

**DiReSoM**

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Law Religion Multicultural Societies

Право Религия Мультикультурные Общества

انون والدين في المجتمعات متعددة الثقافات  
多元化社会中的法与宗教



# LAW, RELIGION AND THE SPREAD OF COVID-19 PANDEMIC

EDITED BY  
FABIO BALSAMO - DANIELA TARANTINO

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DiReSoM Papers

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**LAW, RELIGION AND THE SPREAD OF  
COVID-19 PANDEMIC**

edited by

Fabio Balsamo - Daniela Tarantino

DiReSoM (Diritto e Religione nelle Società Multiculturali – Law and Religion in Multicultural Societies) is a research group created in 2017 by Italian Scholars in Law and Religion.  
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## FIRST PART





# LAW AND RELIGION



# THE COMMUNITIES OF ULTRA-ORTHODOX JEWS IN THE “STORM” OF COVID-19\*

Enrica Martinelli

During the first lockdown imposed, in March, by the spread of the SARS-CoV-2 coronavirus pandemic, resistances, or even actual oppositions, were observed in Israel - and in the United States of America - by numerous communities of ultra-Orthodox Jews, who refused to obey government regulations and to follow the instructions of the health authorities.

International and Israeli public opinion - especially that of secular inspiration - expressed strong dissent and also manifest irritation at the attitudes of ultra-Orthodox religious communities, considered gravely irresponsible and dangerous to public safety.

Whereas the chief rabbi of Israel, David Lau and the rabbi Yitzhak Yosef, like other eminent rabbi throughout the world, in turn supported the government policies introduced to stop the spread of coronavirus - even if this would have meant closing places of study and worship<sup>1</sup> -some *Haredi* communities were

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\* Submitted: 23<sup>rd</sup> October 2020. Published: 28<sup>th</sup> October 2020

<sup>1</sup><https://www.haaretz.com/blocked?returnTo=https%3A%2F%2Fwww.haaretz.com%2Fisrael-news%2Fsynagogues-to-close-under-new-coronavirus-regulations-1.8708347>

shown to be obstinately unfavorable to the adoption of these measures<sup>2</sup>.

The international press has reported numerous cases in which *Haredi* Jews have broken the rules on social distancing and the use of personal protective equipment, adopting dangerous behavior for their own community and for society as a whole, apparently with lack of common sense and without any plausible reason<sup>3</sup>.

The many episodes to note include the raid of the police forces on April 28 during the crowded funeral ceremony of an Orthodox Jewish rabbi in Brooklyn, in the presence of the mayor of New York, Bill de Blasio, who defined the event, held in violation of the rules that prohibited gatherings, "absolutely unacceptable"<sup>4</sup>.

Still in New York, the leader of a strictly observant Jewish community ordered members of his community to continue collective study and prayer in the synagogue until the end of March,

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<sup>2</sup> In general, ultra-Orthodox Jews have displayed great reluctance to accept the restrictions envisaged by the Israeli government to contain the spread of coronavirus and hardly observed the rules on social distancing. During the *Purim* festival on 10 March (the liveliest celebration in the Jewish calendar, which can be compared to a sort of Carnival celebration), in much of Israel gatherings and public events were limited, but not in the ultra-Orthodox districts. This transformed the *haredim* communities into actual "hotbeds" of the pandemic.

<sup>3</sup> <https://it.euronews.com/2020/03/31/israele-alle-prese-con-la-grande-diffusione-del-covid-19-tra-gli-ultraortodossi>; <https://www.agi.it/estero/news/2020-03-31/coronavirus-ebrei-ortodossi-israele-alto-rischio-contagio-8037053/>; <https://www.terrasanta.net/2020/04/zona-rossa-per-gli-ebrei-ultraortodossi-indisciplinati/>; <https://www.corriere.it/esteri/20-aprile-01/israele-virus-fuori-controllo-quartieri-ultraortodossi-rabbini-si-ribellano-quarantena-768e495a-73e8-11ea-b181-d5820c4838fa.shtml>

<sup>4</sup> See <https://www.nytimes.com/2020/04/28/nyregion/hasidic-funeral-coronavirus-de-blasio.html>

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even though the pandemic had already killed thousands in that state<sup>5</sup>.

Faced with the tenacious resistance of the ultra-Orthodox communities, the Israeli government was forced to resort to force. On March 22, the police entered Me'a Sheimar, a populous *Haredi* neighborhood in Jerusalem, to put an end to public gatherings, close synagogues and *yeshivot*<sup>6</sup>. The police were met with curses, insults and stone throwing. Some *haredim* referred to the Israeli police as "Nazis"<sup>7</sup>.

As is known, after a temporary improvement in the health situation, in the second half of the summer, there was a new and unstoppable surge in the contagion curve<sup>8</sup>: Israel was, in fact, the

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<sup>5</sup> <https://www.nytimes.com/2020/04/28/nyregion/basic-funeral-coronavirus-de-blasio.html>

<sup>6</sup> A similar situation occurred in BneiBrak, a city of about 200,000 inhabitants, known for being one of the centers where the presence of *haredim* is highest. During the first wave of the coronavirus epidemic, the city was designated a "red zone". The authorities sent over a thousand officers to monitor the area and patrol the streets, in order to ensure compliance with the health measures adopted. Dozens of checkpoints were set up at the entrances and exits of the city: citizens were not allowed to leave Bnei Brak except for well-documented reasons. In addition to travel restrictions, the inhabitants were obliged to stay at home and to go out only in case of absolute necessity. According to estimates by the Ministry of Health, 40 percent of the inhabitants of Bnei Brak would have tested positive for the coronavirus. <https://www.shalom.it/blog/news-in-israele-bc241/coronavirus-37-morti-in-israele-bnei-brak-dichiarata-zona-rossa-b804451>

<sup>7</sup> <https://www.timesofisrael.com/jerusalem-ultra-orthodox-clash-with-cops-enforcing-virus-lockdown-3-arrested/>

<sup>8</sup> Analysts note that it took six months for the country to exceed 100,000 total cases from the start of the pandemic and only 32 days for these to double. Over 60 percent of the deaths occurred from August onwards.

first country in the world to return to lockdown starting from the feast of *Rosh Hashbanah*, the Jewish New Year<sup>9</sup>, with even more restrictive measures on the eve of *Yom Kippur*, the most important day in the Jewish calendar<sup>10</sup>, extended beyond *Sukkot* (the Feast of Booths).

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Hospitals and clinics are now at the limit of capacity, the Minister of Defense has given orders to build field hospitals.  
[https://www.corriere.it/esteri/20\\_settembre\\_24/coronavirus-israele-chiude-tutto-domani-scatta-secondo-lockdown-totale-09efbb5c-fe31-11ea-a30b-35e0d3e9db56.shtml](https://www.corriere.it/esteri/20_settembre_24/coronavirus-israele-chiude-tutto-domani-scatta-secondo-lockdown-totale-09efbb5c-fe31-11ea-a30b-35e0d3e9db56.shtml)

<sup>9</sup><https://www.ilfattoquotidiano.it/2020/09/18/israele-primi-paese-al-mondo-a-tornare-in-lockdown-da-oggi-scuole-alberghi-e-centri-commerciali-chiusi/5934972/>;  
<https://www.terrasanta.net/2020/09/covid-19-in-israele-si-irrigidisce-il-copri-fuoco-sanitario/>;  
<https://europa.today.it/attualita/covid19-israele-secondo-lockdown.html>;  
<https://formiche.net/2020/09/israele-secondo-lockdown-nazionale/>;  
<https://www.rainews.it/dl/rainews/articoli/Coronavirus-oltre-30-milioni-di-casi-nel-mondo-Israele-da-oggi-in-lockdown-bb3e0c6c-d4b9-4954-b530-9b9b0230f2c0.html>.

The government has decided to impose very restrictive measures to contain the contagion, closing all offices and businesses that are not considered essential, with the exception of supermarkets and pharmacies. The blocking of outgoing flights is also planned. The ban on going more than one kilometer from home extends to those wishing to participate in religious events or functions and the synagogues were closed after *Yom Kippur*, which began at sunset on Sunday September 27 and which entails twenty-four hours of fasting and expiation.

<sup>10</sup><https://www.vicenzapiu.com/leggi/yom-kippur-2020-a-distanza-per-il-covid-ma-con-segni-di-pace-si-celebra-da-domenica-27-settembre-prima-del-tramonto-fino-al-crepuscolo-del-28/>

Not all ministers voted in favor of the restrictive measures. In fact, the opposition accuses Prime Minister Benjamin Netanyahu of using the new rules to disperse the protests in front of the residence on Balfour Street in Jerusalem: thousands of demonstrators have been meeting for months demanding the resignation of the government, found guilty of having

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Due to the health emergency - as already happened for the religious festivities of Pesach - traditional family reunions were banned and prevented by the restrictions imposed on travel; then, prayers in the synagogue were only possible for small groups. The meetings were limited to 10 people indoors and 20 outdoors, thus significantly limiting participation in religious celebrations.

Nonetheless, the spread of Covid-19 remains out of control, especially in neighborhoods and cities with an ultra-Orthodox majority, due to the ongoing opposition to government prescriptions, which has often led to episodes of real revolt<sup>11</sup> also conducted with violent means<sup>12</sup>.

Israel is currently facing one of the worst infection rates in the world on a *per capita* basis and this is driving the country towards health meltdown<sup>13</sup>.

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mismanaged the epidemic. See <https://www.reuters.com/article/us-health-coronavirus-israel-protests-idUSKBN2600XQ>

<sup>11</sup>[https://www.lapresse.it/esteri/coronavirus\\_scontri\\_in\\_israele\\_tra\\_polizia\\_e\\_ultra\\_ortodossi\\_anti-lockdown-3051398/video/2020-10-07/;](https://www.lapresse.it/esteri/coronavirus_scontri_in_israele_tra_polizia_e_ultra_ortodossi_anti-lockdown-3051398/video/2020-10-07/)

<https://www.nytimes.com/2020/03/30/world/middleeast/coronavirus-israel-cases-orthodox.html?action=click&module=Top%20Stories&pgtype=Homepage>

<sup>12</sup><https://www.haaretz.com/israel-news/EXT-how-covid-19-upended-ultra-orthodox-life-from-jerusalem-to-brooklyn-1.9226205>

<sup>13</sup>[https://www.corriere.it/esteri/20\\_settembre\\_28/coronavirus-israele-ultraortodossi-festivita-spingono-paese-il-tracollo-sanitario-e577d80e-0178-11eb-af0b-6e1669518b1a.shtml](https://www.corriere.it/esteri/20_settembre_28/coronavirus-israele-ultraortodossi-festivita-spingono-paese-il-tracollo-sanitario-e577d80e-0178-11eb-af0b-6e1669518b1a.shtml). Fourteen religious schools have been transformed into what the Israelis call "corona hotels". *Yeshiva* students who test positive cannot leave the classrooms where they study the sacred texts day and night: the confinement in schools aimed to prevent the boys from returning to their families for *Yom Kippur* and infecting their elderly relatives. The installation of these makeshift hospitals on the outskirts of Tel Aviv has caused protests among the inhabitants of the nearby neighborhoods: the fear is that the observant young people do

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40% of the new Covid-19 cases diagnosed after *Yom Kippur* affect ultra-Orthodox Jews<sup>14</sup>.

According to the statements of the Israeli Minister of Health, Ronni Gamzu, in *haredi* communities the virus has a double incidence compared to the rest of the population: 28.6% of the swabs carried out among the ultra-Orthodox after the recent holidays, were in fact positive, while in the rest of the country the percentage does not exceed 11.6%<sup>15</sup>.

For this reason, part of public opinion - branded by the ultra-Orthodox as racism - blames them for spreading the epidemic with irresponsible conduct<sup>16</sup> while many ultra-Orthodox Jews openly argue that the coronavirus is a lie, an anti-Semitic conspiracy devised to prevent community prayer, which is essential for "God-fearing" devotees.

This is how, rather than stimulating solidarity within the country, Covid-19 has contributed to exacerbating the old hostilities that are tearing Israeli society apart<sup>17</sup>.

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not respect the anti-Covid rules and that reference to religious practice is much more binding for them than rules imposed by the state.

<sup>14</sup>[https://www.ansa.it/sito/notizie/mondo/mediooriente/2020/09/30/coronavirus-israele-34-casi-sono-ebrei-ultraortodossi\\_048f1869-f35d-4ad9-be35-0272ad8b47bb.html](https://www.ansa.it/sito/notizie/mondo/mediooriente/2020/09/30/coronavirus-israele-34-casi-sono-ebrei-ultraortodossi_048f1869-f35d-4ad9-be35-0272ad8b47bb.html);

<https://www.sbalom.it/blog/news-in-israele-bc241/coronavirus-sanita-israele-un-terzo-contagiati-sono-ultraortodossi-b975181>

<sup>15</sup><https://www.rainews.it/dl/rainews/media/Coronavirus-Israele-il-virus-dilaga-tra-gli-ultraortodossi-b64a7740-bbfff4dcc-a732-4e81a985c2ce.htm#foto-1>;

<https://www.dv.com/en/israel-ultra-orthodox-communities-top-coronavirus-hot-spots/a-55222367>; <https://www.bbc.com/news/av/world-middle-east-52189059>

<sup>16</sup><https://www.timesofisrael.com/haredim-have-finally-begun-embracing-social-distancing-why-did-it-take-so-long/>

<sup>17</sup><https://www.nytimes.com/2020/09/08/world/middleeast/israel-coronavirus-ronni-gamzu-netanyahu.html>



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To try to shed light on the reasons why the *haredi* communities violate the rules of conduct imposed by the fight against the pandemic, it is useful to clarify their identity.

The *haredim* can be traced back to a vast panorama of ultra-Orthodox religious communities, united by the rigorous following of the *Halakha*<sup>18</sup>; from a very young age men attend the *yeshivot*, schools in which they exercise the study and practice of religious law, interpreted and implemented rigorously in the family and in the community. Since the daily study of the Scriptures and the *Torah* is a commandment in Judaism, *Haredi* adults gather to pray three times a day, and students of *yeshivot* or ultra-Orthodox seminaries spend many hours a day studying together. Common prayer and study constitute a way of life and are considered to be essential means for protecting life itself. According to the Jewish Sages, "whoever engages in the study of the Torah also protects the whole world". So, "without Torah the world falls"<sup>19</sup>.

The cogency of the precept of common study of the Divine Law explains why eminent ultra-Orthodox rabbis in Israel and elsewhere in the world continue to tenaciously reiterate the recommendation that "canceling the study of the Torah is more dangerous than the coronavirus"<sup>20</sup>.

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<sup>18</sup><https://www.myjewishlearning.com/article/haredim-charedim/>

<sup>19</sup> See A. Chiappini, *Amare la Torah più di Dio. Emmanuel Lévinas lettore del Talmud*, Giuntina, Florence, 1999, p. 119.

<sup>20</sup> When the first infections were recorded in Israel in February Rabbi Chaim Kanievsky, considered a top-level figure in Judaism worldwide, first publicly denied the existence of the disease, then stated that the epidemic would never reach the *haredim*, protected by study and prayer: <https://www.italiaisraeletoday.it/nayess-la-rivoluzione-haredim/> Even the former health minister and rabbi, the ultraconservative Yaakov Litzman, had called the measures put in

Many *Haredi* leaders have in turn continued to reiterate that meetings for pray and study are essential for the religious community.

These attitudes seem to justify anyone pointing out that the *haredim* reject science and medicine; in fact these groups dispute the use of sources of information provided by the *media*, which they consider to be a distraction with respect to the need to maintain intimate vicinity to God<sup>21</sup>.

Access to the internet, TV programs and some cell phone functions are generally limited if not completely prohibited. This effectively prevented *haredi* Jews from following the news and keeping up to date on the pervasive spread of the virus<sup>22</sup>.

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place by the mayor of Ramat Gan "severely discriminatory". On April 1, Litzman tested positive for Covid-19. By his own admission, he repeatedly violated the measures on social distancing by participating in various public meetings, councils of ministers and celebrations in the synagogue and exposing numerous authorities in the country to contagion. His conduct and mismanagement of the epidemic in ultra-Orthodox communities forced him to resign from the executive.

<https://www.lastampa.it/esteri/2020/04/26/news/israele-si-dimette-il-ministro-della-salute-al-via-riapertura-limitare-1.38764643>

<sup>21</sup> <https://www.agi.it/estero/news/2020-03-31/coronavirus-ebrei-ortodossi-israele-alto-rischio-contagio-8037053/>

<sup>22</sup> The need to understand the severity and development of the health emergency connected to the spread of the coronavirus has made a "media contagion" of ultra-Orthodox communities essential, upsetting some of the fundamental dynamics that have governed their daily lives for hundreds of years. Especially in the younger generation *haredim* the use of *kosher* mobile phones (without access to the internet) is now accompanied by the use of smartphones and computers. This contamination, presumably destined for further developments in the future, could represent an epochal turning point in the world of

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Therefore, the *modern Orthodox* circles insist on their lack of scientific education, which would have made them unable to understand what was really at stake.

The most intransigent ultra-Orthodox rabbis have also been accused of having fallen into error regarding the interpretation of Jewish law.

In fact, it should be remembered that the fundamental precept relating to the safeguarding of human life (*Pikuach Nefesh*) cancels all religious obligations: when the life, even of a single human being, is in danger, the prescriptions of the *Torah* become null and void<sup>23</sup>. Precisely in compliance with the *mitzvot*, modern Orthodox communities and other Jewish communities quickly ceased to meet to study the *Torah*, closed *yeshivot* and synagogues, trying to protect their own safety in the best possible way<sup>24</sup>.

On the contrary, many of the *Haredi* Jews were refractory, since, despite their awareness like the others of the imperative *vis* of the precept, they were unable to identify - with shared consent - the moment in which the pandemic made the *pikuach nefesh* a halachic obligation.

At this point, the first delicate problem that lies upstream of the resilience of ultra-Orthodox faith communities emerges: rather than in the misinterpretation of the *Halakha*, the ultimate motivation lies in the innate distrust in the competence and ability

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observant Jews, not without political implications. See <https://www.italiaisraeltoday.it/nayess-la-rivoluzione-baredim/>

<sup>23</sup> In a *Pikuach Nefesh* condition, one can, for example, eat *non-kosher* food, desecrate the *Sabbath*, and eat on *Yom Kippur*.

<sup>24</sup> <https://www.economist.com/united-states/2020/10/17/restrictions-and-rebellion-follow-new-york-citys-covid-19-surge>

of the civil authorities to assess when a danger is so serious as to force them to stop religious activities.

The *haredim* are in fact undoubtedly aware that the current epidemiological situation requires prevention and distancing: the *Torah* itself teaches: "Protect yourself and protect your soul"<sup>25</sup>.

The basic question actually concerns authority and its concrete exercise. In other words, who is entitled to decide on the gravity of the danger and who can determine which religious obligations may be repealed in such situations.

Ultra-Orthodox Jews do not in fact recognize the authority of *Eretz Israel*. For them, a State which is not the secular translation of the *Torah*, which is not the permanent realization of the ancient mission of the Covenant, can never have any religious legitimacy: the divine law - in all its manifestations - must be the primary source, exclusive of any regulatory activity.

Unlike most Israelis - who see the existence of the state of Israel as the ultimate realization of their centuries-old history and recognize the military and police as essential protective factors - many of the *haredim*<sup>26</sup> are staunchly anti-Zionists and distrust the government and its officials. They are deeply convinced that God promised the Jewish people the land of Israel, but they refuse to believe that the promise can be fulfilled through human intervention, such as the establishment of a national state. The *haredi* ultra-Orthodox people describe themselves as a people still in exile and consider Zionism an apostasy because God gave

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<sup>25</sup> (Deuteronomy 4: 9)

<sup>26</sup> They make up about 10% of the Israeli population, but are on the rise due to the considerable number of children in each family.

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precise instructions, according to which his people should still wait patiently for the moment of a more dignified realization.

However, with the constitution of *Eretz Israel*, Israeli society renounced the traditional and religious principles of Judaism in favor of secular values, abandoning God and his blessings.

For all these reasons, when the government authority imposed restrictions to contain the spread of the infection and the police entered their neighborhoods to prevent public prayer, to close synagogues and *yeshivas*, rather than perceiving the sense of protection by the State, the members of the *haredi* communities denied its authority with suspicion and hostility.

Indeed, particular attention must be paid to the stubborn opposition of ultra-Orthodox Jews to the prescriptions of the government and experts. In fact, this arises from the need to dedicate their entire existence to the study of the *Torah* and to daily prayer as privileged tools with which the whole of humanity is maintained and protected.

They therefore do not deny *a priori* the value and usefulness of medical science - which they can use if necessary - and yet, when science contrasts with tradition, they choose the latter without any doubts.

In other words, when the management of public affairs and political choices interfere with the activities of prayer and the study of sacred texts, the consequences, from the ultra-Orthodox point of view, could become much more disastrous than those caused by a pandemic. They could mean the very end of Jewish life, if not of all humanity.

Many of the *Haredi* Jews live in a peculiar spiritual orbit. They have unconditional faith in the Sages and their teachings; they trust in their blessings with absolute devotion, in the deep-rooted belief

that they are nevertheless protected by them. They live in strict adherence to tradition and practice its precepts to the letter because they believe that the observance of the *mitzvot* leads to a certain reward.

When they state that the study of the *Torah* represents the real weapon for the defense of Israel and not military service - from which they should consequently be exempted - they are truly convinced<sup>27</sup>.

The *haredim* are considered old-fashioned, uninformed and irresponsible by most of secular and religious society. In reality they are absolute and uncompromising believers and their belief has already killed many of them<sup>28</sup>.

More lukewarm faith and a more critical trust in the indications of religious leaders, along with greater information, would perhaps have allowed them better conditions and a more appropriate response in this case.

Until now, no *haredim* could dare to question the rabbinical teachings or doubt the protection granted by the study of the *Torah* without a profound doctrinal reversal. However, the current lethal outcomes of the coronavirus epidemic and the very high rate of spread of the infection within ultra-Orthodox communities have led some rabbis to think again: they have begun to warn communities about the risks of contagion and have started to wear protective masks and recommended social distancing.

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<sup>27</sup> The radicality of this belief - and not a generic pacifist idea - is the reason for the clash between the ultra-Orthodox community and the Israeli government for refusal to undertake compulsory military service.

<sup>28</sup> <https://www.tabletmag.com/sections/belief/articles/covid-haredi-magical-thinking>

## Ultra-Orthodox Jews and Covid-19

And the unprecedented fact is that to be heard they used the media, they appeared on social networks, they resorted to the web<sup>29</sup>.

Could it therefore be concluded that the SARS-CoV-2 pandemic has induced a significant - potentially epochal - change among "God-fearing" devotees? Could the dramatic outcomes of the Covid-19 disease have initiated a movement of unhinging secular traditions within the *haredim* communities, and perhaps inaugurate a different relationship with faith, with tradition, with rabbinic teachings?

It is premature to predict the future results of the transformation imposed by the epidemiological situation; however, it cannot be excluded that the dramatic experience that has taken place and the unfulfilled promises can at least contribute to attenuating - if not to putting an end to - the isolation of the ultra-Orthodox communities from the media as, alongside the ancient obligation of not knowing, they are beginning to understand the need to be adequately informed in order to protect their survival.

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<sup>29</sup><https://www.italiasraeletoday.it/nayess-la-rivoluzione-haredim/>





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1 - *Law, Religion and Covid-19 Emergency*, edited by Pierluigi Consorti

2 - *Law, Religion and the Spread of Covid-19 Pandemic*, edited by Fabio Balsamo - Daniela Tarantino

As scholars engaged in the study of the legal regulation of the religious phenomenon, we decided to create a web space ([www.diresom.net](http://www.diresom.net)) to collect documents, comments and other useful materials related to the Covid-19 emergency, in order to assess the outcomes of the normative decisions made by state and religious authorities. By the end of April, we had already published more than 600 documents and comments related to this issue, and more than 45.000 unique visitors had surfed our website. In May we have also edited an open source book to share in a more orderly way the comments that we have already published online, thus giving the possibility to consult these guidelines to all those who want to study or analyze the legal reaction both state and religious, to this pandemic. The exponential spread of the Covid-19 Pandemic also in the second part of 2020 suggested us to edit now this second open source book.

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