

## Parsha Halacha – Parshat Re’eh

### *Rosh Chodesh Ellul*

***Sponsored by Israel and Gaby Kopel and their children Yosef, Yitzhak, and Shmuel David, in loving memory of their grandmother and great-grandmother, Clara bat Mordechai upon the conclusion of the 11 months of saying Kadish in her memory.***

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## Halachot for the Zika Virus

One of the 54 mitzvot in the Torah portion of Re’eh (as counted by the Sefer HaChunich) is the prohibition against eating any flying insect. As the verse says “And every flying insect is unclean for you; they may not be eaten.”<sup>1</sup> This prohibition was also stated in the Torah portion of Shemini where it says “Any flying insect that walks on four<sup>2</sup> is an abomination for you.”<sup>3</sup>

The Torah stresses that eating insects can defile the soul. As it says “You shall not make yourselves abominable with any creeping creature that creeps, and you shall not defile yourselves with them, that you should become unclean through them... For I am the L-rd Who has brought you up from the land of Egypt to be your G-d. Thus, you shall be holy, because I am holy.”<sup>4</sup>

The Talmud points out that in this verse it says that G-d “brought us up” from Egypt (המעלה), as opposed to the usual expression that G-d “took us out” of Egypt (הוצאתי).<sup>5</sup> The wording indicates that this mitzvah accomplishes a unique elevation for the Jewish people making it worthwhile for G-d to redeem the Jewish people from Egypt, even if only for this reason. The Maharal of Prague explains that consuming insects is so abominable that doing so would be the exact opposite of the unique qualities that we attained through the Exodus.<sup>6</sup>

By observing the kosher dietary laws we maintain our sanctity as a holy nation, since consuming any of them would contaminate our holy souls. This is why the section of the

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<sup>1</sup> Deut. 14:19

<sup>2</sup> See Da’at Mikra that the front two legs of an insect are considered it’s “hands” since it uses them for many purposes other than walking such as digging, jumping and hunting. Thus an insect has only four “legs.”

<sup>3</sup> Levit. 11:20

<sup>4</sup> Ibid, 43 - 45

<sup>5</sup> See Levit. 19:36 regarding false weights, ibid 25:38 regarding interest, and Numbers, 15:41 regarding Tzitzit.

<sup>6</sup> Gevurot Hashem, 45

forbidden animals follows immediately after the verse “For you are a holy people to the L-rd, your G-d, and the L-rd has chosen you to be a treasured people for Him, out of all the nations that are upon the earth.”<sup>7</sup>

### Consuming Flying Insects

The Talmud<sup>8</sup> says that one who consumes insects may violate multiple violations. Specifically,

- **“One who eats a *putita* (a water insect) can receive four sets of lashes”** – for transgressing four negative commandments.
  - Two are specific to water insects: “But any creatures that do not have fins and scales... among all the creeping creatures in the water... are an abomination for you.”<sup>9</sup> And “But whatever does not have fins and scales, you shall not eat; it is unclean for you.”<sup>10</sup>
  - And two of them apply to all insects: “You shall not make yourselves abominable with any creeping creature that creeps, and you shall not defile yourselves with them.”<sup>11</sup> And “You should become unclean through them.”<sup>12</sup>
- **“One who eats an ant can get five sets of lashes”** – for transgressing five negative commandments.”
  - Two of them are the ones that apply to all insects (above)
  - And three of them are regarding land insects: “And any creeping creature that creeps on the ground is an abomination; it shall not be eaten.”<sup>13</sup> “Any creature... among all creeping creatures that creep on the ground, you shall not eat, for they are an abomination.”<sup>14</sup> “Any creature... among all creeping creatures that creep on the ground, you shall not eat, for they are an abomination.”<sup>15</sup>
- **“One who eats a wasp may receive six sets of lashes”** as he has transgressed six negative commandments.

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<sup>7</sup> Deut. *ibid*, 2 See Da’at Mikrah on verse 3 based on Ramban, Rabeinu Bachaye, and Seforno. See Ramban who explains the continuity between these mitzvot and those in verse one regarding not gashing oneself nor pulling out one’s hair in grief for a deceased relative.

<sup>8</sup> Makot, 16b

<sup>9</sup> Levit. 11:10

<sup>10</sup> Deut. 14:10

<sup>11</sup> Levit. 11:43

<sup>12</sup> *Ibid*

<sup>13</sup> *Ibid*, 41

<sup>14</sup> *Ibid*, 42

<sup>15</sup> *Ibid*, 44

- Five of these are the same as the ones for eating an ant since wasps are also considered insects of the ground.
- The additional one is specific to flying insects “And every flying insect is unclean for you; they may not be eaten.”<sup>16</sup>

### **The Importance of Stinging Creatures**

The Midrash<sup>17</sup> says that, originally, King David did not understand why G-d created madmen, spiders and wasps. He only understood their purpose when G-d saved him through these very things.

- When he ran away to Achish the Philistine, king of Gat who then wanted to kill him, he feigned madness and was able to escape.<sup>18</sup>
- When he was in a cave and King Saul was searching him, a spider spun a web over the entrance to the cave. The unbroken web convinced King Saul that David was not inside.<sup>19</sup>
- David once snuck up on King Saul and his men who were sleeping and took King Saul’s water flask and spear. He did this in order to show that he could have killed King Saul had he wanted to, but that he refrained from doing so as he was not truly rebelling against him. As David was leaving the camp however, Avner, King Saul’s mighty general raised his legs while still asleep casing David to be stuck between them. G-d sent a hornet to bite Avner and this caused him to lower his legs and allowing David to escape.<sup>20</sup>

### **The Zika Virus**

At this time the Zika virus has become widespread in several countries in the world and is also spreading in several US cities. The disease has a very mild effect on adults but can cause serious birth defects to a baby if a mother contracts the disease when she is pregnant. Zika can be transmitted by sexual contact or by mosquito bites. (I.e., a mosquito can become a carrier of the disease by biting an infected person. That mosquito can then pass on the disease to another person by biting them as well.)

This disease brings up several Halachic questions.

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<sup>16</sup> Deut. ibid,19

<sup>17</sup> Otzar HaMidrashim 47, cited in Yalkut Me’am Loez on Shmuel I, 26:12

<sup>18</sup> Shmuel I, 21:11 – 16 See also Tehillim, 34:1

<sup>19</sup> Otzar HaMidrashim, ibid, Alef Bet DeBen Sira, cited in Ishei HaTanach by Yishai Chasidah, entry David

<sup>20</sup> Ibid. See Shmuel I, 26:12

It is not clear to me why David HaMelech was wondering specifically about the purpose of these three items.

- 1) May one kill a mosquito on Shabbat if they live in a [Zika zone](#)?
- 2) May one kill a mosquito on Shabbat if they live in a [Zika zone](#) and there is a pregnant (or potentially pregnant) woman in the immediate area?
- 3) May one use spray to keep away mosquitoes?

While there are several other halachic issues raised by the spreading Zika virus, this article will only attempt to address the above set of questions.

The purpose of this article is not to render Halachic rulings. It is simply to educate the readers about the issues that relate to the above questions.

### **Killing Mosquitoes on Shabbat**

One who kills an animal on Shabbat is transgressing the Torah violation against slaughtering on Shabbat (slaughtering includes any removal of life). According to most opinions, if one kills an animal but has no use for the animal's carcass (for example if he is killing it so that it not bite him), it is a Rabbinic violation. This is called a *melacha sh'ein tzarich legufah* (a labor where there is no need for the object on which the labor is being preformed).

- Therefore, on Shabbat, **one may not kill animals whose bite does not cause serious harm**. This would include wasps, bees,<sup>21</sup> gnats, bedbugs, mosquitoes and similar insects.
  - If one of the above animals is actually biting a person, one may remove it (despite the fact that it is *muktzah*) without killing it. Some permit one to remove it even before it begins to bite if it is on his skin. In this case it is better to knock it off oneself without actually touching it directly.
- **If the animal has a poisonous bite that is dangerous** (e.g. many poisonous snakes or scorpions), one may kill the animal even if it is not threatening to bite anyone.
  - **If one is not sure if the bite of a particular animal is dangerous** one should kill that animal in an unusual way if they are not chasing after anyone.
- **If the animal has a bite that causes great pain but is not dangerous**, one may kill it if it is chasing someone and threatening to bite them. In addition, if it is not chasing anyone, one may kill it by stepping on it so that it does not appear that he is killing it purposefully. This is because, as explained above, killing animals

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<sup>21</sup> If there is someone who is allergic to bee stings in the area, it would seem that the bee would have the law of a dangerous animal. See below.

when one does not need the carcass, is only a Rabbinic decree and the Rabbis relaxed their decrees in cases of great bodily harm.

- The Rambam is of the opinion that killing animals is a Torah violation even if one does not need the carcass. As such he rules that one may not kill these animals at all. The main halacha does not follow the Rambam in this regard so one is allowed to kill such animals as explained above. Nevertheless, one who is strict should not kill these animals if they are not threatening anyone.<sup>22</sup>

Based on the above, one may certainly remove a mosquito that is biting them or is about to bite them. It would seem that, in the Zika zone, considering that a mosquito can cause significant bodily harm to a fetus, that it should be considered an animal whose bite causes great pain but not death. As such it would be permissible to kill a mosquito that is threatening to bite anyone. If it is not threatening to bite anyone it would only be permitted to kill it in a way that that does not seem to be purposeful.

### **Using Insect Repellent**

One may use insect repellent on Shabbat by spraying it or rubbing it on the body as long as it is a liquid and not a cream.<sup>23</sup>

**May we experience the time regarding which it says “And the glory of the L-rd shall be revealed, and all flesh together shall see that the mouth of the L-rd spoke.”<sup>24</sup>**

**Wishing you a Shabbat Shalom and a Chodesh Tov!**

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<sup>22</sup> Shulchan Aruch HaRav, 316:227

<sup>23</sup> Shmirat Shabbat Kehilchato, 14:30

<sup>24</sup> Isaiah 40:5