+shammai1211+

As COVID-19 rages, responsibility fades

Shammai Engelmayer

Two recent news items directed what otherwise might appear to be two disparate topics in this week’s column—our responsibility to ourselves and others, on the one hand, and an issue raised by a 2019 film set in Austria during World War II on the other,

ITEM: in the first five days of December, the United States added one million new COVID-19 cases—a record that should scare everyone. This also should scare everyone: Two people died during the time it took me to write that last sentence. That is because, on average, one person dies from COVID-19 in this country every 30 seconds—the highest death rate since the start of the pandemic here. Total deaths so far will likely top 300,000 by month’s end. (Three more people died in the United States in the time it took me to finish writing this paragraph and re-reading it before going on.)

The predicted second wave has begun and there should be no doubt about what we need to do right now. Seriously, how many times do people need to be told to stay six feet or two arm’s lengths apart from each other, wear masks, wash hands, avoid large gatherings (especially indoor ones), and strictly follow all rules and regulations imposed by local governments? These are the ways we help save lives, but they are not the ways millions of Americans are behaving. Just under 50 percent of North Dakotans, for example, wear masks. It is no surprise, then, that the state has the nation’s highest infection rate per 100,000 population.

People also should not be traveling right now. Says the Centers for Disease Control and Prevention, “Airports, bus stations, train stations, public transport, gas stations, and rest stops are all places travelers can be exposed to the virus in the air and on surfaces.” As the evidence clearly shows, crowds of any kind are confirmed super-spreaders. And yet, about one million people a day packed airports and planes in the last two weeks. That is the largest number of travelers since lockdowns began in mid-March, and the winter holiday season has only just begun.

That so many Americans ignore the advice of health authorities is a sad commentary on the state of ethics and morality in this country. That too many Jews, including observant ones, also ignore these rules is, bluntly stated, a sin. In previous columns, I have cited Jewish laws specifically related to health. There are other laws, however, that also play a role in underscoring the Torah’s requirement for us to safeguard life.

The Torah, for example, distinguishes between a willful murderer and someone who unintentionally kills another, and requires that a system of cities of refuge be established to protect the unintentional murderer from being killed by a relative of the deceased (blood vengeance was a staple right in the ancient world). As Maimonides, the Rambam, notes, however, there is one category of unintentional murderer for whom “cities of refuge are not meant,” and that is the person “who acts much like an intentional murderer in that his overly inconsiderate and neglectful actions border on the criminal.” (See Rambam’s Mishneh Torah, The Laws of the Murderer and the Preservation of Life 6:4.)

Those who have a callous disregard for the health and safety of everyone around them act “much like an intentional murderer.”

The Torah’s concern for life is seen in a number of other laws that collectively add up to a requirement that people must exercise great care to not do anything that can endanger life. Such laws led the 18th century rabbi and philosopher Rabbi Moshe Chaim Luzzatto to sharply criticize the “person who goes along in his world without giving thought to whether his actions are good or evil,” and who does not take “proper precautions to guard against potential danger,” to himself and to others. (See his Messilat Yesharim [Path of the Upright] 2:4.)

Then there are those who are certain that God will protect them. We see this among Evangelicals, especially, and even among our own people. As Rabbi Chaim Kanievsky, a leader of non-chasidic charedim in Israel, said in July, “The merit of Torah study in schools and yeshivahs is what protects and guards us from danger,” as does fervent prayer. Kanievsky, who in September was discouraging yeshivah students from even being tested, contracted the disease in October. He has since recovered.

The 13th century Sefer Hachinuch, the Book of Instruction, does not agree. The Torah, its unknown author wrote, “commands us to guard our homes and our [general] surroundings” in order to protect life. It pointedly echoes our Sages of Blessed Memory when it added, “We also must not endanger our souls by trusting in miracles” to protect us, because “a miracle is not performed for the one who depends on a miracle.” (See The Sefer Hachinuch 546:3.)

ITEM: Former presidents Bill Clinton, George W. Bush, and Barack Obama, and President-elect Joe Biden have all said they will publicly take a COVID-19 vaccine that has been declared safe.

That they will do this—on live television, no less—brings me to an issue raised by writer and director Terrence Malick’s 2019 film “A Hidden Life.” The nearly 3-hour film is amazing for its depiction of what life was like for ordinary people living in Europe’s poor farm communities. There is no sugar-coating of day-to-day existence. Viewers virtually experience the harshness.

The film dramatizes the true story of Franz Jägerstätter, an Austrian farmer and devout Catholic who was drafted into the German army, but refused to take the required oath pledging loyalty to the Third Reich generally and Adolph Hitler specifically. He thus puts his entire family—his mother, wife, three children and a sister-in-law—in jeopardy. The family become pariahs in a town that once viewed them with great affection.

Franz is tried and convicted of treason, and is beheaded. While his decision to stick to his principles is laudable and even heroic, if he had been Jewish, he would have been in violation of Jewish law.

As noted in previous columns, all of Jewish law must stand aside where life is concerned except in three instances. Martyrdom, on the other hand, is required if the choice given is between death and violating laws against idolatry, prohibited sexual relations, and murder.

However, except for murder, there are allowances made in the other two categories. Of relevance here is apostasy. Martyrdom is neither acceptable nor required unless the act is done in public—meaning in front of at least 10 Jewish onlookers. Apostatizing in public means defaming God’s holy name by encouraging others to follow suit. (See the Babylonian Talmud tractate Sanhedrin 74a-74b for a full discussion. There is an opinion cited elsewhere that holds that “in public” means that at least 10 Jews know about it, but that is not the majority view.)

In Franz’s case, the “apostasy” would have been swearing loyalty to a man he considered a monster and a state he considered murderous. If the intent was to get others to do so, then he would have been morally (but not halachically) correct in choosing to die. He was supposed to recite the oath among dozens of other recruits at the same time, which does not qualify as “in public.” While it could be argued that by reciting the oath, he was also taking a vow to commit what he considered murder—there was a war on—he was given the option of not fighting, but instead working as an aide in a military hospital. For the sake of his life, and for the safety of his family, he should have taken the oath and lived to fight Hitler another day in another way.

The relevancy for us is this: On the one hand, what President Trump does in public—not wearing a mask or requiring others to do so, not socially distancing, holding super-spreader events such as last Saturday’s rally in Georgia and his more than a dozen planned holiday parties—encourages large numbers of others to also openly disregard COVID-19 rules. A study reported in the Bulletin of Atomic Scientists on September 30 found that “the Trump pandemic response has led to the unnecessary deaths of more than 100,000 Americans.” A study by Columbia University’s National Center for Disaster Preparedness produced similar results.

On the other hand, Clinton, Bush, Obama and Biden publicly advocate observing the rules. Their vow to publicly take a vaccine declared safe by competent authorities is meant to reassure other to do so. They are saving lives, not endangering them.

Enjoy Chanukah—but do so safely for yourself and for everyone else.