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QUESTION:

In response to the devastating Coronavirus pandemic, Israel's government has outlawed public gatherings in order to reduce the spread of a contagion that is particularly lethal for the elderly and those with compromised immunity systems. In spite of the mandatory lockdown, there have been numerous instances of non-compliance with the government's directives. In a south Jerusalem apartment building, a ground floor apartment was converted into a Chabad *shteiblel* which continued to convene on holy days after the Israeli government outlawed these public gatherings. Some members of a gated Israeli Orthodox community that complied with the governmental order discovered to their chagrin that rogue *minyanim*, prayer quorums of ten adult men, were convening within the community, in violation of the governmental order.

On one hand, *minyan* attendance is a worthy and legitimate *Halakhic* mandate, but so is the obligation to preserve health and life. The relative weights of these two occasionally conflicting concerns requires clarification. Furthermore, there is a prohibition against *mesira*, of delivering and informing on a Jew to the secular authorities. Does this prohibition apply to those who join *minyanim* in violation of the law? To whom should *Halakhically* committed people turn for relief from those who ignore the lockdown directives?

ANSWER:

1. When the legitimate, lawfully elected ruling government forbids public gatherings in order to limit the spread of disease, the government is doing its job, which is to preserve the peace, public safety, and domestic tranquility. If attending public gatherings under current circumstances is deemed by the government and the medical community to pose a danger to public health and safety, the *minyan* quorum *must* be suspended. Even if the *minyan* quorum were an absolute religious obligation, which it is not, it is *Halakhically* proper to report those who violate the rules forbidding these gatherings to the civil authorities because public safety is being compromised by the offenders' non-compliant, selfish, and unsafe behavior.
2. At https://www.ynetnews.com/article/Bkfd9CKDI#autopla it is reported that the *Haredi* Jerusalem Faction protested the Israeli Health Ministry lockdown directives which, to its view, outlaws Jewish observance by forbidding the prayer *minyan* on the pretense that there is a medical health emergency. This particular sect does not recognize the religious or political legitimacy of the Israeli polity because its own rabbinic elite does not control the organs of State. The *Haredi* Jerusalem community, which was only partially

compliant with the governmental directives, has nine times the Coronavirus infection rate of the general population. And the *Haredi* community is not the only offending population. The "Hilltop Youth," politically Right Wing political radicals, also refused to comply with the isolation order, and rioted in protest [https://www.ynetnews.com/article/S12OtG9PU]. At https://www.jta.org/2020/03/18/israel/were-not-scared-some-haredi-orthodox-jews-in-israel-are-ignoring-coronavirus-social-distancing-rules, it is reported that a Satmar affiliated Hassidic school in Bet Shemesh was operating in defiance of the lockdown directives, and that "Rabbi [Chaim] Kanievsky [the leader of the non-Hassidic camp of Israel's Haredi society and son of R. Yaakov Kanievsky, the "Steipler Rov," who insisted on implementing a stridently parochial version of Orthodoxy, says "canceling Torah study is more dangerous than corona," and that an eighteen year old yeshiva student claimed that "[t]he Torah protects us and saves us. We're not scared…. I'm young. People in the yeshivas aren't afraid because we won't get sick and anyone with a fever is sent home. We learn Torah, so it won't happen." As the pandemic spread, Kanievsky reversed himself and enforced the directives. It is suggested that the *Haredi* community's insularity, avoidance of computers and televisions, and its disdain for the secular media underlies its unwillingness to implement governmental directives—and authority. The *Haredi* community looks to its own *religious* leadership for both religious and political guidance, and does not turn to the secular, non-Haredi authorities unless their rabbis direct them to do so. The Haredi adherent is socially conditioned to obey the orders of his/her rabbinate before the Israeli government's directives. The individual Haredi must see him or herself as a disciple of a great rabbi before considering oneself to be a citizen of the State of Israel.

3. The following incident received wide coverage in Israel, because an ideologically distinct minority population was found to be ignoring the discipline and expectations of the rest of the population:

> "An estimated 300 people participated Saturday night in the funeral of Rabbi Tzvi Shinkar in the predominantly ultra-Orthodox city of Bnei Brak in central Israel, defying social distancing restrictions issued by the government. Sources in law enforcement are pinning the blame directly on Tel Aviv district police commissioner David Bitan, saying he chose to avoid clashes with the community, rather than enforce the law. The coronavirus is now spreading fastest in ultra-Orthodox communities in Israel, according to internal Health Ministry figures obtained by Haaretz. The police initially requested to limit attendance but then agreed to allow the general public to participate after organizers promised people would maintain social distancing rules. In effect, mourners congregated closely and ignored police directions." [https://www.haaretz.com/israel-news/.premium-mass-ultra-orthodox-funeral-held-in-israel-despite-coronavirus-pandemic-1.8720614]

For full disclosure, PM Benjamin Netanyahu's 25 year old son, Avner, observed the Seder with his father, against the same governmental directives that the Haredi dissidents ignored [https://www.timesofisrael.com/netanyahu-holding-passover-seder-with-his-son-leads-to-criticism/]. The Israeli President Reuben Rivlin also hosted his daughter for Seder, also against these rules [https://www.jpost.com/israel-news/rivlin-celebrated-passover-with-daughter-against-coronavirus-laws-report-624269], but Rivlin, an elderly widower, needs family help and is a special case:

> "His office said that since his wife died, a family member was always with him on the Sabbath, holidays and flights overseas. Rivlin has four children. The report did not say which of his two daughters was with him." [

https://payments.jpost.com/paywall/paywallpersonaldetails?utm_source=jpost&utm_medium=site_
]

4. The funeral of Rabbi Yaakov Perlow, the President of Agudath Israel of America, tells another story. Before his own passing from the Coronavirus, he proclaimed,

"'We must be informed about the facts of this disease and what the expert doctors, the infectious disease specialists, are telling us, in a unanimous way,' he said in a video message. 'We cannot behave today like we did last week or two weeks ago. We are told that the Jewish law is that we must listen to doctors whether it's about a sick person on Yom Kippur or a sick person that requires desecrating Shabbat and so on.'" [https://www.jta.org/quick-reads/yaakov-perlow-leader-of-novominsker-hasidim-and-a-top-orthodox-rabbi-dies-of-coronavirus-(at-89]

R. Perlow taught his constituency by personal example. His funeral was consistent with his directive:

"The Levayah (funeral) of the Novominsker Rebbe will take place privately at 10:00 A.M. due to this coronavirus epidemic. Tehillim (Psalms) and Hespedim (eulogies) will be available live by telephone. The family has requested that there should be no gathering at the Levayah" [https://vosizneias.com/2020/04/07/funeral-of-novominsker-rebbe-rabbi-yaakov-perlow-ztzl-to-be-broadcast-live-by-telephone-at-10-am/].

However, upon being diagnosed with the virus, Israel's Haredi Health Minister, Yaakov Litzman was subject to criticism for having himself attending an illegal rogue *minyan*, against his own directives. [https://www.jta.org/2020/04/07/israel/israels-health-minister-has-the-coronavirus-hes-also-under-fire-for-allegedly-defying-his-own-departments-orders]. Litzman opposed the extradition of Malka Leifer to Australia to face charges of sexual abuse and he is also facing bribery charges for intervening on behalf of a food business for sanitation violations. Turning to the secular authorities for legal relief from other Jews is portrayed as a violation of the Jewish law that forbids tattling on Jews to the civic authorities or seeking relief from other Jews by any organ other than rabbinical courts that *Haredi* society deems to be legitimate. At stake in this policy is the doctrine, originating in the medieval *kehillah*, or autonomous Jewish corporation, that the Haredi affiliate ought to be governed by Torah law as it is understood by its rabbinate, and not the secular State of Israel. Because the Jewish state is not governed by Jewish law as it is understood by the Haredi rabbinic elite, the State lacks Jewish legitimacy. Israel is only an ethnically Jewish polity but not a legitimately Jewish state, which would require a government whose constitution is Torah law as understood by the theologically Right, reverend rabbis. Israel's secular leaders have no standing to restrict, restrain, or even regulate the conscience-driven behavior of true believing Orthodox Jews. The regulations enacted by Israel's secular leadership are not accepted to be binding unless the Haredi elite endorses them. This is why extraditing Malka Leifer to face her accusers or informing the Israeli police of unlawful religious assemblies, to this line of thinking, is unacceptable.

This cultural divide between pre-modern Traditional Judaism and secular medical science is explored in Y.D. Berkowitz's Hebrew short story, *ha-Talush* [The Detached One], which describes how the well-intentioned, well-educated, but religiously alienated Dr. Vynik fails to connect with the *Yiddishkeit* [the "Jewishness" of Yiddish language traditional Jewish culture] and *Yidn* [Jews who live *Yiddishkeit*] of old world Traditional Jewry that was not shaped or corrupted by secular modernity. Vynik is "detached" from and no longer a part of that Jewry's pre-Enlightenment Jewish culture. This anti-physician attitude finds antique precedent in *Kiddushin* 4:14, which proclaims that "the best of physicians are destined to Gehinom" [perdition]. Since this *tannaitic* phrase is a semantic observation and not a prescription, it *should not* and generally was not taken to be a hard, inviolate, legal norm. Norms are "to do" or "not to do" statements; descriptions do not prescribe, and many medieval great

rabbis earned their livelihood by practicing medicine. In modern times, the education required for practicing medicine and the learning expected of a Torah authority hardly ever overlap. Sensing the secularity in the medical profession's training, expertise, and professional culture, many Haredim do not trust physicians to follow the Torah's directives unless those physicians are vetted by their Rabbinic leaders.

5. The Haredi position is not monolithic. R. Perlow's funeral instructions are fully consistent with Monsey's Olympia shul's Rabbi Chaim Levitan, who wisely taught the following to his community:

"Gedolei Yisroel have paskened not to have Minyanim. To make or be part of a Minyan, even outside, makes you a rodef, also a nirdaf. This means our neighborhood also. All of the excuses are shlugged up by anyone on the chevra kaddisha. I am going to follow their issur. How could anyone take the chance of making someone sick, to die alone? If anyone cannot resist being frummer than Rav Chaim Kanievsky, do not come to me to sell your chometz. If already submitted the form, bli neder I will not buy it back from the goy and since you gave reshus to do as I see fit, I will sell all your chometz for a total of one dollar. Using your chometz after that will make you a gonif, whose gehinom is much less than being a rodef. The road to corona is paved with good intentions. **Do not make Minyanim.** It's clear that no nachas ruach comes from it. Yizkor can be said without a Minyan. Your compliance IY'H will keep all of us safe BS'D [with Heaven's help]."

On one hand, R. Levitan's position is both correct and unambiguous. However, unaddressed is the Haredi predilection of preserving past patterns of behavior and its insisting that life continues as did in the remembered past unless its own great rabbis say otherwise.

This tension between risking lives and allowing non-Haredi politicians to determine—and govern—Haredi culture policy can be teased out of Agudath Israel of America's delicately nuanced statement:

> "Those over 50 or 60, those with cardiovascular disease (including high blood pressure), diabetes, chronic respiratory disease, or certain other chronic or immunocompromised conditions, are especially vulnerable to complications from COVID-19. All such people should take precautions beyond those listed below. Those who care for, or have close interaction with such individuals, should also adopt a more careful approach.
>
> If you have any symptoms of COVID-19 – fever, cough, shortness of breath, or sore throat, STAY HOME. Call your physician. This includes anyone with a fever or a cough without another known cause….
>
> Tefilah betzibur (public prayer) and krias haTorah (public Torah reading) are definitive requirements and an important component of Jewish life. A community may reach a threshold of infectious activity that necessitates shul closings, but few communities are at this point now.

However, all shuls should make every effort to create circumstances that enable social distancing. For example, on weekdays, perhaps adjoining sections can be opened to spread mispalelim (praying people) over a larger area; perhaps a larger building auditorium can be temporarily used; minyanim times can be altered to reduce traffic, etc. Agudath Israel also recommends that all shuls redouble their cleaning procedures, especially on high-touch surfaces like door knobs. Soap and hand sanitizers should be made readily available. A shul that can only function in a manner that would force its congregants to be tightly squeezed together should ask a shailah about its continued operation. It should also consult intra-communally to not unduly increase capacity on other shuls. The elderly, and those with the above noted health conditions, should think carefully before appearing in public settings such as a shul, shiur, or simchah. Talk to your doctor and Rav to ascertain your fact-specific risk level and psak." Y[https://www.theyeshivaworld.com/news/headlines-breaking-stories/1839881/agudath-israel-of-america-updated-coronavirus-guidance-to-communities.html]. While the original Haredi resistance to the lockdown restrictions cannot and is not denied, the Haredi leadership now concedes the need to adjust its policies. And this change is a significant and welcome change of direction.

6. Given this background, we may now address our question, is it proper to turn to the State for relief from those Orthodox identifying Jews who refuse to observe governmental decrees requiring social distancing because they do not recognize the legitimacy of the State of Israel? At *Shulhan 'Arukh Hoshen Mishpat* 425:1, it is taught that a *rodeif*, or "pursuer," a person whose behavior poses an immediate public danger, must be stopped, not as punishment for wrongdoing but to protect the innocent public from dangerous behavior. The threatening danger may be to life and limb, sexual impropriety, or even for grand larceny, which could endanger the standing and safety of the Jewish community. A person who acts in a way that threatens the lives, sexual integrity, or property of others is not unlike someone who might be infected with the Coronavirus virus yet refuses to take the governmentally mandated precautions, like wearing protective masks and practicing social distancing, that limit the danger of transmitting the disease to others. A "pursuer" whose unsafe behavior presents a clear and present danger to others must be stopped at all cost, as explained by R. Lavitan. If there are accusations of wrongdoing regarding Laufer's behavior, then Laufer should not be permitted to exploit Torah principles to escape criminal accountability. Similarly, if someone may be carrying the Coronavirus knowingly violates the lockdown decree which was put into force to protect life, that person is considered to be a pursuer who presents a clear and present danger to the general public. Even conceding the most restrictive standard regarding informing the civic authorities of Jewish misbehavior, Jewish law privileges the law of the pursuer and public safety over the law of the informer and Jewish self-government. Therefore, the Jewish community is required to inform the civil authorities in order to restrain the pursuer, not to punish the offender but to protect the innocent. It is on these grounds that Laufer deserves her day in court to confront her accusers, and congregating in groups where Coronavirus contagion may be spread must also be prevented. If bad behavior may have transpired, an accounting must be given and, when appropriate, consequences must occur.
7. The *minyan* is a desirable but not necessarily required format for Jewish prayer. So too are holy day communal *kiddushim*, fundraising charity dinners, public lectures,

weddings, and funerals. One may not risk one's life, and/or the lives of others, in order to participate in these events. Therefore, the Orthodox rabbi, the expert on Jewish *law*, must first defer to the medical experts to understand the physical reality and the dangers now posed to which Torah's values are applied. We may not assume that biological threats may be ignored because medically untrained rabbinic eyes are blind to the presence of those threats.

8. A colleague recently called my attention to *Shabbat* 32a, where it is taught that one must always distance oneself from danger, and not count on being protected by miracles. And should such a person have risked danger and emerged whole because of a miracle, the person will still have to give account for the irresponsible choices that was made.
9. If a person opens, or even attends, a *minyan*, or for that matter, participates in any medically forbidden public gathering during a pandemic lockdown, violating the governmental directives requiring social distancing, that person has the status of *rodeif*, a pursuer who must be stopped in order to preserve public safety. Since the civil authorities are authorized to apply coercive force to in order to ensure compliance with those directives, the *Shulhan 'Arukh* actually requires informing the civil authorities when bad behavior threatens others. The highly regarded Haredi authority, R. Asher Weiss, who combines intellectual clarity, an appreciation of the complexity of Oral Torah texts and norms, and empathy for the human condition, has earned the ear and respect of all *Halakhic* communities, reminds his readers that when life is in danger, even remote risks may not be tolerated. [*Minhat Asher*, (Jerusalem, 2020), p. 6].

10. Why do some *Haredi* Jews have difficulty with non-*Haredi* governance and control over their society? As explained above, *Haredi* society's legitimate leadership is its own cadre of great rabbis, not any secular government and for sure not the secularized, Jewish scientific knowledge class that does not defer to the charismatic authority and parochializing policies of the *Haredi* rabbinic leadership. Since the Haredi great rabbi is endowed with legitimating religious charisma, and secularists do not value charismatic religious claims, the great rabbis inspire a loyalty much more intense and much greater voluntary compliance from their constituency. The sanction of exclusion, resulting in anomie and identity loss, is a very powerful deterrent that discourages challenging the elite in any way.

11. At https://www.ynetnews.com/article/Hkl00mpYvI, Ben Dror Yemini reports that the political commentator Rina Matzliah finds the Israeli Government's forbearance for Haredi society's flaunting the laws of the State and by endangering the public by ignoring the pandemic lockdown instructions, to be intolerable. The Haredi response to non-Haredi critique is to dismiss any and all criticism as anti-Semitism and racism. Following the guidance of its rabbinic leadership, the Haredi community initially ignored government directives regarding social distancing, which resulted in Haredi contagion rates at least six times the national average. As a

consequence, PM Netanyahu, himself sympathetic to Haredi needs—and votes—felt it necessary further restrict movement to and from Haredi neighborhoods. David Israel reports [at https://www.jewishpress.com/news/israel/religious-secular-in-israel-israel/utj-attacks-netanyahus-closures-say-they-discriminate-against-haredim/2020/04/13/] that Litzman rebuked Netanyahu, arguing that "[c]lear and equal criteria must be set for all cities, regions and neighborhoods in Israel – regardless of the nature of the population…. the definitions whereby movement should be curtailed in the Haredi enclaves are mistaken and besmirch an entire community that obeys the law and the rabbis." The same Litzman who attended an illegal *minyan* here invokes "democracy" as well as the claim that Haredi society is a victim of anti-religious prejudice, without addressing the fact that rabbinically prescribed Haredi behavior is the immediate cause of the exponentially higher incidence of contagion in Haredi neighborhoods.

12. Litzman's UTJ [English acronym for the Israeli political party named United Torah Judaism, *not* to be confused with the American UTJ, the Union for Traditional Judaism] colleague, MK Israel Eichler complained, "[a]ny discrimination in imposing rules on the public or in the treatment of patients constitutes a hate crime." But Bnei Brak's "continued closure continues in its full severity, even though the infection level there is decreasing day by day, while Arab and secular cities where the level of infections is rising at an alarming rate are still open to all." Eichler presents the enhanced lockdown of Haredi neighborhoods to be expressions of anti-Haredi prejudice when these lockdowns represent a defensive response to the doleful consequences of Haredi behavior. Although culturally self-isolated in the Haredi world he faithfully represents, Eichler is sufficiently urbane to reference liberal secular culture's politically correct buzz words and dogmas. Eichler demands equal *treatment* for Haredim when there has not been an equality of behavior or illness incidence. The usually clever Eichler argues for egalitarian *political* treatment in spite of Haredi non-compliance with expert medical directives as well as the resultant explosion of Coronavirus causes caused by that non-compliance. In other words, Haredi commitments, we are informed, should generate Haredi entitlements.

13. What is the real religion, as opposed to the "official" religion, of the Haredi community that Litzman and Eichler represent, and what is at stake in this ideological clash between "secular

modernity" and what claims to be the "old time religion" which we are told is the only authentically "orthodox" Judaism worthy of the name? We find the answer at https://www.kupat.org.il/news/235?source=kikr15, a Haredi site articulating normative Haredi policies and ideology. R. Kanievsky is said to have endorsed the following claim, "one who contributes a significant sum [of money] to the [charity foundation] 'I [referring to God] Shall Remove Illness from Amongst You,' [the idiom is taken from Exodus 23:25] which will be distributed by *Kuppat ha-'Ir* [B'nai B'rak's rabbinically endorsed public assistance charity fund] to the families of the ill [victims of the Coronavirus] and who will earn merit commensurate [to amount of their donation that] they will not become ill with Coronavirus and there will not be ill persons in their homes." This solicitation concludes with the assurance that "all contributors will receive for their homes a 'document of special protection' signed by the holy hand of our master, his excellency, R. Chaim Kanievsky, may he have good, and long life [literally long days], *amen."* The "document of protection" claims that "one who possesses this document has contributed charity to the 'I [referring to God] Shall Remove Illness from Amongst You Foundation,' so that by [the efforts of] *Kuppat ha-'Ir*, may provide rescue and salvation of the infirmed." The fact that this "charity" has not been condemned by the Haredi rabbinic elite indicates that this fundraising gambit meets with their approval. How these great rabbis know that the giving charity *to them*, that is providing the great rabbis with patronage funding, i.e. filling *Kuppat ha-'Ir's* rabbinic coffers, will necessarily heal those afflicted with the Coronavirus, is not stated [https://www.jpost.com/Israel-News/Rabbi-Chaim-Kanievsky-promises-coronavirus-immunity-for-donors-of-NIS-3000-625053]. Jewish law regards universal Torah education and medical care to be entitlements; they are not commodities to be traded and acquired in a free market. If these great rabbis have the power to read and control God's mind as this solicitation implies, why do they require significant contributions to heal the ill people of the community over which they preside? If someone makes a significant contribution to *Kuppat ha-'Ir* and then contracts the Coronavirus anyway, given the assurances made by the solicitation, will the aggrieved client be allowed to sue in *beit din* for service guaranteed to be rendered but not delivered?

R. Natan Slifkin, also found these claims problematic. At http://www.rationalistjudaism.com/2020/04/daas-torah-on-how-to-avoid-getting.html?spref=fb&fbclid=IwAR3MzCJqPP1LkRhveaqbPndFOVsvtt7EdNBWqDouuz2k-wQ2q2NH05mAPBQ, he writes

“The economic situation of haredi society, always in bad shape because of the low rate of employment, has gotten much worse with coronavirus. In an effort to raise larger donations, the Vaad HaRabbonim has launched a new campaign. They are enticing people to donate substantial sums with an incredible lure: A promise from the Sar HaTorah, Rav Chaim Kanievsky, that they will not get sick from coronavirus! As the ad says..., *'He will not be sick!*' A straightforward answer in a time of uncertainty."

Slifkin originally thought that for a price, Kanievsky would pray on behalf of the patient. Kanievsky affirmed that this is not the case:

“Yitzchak Shaul Kanievsky, attesting to his father saying that you and your family can be saved from coronavirus, provided that you donate a ‘substantial sum’ to Kupat HaIr, which they defined as three thousand shekels. The donation will get you a ‘protection contract.’"

This iteration of Orthodoxy’s fund raising techniques are not only jarring and alienating for most Jews, it is also unattested in the Written and Oral Torah. Just as Martin Luther found the Roman Catholic Church’s selling of indulgences to be theologically problematic, appealing to supernatural power, and speaking in God’s name when appealing for funds is dubious [Deut. 13:1-6].

When challenged that Orthodox rationalists find Chaim Kanievsky’s “guarantee” incredible, Yitzchak Kanievsky first objected to the term “rationalist,”

"I wouldn't call them "rationalists", rather these are people to whom a stain of heresy and enlightenment has become attached. This was the way of the *maskilim* [the Jewish advocates of the Enlightenment, who did not accept the right of the Traditional Orthodox rabbinate to rule the Jewish people in matters of public policy] in every locale, to mock and render ridiculous the words of our rabbis, the Gedolei haDor, may their merit protect us."

Slifkin identifies the real outrage of Kanievsky’s claim, “if you question this promise, you're an *apikores*” [heretic]. Unbelief in the claims of the great rabbis is presented as unbelief in God. Holding great rabbis to account for their decrees, policies, and directives is seen as disrespectful and, and a consequence, condemned as heresy. Official Orthodox Judaism reflects the neo-Kantian sociologist Max Weber’s rationalist law and leadership, which is based on what is taken to be God’s revealed law, memorialized in an accessible, canonized, public law. A legitimate opinion is one that does not violate the norms of that canon, even though popular practice and expectations may be subject to review.

In contrast, Kanievsky’s governance style reflects Max Weber’s traditional and charismatic leadership models, which does not require the consent of those governed. Appeals to the Jewish canon in order to assess great rabbis’ leadership are inadmissible because rationality is insufficient because for them, the Torah may be revered but not understood. To the Haredi view, a divine law requires a divinely inspired mediator; those who are not endowed with a charismatic intuition are not entitled to express an opinion. Kanievsky believes that world Jewry is obliged to defer to his divinely guided, subjective intuition. For him, Jewry must remain secularly uneducated, politically docile, and unquestionably compliant to the rules and rulings that he, the great rabbi, deems appropriate. The divinely inspired Torah scholar is entitled, authorized, and empowered to rule world Jewry with the assumption of infallibility and sovereign immunity. In contrast, Oral Torah “orthodoxy’s” only restriction on dissent is that an ordained sage sitting the Sanhedrin’s plenum may not rule to disobey in practice a decision of the Sanhedrin, the Supreme Court authorized by the Torah [Deut. 17:8-12] to interpret and legislate Torah law. According to Oral Torah “orthodoxy,” it is not forbidden to argue [a] I disagree with the decision of the *Beit Din ha-Gadol* [b] but accept the authority of the court [bSanhedrin 88a].

R. Kanievsky’s initially claimed that synagogue and yeshiva attendance are sufficiently sacred acts to override the danger of Coronavirus, and his charismatic authority is adequate to read God’s mind, apply God’s will, and issue a dispensation to ignore the advice medical experts in this moment of

pandemic crisis is *unorthodox* in the extreme. At stake in this debate is the identity and essence of what is anachronistically called Jewish "orthodoxy." Some suggest that "orthodoxy" is defined by the charismatic intuitions of an inspired elite; others argue that "orthodoxy" is defined by the most reasonable reading of a revealed, and readable, Torah. According to the canonical Torah evidence, the Torah is readable, the judges subject to judgment, and not even God gets sovereign immunity from assessment. Those who believe the Torah is readable will have the audacity to challenge dubious claims; those who rule from charisma would have Jewry believe that God revealed a Torah that is unreadable. In charismatic Orthodoxy, modesty is demanded of the ruled; in the Orthodox religion of the Written and Oral Torah library, modesty is reflected in the claims, character, and behavior of those who rule.