

THE BAIS HAVAAD

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A TRAIL OF TWO CITIES

Tefilas Haderech in Suburban Driving

Adapted from a shiur by Rabbi Ari Stauber

When the lonely road gets crowded.

Chazal instituted a prayer, *Tefilas Haderech*, to be recited by travelers for protection from the dangerous conditions inherent in travel.

To say it, one must first be a traveler. A traveler is one who has departed his city. A person traveling within his city never says *Tefilas Haderech*.

Even if he is leaving the city and thus qualifies as a traveler, only one who is exposed to the dangers of the road says *Tefilas Haderech*. The twin dangers to which Chazal addressed the *tefila* are bandits and wild animals. Because both types of creatures fear large groupings of people, they tend to avoid population centers. Chazal, explains the Rosh, identified the distance from cities at which *listim* and *chayos ra'os* become an issue as one *parsa*, which R' Moshe Feinstein converts to 2.7 miles.

Because the *parsa* is only a measure of danger, a place that is *huchzak b'sakana* has no distance requirement. For example, soldiers on patrol outside city gates in wartime are vulnerable travelers the moment they step outside the gates, and they must say *Tefilas Haderech*. Traveling in a heavy snowstorm qualifies as well.

The Biur Halacha considers the question of one who is traveling the requisite *parsa* from his city, but the road to his destination is dotted with other settlements. Because the entire stretch of road is within a *parsa* of one town

or another, none of it is suitable for *listim* or *chaya ra'a* infestation, so there is no danger that would mandate the *tefila*. But perhaps we ought to apply *lo plug*, the general principle that Chazal don't differentiate in the application of their enactments among situations, even where the underlying reason doesn't pertain.

The picture the Biur Halacha paints is representative of most metropolitan areas today. In the New York suburbs, one would be hard-pressed to find a spot that isn't within a 2.7-mile radius of any settled area, so a jaunt from Monsey or Brooklyn to Lakewood, for example, would be subject to the Biur Halacha's dilemma. So why do people say *Tefilas Haderech* on these trips? Given that *safek brachos l'hakel*, shouldn't we refrain?

R' Yaakov Kamenetsky answered that *brachos* of *tefila* are unlike other *brachos*.

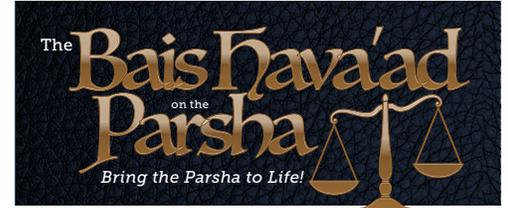
In *tefila*, it is preferable that one pray by himself rather than listen to the *chazzan* and employ *shomaya k'oneh*. If he has the ability, he doesn't even have a choice: *Chazaras Hashatz* was established for people unable to daven on their own, because everyone should develop a personal relationship with his Creator. Not so with other *brachos*, which anyone can hear from another.

Therefore, in the case of a *tefila* we don't say *safek brachos l'hakel*. One who is unsure if he said *ya'aleh v'yavo* in his Yom Tov davening, davens again. As Rabbi Yochanan says (Brachos 21a), "Would that man would pray all day long."

Like with *shemoneh esrai*, if one knows how to say *Tefilas Haderech*, he shouldn't be *yotzai* with someone else's recitation. And there is no problem saying it *misafek*.

According to the Chazon Ish, this is not an issue: The *shiur parsa*

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Highlights of a shiur by Rabbi Moshe Zev Granek

MOTHER, IN LAW: EISAV'S KIBUD AIM

Definitely not a Mama's boy.

וַיִּשְׁטֵם עֵשָׂו אֶת יַעֲקֹב עַל הַבְּרָכָה אֲשֶׁר בְּרָכוּ אָבִיו וַיֹּאמֶר עֵשָׂו בְּלִבּוֹ יִקְרְבוּ יָמֵי אָבִל אָבִי וְאֶהְרֹג אֶת יַעֲקֹב אָחִי

Eisav despised Yaakov for the blessing that his father had blessed him. And Eisav said in his heart, "Let the days of my father's mourning approach, and I will kill Yaakov my brother." (Bereishis 27:41)

Rashi explains that Eisav didn't want to cause pain to his father by killing Yaakov while Yitzchok lived. Rabban Shimon ben Gamliel famously declared (Beraishis Rabbah 65:16) that his own attainments in the mitzva of *kibud av* didn't reach 1% of Eisav's.

Strangely, though, we don't find that Eisav similarly honored his mother. Indeed, here he displays no compunctions about murdering his brother in *her* lifetime.

For whatever reason Eisav, a murderer, observed the mitzvah of *kibud av* so scrupulously, why didn't

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spotlight

Did you know that the Bais HaVaad Kehilla Division has an active center in the Midwest? Under the leadership of Rabbi Dovid Aron Gross, shlit'a, a prominent community rav in Cleveland, the Midwest division fills a gaping void in the area of business halacha and halachic conflict resolution.

GENERAL HALACHA

Jews & Money: A Match Made in Heaven

By Rabbi Tzvi Price



There is no way out of it. For better or for worse, correctly or incorrectly, Jews have always been associated with wealth. In truth, Judaism and wealth go back a long way. The first Jew, Avraham Avinu, was fabulously wealthy. The pasuk states, "And Avram was very heavy with livestock, silver and gold." (Breishis 13,2) In this week's Parsha, we hear of Yitzchak Avinu's wealth. The pasuk states, "And Yitzchak planted in that land and he found in that year a hundred-fold harvest and Hashem blessed him. And the man [Yitzchok] became great and he continually increased [in wealth] until he was very great. And he had flocks of sheep, and herds of cattle, and many enterprises, and the Plishtim envied him." (Breishis 26, 12-14). We will see in next week's Parsha that with regard to Yaakov Avinu, the pasuk states, "And the man [Yaakov] became exceedingly prosperous, and he had flocks of fertile sheep, and maid-servants, and man-servants, and camels and donkeys."

The Avos (Patriarchs) succeeded in bringing the Shechina, the Divine Presence, into the world. They lived lives of unimaginable piety and saintliness. Yet, they had more money than you could ever imagine. What did they need all that money for? Surely, the Avos were no less ascetic than the holy Chanina ben Dosa who was happy to survive on carob from

one Shabbos until the next. Do not make a mistake about it. The Avos did not amass their wealth for their own needs, nor for the needs of their family. They weren't just 'making a living.' For that, they and their families would have been happy to plant some carob trees.

The seeming contradiction between 'living with nothing' and 'living with everything' is made obvious by the following two statements by Chaza"l. On the one hand, Ben Zoma famously says, "Who is rich? The one who is happy with his portion." (Pirkei Avos 3,1) However, there is a lesser known statement made by Rabbi Tarfon (Shabbos 25b) that asks the same question and answers, "Someone who has a hundred vineyards, a hundred fields, and a hundred servants to work them." Quite correct, but hardly the answer one would expect from a saintly rabbi.

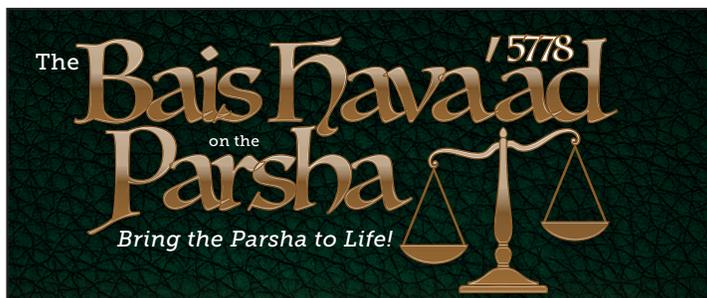
The key to reconciling these two statements comes from the Mahara"l. He points out that Rabbi Tarfon's description of wealth has a faint echo of Yitzchak Avinu's 'one-hundred fold harvest' described in this week's Parsha. The Mahara"l (Nesivos Olam, Nesiv haOsher) explains that, indeed, the number 100 is deeply connected to the Jewish definition of wealth. One hundred is the number which represents Hashem's blessing (In reply to the blessing He gives to us, we are required to make one hundred brachos every day.). One hundred is the number ten times itself; that is to say, the ultimate and complete expression of the concept of 'ten.' In Judaism, the number ten always refers to the manifestation of G-d's Will in this world (Ten Commandments, Ten Plagues, Ten Declarations of Creation, Ten Tests of Avraham, Ten Kabbalistic Sefiros, Ten Martyrs). Thus, one hundred can be understood as 'Hashem's Will Openly and Completely Revealed'.

According to the Mahara"l, Rabbi Tarfon is not saying that the Jewish concept of wealth is someone who is fabulously rich. Rather, Rabbi Tarfon is saying that a rich man is someone who sees Hashem's Will in everything that happens to him. He sees 'hundreds' wherever he goes (and not necessarily the green paper kind). He may or may not be rich under the

dollars and cents criterion, but if he sees the entire world as Hashem's revealed blessing to him, then he is truly wealthy. Of course, this type of wealth can only be acquired by someone who is happy with the portion that Hashem has given him. Only by seeing the blessing that lies in one's portion can one be happy with it, and if one is not happy with one's portion, then seeing the blessing in it is impossible. Ben Zoma's statement and Rabbi Tarfon's are really two sides of the same coin (pun intended).

From the words of the Mahara"l, we can begin to understand why the Avos were blessed with such material wealth. 'One hundred fields' is not just to be taken figuratively (Yitzchok Avinu had a real one hundred-fold harvest). Rather, it is the inevitable outcome of being a person who is a '100-man' - completely dedicated to the fullest revelation of Hashem's Will in this physical world. What is that Will? The mishna in Perkei Avos (6,11) states, "Everything that Hashem, the Holy One, Blessed be He, created in His world, He created for His honor..." The Ultimate Will of Hashem is that the entire physical world be used to honor Him. The blessing of wealth that Hashem bestowed on the Avos was simply a fulfillment of that Will. The Avos honored Hashem by being totally dedicated to Him- in every thought, in every word and in every step. Therefore, Hashem gave them the riches of the physical world to be used for His honor.

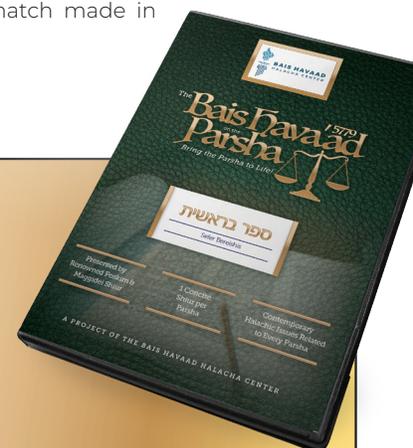
It is true. As opposed to other religions, Judaism has somewhat of an obsession with money. However, it is because of its divine origin that it does so. Hashem created a world full of wealth and riches, and for a reason. He created it so that ultimately humanity will honor Him by using the physical world for His sake. There is no doubt; Hashem wants His people to be wealthy if it will bring Him honor. The obvious first step in bringing Him honor is to follow His laws, the laws of Choshen Mishpat, when acquiring that wealth. Jews and money, truly a match made in heaven.



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MATTERS OF INTEREST

Avissar Family Ribbis Awareness Initiative
Overview of the Laws of Ribbis

The Torah commands us to lend money to a fellow Jew in need. Since all Jews are brothers, we are commanded to extend this loan without charging interest. Charging interest on a loan may violate numerous Biblical and rabbinical prohibitions. All parties involved in the loan/transaction can also be in violation of the above transgression. Hence the borrower also transgresses the law of interest. The witnesses, scribe, and others who facilitate such a loan can be in violation as well.



Biblical ribbis (ribbis ketzutzah) is violated primarily through a loan of money or goods, when the interest was fixed at the time of the loan or loan extension. Ketzutzah is forbidden regardless if payment was actually made. Furthermore, even if the borrower is fully willing to pay the interest in order to receive the loan, it is still prohibited. Conditional loans are possible exceptions, although they are forbidden rabbinically. (Credit and penalty arrangements can also present Biblical or rabbinic ribbis concerns.)

Rabbinical ribbis (avak ribbis) is (even) when a commitment to pay interest did not take place at the time of the loan or loan extension; rather, the borrower offered a gift to the lender of his own volition, or the interest was generated through a purchase (ribbis bederech mekach u'memkar).

Pre-loan gifts (ribbis mukdemes) or Post-payment gifts (ribbis meucheres) are also rabbinically prohibited (see further on for a detailed analysis of these concepts).

HALACHOS OF DAILY LIVING

Bal Tashchis: Part II

Topics From The Gerald & Karin Feldhamer OU
Kosher Halacha Yomis



BAL TASHCHIS IV

May an unwanted tree be replanted in another location?

Poskim discuss whether one may dig up a tree and replant it elsewhere. Rav Yaakov Emden (She'eilas Yaavetz 1:76) writes that this is permitted, while Teshuvos Chasam Sofer (Y.D. 102) disagrees. Some *poskim* take a middle position and differentiate between large

trees and small saplings. Large trees, which can easily be damaged during a transfer, would be prohibited to be transferred and small saplings, which are commonly moved as standard farming procedure, would be permitted (See Darchei Teshuva 116:51 in the name of the Avnei Tzedek). In practice, the recommended procedure is to sell the tree, large or small, to a non-Jew, and then have the non-Jew remove the tree and replant it elsewhere. It is best to discuss such matters with your local rabbi.

BAL TASHCHIS V

I have a fruit tree that is growing new shoots. Am I allowed to cut them down?

Rav Yitzchak Zylberstein (Tzohar 1 pg. 55-56) was asked whether one may uproot a small tree that was growing in their yard from a fruit pit that someone accidentally dropped on the ground. He ruled that until the plant grows to the size of one *tefach* (approximately 3-4 inches), it does not have the status of a tree and it may be removed. Once it grows taller than a *tefach*, even though it does not yet produce any fruit, it may not be cut down.

In the case of new shoots that are popping up next to the fruit tree, even if they are more than a *tefach*, if they will crowd the original tree and stifle its growth, they are considered damaging and may be removed (Rambam Hilchos Melachim 6:8). A non-Jew should be asked to cut them down (She'eilas Yaavetz 1:76).

BAL TASHCHIS VI

Under what circumstances is one permitted to cut down a fruit tree?

There is a Biblical prohibition to cut down a fruit tree based on verses in Devarim (20:19-20). From the Talmud and *poskim* emerges that there are several exemptions to this restriction. The prohibition does not apply in any of the following situations: (a) the tree is old and no longer produces a *kav* of fruit (volume of 24 eggs), (b) the tree would be more valuable for its wood than as a fruit bearing tree, (c) the tree is causing damage, (d) the removal of the tree will allow for expansion of extremely cramped living space. Nevertheless, Rav Yaakov Emden (1697-1776) in She'eilas Yaavetz 1:76 takes the dramatic position that, while there is no Biblical prohibition to remove the tree in the above situations, it is nonetheless a *sakana* (danger) to do so. Rav Yaakov Emden's position has been intensely debated for the past three centuries (See *Yabia Omer*, YD 5:12, for sources). Because there is a concern of *sakana*, many *poskim* recommend transferring ownership of the tree to a non-Jew, and then having a non-Jew remove the tree. While the allowance of having a non-Jew cut down the tree when the Biblical prohibition stands is also a matter of debate, one can allow a non-Jew to remove the tree when any of the four leniencies noted above apply. Pruning a fruit tree to improve productivity is also permitted.

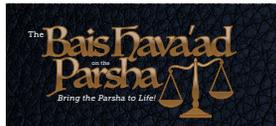
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doesn't apply at all to automobile travel, because it is *huchzak b'sakana* due to the risk of collision. As long as one is driving outside the city, he must say *Tefilas Haderech*. He is challenged by the Brisker Rav and R' Shlomo Zalman Auerbach, who argue that only

dangers that existed in *Chazal's* time can create a *makom she'huchzak b'sakana* and set aside the *parsa* requirement.

May we always reach our destinations *l'chayim, l'simcha, ul'shalom*.

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he feel similarly obliged with regard to his mother?

R' Berel Povarsky (*shiurim*, Sanhedrin 5b) explains their *machlokes* to be about another debate among *Acharonim*: The Birkei Yosef's view, he says, is that *kibud av v'aim* is a *mitzva bain adam l'chaveiro*, a debt owed the parent by the child as *hakaras hatov*, so the parent can forgive it. The Imrei Noam, however, holds it to be *bain adam laMakom*, because it's simply a Divine decree, so the parent has no standing to set aside the obligation.

Now we can understand Eisav. According to the Imrei Noam's approach, there is no reason to assume that honoring fathers and honoring mothers have a common basis. For this reason, Eisav—following the Ramban's methodology—considered them to be separate mitzvos. And he only kept the one.

When a *pasuk* in the Torah includes multiple commands, the Ramban, in contradistinction to the Rambam, maintains they they are counted as different mitzvos—unless they share a theme. He also appears to write that *kibud av v'eim* is a single mitzva. Presumably, he reasons that honoring one's father and honoring one's mother share the theme of *hakaras hatov*.

Birkei Yosef (Y.D. 240:13) quotes Imrei Noam that a parent cannot waive a child's *kibud av v'aim* obligation. He disagrees.

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* identifying details changed



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