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SAFE & SECURE IN THE SANCTUARY

The halachos of metal detectors in a shul: Are all security measures permitted on Shabbos?

Highlights of a shiur by Rav Yosef Greenwald

The terrible tragedy that occurred in Pittsburgh left us all with a sense that we are not as safe as we'd like to be. Many people want to increase the security of our public institutions. To this end, it is important to delve into the halachos that relate to security measures on Shabbos.

FIREARMS ON SHABBOS:

The act of shooting a gun is clearly forbidden *mid'oraysa*, as when one shoots a gun, he creates a combustion that is equivalent to making a fire.

We can assume that one would actually shoot a gun only if he was faced with a situation of serious danger to one's life - *pikuach nefesh* - in which case any measures may be taken. Therefore, practically, this prohibition is not usually relevant.

More relevant would be the prohibition of carrying a gun to a shul through an area that is not encircled by an eruv. If one must pass through a real *rishus harabbim*, carrying a gun would be a Biblical prohibition. The concept of *pikuach nefesh* would not apply to this prohibition, as one need not place himself into this situation. Even if it is deemed necessary to have armed guards in shul, one may not transgress a *d'oraysa* in order to be able to daven in a shul.

However, carrying firearms to shul may be done through non-Jews. While it is forbidden to ask a non-Jew to perform a *melacha d'oraysa* on

Shabbos specifically for one's self, it is permitted in a case of "tzorech gadol" - great need, and going to shul on Shabbos is such a need.

If there is an eruv in the area, can a Jew bring the gun to shul or is a gun *muktzah*?

An object that is used exclusively in a way that is forbidden on Shabbos has the status of "*muktzah machmas issur*". Such items may not be handled on Shabbos at all. However, if an object can be used in a permissible way on Shabbos, even if its main use is in a way that is forbidden, it has the status of a "*kli shemilachto l'issur*" and may be handled in two ways: either "*l'tzorech gufo*", for use in a permissible way, or "*l'tzorech mekomo*", to move because its place is needed. A hammer, for example, is used for the act of building, but can also be used to crack nuts. Therefore, it may be moved for one of those two reasons.

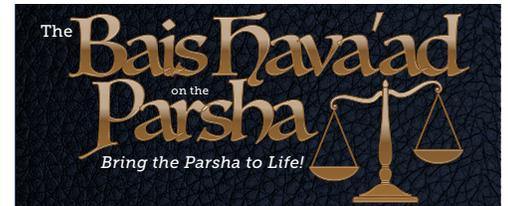
A gun falls under the category of *kli shemilachto l'issur* because, in addition to its use as a firearm, it also is used to serve as a deterrent. Just seeing an armed guard will deter most criminals from approaching a shul, and that, in and of itself, can be considered a use. Thus, it would be permitted to carry a gun for this purpose. However, as soon as one gets home, he must put down the gun.

SECURITY CAMERAS AND METAL DETECTORS:

Another security measure that many shuls are considering is the installation of security cameras and metal detectors, which leads to another halachic discussion.

This question arose a number of years ago when surveillance cameras were installed in the Old City of Jerusalem, which led to the concern that when one walks in front of these cameras he has transgressed the prohibition of *kosev*, writing, as he is causing his image to be cre-

(continued on back)



Highlights of a shiur by Rav Yosef Greenwald

LIGHTING CHANUKAH CANDLES IN SHUL: How do we make a bracha on just a minhag?

Shulchan Aruch (O.C. 671:7):

The minhag is to light Chanukah candles in shul with a beracha just like at home.

The problem:

The Gemara states (*Shabbos 21b*) that the obligation is "*Ner Ish Uveiso*" (one candle for each household). How is the shul considered one's house?

How can we recite a *beracha* on a *minhag*, to which the word "*v'tzivanu*" is entirely inapplicable?

Even the *Mishna Berura's* suggestion (671:44) of a precedent from the custom of reciting Hallel on Rosh Chodesh with a *beracha* is difficult, since the *Shulchan Aruch* and the *Gra* say not to make a *beracha* there.

Chidushei HaGriz (on the Rambam):

There are two types of *minhagim*:

New creations not based directly on any previous mitzvah, such as beating *aravos* on Hoshana Rabba,

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spotlight

Tischadesh! The new and revitalized BaisHaVaad.org website.

From its inception, the Bais HaVaad maintained an interactive website with portals for all of its services as well as a vast archive library of shiurim on myriad topics. As the Bais HaVaad expanded with new programs and services, we upgraded our site to accommodate the increased traffic. Click on www.baishavaad.org and see for yourself.

GENERAL HALACHA

FEAR OF FIRE AND CHANUKA: Lighting lights when there's a fear

Rabbi Micha Cohn



Performing Mitzvos Under Duress

[This post is for educational and enrichment purposes only; not a final halachic decision]

An elderly woman lives alone. Years before, she had a fire in her home, and is still afraid of open fire. She always goes away for Shabbos to avoid lighting Shabbos candles at home. How about Chanukah? What are her obligations with regard to lighting Chanukah candles?

In order to fully answer this question, we must explore the minimal requirements for this *mitzvah*, and the fundamental structure of the obligation to perform a positive *mitzvah* when it causes emotional duress.

While the prevalent custom is to light the number of lights corresponding to the night of Chanukah, the minimal requirement is one candle per night. The candle should remain lit for a half-hour. As such, it would be proper to explore the possibility of lighting a single light,

perhaps a *yartzeit* candle, for a short period of time after nightfall. Being that this is a complete fulfillment of the obligation, she may make a *bracha* on the lighting as well. She does not need to do the actual lighting herself, and may ask a neighbor to light the candle for her. Even when somebody else lights for her, she should still say the *brachos*.

How about going to a neighbor's house to light the *menorah*? The Talmud says the *mitzvah* of the Chanukah lights is "*ner ish ubai-so*", or for a household. This is understood to mean that a person must light in their place of dwelling. Therefore, many *poskim* conclude that a one may not light in their car, since it is not considered their dwelling. That said, a guest can light where he or she is staying because for now this is their place of dwelling. However, it is questionable if people visiting family or friends for just a few hours can light there - especially if they plan on returning home afterwards. This is because it has not become their place of dwelling.

A patient in the hospital who has relatives at home fulfills his obligation with the *menorah* being lit in their home by others.

Poskim discuss if one fulfills the *mitzvah* by lighting on a train, or in a wedding hall. There is an argument that although it is not a regular place of dwelling, since they will be there for much of the night, and bought a ticket or rented the hall, it belongs to them for the time being and can be considered their temporary place of dwelling. (*Maharsham, Piskai Teshuva*)

As such, it is difficult to say that going to a neighbor for a short amount of time to watch the *menorah* being lit is a full fulfillment of this obligation. However, seeing a

neighbor's *menorah* lit and listening to the *bracha* of "*she'asa nisim*" is a fulfillment of "*pirsumai nisa*" - publicizing the miracle, and should definitely be done.

What about an electric *menorah*? There is much discussion about electric lights concerning the prohibition to kindle a fire on Shabbos, and the obligation to light Shabbos and Chanukah lights. While many *poskim* conclude that an incandescent bulb has the status of a glowing coal, which is considered a fire in respect to the prohibition of kindling a fire on Shabbos, it does not meet the requirements for Chanukah which needs a *ner*, or a lamp. Being that a bulb does not have an actual flame, a wick, and a reserve of fuel, many *poskim* conclude that it is very questionable if one fulfills their obligation, and a *bracha* should definitely not be said. (*Be'er Moshe, Yabia Omer*).

When it comes to transgressing a negative prohibition (*lo saseh*), a person is obligated to give all of his or her wealth in order to avoid the transgression. However, for a positive commandment like buying an *esrog* for *Succos*, or *teffilin*, a person is only obligated to give up to a fifth of their wealth. Rabbi Shlomo HaKohen from Vilna (*Binyan Shlomo* 47) argues that immense anguish is comparable to giving more than a fifth of one's wealth, and therefore is not obligated to perform the *mitzvah* under such circumstances. Many *poskim* make this point in similar ways. As such, it would seem that this woman is not obligated to endure such anguish in order to fulfill the *mitzvah*, but should at least go to a neighbor at the time of lighting in order to partially fulfill the *mitzvah* by seeing the lights and hearing the *bracha* of *she'asa nissim*.

MATTERS OF INTEREST

Avissar Family Ribbis Awareness Initiative: Greeting as a form of Ribbis



ONE TIME PENALTIES

If the lender issues an interest-free loan but stipulates that there will be a one-time late fee if the loan is not satisfied by a certain date, one

would not be subject to the classical Biblical *ribbis* prohibition. There is however a rabbinical prohibition. Such an arrangement would be classified as *haaromas ribbis* (a *ribbis* trick) since it can be used as a loophole allowing one to circumvent the prohibition.

However, since this is only a rabbinical prohibition, it is subject to certain leniencies. For example, it is permitted to charge a late fee if the obligation was not initiated as a loan but rather as payment for service or a sale. This being the case, a vendor who offers goods or services on credit may require a late fee if the debt is not satisfied on time.

GREETING THE LENDER

One who usually would not go out of his way to greet his friend, to attend his *simchah*, or to buy him an *aliyah*, may not do so if that indi-

vidual has lent him money. There is a question among the *poskim* if he may casually thank his friend for this loan. However, thanking him effusively or buying him a gift to show appreciation for the loan must be avoided.

This *halachah* applies only during the loan period and at the time of repayment. After the loan has been repaid, there is no prohibition of *ribbis devarim*. There is a debate among the *poskim* as to how soon after the payment one may thank the lender.

GREETING THE LENDER II

A story is told of a student (*Selected Writings* p. 287) who borrowed money from Rav Yerucham Levovitz z"l, the renowned Mirrer *mashgiach*. The student began thanking him for the loan however Rav Yerucham interrupted and explained the concept of *ribbis devarim*.

A year later, the student returned to Rav Yerucham to borrow some more money. Remembering what had happened the year before, the student took the money and left without saying a word. Rav Yerucham called him back and admonished him for not having proper *hakaras hatov*. The student protested that he was not allowed to say “thank you” for the loan, as Rav Yerucham himself had previously explained.

Rav Yerucham responded that although the borrower is prohibited from actually saying “thank you” because of *hilchos ribbis*, he must still have the appropriate *hakaras hatov* toward

the lender. He may not express it by giving the lender a monetary or even a verbal present, but must feel gratitude for the loan. Rav Yerucham sensed that the student lacked the appropriate feelings.

This story illustrates the *hashkafa* of *ribbis devarim*. Although a loan is clearly a favor for the borrower, and he indeed must be grateful for the loan, the Torah prohibits the lender from being compensated by the borrower. However, although the borrower is prevented from demonstrating his *hakaras hatov*, he must still be appreciative.

In a similar vein, a *gadol* was once asked whether lending money with the intention to generate friendship is considered *ribbis*. He replied that *hilchos ribbis* encourages us to help each other with free loans. It teaches us how to act towards a fellow Jew. Creating and strengthening friendships by offering free loans is the purpose of *hilchos ribbis*, and certainly not a violation of its laws.

Ribbis devarim applies to other scenarios as well. A borrower may not greet the lender if he would not have done so before the loan (If the lender greets the borrower first, the borrower may return the greeting).

HALACHOS OF DAILY LIVING

Weekly Questions Laws related to Chanukah



Q. I work in the city and return home late. My children wait for me to light the Chanukah candles. Should they light at the prescribed time, or should they wait for me so that we can light Chanukah candles as a family?

A. In a previous Halacha Yomis we learned that the optimal time to light candles is at nightfall. This is because the miracle will be publicized (*pirsuma nisa*) for the people who pass by and see the candles. The Rama (OC 672:2) writes that this was true when candles were lit outside the house. Nowadays, candles are generally lit indoors and the main *pirsuma nisa* is for the members of the family, and candles may be lit any time at night. Nonetheless, the Rama writes that even so, it is preferable to light early in the evening, so that passerby's will see the candles in the window. As such, one can light the Menorah when returning home from work late in the evening. However, there is no reason for the children who are home to refrain from lighting on time. The children should light at the optimal time, and the father should light later when he comes home.

Q. I will not get home on Chanukah until it is late. Should I have my wife light for me at the

optimal time or is better for me to light when I get home?

A. The Brisker Rav (Uvdos Ve'Hanhagos L'Beis Brisk II pg. 99), R' Shlomo Zalman Auerbach (Minchas Shlomo II 52:43) and R' Ovadia Yosef (Yechaveh Daas 3:51) held that it is preferable to perform the mitzva at the optimal time. Therefore, the wife should light earlier in the evening and the husband should be *yotzai* (fulfill the mitzvah) with his wife's lighting. However, R' Vozner (Shevet HaLevi 4:66) felt that one's religious experience is enhanced when he takes an active role, and the husband should light himself when he comes home.

Note: The halacha is that if one's agent lights for him, he is still obligated to recite the bracha of *she'asa nissim* when he sees the candles burning. It is questionable if this applies in the event that his wife lights for him. Indeed, Mishnah Berurah (676:6 and 677:14) notes that the Mechaber appears to have issued two contradictory rulings as to the proper course of action for this situation. As such, if one follows the first opinion above and fulfills the mitzva through his wife lighting the candles, he should not make the beracha of *she'asa nissim* when he sees the candles burning.

Q. My wife works in the city and comes home late. Should I light the Chanukah candles at the prescribed time, or should I wait until she comes home?

A. Although lighting Chanuka candles is a mitzva which is exceedingly beloved (Rambam Hil. Chanuka 4:12), nonetheless, it does not come at the expense of family harmony and good will in the home. If one only has one candle on Friday, and cannot procure another, it should be used for Shabbos candles and not for Chanuka candles, because Shabbos candles were instituted to foster *shalom bayis*, i.e., peace and harmony in the home. Without light people would be unable to see, and *shalom bayis* would be negatively impacted (Shulchan Aruch OC 678:1 from Gemara Shabbos 23b). In our case as well, lighting candles without

waiting for one's wife to arrive will potentially have a negative impact on *shalom bayis*, and one should therefore wait until his wife comes home (Emes leYaakov OC 670 fn. 586; Kovetz MiBeis Levi 10, p.3; Ner Tzion 6:11)

Indeed, the Chafetz Chaim related that his Rebbi, R' Nochum of Horodna was always exceedingly careful to light Chanukah candles at the proper time – but when his wife was late in coming home, he delayed lighting Chanukah candles until she arrived. R' Chaim Kanievsky related a similar story regarding R' Yosef Chaim Sonnenfeld. Both R' Nochum and R' Yosef Chaim explained their rationale as we explained above: *shalom bayis* takes precedence over Chanukah candles (see Tuvcha Yaabiu, Lech Lecha, pg. 74-75; Ner Chanuka 2 fn. 8).

Q. I did not get home until after midnight. In my neighborhood at that hour of the night the streets are deserted. May I still light Chanukah candles with a bracha?

A. Mishnah Berurah (672:11) writes that in order to recite a bracha when lighting candles late at night, at least one other member of the household must be awake to see the candles. Mishnah Berurah writes that if everyone is sleeping, it is appropriate to wake one of the family members so that you will not lose out on the bracha. Aruch HaShulchan (OC 672:7) rules that the household member may be a woman or even a small child so long as they are old enough to understand the significance of the candles. It does not matter that this family member already lit candles and fulfilled their obligation. The Mishnah Berurah (Shaar Hatziyun 672:17) presents a dissenting opinion that permits reciting a bracha late at night even if no family member is present, but concludes “*safek berachos l'hakel*” (in cases of doubt we refrain from reciting a bracha), but we need not stop one who wishes to follow this practice. R' Moshe Feinstein, however, held that even if one lights late at night, and one's family members are sleeping, a bracha is recited (Igros Moshe O.C. IV 105:7)

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ated on the screen.

The contemporary Poskim, including Rav Shlomo Zalman Auerbach zt"l and Rav Yosef Shalom Elyashiv zt"l, permitted one to walk in front of these cameras. They explained, based on the words of earlier Poskim, that although it is forbidden to perform a *melacha* on Shabbos; however, it is not necessarily forbidden to have a *melacha* performed as a result of your action if you did nothing consciously to cause it to happen. Therefore, if someone is merely walking down the street, and his picture is taken through no desire of his own, he has not transgressed any prohibition.

Similarly, if someone walks down a street and triggers an automatic light to go on, he has not transgressed any prohibition, as he has not done any act of *melacha*.

This leniency, however, will not permit someone to walk up to his own house thereby triggering automatic lights or surveillance cameras, as in such an instance he is deliberately doing an act that causes a *melacha*.

When one walks through a metal detector, knowing that he has metal objects in his pocket that will create an electric current that will set off an alarm, he would seemingly not have this leniency, as he is physically perform-

ing an act that causes a *melacha* to be done.

Similarly, Rav Moshe Feinstein ruled that it is forbidden to use a microphone on Shabbos, even though when one speaks into a microphone he is not creating a new electric current but is merely magnifying an existing one. He explains that since the magnification of the current is recognizable to all, it is akin to a new current. Accordingly, going through a metal detector that does not create a new current when triggered would only be permitted if the enhancement of the existing current does not make a noise and is not recognizable.

The obvious solution would be to walk through the metal detector with no metal in one's pocket, and without any intention of setting it off. If one does so, he would not be actively performing any *melacha*.

Regarding walking in front of closed-circuit cameras, one may walk down the street, as we explained earlier, even if that means walking past cameras. However, to specifically walk into one's home or into a shul when one knows he will be pictured on camera would be problematic.

In any event, the actual operation of any such equipment on Shabbos should only be done by non-Jews. May we all merit the protection of the One Above.

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which the Gemara (*Sukka* 44a) says is a *minhag neviim*.

Minhagim that are direct extensions of already existing mitzvos, such as eating matza and *marror* at a second Seder outside of Israel, which the Gemara (*Be-*

itza 4b) says is based on *minhag* (*minhag avoseihem byedeihem*).

On the first type of *minhag*, no *beracha* is recited, as we cannot say *v'tzivanu* on an action that wasn't actually commanded. But the second type of *minhag* does warrant a *beracha*, as the original mitzvah was commanded, and the *minhag* is an extension of the original mitzvah.

The **Daf** in **Halacha**
Bring the Daf to Life!

מסכת חולין

This Week's Topics

RAV SHMUEL YESHAYA YOFFE, ROSH CHABURA BAIS MEDRASH GOVOHA

- דף רב vs. Chazakah : Part 2
- דף י"א Statistics & Probability
- דף רב vs. Chazaka : Part 3
- דף י"ג Thought and Deed
- דף י"ד Canned Food and Muktzeh
- דף ט"ו Benefitting from Chillul Shabbos
- דף ט"ז Ko'ach Sheni and Modern Technology

Both reciting Hallel on Rosh Chodesh and lighting Chanukah candles in shul are in the second category, since they are an extension of the original mitzvos of reciting Hallel on the other *moadam* and lighting Chanukah candles at home, respectively.

Based on this logic, a *beracha* is recited on both.

EVENTS AT THE BAIS HAVAAD

A Day in the life of the Bais HaVaad

People sometimes ask what occurs on a regular basis in the Bais HaVaad. Given the breadth of our activities in sensitive areas of halacha, it is understandable that the daily activities are constantly changing. Here is a sampling from last Thursday afternoon. In a span of three hours, as the Kollel for Dayanus was studying the complicated halachos of ribbis, there were two dinei Torah unfolding in our Bais Din. Across the hall, as part of our Even Haezer Chabura, Rabbi Baruch Fried presented an intricate shiur on the correct spelling of names in a *kesuba* and get. Next door, the Director of the Medical Halacha Center was putting the final touches on an upcoming shiur discussing Chanukah challenges in the medical profession. All par for the course.



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