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Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

Ha-Rav Shlomo Aviner on...

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Winter Questions – שו"ת חורף

Guarding Against Spreading Sickness

A Sick Person Going to Shul

Question: If someone is sick with coughing and sneezing, and is spreading germs in shul, doesn't he have an obligation to stay at home?

Answer: One who infects another person with this type of illness is exempt from any fine, since it is "gerama" – an indirect cause. The germs do not directly penetrate a person's body, but they are spread throughout the room, and afterwards he breathes them in. This is not a definite injury since it is not certain that the other person will become sick. Perhaps he will not breathe them in or perhaps he is immune. One who infects another person is therefore exempt from paying a fine. It is clear, however, that it is forbidden for a person to injure another, even indirectly, even with germs, which are like arrows. In the book "Kehillot Yaacov," the Steipler Gaon discusses similar cases, such as one who damages through witchcraft (Kehillot Yaacov, Baba Kamma #39, #44 in the new edition at the end of the chapter). Therefore, someone who is coughing and sneezing should not go to shul, but should daven on his own. For the same reason, one should not send children with infectious sicknesses to nursery school or school, unless a doctor decides that it is better for young children to be infected with this sickness rather than waiting until they are older.

Asking Someone to Remove a Used Tissue from the Table

Question: If a person wipes his nose and places the used tissue on a table on which food is going to be served, is it permissible to tell him or should one refrain out of a concern of embarrassing him?

Answer: It is certainly forbidden to put a used tissue on the table and, in general, it is forbidden to do such things since it disgusts other people as it is written: "For every deed,

G-d will judge, on everything which is hidden" (Kohelet 12:13). The Talmud in Chagigah (5a) says, "This is someone who kills a louse in front of another person and he is disgusted by it...This is someone who spits in front of another person and he is disgusted by it." "On everything" means even on a small thing. "Which is hidden" means even if the person who is disgusted does not inform the other person what he caused, since he saw no problem in doing such a thing. One must therefore certainly tell him, but it must be done with gentleness and wisdom, as with every instance of giving rebuke. If, despite this, he is still insulted or hurt, this is not our responsibility, since we acted according to the law, and he placed himself in this position.

Pointing Out to Someone to Clean their Nose

Question: Is it permissible to tell someone that his nose is not clean or is there a concern for embarrassment?

Answer: This is similar to the previous question. Again, one should act with wisdom.

Kissing the Torah by Hand

Question: Isn't it preferable to kiss the Torah with your hand, and not your mouth, during the winter since it is unclear whether the others kissing it are sick?

Answer: This seems to be remote concern. We therefore leave this to the discretion of each person.

Windows Open or Shut in Shul

Question: According to doctors, it is important to have windows open in order to ventilate rooms and halls. If one of the people davening says that he is cold, does he take precedence over the many when there is a danger of becoming sick because of a lack of ventilation?

Answer: We follow the accepted practice of people in all of these matters, and it is forbidden to act in a way which injures another person which is difficult for him to endure (Shulchan Aruch, Choshen Mishpat 155:39 in the Rama). It therefore seems that the general rule is: In the summer, if someone wants to open the window, it is opened, even if the majority wants it closed; and in the winter, if someone wants to close the window, it is closed, even if the majority wants it open. However, after doctors have established that there is a need for ventilation and that cold weather does not cause the common cold, but germs do, there is a need for ventilate in every place. This rule also applies in catering halls, yeshivot, school classrooms, buses and similar places.