuse to officiate at a wedding that doesn't conform to the guidelines and the standards which were set in terms of numbers of people attending?

I think the rabbi should refuse. It's not right. It is putting people at risk. The rabbi should say he's not going to officiate unless they have a *minyan metzumtzam* (a very small number of people). The pasuk: *Shomer psoyim haShem* (G-d protects the simple) does not apply in this situation, as people are fully aware of what is going on and are nervous about it. The rabbi should refuse to officiate.

A bris does not require a minyan, so should it be only the family who are present at a bris?

Yes, that's a very good idea. The *minhag* is to have a *minyan*, but in the current situation one should only do a *minyan metzumtzam*, and if you can convince them not to have a minyan [at all], it's even better.

How does one deal with krias sheim (giving a name) for a new baby daughter?

You just give the baby a name. When it is a boy the practice is to give the name at the bris, based on a Matei Moshe they quote, because when G-d told Avraham Avinu to have his bris — at that point He changed his name. But when it comes to a girl there's no such *drasha* and therefore no such *minhag*. You don't have to wait.

Even in the case of a boy, if let's say they postpone the bris for an extended period of time, you don't have to wait another week, or another month to give the name.

I remember hearing a story from my father, who told me that in Einstein Hospital there was once a couple that had a baby and they had to postpone the bris, and they didn't give the baby a name. The nurse asked for the name of the baby and the couple said they didn't give him a name yet. As a result of this, the nurses thought the parents had given up hope, and that the parents believed that the child was not going to live. Consequently, they were careless in treating the baby, thinking that the parents had already given up hope! But that wasn't the reason why – the parents were chassidish, and didn't want to say the name out loud before the bris.

Under those circumstances, I think it's not right. You should say the name before. I think Rav Moshe has a teshuva like that, in other words if one has to postpone the bris for a while, you give the name before the bris. And when it comes to girls there's no such *minhag* anyway, you don't wait – any delay is a *minhag*, until you get an *aliya* and give the name. But you can give a name without the *aliya*.

Does someone bentch gomel (say the 'gomel' blessing) after leaving quarantine, and how much time does he have to make the bracha afterward, if the shuls are closed for a while?

If he was quarantined because he was sick, the halacha is that *choleh shenisrapei* (a sick person who recovers) has to say *birchas hagomel*. If it was just that he was in quarantine because we're afraid maybe he has the disease but in the end it turned out he did not have it, then he was not really in *sakana* (physical danger), and he does not need to say *birchas hagomel*.

How much time does he have? The Shulchan Aruch says he shouldn't wait too long. Perhaps in that situation you don't really need 10 people altogether. Maybe 10 people on a conference call is enough.

On a conference call he is praising G-d and 10 people can hear him. I should look that up in Shulchan Aruch⁷. I am not sure that they have to be in the same room. It's not a *davar shebik'dusha*.

If we're still in quarantine on Pesach and on the first day of yomtov we have to switch from mashiv haruach to not saying it, generally the gabbai makes some kind of announcement. But in quarantine we will be biye'chidus – do we just stop saying mashiv haruach?

I guess so. We have no choice. The Shulchan Aruch says there's a difference between *mashiv haruach* and *vesein tal umattar*.

Vesein' tal umattar is a *bakasha* (request) tefillah – 'Hashem, please give us rain' – so when you need the rain you just say it. *Mashiv haruach* is describing Hakodosh Boruch Hu's essence. So to change it to that, you need the *koach hatzibbur* (strength of the congregation), and therefore the gabbai has to announce it in shul, and whoever is not going to daven in shul, before they daven in shul they shouldn't say it. But in *she'as had'chak* when nobody is davening in shul, so you have no choice.

Can you review the dinim of making up parshiyot that were missed?

In *Hilchos Krias Hatorah*, in Shulchan Aruch Orach Chaim starting in 135, in the second se'if, the Rema quotes the story from the Ohr Zarua that there was once a minyan on a Shabbos

⁷ שולחן ערוך אורח חיים סימן ריט סעיף ג

צריך לברך ברכה זו בפני עשרה ותרי מינייהו רבנן, דכתיב: וירוממוהו בקהל עם ובמושב זקנים יהללוהו ואם לא שכחי רבנן, לא יניח מלבדך; ונהגו לברך אחר קריאת התורה, לפי שיש שם עשרה; ואם בירך בפחות מעשרה, יש אומרים שיצא, ויש אומרים שלא יצא, וטוב לחזור ולברך בפני עשרה בלא הזכרת שם ומלכות.

ובמ"ב שם ס"ק(ח) יש אומרים שיצא - דכל עיקר עשרה אינו אלא למצוה ולפ"ז אם יודע שלא יזדמנו לו עשרה יברך בלא עשרה אפי' לכתחלה ועיין בהלכות הרא"ה שכתב דימתין עד שלשים יום פן יזדמן לו עשרה שיוכל לקיים המצוה כהלכתה ויותר לא ימתין: ואולי כמו"כ בענינו שימתין עד שלשים יום ובעזה"י ירחם ה' עלינו ויקיים בנו הכתוב והסירתו מחלה מקרבך וצ"ע

morning and there was some problem during the davening, and they never got to lein the whole day. The Ohr Zarua says that the next Shabbos they needed to lein both sedras *mechubarin* (joined together), like we lein Vayakhel-Pekudei together, with *revi'i* (the fourth aliya) connecting the first sedra and the second sedra, because we don't want to be *mechabeid* (give superior 'honor' to) one sedra by giving it more *aliyas* (call-ups) than the other one. Instead you give 3-and-a-half in the first and 3-and-a-half in the second, and *revi'i* connects between them.

The Magen Avraham says, and Mishna Berura quotes it, that if the following week is already a double parsha like Vayakhel-Pekudei, you're not obligated to say 3 sedras in one go, as it is a *tircha detzibbura* (a burden on the community) – therefore we never lein 3 sedras together in one shot.

The Mishna Berura quotes other Acharonim (later halachic authorities) disagreeing with that Magen Avraham; they say that the more correct way to do it is to lein a whole bunch of sedras together. In the biography of the Chazon Ish there is a story that he was put in prison by the British authorities in Palestine before 1948, as he had participated in a demonstration against Chillul Shabbos (Shabbat desecration) by Jewish shops in Bnei Brak. He was in prison for a few weeks, and he missed *krias haTorah*. Everybody else heard *krias haTorah*, but he missed it for a few weeks.

In order to make up the missing sedras he would have to have 3 or 4 sedras read for him. He asked 9 people whether they would agree to listen to a very long – extremely long! – *krias haTorah*, four times as long as normal, and the 9 people agreed. The Chazon Ish explained that the whole reason you don't do more than 2 sedras in one reading is *tircha detzibbura*, but he had a tzibbur that liked him, and they agreed to go along with him. So it wasn't *tircha detzibbura*, and he could do it.

But some Acharonim say that if the whole tzibbur missed *krias haTorah* then it is worthwhile to lein even 4 sedras. Rabbi Ephraim Zalman Margolies in Sefer Sha'arei Efraim writes that the story cited in the name of the Ohr Zarua was talking about a minyan that gathered together on Shabbos morning, they davened shacharis, and then they weren't able to do *Krias haTorah*. But what if there was a snowstorm and nobody went to shul on Shabbos, like in our current situation with the coronavirus, where nobody is going to shul? There was no *tefillah betzibbur* on Shabbos?

The Sha'arei Efraim is clearly working on the assumption that *krias haTorah* is a *chovas hatzibbur* (a congregational obligation) not a *chovas hayachid* (an individual obligation). Rav Soloveitchik used to say that his grandfathers, Rabbi Chaim Soloveitchik of Brisk, and Rav Eliyahu Halevi Feinstein of Pruzhany, had a halachic disagreement about this exact point.

Sha'arei Efraim assumes that if the people were together on Shabbos morning and they were *nischayvu* (obligated) in *kriah* and didn't lein, then you have to do a *tashlumin* (make-up reading) next week and maybe even 4 weeks later. But if they were never together, he thinks that *me'ikkar hadin* (according to the essence of the law) there is no obligation to make up what you missed. I think many would agree with that. Or even, let's say, if you hold like the Magen

Avraham, that this coming week is going to be Vayakhel-Pekudei, so you don't lein 3 sedras: Ki Sisa, Vayakhel [and] Pekudei – it is *tircha detzibbura*.

But let's say this situation of not going to shul does not change until Shemini? Of course, we hope everything will be back to normal by Parshas Shemini. But if it doesn't get back to normal, even if you agree with the Magen Avraham, you don't do all of them: Ki Sisa, Vayakhel, Pekudei, Vayikra, Tzav – you don't do excessive *tashlumin*, you just do the sedra of that week and of the week before, let's say Tzav and Shemini. You can do 2 sedras.

Although, *Me'ikkar hadin* the Sha'arei Efraim is of the opinion that if the *tzibbur* never gathered together in the first place, they were never *nischayvu* to lein all those sedras, so you don't really need to read/hear the parshios that you missed anyway.

You had mentioned that a community can read extra krias even if they're not chayav in them?

Yes. On Shabbos and yomtov, *me'ikkar hadin* you're allowed to make *hosafos* (extra readings or call-ups). We have a minhag not to make *hosafos* on yomtov, but on Simchas Torah we do allow it. And every yomtov we actually do make a *hosafa*, because we do a *maftir*. *Me'ikkar hadin maftir* is *oleh l'minyan hakeruim* (counts towards the number of those called up). And we always have *maftir* in addition to the 5 *aliyos*. *Midina deGemara* (according to the law established by the gemara) it never says you have to lein a piece from Parshas Pinchas, namely from Parshas haMusafim. I think that the Beis Yosef says that it was the Geonim who introduced that.

When you make *hosafos* not only are you allowed to add on extra *aliyos*, you can even lein from a totally different parsha. On Simchas Torah we take out a different Sefer Torah and lein Bereishis. I don't think it is based on the gemara; it's a *minhag* that developed later. In our situation, let's say that some people will have missed Parshas Zachor, and some missed Parshas Para, and there will be people who will miss Parshas Hachodesh. When everything is clear and everyone is healthy, you can lein *krias haTorah* and then make a *hosafa* to lein those parshiyos you missed, although it probably doesn't make sense to read Hachodesh when it's no longer the month of Nissan.

If it is still before Pesach it will make sense to lein Parshas Para, which is “*uneshalma parim sefaseinu*” – since we don't have the ability to be *makriv* (sacrifice) the *temidim* and *musafim* (regular sacrifices offered up in the Beit Hamikdash), instead of actually offering them up we talk about them, and the gemara says at the end of Megillah – “*maaleh aleihen k'illu hikrivam*”, Hakodosh Boruch Hu will consider it as if he offered up the *korban*.

When the time comes, we will all have to become *tahor* (ritually pure) to bring *Korban Pesach*, and the way to become *tahor* is by bringing a *Para Aduma* (red heifer), and *Para Aduma* is also “*Chatas karyei Rachmana*” (it is called a ‘sin-offering’ by the Torah) – which means that in a certain sense it is like a *korban*, which means that we also apply the rule to *Para Aduma* – therefore, if we are all able to get together in shul before Pesach, maybe it makes sense to make a *hosafa* and lein Parshas Para.

But after Pesach I don't think it makes sense to lein Parshas Para. That's the usual explanation, others have a different explanation as to why Parshas Para is *De'oraisa* (mandated by the Torah). But with regard to Parshas Zachor, it would make sense to make a *hosafa* whenever everything clears up and we can go back to shul. If a lot of people missed Parshas Zachor, so they should lein it at a later date.

If there's a bar mitzva boy who prepared his whole leining, but missed reading it in shul, could the tzibbur (congregation) say we'll hear that parsha in addition to whatever the parsha is the week that the shul is able to reconvene?

Yes, if the shul is in agreement, that is totally okay. If you're going to lein two consecutive *parshiyos*, then it is generally accepted to lein them together, connected with *revi'i*. But if the bar mitzva boy missed Ki Sisa and now he has to lein it the week of Parshas Tzav, for example, then it's probably better to lein Parshas Tzav normally, and after you give the seven *aliyos* of parshas Tzav, have the bar mitzva boy roll back the Sefer Torah and lein Ki Sisa after the *krias haTorah* as a *hosafa*.

There is an emotional concern about kaddish and yahrzeit. What should rabbis recommend to their balebatim who are longing to do something to recognize a yahrzeit?

What can you do? Learn *mishnayos*. A friend of mine just lost his mother, and he says kaddish for his mother, and I told him I think he should not go to minyanim. His mother was a *tzadeikes* (righteous woman), she doesn't need his kaddish anyway, so he shouldn't feel so bad that he's missing the kaddish. His wife has a weak immune system and if he were to get the coronavirus, maybe he'll survive, but his wife may G-d forbid get sick, so she's asking him not to go to a minyan. I told him she's right, he shouldn't go even though he's going to miss kaddish.

What haftara should we say when shul returns? Should it be for the week's parsha, and not impacted by any hosafos?

When you lein two sedras together, there are two *minhagim* in Shulchan Aruch as to whether you say the haftara of the first sedra or the second sedra. When you lein from two Sifrei Torah, the *minhag* is that the haftara should always be connected to the second Sefer Torah. In this case, I'm not sure. If they're going to lein Parshas Zachor after Pesach, I think they should say the haftara of Parshas Zachor. The haftara should always be connected to the last thing that was read.

If the bar mitzva boy were to read a parsha from 3 weeks earlier as a hosafa in a different Sefer Torah, you would then read the haftara of that hosafa?

Probably, I think you would, yes.

If a shul misses a number of parshiyos, does it have any impact on Simchas Torah?

Even if they missed a number of *parshiyos*, they still celebrate Simchas Torah as usual.

For a siyyum, does it make a difference if the baal hasiyyum is not with a minyan, but by himself making a siyyum in his own house, and everyone is listening from their own houses, does that impact the ability to be mitztareif?

I don't think there's a din that you need a minyan for a *siyyum*, or for *seudas mitzva*. Whoever participates in the *siyyum*, it's considered a *seudas mitzva* for them, even if they are on their own. This is a little bit of participation. Almost as much participation as the *bechorim* (first-borns) have when they come to shul! In reality they have no connection with the whole *masechta* (tractate) that was finished, they just hear the person finishing it say the last few lines of the gemara, and they celebrate along with him. In that case they celebrate in the same room – here they're celebrating at a different location. It's the same *seudas mitzva* that would've been if they would have been in the shul.

What about Rav Eliyahu Henkin's suggestion of being podedh with tzedaka for taanis bechorim?

To be podedh? I don't know. I have never heard of it. I'm not familiar with it at all. Wow!

Is there any benefit for a person to make his own personal siyyum of something like a Sefer in Tanakh, or a masechta mishnayos, as opposed to listening in to somebody else on the phone?

It has to be something like a full Seder Mishnayos or a *masechta* of *gemara*. I have heard that in Eretz Yisrael they have a *fleishig* restaurant, and during the 9 days they have someone run through all of Pirkei Avos every night and they make a *siyyum* and then – they say! – everybody can eat meat. That's a joke! What do you mean you run through Pirkei Avos? If a person is afraid they won't hear a *siyyum* and will have to make their own, let him start now! Start now learning a short *masechta*. We have Artscroll, it will help them out.

What should the criteria be for re-opening shuls?

When the health organizations will tell us that everything is okay and people will be much less nervous, and the Federal Government Department of Health, and different state and city authorities, and different countries, will determine that you can relax disease-related restrictions, then it will be okay!

Some people are pushing to make minyanim in houses or standing outside with people at distances from one another. Is this something you would encourage? Or is it forbidden?

Minyanim in houses is a bigger problem than in the shul! They will be closer to one another – 10 in a room! Outside? Okay, maybe. Maybe! But only if there's no risk. I don't know. If the government or the Board of Health think it's okay, then it's fine. I'm concerned though. I'm over 70. I'm concerned about the outdoor approach too. Personally, I wouldn't want to participate.

Some concerns have been voiced about setting these requirements and people not following them and endangering others, and there is the question of "lo plug" (no differentiation) about these precautions.

That's right! You have to have a *lo plug*. If you say the healthy people can go to shul and people over 50 cannot go, then you'll have people over 50 who will say they are healthy – and they have a lower resistance, it's a danger for them. There are also people who are actually sick and they will say 'we feel healthy', and they go to shul. It's beautiful that people want to daven *tefillah betzibbur*, but they're putting their lives at risk – and putting other people at risk. It is *sakonas nefoshos* – a life threatening risk. It is not right. Not right at all. You are correct, we have to make a "*lo plug*."

There is concern that if shmura matzas are not available, is one allowed to use regular (non-shmura) matza for the seder.

For years the practice used to be that the matzah manufacturers would bake all the matza they made "*lesheim mitzvas matza*" (for the sake of the mitzva of eating matzos), which means it can be used for the seder even if it is not shmura. We need to find out if they still have that practice. They used to, because they knew that most Jews in America do not buy shmura, they buy peshuttos (non-shmura matzah). The Shulchan Aruch says you can be lenient in that situation, but you still need the *asiyya lishma*, it needs to be baked for the purpose of the mitzva of matza. If the manufacturers still make it all *lishma*, you can use the regular matza for seder night.

Many shuls have scheduled communal kashering – should they be cancelled? And do rabbonim have an obligation to review the dinim of kashering with their congregants so that they do it properly?

They have to cancel scheduled kashering. And it's not so difficult to kasher. Balebatim can be educated to do *hag'ala* on their own. The rabbis should teach their balebatim.

What about washing hands with soap a second time, after washing one's hands before hamotzi?

That's okay. It's completely fine.

What about women going to mikva during this period?

The Governor of New Jersey is now saying nobody is allowed out after 8 PM. This is going to pose a problem. A lot of women have to go to mikva, they can't all go after 8 PM. The Shulchan Aruch Yoreh De'ah at the end of siman 197 says that whenever there is an 'oness' (unavoidable situation) and the woman can't go to mikva at night, we're lenient, and she can go to mikva the next morning *bayom* (during the day). Usually we don't even allow *tevila bayom* on day 8 or 9. But if it's because of an 'oness', and the current situation is certainly an 'oness', you have no choice, and the woman may go *bayom*. This is explicit in the Shulchan Aruch.

I received a call today from the chair of a hospital Ethics Committee asking our position on a situation for which the hospital unfortunately feels a need to prepare: would we permit the removal of a respirator from an end-of-life coronavirus patient to be used by another patient whose life, in the opinion of the medical staff, could be saved?

Every legal system has a principle that the ends justify the means. The question however is, which ends, and which means. If a woman is in labor and her husband is rushing her to the hospital at three o'clock in the morning on the highways where there are no other cars, the police will radio ahead to let the husband pass through all the red lights so that the woman can arrive in the hospital on time.

The halacha considers the mitzvah of “*vo'chai bohem*” (no mitzva is there so that it will cause loss of life) to be of supreme importance and it takes precedence over almost all of the other mitzvos in the Torah. Sick or elderly people whose life might possibly be endangered by fasting on Yom Kippur are required to eat. Likewise, if one's life may be in danger, we all know that we must violate Shabbos by driving to the hospital even if there is only a *sefek sefeka* (the slightest chance) of a danger to life, and even though driving a car on Shabbos constitutes a *melocha d'oraisa* (Torah prohibition).

The halacha, however, has three exceptions to the rule where *pikuach nefesh* does not take precedence. One of the three is murder. We may not kill one person in order to save the life of another person. We may not make calculations that the life of one individual is more valuable than the life of another individual (see: Mishnah at the end of seventh chapter of Oholos; see: Gemara Pesochim 25B). Even if one individual is on a respirator and his chances for survival are very slim, and even if he survives he will not live that many added years, and another person is in need of the respirator whose chances of survival are much better and will probably live many more years, the halacha declares that we have no right to make such calculations. Even if the individual on the respirator is a *gosses* (certainly going to die within a very short period of time), the *din* is still the same. One who kills a *gosses b'yidei shomayim*, is given the death penalty (Sanhedrin 78A).

The Rash in his commentary on the last Mishna in the eighth chapter of Terumos, quotes a passage from the Talmud Yerushalmi which has been codified both by the Rambam (Yesodei HaTorah 5:5) and by the Shulchan Aruch (Yoreh Deah 157:1 in the Rema). The Yerushalmi states that if murderers surround and capture the city and threaten to kill all the people in the city unless they will hand over one person whom they will kill, this is not permitted. The Kesef Mishna in his commentary on the Rambam points out that this Yerushalmi is adding a *chidush*, that even if the situation is such that at the end of the day we will be saving more lives by killing that one person, the halacha still forbids this as an act of murder. Even if the murder is only in the form of *Garam Retzicha* (one caused a death), which would not deserve a death penalty, the halacha still does not permit it.