

THE BAIS HAVAAD

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## ROYAL TREATMENT:

### RECITING A BERACHA UPON SEEING ROYALTY

Rav Ariel Ovadia

Recently, a gala fundraising dinner was held in New York by the Orthodox Jewish community, to benefit President Trump's upcoming election campaign. When the president arrived, a participant rose to the stage and recited a special blessing – which must be recited upon seeing a king – in the president's honor. Needless to say, the president was delighted by the gesture. In this article we will examine some of the details and Halachos of this rare Beracha.

The *Shulchan Aruch* (O.C. 224:8) writes, based on the *Gemara* in *Berachos* (58a), that one who sees a Jewish king must recite the *Beracha* of "*Shechalak Mikvodo Lireyav*" – Blessed be He, who imparted from His glory upon His fearers; and one who sees a non-Jewish king should recite the blessing of "*Shenasan Mikvodo L'Bassar VaDam*" – Blessed be He, who gave from His glory to mankind.

#### BLIND FOLLOWERS

The *Gemara* relates that Rav Sheishes, who was blind, was once near a royal parade. An irreverent *Tzeduki* stood by him and tried to confuse him as to the time in which the king was passing by, yet, Rav Sheishes, determined that the king actually passed by when there was a sudden silence. Rav Sheishes explained that royalty in this world is akin to royalty in the Heavens, which manifests itself in silence (as the *Pasuk* in *Melachim* (1 19:11-12) attests). When Rav Sheishes proceeded to recite the special blessing, the *Tzeduki* mocked him for reciting the blessing although he was blind

and couldn't see the king. Subsequently, the *Tzeduki* was severely punished for his mockery.

The *Magen Avraham* (*ibid* 6) and other *Poskim* derive from here that even a blind person must recite this *Beracha*. The *Elyah Rabbah* however, understands that Rav Sheishes did not recite this *Beracha* but rather was just greeting the king (hence the expression of the *Gemara*: "*Barich Leih*" – he gave him a blessing, not "*Barich Aleih*" – he recited the blessing upon him). The *Chida* in *Machzik Beracha* sides with the *Magen Avraham* (and corrects the *girsas* in the *Gemara* to fit his understanding). *L'Halacha*, the *Mishna Berura* cites the *Pri Megadim* that someone who was blind from birth, should recite the *Beracha* without a *Sheim U'Malchus*.

#### ROYAL MOTORCADE

Just as a blind person may recite this blessing, so too, the *Chida* argues in *Birkei Yosef*, must anyone who sees the king's entourage pass by – even if the king is enclosed in his vessel and not visible. However, the *Ksav Sofer* (cited in *Hagahos Chasam Sofer*) distinguishes between a blind mind who finds himself in a parade, with no partition between him and the king and his guards, and a king who passes by in an enclosed vessel where there is a partition between the king and the people. Rav Shlomo Kluger also opines that one must not recite a the *Beracha* in such an instance, and he reasons, that if so, one should say the blessing even when passing by the royal palace.

Some *Achronim* (*Tzapichis BiDvash* 61, *Pesach HaDevir*, *Mor U'Ketzia*, *Kitzur Shulchan Aruch*) distinguish between the *Chida's* case in which the king's glory is not manifested, and a case where there is such a grand entourage which blocks the view of the king. In the latter case, these *Poskim* would hold that

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Highlights of a shiur by Rav Yosef Jacobowitz

#### REST IN PEACE: THE LAWS OF KEVURA

גַּר וְתוֹשֵׁב אֲנֹכִי עִמָּכֶם תָּנוּ לִי אֶחָזֶת קֶבֶר עִמָּכֶם וְאֶקְבְּרָה מִתִּי מִלִּפְנֵי.

*I am a stranger and a resident among you; give me a grave property among you, that I might bury my dead from before me.*

Beraishis 23:4

Avraham's burial of Sara is the Torah's first mention of *kevura*.

We have a mitzva to bury the dead. But what if, *chas v'shalom*, the full body isn't present?

Tosfos *Yom Tov* (*Shabbos* 10:5) maintains that a *kezayis*-sized piece of tissue is certainly subject to the mitzva, and a smaller part might be as well.

The *Mishneh Lamelech* and the *Tiferes Yisrael* (*ibid.*) challenge this from a *Yerushalmi* (*Nazir* 7:1) that says that although a *nazir* and a *kohen* must become *tamei* to bury a *mes mitzva*, that only applies if *rosho v'rubo* of the *mes mitzva* is

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# GENERAL HALACHA

## THE LOST COIN

### Is vending machine change up for grabs?

By Rabbi Yaakov Rappaport, Dayan for the Bais HaVaad

We use vending machines for all kinds of purposes, whether to buy a soda, coffee or snack, or even a newspaper or lottery ticket. Sometimes, a person tries to purchase an item from a vending machine, only to discover that the machine is broken. As he presses the coin return, he may find that he receives his change and the change belonging to the customer before him.

Does he have the right keep the lost coins from the previous customer? Does this coin have the status of an *aveida*, a lost object, and therefore he can keep it? It makes sense that the previous customer despaired of retrieving his money, and thus this seems to be a case of *yiush*.

But who acquires the lost coin, who is *koneh* it? Does it belong to the vending machine owner or can the finder keep it?

### KINYON KEILIM DERIVED FROM KINYON CHOTZER

The Gemara in *Bava Basra*, *perek chamishi*, *Hamocheh es HaSefina*, Daf 85B discusses this issue. The Gemara says, "Omar Rebbe Yochanan, *Keilim Shel Adom Koneh Lo Bkol Mokom Sheyesh Lo Rishus Lihanicho*." When an object goes into a person's vessel, that is a *maaseh kinyon*, and he now owns it.

How does this *kinyon keilim* work?

The opinion of the *Nemukey Yosef* is that it works because of *Meshicha* i.e. pulling the vessel which contains the object. This opinion is not accepted in Halacha. The most accepted view is that of the *Ritva*, which can be found in *Avodah Zora*, Daf 71B. The *Ritva* explains that *kinyan kli* works because it is *koneh m'taam chotzer*, it has the same Halachic status as a courtyard.

This rule is found in the laws of *geneva*. The Gemara in *Bava Metziah* teaches that in *Parshas Mishpatim* it says, "*Ki Motze Timotzei B'yado*." The Gemara says "*B'yado*" refers to *Gagoi*, *Chatzeiroi* and *Karfifoi*." If a lost object is found in any of these domains owned by the robber, the thief must pay back double. The Gemara says that the *chotzer* is considered a *kinyon*. If the object is in my *chotzer*, it is in my domain.

Despite the fact that a *kli* is a moveable object, it has the same ruling as a *chotzer*. If the object is in my *kli*, it is in my domain. The owner of the vending machine would acquire the coins through the *kli* which he owns i.e. the vending machine.

In order to be designated as a *kinyon chotzer*, the halacha requires one of two conditions.

1. The *chotzer* must be guarded, a *chotzer hamishtameres*. This is a *chotzer* that is locked in all four directions and is inaccessible. Since there are four walls, anything that is left there is guarded, and one can be sure that the object is contained in that domain.

Alternatively,

2. Even without four walls, the *chotzer* is considered guarded, as long as the owner is *omed b'tzida*. If the owner is standing at the side of the *chotzer*, he is watching over its contents.

### HOW MANY WALLS DOES A KLI NEED?

When it comes to a *kli*, does the vessel need the same requirements for *kinyon* as a *chotzer*? Does the *kli* also need either a *chotzer hamishtameres*, with four walls, or an *omed b'tzida*, with the owner watching over it?

The *Sefer Hamakneh* in *Kuntras Achron* in *Hilchos Kiddushin*, *siman* 30:9, says that the *kinyon kli* is exactly analogous to *kinyan chotzer*. The vessel either has to be locked, or the owner has to be standing right next to it.

However, when it comes to the walls that enclose it, a *kli* is different than a *chotzer*. Four walls can ensure that a *chotzer* is guarded. But a *kli* will still be accessible, even with four walls. Anyone can stick their hand in the top and take something. In order to make a *kli* as secure as a *chotzer*, you would need six sides, to put a lid on the vessel.

According to the *Sefer Hamakneh*, if the owner is not standing next to the *kli*, it would need to be closed in all directions and not accessible to anyone, in order to have a *din* of *kinyon kli*.

In the vending machine scenario, the machine would have to be closed in all directions, in order to utilize the *kinyon* of *keilim*.

The *Nesivos* brings a tremendous *chiddush* in *Shulchan Aruch*, *Choshen Mishpat*, *siman* 200:103. According to the *Nesivos*, every *kinyan kli* is learned out from *kinyan chotzer*, the *din kli* is only a *yalfusa*, it is being learned from *chotzer*, and it does not have to logically be like a *chotzer*.

The *kli* needs only to have the dimensions of a *chotzer*, with four walls. It is true that you can still get into it, but as long as it's like a *chotzer*, it has the same *din*. According to this argument,



even if the *kli* only has four walls and it still accessible, the *yalfusa* is so great, it is considered a *chotzer hamishtameres* – a guarded courtyard.

### WHO IS KONEH THE LOST COIN?

With regards to the vending machine, if a coin comes out of the coin return, where was it lost, according to halacha?

If the coin was lost inside of the machine, it would be a sufficient *kinyon kli*, even according to the *Makneh* in which case the vending machine owner is the owner of the coin. The finder removed it by touching the coin return, but it was found from inside the machine. The person who finds the coin after pressing the coin return would have to call the machine owner and let them know that he found the money.

What if a person is just playing around with the machine, and he finds some coins in the change dispenser?

That would involve the *machlokes* between the *Makneh* and the *Nesivos*. According to the *Makneh*, there would not be a *kinyan kli*, because it's not locked in, it's easily accessible. Even though it has *mechitzos*, the walls don't really work, because you can just push it in and take out the object. But according to the *Nesivos*, it would be a good *kinyan kli*, and the money would belong to the owner of the coin machine.

It is important to note, that even though there are times when you can keep the money you find in a machine, there is no right to bang on the machine to try to get extra change. Banging or tipping a vending machine is transgressing the *issur* of *mazik*.

# MATTERS OF INTEREST

AVISSAR FAMILY RIBBIS AWARENESS INITIATIVE:

## TRADING SPORTS EQUIPMENT

Reuven lends Shimon a basketball with the understanding that Shimon will lend him a bike later in the day.

Since a bike is significantly more valuable than a basketball, can we consider Reuven to be “collecting” ribbis from Shimon, since he will be borrowing a more expensive item than the one he lent?

Friends or neighbors who usually allow each other use of their property may not have a ribbis issue in our case, even when some items



are of greater value.

This may be permitted even when they formulated the agreement as conditional, as we assume they do not really intend the use to be conditional, rather their intention is to express that they are making their items available to their neighbor in case of need.

Friends who usually do not allow each other use of their property (such as in yeshivos where the older and younger *bachurim* seldom intermingle) would have a problem if it was a conditional agreement.

Therefore, care should be taken that the agreement not be formulated as conditional.

# OU DAILY LIVING

Weekly Questions

## SNOW II



**There is a wet snow falling on Shabbos, and I am concerned that my front steps and walkway will freeze over and become very slippery, am I permitted to put down salt on Shabbos?**

In general, it is forbidden to actively melt ice on Shabbos (See Shulchan Aruch OC 320:9). Also, one may not handle ice melting pellets, since they are *muktza*. However, when there is a public safety concern, it is permitted. Shulchan Aruch (OC 308:18) writes that one may remove a public safety hazard from the road, even in a place where there is no *eiruv*, so long as one's act of carrying does not violate a Torah prohibition. Based on this, Shemiras Shabbos K'hilchaso [25:9:(49)] writes that to protect the public from dangerous icy conditions, one is permitted to put down salt on Shabbos. Rav Shlomo Zalman Auerbach, *zt"l* ruled that in this area of *halacha*, “the public” is defined as

any group of three or more individuals, even if they are members of your family. If three or more people might walk down your front steps, and it would be dangerous if it turns to ice, this is considered a public hazard, and it is permitted to put down salt.

**What is the bottom line – may I shovel my walkway on Shabbos?**

Having ruled leniently in all of the Shabbos issues raised above, the Nishmas Shabbos (4:247) concludes that there is an element of *zilzul* (degradation) of Shabbos in shoveling snow on Shabbos as it appears inappropriate to the general population. As such, it is best to shovel only when there is a real danger of people falling and harming themselves. Even then, it would be better to use a broom rather than a shovel and, if at all possible, a non-Jew should do the shoveling.

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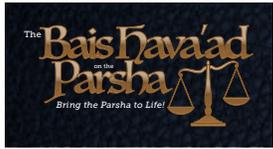
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דף ל"ג *Undoing A Zeeva*

דף ל"ד *Kabbalas Tumah: A Kaleidoscope*

דף ל"ה *Calling it a Day*

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present.

The Minchas Chinnuch and other *acharonim* answer simply that this minimum

applies only to the *heter* of *mes mitzva* to a kohen and a *nazir*, not to the mitzva of *kevura per se*.

The Noda Bihuda (Kama Y.D. 90) says that *sevara* dictates that a part smaller than *roshe v'rubo* is subject to *bizayon hameis*, so the mitzva of *kevura* applies. R' Moshe (Y.D. 2:150) rules accordingly.

Rav Tokachinsky in *Gesher Hachayim* (16:2) states that even those who argue with the *Tosfos Yom Tov* would agree that if *roshe v'rubo* are present, all of it must be buried, not just enough that what remains is below the *roshe v'rubo* threshold.

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one would make a *Beracha*.

Accordingly, one who stands by a motorcade where a king is parading the streets in an enclosed vehicle, according to the *Birkei Yosef* and others one would have to recite the *Beracha* of *Shenasan Mikvodo*, whereas according to the *Ksav Sofer* and others you won't.

### TELEVISED ADDRESS

Rav Betzalel Stern was asked (*B'Tzel HaChochma* 2:18) whether one recites this *Beracha* when seeing a king on television (or other such devices). He cites the *Pesach HaDevir* and other *Achronim* who discuss reciting the *Beracha* when seeing the king via telescope or a mirror. They bring proof from the *Teshuvos Halachos Ketanos* who writes that one may testify even when witnessing an act through a mirror.

Rav Stern however distinguishes between the two, reasoning that testimony is not about "seeing" per se, but about verifying. He cites examples of testimony that relies on vocal recognition or other methods. Furthermore, he argues,

even if we were to accept seeing through a mirror or other lenses to be considered "seeing" for the purpose of *Birkos HaRe'iyah* – the *berachos* of sight – nevertheless, seeing on a screen is unlike seeing the image itself as it is merely a digital rendition of the real image, just as one wouldn't fulfill the *mitzvah* of hearing *shofar* or *megillah* via radio.

### BLESS THE QUEEN

In the following *Teshuva*, Rav Stern was asked whether one can recite the blessing on a queen. He cited proof from the *Gemara* in *Avoda Zara* (20b) that relates how *Rabban Gamliel* recited a *Beracha* upon seeing a gentile woman – by chance. He explains, that although there is an *issur histaklus* at a woman, nevertheless if one sees a woman in passing and not in a form of *histaklus* there is no prohibition, and therefore, upon seeing a queen one should definitely recite the *beracha* of *Shenasan Mikvodo*. This is also the opinion of the *Debretziner* (*Be'er Moshe* 2:9), Rav Shmuel Vozner zt"l (*Shevet HaLevi* 1:35), *Rivevos Efrayim* (2:82) and others.

### MODERN-DAY KINGS AND PRESIDENTS

Throughout the generation, the *Poskim* have discussed whether the rulers in various eras and societies fit into the *halachic* definition of a *Melech*. The *Magen Avraham* cites the *Radvaz* (2:296) who was asked about reciting the *beracha* over a ruler who is not the king, but wields great authority. He cites the *Teshuvos HaRaavad* (not the *Raavad* of the *Hasagos* on the *Rambam*, but a different one) who writes that there are three conditions to be eligible for this blessing: 1. He is as important as a king, 2. He can judge and kill (*dan v'horeg b'mishpat*), 3. His word doesn't change from yes to no or no to yes. This is also cited in the *Mishna Berura*.

The *Chasam Sofer* (O.C. 159) and others write that this would disqualify a ruler who has no authority to kill. Accordingly, Rav Shlomo Zal-

man Auerbach zt"l is quoted in *Halichos Shelomo* (23:60) that one cannot recite this blessing over the President of the United States or most modern-day democratically elected rulers. They maintain that one can only recite the *Beracha* without a *Sheim U'Malchus*.

However, many *Achronim* argue that the president also holds the power of life and death, as he can grant clemency to death-row inmates and wage deadly wars (see *Afarkasta D'Anyah* 1:32). Others add that the broad authority given to the president is equivalent to the power of life and death that the *Poskim* require (see *Shoel V'Nishal* vol. 1, O.C. 73). The *Halacha Berurah* cites Rav Ovadia Yosef zt"l who also held that one should recite the blessing over a president, reasoning that the *Raavad's* requirement of the power to kill was only with regards to a subordinate of the king. Such a figure must hold a tremendous amount of power to be considered akin to a king. But the king himself, or the one who holds the highest office in the land, is definitely considered a bona-fide king for the purpose of this *Beracha*. [It is interesting to note that not many rulers or presidents fulfill the third condition of the *Raavad*, not to change one's yes to a no or vice versa...].

### IN CONCLUSION

Many *Achronim* hold one may recite the blessing of *Shenasan Mikvodo L'Basar VaDam* over the President of the United States. One can also recite it over a queen, or even when not seeing king or queen in person but among their royal guard. Regarding a blind person or seeing a king in an enclosed vehicle there's a debate among the *Achronim*, and one should recite it without a *Shem U'Malchus*. Seeing the king on a screen however, would not require one to recite the blessing. May we merit to recite the blessing of "*Shechalak Mikvodo Lireyav*" upon seeing *Melech HaMashiach* speedily in our day, *Amen!*



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