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MY BODY IN THE EAST, MY HEART IN THE WEST

SARAH RINDNER is a writer, educator, and founding editor of the *Lehrhaus*.

Earlier this year, our family left a suburban Jewish community in New Jersey that we loved in order to fulfill a dream of making *aliyah* to Israel. In the years leading up to our move, we frequently discussed the merits and drawbacks of life in Israel versus the US. We discussed matters like the dangers of living in an isolated enclave surrounded by enemy states versus our seemingly comfortable and secure American lives. My husband often pointed out the spiritual dangers of life in the diaspora as well as the potential for established ways of life to degenerate rapidly, even in advanced Western societies. We boarded our *aliyah* flight against the backdrop of a common web of excitement, anticipation, and doubt.

Once in Israel, however, our commonplace constellation of concerns was complicated, perhaps overshadowed, by a new set of events. A wave of antisemitic incidents in the New York City area in late 2019 left us to glued to American news sources for updates. I grew up in the idyllic religious community of Monsey; in my mind it was the peaceful foil to whatever uncertainty we encountered in Israel. Yet the attack on a local Hanukkah party by a machete-wielding lunatic revealed that this place was hardly immune from hatred and violence. Sitting in Israel with rockets from Gaza falling in the distance, my heart was nevertheless in New York and New Jersey, concerned about family members and friends. I had the stomach-churning sense that the problem was unlikely to dissipate anytime soon.

In 1967, the poet Yehuda Amichai, a lifelong Jerusalemite, found himself in the odd position of viewing one of the most momentous turning points in the history of his beloved city, at least partially, from abroad. In response, he penned the opening sequence of the poem cycle "Jerusalem, 1967" in which he riffs on the classic refrain of Rabbi Yehuda ha-Levi, "My heart is in the east while I am in the uttermost west." Amichai's alternate refrain, describing his feelings watching "the silence of his city from afar," breaks up these two poles into four squares:

This year I traveled a long way
to view the silence of my city
A baby calms down when you rock it, a city calms down
from the distance. I dwelled in longing. I played the hopscotch
of the four strict squares of Yehuda Ha-Levi:
My heart. Myself. East. West.

In typical fashion, Amichai unfolds a familiar traditional Jewish refrain and fashions it anew. There are not just two poles, East and West, but four, including a heart and a body. East and West here may be states of mind—they may be the distance between Amichai's budding career as an internationally translated poet and his roots in Jerusalem, or they may be the distance between the Eastern and Western divisions of Jerusalem itself. The hopscotch analogy implies that the relationships between all of these poles are familiar and fluid, and potentially even playful too. In the modern world, our bodies do not have to stay in any one place for too long. For a Jew who yearns for Jerusalem while maintaining deep connections abroad, the precise location of our hearts may also be provisional, contingent upon many factors: spiritual, familial, geographical, and cultural. All four quarters are present at all times, but we may skip between them, maybe in a way that almost seems frivolous compared with the limitations we experienced in the past.

While the shadow of the coronavirus continues to cast a pall over the mood in New York-based Jewish communities, in Israel the story is very different. The number of ill patients, which thankfully never reached nightmarish levels, has plummeted in recent days. Consequently, the national mood, perhaps never terribly dark, has lightened up. Israelis look at American's Jewish communities with concern, aware that circumstances are different here. The circumstances do not only relate to physical health but also a rather different state of mind. Yet for recent *olim*, or any Israeli with strong roots in the United States and Europe, it is difficult to fully celebrate this change of affairs without a lingering sense of unease. Our bodies and souls may be in the East, but our hearts and minds are in the West. We are cognizant that at any moment, this hierarchy may just as easily flip. We wonder if our empathy is even tinged with a bit of a relief or, in our lesser moments, a sense of self-satisfaction that we made the "right" choice (despite the choice having little to do with public health concerns). Yet here we are, with a heart split in two, not necessarily reflecting dual loyalties but a sense of identification with the broader Jewish national family that transcends where our feet stand right now.

The question, then, is how to square this sense of bifurcation with a budding sense of oneself as an Israeli. In some ways, the physical barriers make it clearer. It is no longer possible to welcome visitors from the States with their suitcases filled with the American consumer goods that recent transplants to Israel often crave. Those cravings must now be satisfied by whatever is available domestically, including deliveries of farm-fresh produce connecting us even more deeply to the land. Nor is it simple to imagine visiting friends and family back home (who are not visiting each other either) or flying back for lifecycle events, to the extent that they are taking place at all. At this moment, we have perhaps less international mobility than even Amichai had in 1967. On the one hand, this speeds up our process of taking root in Israel. On the other hand, knowing that our loved ones and former communities are in states of distress makes it emotionally difficult to fully embrace this new identity. Although our estrangement from loved ones is the inverse of Amichai's separation in the geographic sense, the paradigm of his hopscotch in "Jerusalem, 1967" proves relevant.

Yet this dynamic may be even better articulated by Yehudah ha-Levi's original poem, written nearly a thousand years earlier. Ha-Levi lived in medieval Spain during a stretch of time when Jews experienced periods of oppression as well as relative comfort and freedom. His writing depicts a longing for Zion that outstrips any of his contemporary medieval Jewish poets. Ha-Levi died in 1141 on a famous trip to finally visit the land of Israel (the circumstances of which are the stuff of legend). Yet his odes to Zion are mostly written from afar, even as he laments this fact that the tension and the distance between East and West are inextricable from his proto-Zionist vision. Perhaps Amichai's line "I dwell in longing" is also a veiled reference to ha-Levi's oeuvre, which straddles the distance between East and West; his sense of Zion is inextricably linked to his own Andalusian vantage point. Thus ha-Levi's famous poem, whose first line achieved lasting fame, is not only about a love for Zion, but also about a tightrope act: one cannot conceive of East without West and vice versa. In Peter Cole's translation:

My heart is in the East-
and I am at the edge of the West.
How can I possibly taste what I eat?
how could it please me?
How can I keep my promise
or ever fulfill my vow,
When Zion is held by Edom
and I am bound by Arabia's chains?
I'd gladly leave behind me
all the pleasures of Spain-
If only I might see
the dust and ruins of your Shrine.

Elsewhere HaLevi imagines what it might be like to brave the dangers, quite severe in ha-Levi's time, of joining the beleaguered Jews who remain in Palestine. He wonders if such a journey is perhaps similar to the original ones taken by his forefathers, "if only I could wander where/He was revealed to your heralds and seers." By incorporating biblical language into his poem, he suggests that the longing he feels for Zion is eternal, shared by the heroes of the Bible. Perhaps ha-Levi too will one day have the merit to see it revived and flourishing as described in certain biblical prophecies. Yet while ha-Levi would "gladly leave behind" all the pleasures of Spain, here his Arabian "captivity" is the precise counterpart to Zion that gives the poem its power. Even if it is an imperfect byproduct of exile, ha-Levi's dual lens broadens a poem about the Land of Israel into one that encompasses the world.

In another famous poem, ha-Levi finds a kind of compromise. In thinking about "those from west and east, from north and south" who find themselves separated from Zion , ha-Levi writes (and Charles Reznikoff translates):

I cry out like the jackals when I think of their grief;
but, dreaming of the end of their captivity,
I am like a harp for your songs.

While ha-Levi may not be able to practically remedy his frustrated and thwarted longing to be in the Land of Israel, he can sing for his countrymen, and they can thus sing through him. His resolution comes not as a geographical unification (which is impossible) but as an emotional and spiritual collapsing of destinies that ends up, perhaps on a broader level, uniting elements of East and West. Perhaps Naomi Shemer also sensed this when she incorporated the line "I am like a harp for your songs" in her classic "Jerusalem of Gold." In channeling ha-Levi here, she offers a portrait of Jerusalem that is much larger than its geographical location, it is one in which the whole world can sing and partake.

While in our case the longing will hopefully only be temporary, and travel between East and West is not nearly as daunting as that faced by ha-Levi, I take comfort in his vision of the unification of the poles, and in his implicit recognition that both are essentials parts of his proto-Zionist vision. And perhaps ha-Levi's merger of East and West can even provide solace when the tables are turned. I would like to believe that for me to say that my heart is in the West is not to betray a Zionist ideal, but to expand it, as both Yehuda HaLevi did in the beginning of the second millennium and Yehuda Amichai was able to do it at the end of it. In the meantime, I am starting to get used to "dwelling in longing." Perhaps it is not such a bad thing (at least in the short term).

A Golden Anniversary for "Jerusalem of Gold"

AKIVA SHAPIRO is a constitutional and commercial litigator.

Editors' Note: This essay was originally published in honor the fiftieth anniversary of the song "Jerusalem of Gold."

On May 15, 1967, Israeli songwriter Naomi Shemer released "Yerushalayim Shel Zahav" (Jerusalem of Gold). At that time, she did not know that the entire trajectory of Jewish history was about to change. Shemer's haunting Hebrew ballad laments that Jerusalem's "cisterns have become desiccated, its bazaar vacant, and there are no visitors to the Temple Mount in the Old City." And how could there have been? Jordan had long governed the Old City's winding streets, and Jews were forbidden from entering and praying in her holy places.

"The Temple Mount is in our hands! The Temple Mount is in our hands!" By these immortal words, Lt. Gen. Mordechai "Motta" Gur broadcast to the world the recapture of the Old City by Jewish forces on June 7, 1967. The *shofar* was blown. Soldiers wept openly in the streets. Throngs descended on the Western Wall as if to demonstrate with their bodies that they had not forgotten the prophet's words: "If I forget thee, Jerusalem, forget my right hand." All of Jerusalem was under Jewish control for the first time in almost two thousand years.

With today's golden anniversary of "Jerusalem of Gold," the song takes on a double meaning. The city, and Israel as a whole, is more sparkling, lively, and vibrant than ever. It is a dazzling place. At the same time, gold represents something deeper: a couple's enduring love, which, like the gilt watches or rings they exchange to mark their half-century anniversary, is cherished, treasured, and prized ever more profoundly with each passing year.

For the Jewish people, Jerusalem is the "wife of our youth" (Proverbs 5:18). We were overcome with love, only to see her torn from us for nearly two millennia. But we did not forget her. No, our love for her endured year after year after year. By the rivers of Babylon and Rome, Spain and Germany, Morocco and Yemen, and so many other places, we pined for her, begged and prayed for her, and too often died for her. But we also returned to her, and eventually she was returned to us.

The great Rabbi Akiva, after living through the destruction of the Temple and the end of the prior epoch of Jewish sovereignty in Israel, is said to have promised his wife Rachel a golden crown depicting Jerusalem—an actual Jerusalem of gold—as a symbol of his undying love for her. The promise came while the couple was trapped in deep poverty; the gesture is one of the most profound hopefulness and optimism—both personal ("we will have great wealth one day"—a vision borne out, as the Talmud tells it, by a series of fortuitous windfalls in the ensuing years) and communal (Jerusalem, too, will rise from the ashes and be rebuild in splendor).

At the same time, in promising a crown depicting Jerusalem, Rabbi Akiva's gesture acknowledges the couple's shared experience of tragedy; romance is not escapism, but an appreciation for the intertwined joy and heartbreak that the couple, and the Jewish people, have lived through.

In the heady days following the Six Day War, Shemer penned a final stanza to "Jerusalem of Gold," transforming it from an elegy to a paean. Inverting the lines she had written just weeks earlier, she added: "We have come back to the cisterns, the bazaar, and the town square. And now a ram's horn calls out on the Temple Mount, in the Old City." Rabbi Akiva's vision, writ large, had come true. Jerusalem of Gold was real again.

But Shemer's closing verse is not entirely celebratory. It cannot, and does not wish to, erase the pain of what came before. The *shofar* symbolizes both trial and redemption. It's reverberations transport us on a journey of memories and dreams, both heart-wrenching and jubilant: we cry sorrowfully for what the city and the Jewish people were forced to endure, together and apart. At the same time, we shed tears of joy for these last fifty years together, and for what we dream and pray the years ahead will bring.

Happy fiftieth, *Yerushalayim Shel Zahav*!

Finding Meaning in Determinism: How Jewish Thinkers Reconcile the Contradiction between Determinism and Human Purpose

NATAN OLIFF is a senior at the University of Maryland.

A season is set for everything, a time for every experience under heaven: A time for being born and a time for dying, A time for planting and a time for uprooting the planted . . . A time for loving and a time for hating; A time for war and a time for peace. What value, then, can the man of affairs get from what he earns? (Ecclesiastes 3:1-2, 8-9)

Ecclesiates highlights a fundamental tension in Jewish tradition, the tension between determinism and human purpose. Many human efforts are eventually offset in later times. Anyone born will die, and anything planted will be uprooted. Thus, what meaning does planting or even living possess if both will eventually become nullified? Rabbi Jacob Lorberbaum provides a halakhic perspective on Ecclesiastes's statement: "Since every matter was decreed upon, even the good and bad that was already done and will be done . . . then what gain is there in toiling in Torah and commandments since there is an annulment of choice, as each matter that the prophets prophesied [about] is of necessity before it even exists'' (*Ta'alumot Hokhmah* to Ecclesiastes 3:10; translation mine). According to R. Lorberbaum, the very fact that God revealed the Torah and its commandments makes their fulfillment meaningful. Yet the existence of prophecy and divine foreknowledge in the Torah limits human choice regarding observance. Why would God assign importance to the religious actions of the Jewish people if those choices have limited effect on the future? In a general sense, if God chose to create humanity, then *ipso facto* humanity possesses a divine purpose. Yet any measure of God's omniscience, and thereby determinism, reduces the effect and meaning of human action.

One approach in Jewish thought is to employ the moral philosophy of deontology, instead of just consequentialism, to resolve this tension. Consequentialism assesses actions by evaluating their results. Deontology, in contrast, evaluates actions based on a set of moral rules. In other words, deontology determines a deed's intrinsic morality to the exclusion of its consequences. Determinism and human purpose contradict each other only from a consequentialist perspective, as determinism–by definition–restricts humanity's ability to influence outcomes. However, deontology provides an alternative criterion to value humanity's actions. A moral action possesses deontological value even when confronted with a predetermined outcome.

The Deontological Value of Actions

Consequentialist ethics emerge in the rabbinic discussion of the Torah prohibition of *Lifnei Iver,* or placing a stumbling block before the blind: "You shall not insult the deaf, *or place a stumbling block before the blind*. You shall fear your God: I am the LORD" (Leviticus 19:14; emphasis added). Most commentators interpret "blind" metaphorically,[1] as referring to someone susceptible to sin.[2] The Talmud defines "placing a stumbling block" through a thought experiment centering on the prohibition for Nazirites to drink wine.[3] A Jew and a Nazirite stand across a river, but only the Jew has access to wine. By reaching across the river and placing the wine in the Nazirite's hands–the Jew transgresses *Lifnei Iver*–as their action enables and assists the Nazirite in drinking the wine.[4] Conversely, if the Nazirite could previously access wine, then the Jew merely assists the Nazirite in transgressing a prohibition. While a rabbinic decree mandates that Jews prevent others from transgressing prohibitions, assisting does not constitute *Lifnei Iver.*[5] Accordingly, the Talmud applies consequentialist criteria to classify actions as *Lifnei Iver*. An act of enabling qualitatively transforms a transgression from being impossible to being highly probable, while assisting only quantitatively modifies the transgression through its acceleration or perpetuation. Thus, actions of *Lifnei Iver* represent the ability of humanity to change outcomes.

A third scenario introduces deontology into the discussion of *Lifnei Iver*. If the Jew places wine across the river, but not in the Nazirite's hands, then the Jew only enables the possibility of transgression without providing assistance. Rabbi Moshe Feinstein categorizes this situation while discussing the status of providing secular Jews with food.[6] In his responsum, R. Feinstein navigates two opposing considerations. Secular Jews will transgress a commandment by excluding the blessing on the food. However, the secular Jews in question assume the status of *tinokot she-nishbu*, Jews lacking proper Jewish religious education and background. The actions of a *tinok she-nishbah* do not count as transgressions in this case. Nevertheless, R. Feinstein still considers providing food to a secular Jew problematic even though no technical transgressions occur. His reason is that *Lifnei Iver* contains two aspects. Intuitively, causing another to transgress results in *Lifnei Iver.* However, the act of creating a stumbling block itself is problematic, independent of any particular outcome. In other words, R. Feinstein differentiates between the consequentialist and deontological aspects of *Lifnei Iver*. The prohibition of *Lifnei Iver* exists not only to protect the metaphorical blind of society, but also to hold Jews to a standard of high character, as the immoral act of placing a stumbling block distances the actor from a virtuous lifestyle. Therefore, R. Feinstein would deem the act of placing wine across the river as *Lifnei Iver*. Even though it is unclear whether the placing of the wine will cause the Nazairite to transgress, the act is morally problematic in itself.

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[1] "And before the blind man do not place a stumbling-block." *Before one who is "blind" in a certain matter*. If he asks you: "Is that man's daughter fit for (marriage into) the priesthood?" Do not tell him that she is *kasher* if she is not. If he asks you for advice, do not give him advice that is unfit for him. Do not say to him "Leave early in the morning," so that robbers should assault him. "Leave in the afternoon," so that he fall victim to the heat. Do not say to him "Sell your field and buy an ass," and you seek occasion against him and take it from him (*Sifra Kedoshim* 2:14; emphasis added).

[2] Maimonides, in contrast, interprets "blind" in a philosophical and religious sense. A sinner is "blind" because they do not understand the Truth of Torah and its commandments. See *Maimonides Commentary to the Mishnah* to *Shevi'it* 5:6.

[3] *Avodah Zarah* 6a-6b.

[4] *Tosafot* (to *Avodah Zarah* 6a-6b) explains that drinking wine is a common, mindless occurrence and so therefore it is likely that this action will lead to the Nazirite drinking the wine. However, performing an action that will probably not lead to sin, such as giving non-Kosher food to a Jew who is stringent about the laws of *kashrut*, is permitted.

[5] *Tosafot* to *Shabbat* 3a. Maimonides holds that even assisting is considered a transgression of *Lifnei Iver*. This follows from the idea that even knowledgeable sinners are considered blind. See *Maimonides Commentary to the Mishnah* to *Terumot* 6:3.

[6] Responsa *Igerot Moshe, Orah Hayyim* 5:13.

Rabbi Ovadia Yosef expands on the discussion of deontology regarding *Lifnei Iver*. A Jew asked R. Ovadia if selling Kosher meat during the Nine Days constitutes *Lifnei Iver*.[7] R. Yosef categorizes the case as assisting, since Jews could already buy Kosher meat from other sources, and assisting does not constitute *Lifnei Iver*. However, he then quotes the *Mishneh La-Melekh,* who asserts that assisting *does* count as *Lifnei Iver* when the transgression cannot be performed without the involvement of a Jew.[8] Since all Kosher establishments require Jewish supervision, a Jew could not buy Kosher meat without Jewish involvement. Therefore, selling Kosher meat during the Nine Days would be characterized as *Lifnei Iver*. The *Mishneh La-Melekh's* opinion derives from deontological considerations – as selling Kosher meat does not change the result. Regardless of the Jew's decision to sell Kosher meat, Jewish customers will purchase forbidden Kosher meat through another Jew's involvement. Like R. Feinstein, the *Mishneh La-Melekh* utilizes both consequentialism and deontology to classify actions as *Lifnei Iver.* Yet, for classification, R. Feinstein requires at least an act of enabling–which creates a novel opportunity of transgression that was previously inaccessible to the transgressor. R. Yosef, however, radically suggests that even mere acts of assisting, which do not create any new possibility of transgression, may constitute *Lifnei Iver*. He asserts that *Lifnei Iver* extends to actions which simply showcase allegiance or identification with certain morals. In this case, selling Kosher meat during the Nine Days–while not technically changing the quantity or quality of transgressions from the consumers end– symbolically implies a dismissal of Jewish law and practice from the seller's end. Thus, R. Yosef supports the idea that human action retains its meaning even with predetermined conclusions.

Generally, deontology requires a set of moral rules to assess the value of actions. However, the Book of Esther uses a religious criterion to value actions when Mordekhai convinces Esther to plead for the Jewish people's salvation. "Do not imagine that you, of all the Jews, will escape with your life by being in the king's palace. On the contrary, if you keep silent in this crisis, relief and deliverance will come to the Jews from another quarter, while you and your father's house will perish. And who knows, perhaps you have attained to royal position for just such a crisis" (Esther 4: 13-14). Mordekhai localizes the consequences of Esther's decisions to her family's future, as her choice cannot change the predetermined salvation of the Jewish people. Nevertheless, intervening on the Jewish people's behalf fulfills her divine mission and thus bestows meaning upon her decision. Rabbi Joseph B. Soloveitchik expands the idea of a personalized divine mission, explaining that God creates each person with a specific generation, situation, and talent to fulfill a unique mission.[9] R. Soloveitchik views this concept consequentially because he believes that only the assignee can fulfill their mission. Regardless, Mordekhai employs the concept of a divine mission as a deontological criterion to assess human action. Therefore, an action may draw meaning from abiding by a set of moral rules or by possessing religious significance.

Future Determinism as Providing Confidence in the Present

Another strand in Jewish thought argues that determinism is not only consistent with human purpose, but even strengthens it. God predetermines that humanity will achieve certain goals. Paradoxically, these promises elevate humanity's confidence in its ability to achieve these goals. Thus, determinism creates a sense of purpose among humanity.

Besides dispelling the erroneous contradiction between determinism and human purpose, Jewish thinkers of this strand also show that determinism bolsters human purpose. Rabbi Yitzhak Hutner, who lived during the 20th century, strongly believed in the importance of free will and fought against the modern scientific trend that sought to deny it. Nonetheless–as a student of deterministically inclined thinkers–R. Hutner also sought to incorporate elements of determinism into his writings.[10] In his writings about Yom Kippur, R. Hutner integrates both concepts to solve a logical problem with repentance. From a logical perspective, transgressions cannot be fixed. Once an action was performed, it is forever cemented in the past. How could someone go back in time and uproot a previous transgression?! To solve this problem, R. Hutner turns to determinism, quoting God's Deuteronomic promise of future repentance and redemption.[11] God's promise overrides human logic by predetermining a future act of repentance, thus establishing the feasibility of commanding repentance in the present. R. Hutner notes a reversal in this sequence of events. Generally, the feasibility of performing an action comes from its prior commandment. But, regarding repentance, its future occurrence establishes the feasibility of the present command. In other words, because repentance *will* occur, it *can* occur. Furthermore, R. Hutner notes that repentance possesses an educational aspect. Humanity despairs of achieving repentance due to its logical impossibility. Thus, any act of repentance demonstrates the possibility of repentance, which increases humanity's confidence in its ability to repent. Paradoxically, the deterministic promise of repentance increases humanity's purpose.

A similar assertion that determinism magnifies human purpose appears in the Book of Isaiah. Jewish tradition considers the Book of Isaiah's portrayal of redemption as optimistic and glorious: "I greatly rejoice in the LORD, My whole being exults in my God. For He has clothed me with garments of triumph, Wrapped me in a robe of victory, Like a bridegroom adorned with a turban, Like a bride bedecked with her finery" (Isaiah 61:10). Thus, the Talmud claims "Isaiah [deals] entirely with consolation" (*Bava Batra* 14b). However, the last four chapters of Isaiah (63-66) contradict this notion.[12] God redeems the Jewish people, but at a considerable expense. God deals out fiery punishments and only some people survive, as described in the book's last verse: "They shall go out and gaze on the corpses of the men who rebelled against Me: their worms shall not die, nor their fire be quenched; they shall be a horror to all flesh" (Isaiah 66:24). Rabbi Mosheh Lichtenstein reconciles this contradiction by delineating two types of redemption.[13] Most of the book describes an

[7] Responsa *Yehaveh Da'at* 3:38. Traditionally, most Jewish communities treated meat as forbidden during the Nine Days.

[8] *Mishneh La-Melekh* to *Mishneh Torah, Hilkhot Malveh u-Loveh* 4:2.

[9] Joseph B. Soloveitchik, *Yemei Zikaron*, (Sifriyat Alinar, 1986).

[10] See Dov Finkelstein, "Rejecting, Embracing and Neutralizing Determinism: Rav Hutner in Dialogue with the Izbitzer and Rav Tzadok," *Tradition* 51:3 (Summer 2019): 57-67.

[11] Deuteronomy 30:1-10.

[12] *Maharsha* to *Bava Batra* 14b notes this contradiction. He provides the unsatisfactory answer that when the Gemara says "entirely" it really means the majority. Rabbi Mosheh Lichtenstein's piece (see next note) is a more modern attempt to give a more satisfying answer to this contradiction.

[13] Mosheh Lichtenstein, *Netivei Nevu'ah: Mabat El Ha-Haftarot* (Sifre Magid, Hotsa'at Koren, 2015). R. Lichtenstein's position echoes R. Yohanan's view in *Sanhedrin* (98a): "And Rabbi Yoḥanan says: The son of David will come only in a generation that is entirely innocent, in

ideal redemption, resulting from repentance and the achievement of an ideal religious and moral standing. However, the end of Isaiah describes a redemption that transpires only for God's glory. Many of the Jewish people remain ethically corrupt and religiously unfaithful, and so their meritless redemption comes at a substantial price.

Isaiah premises his message on the assumption that God will redeem the Jewish people, regardless of their future situation. Yet, the details of their redemption hinge upon their merits. Redemption can be glorious and uplifting or gory and dreary. Isaiah preaches to the Jewish people not to worry about achieving the lofty goal of redemption. Rather, they should focus inwards by repenting and mending their ways. Similar to R. Hutner, Isaiah utilizes a future promise as motivation and inspiration. To a downtrodden and exiled nation, the thought of repenting while also achieving redemption seems overwhelming and impossible. Isaiah reassures the people that God intervened by predetermining an unconditional redemption. This promise alleviates the burden of the Jewish people, providing them with a minimized area of concern and an incentive to repent.

The Underlying Motivation for Determinism

The existence of determinism does not necessarily limit human purpose. R. Feinstein and the *Mishneh La-Melekh* utilize deontology to classify even actions that do not change the outcome as *Lifnei Iver*. Moreover, Mordekhai and R. Soloveitchik illustrate that the fulfillment of a divine role serves as a deontological criterion for evaluating actions. Other thinkers, such as R. Hutner and R. Lichtenstein, show that determinism strengthens human purpose. R. Hutner shows that God's promise of a future repentance inspires people to repent in the present. Similarly, R. Lichtenstein emphasizes that Isaiah's promise of an unconditional redemption relieves the burden of the Jewish people and inspires repentance.

Assigning importance to determinism reflects the fundamental conception that humanity's inherent limitations require divine assistance. On an individual level, unbounded choice is overwhelming.[14] On a societal level, free will allows humanity to make bad decisions and endanger the divine plan for history. Thus, determinism serves as God's means of aiding humanity. Mordekhai, R. Hutner, and R. Lichtenstein emphasize that determinism ensures that history fulfills its divine purpose and the lofty goals of salvation, repentance, and redemption. As R. Hutner states, repentance is untenable by the standards of human logic. Consequently, divine intervention ensures that history reaches a good conclusion. Determinism and human agency partner to maximize humanity's agency and purpose within a good history.

which case they will be deserving of redemption, or in a generation that is entirely guilty, in which case there will be no alternative to redemption."

[14] Recent psychological research delves into the idea that an overabundance of choice paralyzes and impairs the decision making of individuals. See Barry Schwartz, *The paradox of choice: Why more is less* (New York: Ecco, 2004).

Sharpening the Definition of Holeh Lefanenu: The Diamond Princess and the Limits of Quarantine

SHARON GALPER GROSSMAN is a radiation oncologist and former faculty member of Harvard Medical School.

SHAMAI GROSSMAN is vice chair for health care quality, Harvard Medical Faculty Physicians and Beth Israel Deaconess Medical Center, associate professor of medicine and emergency medicine at Harvard Medical School and a visiting professor at Shaarei Tzedek Medical Center.

On January 20, 2020, their children sent them on a Diamond Princess cruise as a gift. But on February 1, their holiday turned into a nightmare when a fellow passenger tested positive for coronavirus after he got off the boat. Then, on February 5th several more passengers tested positive, and were taken off the boat. The crew quarantined the remaining 3,700 passengers in their rooms for two weeks, while the ship docked in Yokohama, Japan. They described quarantine on the boat as harrowing, comparing it to a jail cell: "[we couldn't] walk more than six feet in any direction." They were in the least expensive room, measuring about 160 feet, the size of a shipping container; their room had no window or balcony, and space only for a queen bed. "We were basically treated like we're prisoners and criminals," commented a fellow passenger. They were frightened by the crew guarding the public areas to make sure that passengers didn't leave their rooms, and worried about staff wearing the same pair of gloves to deliver food to dozens of cabins at a time, door-to-door and face-to-face with passengers, wondering if this could be a source of infection.[15]

On February 9, unbeknownst to them, fourteen of the infected passengers from the cruise ship were sent to the U.S. on a plane with 300 presumably uninfected individuals for the eleven-hour flight. These infected passengers did not wear masks when eating, and showed "little consideration for infecting their fellow passengers."[16]

Public health officials now criticize the decision to quarantine the passengers on the cruise ship, stating that such ships are incubators for viruses and dangerous places for quarantine. In their view, the decision "basically trapped a bunch of people in a large container with [the] virus… to 'quarantine' yet generated active transmission." They argue that the uninfected passengers should have been allowed to disembark and undergo quarantine in a medical facility with equipment, supplies, and healthcare workers trained in preventing

[15] Elaina Patton, "The High-Risk Work of a Cruise-Ship Crew Member Under Coronavirus Quarantine," *New Yorker* (March 11, 2020), available at https://www.newyorker.com/news/as-told-to/a-cruise-ship-crew-member-describes-a-failed-effort-to-contain-the-coronavirus.

[16] Morgan McFall-Johnsen, "2 US Grad Students Who Were on the Diamond Princess Cruise Share Harrowing Details and Photos from Their Quarantine and 'Zombie Movie' Evacuation," *Business Insider* (March 1, 2020), available at https://www.businessinsider.com/diamond-princess-cruise-passengers-details-photos-from-quarantine-evacuation-2020-2#every-single-person-first-thing-they-said-was-welcome-home-welcome-home-sir-fehrenbacher-said-of-his-arrival.

spread of a highly contagious, potentially lethal virus, instead of relying on waiters to fill this role.

Ultimately, seven hundred and twelve people from the ship contracted the virus, including a quarantine officer who boarded the ship. Thirteen died. Modelling data indicates that the ship conditions clearly amplified "an already highly transmissible disease." Evacuating all of the passengers and crew early in the outbreak would have limited the number of infected to 76.[17] Yet, even the suboptimal public health measures prevented more than 2,200 additional cases.

In response to the alarming spread of COVID-19, somes governments have mandated social distancing, prohibiting all public gatherings, restricting trips outside the home to the purchase of food and medicine, and limiting all other outings to a distance of 100 meters from the home. Many of these restrictions have been lifted over the last few days as the number of infected has stabilized.

For coronavirus, the danger that one infected individual poses can be enormous. A critical care expert has estimated that one infected person will infect three people each of whom will transmit the virus to three more people; after ten cycles, the original infected person will have infected 59,000 people.[18] Lessons learned from the 1918 Spanish flu demonstrate that social distancing and self-quarantine help slow down the rate of infection and "flatten the curve."; similarly, cities today that instituted swift, early, comprehensive, non-pharmacological interventions have sustained lower death rates than did those that delayed their response and did not enforce such rules.[19]

However, quarantine and social distancing come at a price. In order to enforce them, governments have implemented coercive measures including substantial fines and imprisonment.[20,21] Of greater concern, quarantine, even when done correctly, can cause psychological distress and contributes to post-traumatic stress, especially when people must deal with extended duration, fear of infection, frustration, boredom, inadequate supplies, insufficient information, financial loss, and stigma.[22] Quarantine has already caused an unprecedented one million Israelis to lose their jobs.

In light of the current efforts to enforce social distancing and quarantine, it behoves us to determine how Halakhah approaches quarantine. As the Beit Hillel organization has written, "Halakhically speaking the risk of mass *pikuah nefesh* makes it imperative to employ all current guidelines, … people who might be harboring the virus are (required to) quarantine and frequently sanitize the objects around them. Adhering closely to these guidelines will help prevent widespread contagion."[23]

Articulating the position of many other halakhic authorities, Beit Hillel has classified quarantine and social distancing as *pikuah nefesh*, the value of saving a human life, overriding all other *mitzvot*. Thus, those in quarantine were prohibited from going to *shul* to hear the *Megillah*. Praying with a *minyan* has been suspended, women in quarantine may not immerse in the *mikvah*, and families of the deceased have been told to stay home and not participate in the *mitzvah* of burial.

However, when asked about the permissibility of autopsies, *Noda be-Yehudah Yoreh Deah* 210 limited the application of *pikuah nefesh* to a situation when the sick person is *lefanenu*, standing before us:

> all this applies when we have before us a case of uncertain danger to life; e.g., a sick patient or a collapsed wall… But in the case under discussion, there is no patient that needs this [now]. The only reason they wish to acquire this knowledge is that perhaps there will be a patient who will need it. We may certainly not set aside a Torah prohibition or even a rabbinic prohibition because of this unlikely concern.

Further, *Hatam Sofer Yoreh Deah* 336 offers the following definition of *holeh lefanenu*: "According to this, if there were before us a patient with a similar disease, and we would wish to perform an autopsy on the corpse in order to cure the patient, it would almost certainly be permissible."

Yoma 85b derives the principle that *pikuah nefesh* overrides all other *mitzvot* from the verse, "you shall keep My statutes and My ordinances, which a person shall do and live by them**"** (Leviticus 18:5). Shmuel explains, "*that he shall live by them*, and not that he shall die by them." Thus *Shulhan Arukh* *Orah Hayyim* 328:2 writes, "it is a religious precept to desecrate the Sabbath for any person afflicted with an illness that might prove dangerous; he who is zealous is praiseworthy, while he who asks questions sheds blood." Yet, *Noda be-Yehudah* suggests that one may only violate Shabbat for a sick person who is before us, but not for a potential sick person who might appear in the future. In the current corona epidemic, quarantine and social distancing are not implemented to treat a sick person *lefanenu*. Neither our couple travelling on The Diamond Princess nor their fellow passengers whom quarantine is intended to protect has contracted coronavirus. Both parties are presumably still healthy. How then does quarantine qualify as *pikuah nefesh* and override the performance of *mitzvot*?

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[17] J Rocklöv, H Sjödin, A Wilder-Smith, "COVID-19 Outbreak on the Diamond Princess Cruise Ship: Estimating the Epidemic Potential and Effectiveness of Public Health Countermeasures," *Journal of Travel Medicine* 27:3 (April 2020), available at https://doi.org/10.1093/jtm/taaa030.

[18] Bill Bostock, "An Intensive-Care Expert Broke Down Just How Contagious the Coronavirus Is, Showing How One Person Could End Up Infecting 59,000 in a Snowball Effect," *Business Insider* (March 23, 2020), available at https://www.businessinsider.com/coronavirus-vs-flu-social-distancing-infections-spread-explainer-video-2020-3.

[19] Richard J. Hatchett, Carter E. Mecher, Marc Lipsitch,"Public Health Interventions and Epidemic Intensity during the 1918 Influenza Pandemic," *Proceedings of the National Academy of Sciences* 104:18 (May 2007): 7582-7587, available at https://www.pnas.org/content/104/18/7582.

[20] Audrey Cher, "Countries in lockdown should do what Singapore has done, says coronavirus expert," *CNBC*, March 31, 2020, available at https://www.cnbc.com/2020/03/31/countries-in-lockdown-should-try-what-singapore-is-doing-coronavirus-expert.html.

[21] Justin McCurry, Rebecca Ratcliffe, Helen Davidson, "Mass testing, alerts and big fines: the strategies used in Asia to slow coronavirus," *The Guardian* (March 11, 2020), available at https://www.theguardian.com/world/2020/mar/11/mass-testing-alerts-and-big-fines-the-strategies-used-in-asia-to-slow-coronavirus.

[22] Samantha K Brooks, et al, "The Psychological Impact of Quarantine and How To Reduce It: Rapid Review of the Evidence," *The Lancet* 395:10227 (March 14, 2020), available at DOI: https://doi.org/10.1016/S0140-6736(20)30460-8.

[23] http://midaat.org.il/midaat/press/covid19/covid19-purim/.

R. Yaakov Ettlinger in *Binyan Tziyon* 137 proposes different criteria for defining *pikuah nefesh*, which further challenge the classification of quarantine as a lifesaving intervention. "With respect to *pikuah nefesh*, we do not follow the majority, this is only when there is a certain danger to life before us; e.g., where a building collapsed. In such a case, we are fearful about even the smallest minority. But when presently there is no *pikuah nefesh*, but only fear regarding some future danger, then we follow the majority." Following R. Ettlinger's logic, when a potentially uninfected individual leaves the comfort of his home to go to *minyan* or a woman goes to the *mikvah* during this epidemic, neither they nor those around them are in immediate danger, and therefore perhaps we should follow the majority. Because these actions do not immediately lead to illness and there is no *holeh lefanenu*, a sick person before us, how can quarantine and social distancing as well qualify as *pikuah nefesh*?

Halakhah not only permits, but even obligates, neglecting or violating a *mitzvah* for the sake of *pikuah nefesh*. In other words, when faced with a choice between performing a *mitzvah* that will endanger oneself or others, or saving someone in a life-threatening situation (*pikuah nefesh*) that might prevent the performance of a *mitzvah*, Halakhah obligates the performance of *pikuah nefesh* at the expense of the *mitzvah*.

In order to discern whether *Noda be-Yehudah*'s definition of *holeh lefanenu* is applicable to pandemics, we need to more accurately define what is a patient with a similar disease before us? Hazon Ish (*Ohalot* 22:32) argues that the requirement of a sick person *lefanenu* applies to a disease that is uncommon. However, for a disease that is common, the sick person is considered *lefanenu* even if he is not actually in front of us. Thus, *Nishmat Avraham Yoreh Deah* 349:2, quoting Rav Shlomo Zalman Auerbach, explains that the requirement that the patient who might benefit from the autopsy must be present only applies to situations where the disease in question is rare. However, for a disease that is prevalent - and certainly for a disease that is rampant - a similar patient most certainly is present elsewhere and considered *lefanenu*, even if the patient is not actually present. With almost 4,000,000 cases of coronavirus worldwide as of this writing, coronavirus is highly prevalent, ubiquitous, and therefore considered *lefanenu*.

Strengthening this conclusion, *Mishpetei Uziel Yoreh Deah* 1:28 extends the definition of "a sick person before us" to include not only patients who are currently present but also those who will arrive in the not-too-distant future. Rav Uziel explains that even if the sick person is not here right now, "Is it possible that he won't arrive later? Most certainly there are always a few patients with the same illness and if they are not before us now, then they will appear tomorrow or the day after."

Applying Rav Uziel's definition of *holeh lefanenu* to quarantine for coronavirus, while a woman under quarantine who visits the *mikvah*, for example, is not currently infected, nor are the other women who are there during her visit, one almost certainly will become infected in the not-too-distant future. These future potentially-infected women arguably qualify as *lefanenu*. In addition, in contrast with many other *poskim*, Rav Uziel permits autopsy even when the sick individual is not *lefanenu*, as this loss of information will compromise the outcome of other patients. One may extend this argument to quarantine: if the individual does not adhere to quarantine, he will most certainly infect others later.

Thus, in Piskei Corona #15, "Triage in Medical Decisions," Rav Hershel Schachter extends the definition of *lefanenu* to include patients who have not yet arrived in the hospital but are expected to appear before us shortly. He rules that if an elderly individual appears in the emergency department with coronavirus and requires a ventilator, one may withhold the ventilator and save it for a younger, more viable patient who has not yet arrived, since we know that several younger patients who are more likely to survive will arrive in the next few hours. Rav Asher Weiss has recently offered a similar ruling.[24]

Another possible explanation for why quarantine would be considered *pikuah nefesh* even though there is no sick person *lefanenu* is that we are in the midst of an epidemic. Thus, *Sefer Hasidim* 451 permits an autopsy during an epidemic, as does *Hazon Ish Yoreh Deah* 208:7, to save others who might otherwise die of the illness. When the safety of the public is compromised perhaps the requirement of *holeh lefanenu* is suspended.

Perhaps the most compelling reason that Halakhah classifies quarantine as *pikuah nefesh* is that in issues of public health, we define *pikuah nefesh* and *holeh lefanenu* in the broadest terms. *Shabbat* 42a teaches, "Shmuel said: One may extinguish a lump of fiery metal in the public domain, so that no injury should come to the public." Ramban explains that "perhaps according to Shmuel, all [potential] injury to the public is considered like a danger to life."[25] Thus, according to Shmuel, public safety overrides the prohibition against extinguishing a burning piece of metal.

Lest we think that Ramban is relegated to the realm of halakhic theory, in his *teshuvah* regarding the permissibility of waging a war purely for economic gain or political benefit, Rav Shaul Yisraeli cites this analysis of the Gemara to define *pikuah nefesh* in the broadest terms.[26] He writes, "it seems that this is based on the idea that whatever concerns public welfare or removal of hazards, it is all regarded as *pikuah nefesh*. For everything connected to public welfare including the economy has an indirect element of *pikuah nefesh*." Rav Yisraeli reasons that when dealing with issues related to danger to an individual, the likelihood of a specific behavior causing harm is low. However, when dealing with issues that threaten public safety, we know with certainty that at least one individual will suffer life-threatening harm.

Why might we define *pikuah nefesh* broadly when addressing public safety? One answer is that when dealing with issues of public safety, the laws of probability dictate that if a large enough population is at risk, the danger will place at least one individual in a situation of *pikuah nefesh*. Rav Shlomo Zalman Auerbach explains we define *pikuah nefesh* in this way as the entire community is at risk. When asked if a soldier may decode enemy communications on Shabbat, he ruled that the soldier must decode all the messages, for they deal with matters relevant to national security, even though the same degree of danger in the case of a private person would not be regarded as *pikuah nefesh*.[27] Similarly, regarding inoculation, Rav Auerbach said, "the issue was one of danger to the lives of many...

[24] Webinar on Coronavirus for physicians, Agudah April 6, 2020.

[25] See Rav Chaim Navon, "Uncertain Piku'ach Nefesh and Public Policy," *The Israel Koschitzsky Virtual Beit Midrash*, available at https://www.etzion.org.il/en/uncertain-pikuach-nefesh-and-public-policy.

[26] Rav Shaul Yisraeli, *Amud ha-Yemini* (Mekhon ha-Torah ve-haMedinah, 2000), 214-215.

[27] R. M.M. Farbstein, *Assia* LIII-LIV (1994): 100.

where many lives are concerned, we worry about very rare situations." When considering the public health of the entire community, where there is *safek pikuah nefesh de-rabbim*, the level of risk requiring vaccination might be significantly lower than that which is necessary to obligate an individual.

Rav Goren proposes that government responsibility justifies and necessitates a broad definition of *pikuah nefesh* for issues of public safety. He writes, "the position of the *Noda be-ehudah* and the *Hatam Sofer* is correct and applicable from a halakhic perspective, but only when we are talking about Jewish doctors in the Diaspora, who bear no responsibility for the health of the people in the country...However, when we are dealing with an independent Jewish state, where the government of Israel is responsible to design a medical system in the country for all its citizens, this national responsibility does not express itself in the daily individual planning of medical services in Israel, but rather in overall long-term responsibility." (Rav Shlomo Goren, *Torat ha-Refuah*, 80)

In Israel, the government is responsible for the welfare of millions of citizens. This added responsibility necessitates the broadest definition of *pikuah nefesh* to include not just those who are already infected but to plan for future patients and create long-term strategies which prevent future remote dangers that might threaten public safety. Thus, a government-issued quarantine qualifies as *pikuah nefesh* overriding the performance of *mitzvot*. One might extrapolate to the reality of medical care in the USA and elsewhere today where all physicians could be considered agents of their respective states during this epidemic.