

THE BAIS HAVAAD

HALACHA JOURNAL

Family, Business, and Jewish Life Through the Prism of Halacha



A PUBLICATION OF THE
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Dedicated in loving memory of
 Harav Yosef Grossman zt"l

VOLUME 5780 • ISSUE XIX • PARSHAS KORACH



RALLYING POINT: FOR DEMONSTRATION PURPOSES ONLY

Need we beware the strides of march?

Adapted from the writings of Dayan Yitzhak Grossman

For the past several weeks, the United States has experienced widespread protests, as well as rioting and looting. In this article, we consider some Torah perspectives on protests and demonstrations.

THE PROTEST AGAINST ROMAN ANTI-RELIGIOUS EDICTS

The classic Talmudic precedent for demonstrating is the account¹ of a successful protest against Roman governmental edicts banning Torah study, circumcision, and Shabbos observance. Following the advice of a well-connected Roman noblewoman, R' Yehudah ben Shamua and his colleagues "went and cried out at night, saying: 'O Heavens! Are we Jews not your brothers? Are we not children of

one father? Are we not children of one mother? How are we different from every other nation and tongue that you issue such harsh decrees against us?' And the decrees were annulled."²

THE PROTESTS FOR SOVIET JEWRY

R' Yehuda Herzl Henkin discusses "Freedom Sunday for Soviet Jews," the 1987 march on Washington with more than 200,000 participants. He acknowledges the earlier opposition of *gedolei Torah* to protests on behalf of Soviet Jewry, including in particular R' Moshe Feinstein's 1975 proclamation, in his capacity as *nasi* of the Agudas Harabonim, that the position established by the "most famous *gedolei hador*, headed by the *gaon* R' Aharon Kotler and the *gedolei Eretz Yisrael*, not to take an active part in

¹ Rosh Hashanah 19a, Ta'anis 18a

² Shu"t Bnei Vanim cheilek 2 siman 51.



Excerpted and adapted from a shiur by
 Dayan Yosef Greenwald

PARSHAS KORACH

METAPHYSICAL THERAPY

Take the firepan and put on it fire from upon the altar, and place incense...

Bemidbar 17:11

When Moshe tells Aharon to use *ketores* (incense) to stop the plague, Aharon must violate the prohibition to burn *ketores* outside of the *Mishkan*. This would seem to prove that in a case of *pikuach nefesh* (saving a life), it is permitted to violate a Torah prohibition not only to perform a medical procedure, but also to administer a metaphysical cure (see Shabbos 89a).

This approach would seem to be supported by a Midrash. Mordechai and Esther ordered a public fast to elicit Heavenly mercy to cancel Haman's decree, even though the fast included the first day of Pesach and required that the mitzvah to eat matzah be neglected. The Midrash says this was permitted on the basis of *pikuach nefesh*, though fasting is clearly a spiritual remedy for danger and not a physical one.

R' Shlomo Kluger (*Uvacharta Bachayim*)

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Q&A from the
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Inside Job

Q I am seeking a teaching job. My sister became aware of an opportunity and contacted the school in question. She was told they had already found someone to fill the position, but when she continued to tell them about me, they agreed to consider me. Am I permitted to pursue this opportunity at the expense of the candidate they were prepared to hire?

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the campaigns and specific activities that they think will aid Russian Jewry” remains in place.³ But as R’ Moshe’s language makes clear, his opposition was purely pragmatic and not rooted in any dogmatic objection to demonstrations per se: “Even insofar as the intention of all the statements and actions of the various organizations is for the good of the Jews in Russia, we are nevertheless unable to always endorse all the positions that will be taken and statements that will be made that are likely to result, *chas v’shalom*, in dangerous consequences.” Rav Henkin therefore argues that since the entire question is what are the likely consequences of demonstrating, and this depends on the current situation, positions of a decade earlier are not dispositive, since “much has changed since then.” (He additionally notes reports that R’ Moshe’s stance may indeed have softened in the interim.)

PROTESTS AGAINST VIOLATION OF THE DIGNITY OF THE DECEASED

R’ Moshe himself elsewhere takes for granted the legitimacy of protesting, in the context of hospitals that were engaged in grave violations of the dignity of the deceased, where he allows delaying the burial of the severed limbs of the dead in order to bring them to protests, with the goal of more effectively arousing public outcry against the hospitals’ behavior.⁴

PROTESTS AGAINST THE PUBLIC DESECRATION OF SHABBOS

The *gedolei Eretz Yisrael* have often supported and encouraged protests against the public desecration of Shabbos, arguing that although the specific commandment of reproof (*tochacha*) may not apply to those who are not observant,⁵ protests are nevertheless

3 Hapardes Year 50 Issue 10 (Tammuz 5736) p. 3.

4 Shu”t Igros Moshe Y.D. cheilek 2 siman 150 “Ha’revi’is.”

5 See also Shu”t Teshuvos V’hanhagos cheilek 5 siman 399; R’ Moshe

imperative in order to stem the rampant and systemic violation of Shabbos⁶ and to impress upon ourselves and our children the severity of Shabbos desecration.⁷

The question of whether damage and destruction of property in the course of such demonstrations can be justified is less clear. The Talmud relates that R’ Ada bar Ahava, in an act that epitomizes the great *mesirus nefesh* of earlier generations, once tore off an inappropriate garment from a woman he mistakenly believed to be Jewish, and he was fined four hundred zuz when it turned out that she was not. Some *poskim* adduce this as precedent for the legitimacy of the use of force (even by a private citizen, as opposed to an institution such as a *bais din*) in the course of forestalling sin.⁸ One noteworthy example of this argument is from R’ Avraham Weinfeld, who justifies the spilling out by a vigilante of the milk delivery of a yeshiva elementary school that persisted in serving its students *chalav stam* despite repeated appeals by G-d-fearing individuals that it refrain from doing so.⁹ These discussions, however, primarily concern the destruction of property that is actually being used in the course of sin, and where sin is prevented by its destruction. The deterrence of sin by the destruction of property not directly involved in the sinful activity is much more problematic, and Rav Weinfeld indeed concludes (based on an earlier ruling of Maharshah) that such an act is only permitted to an outstanding individual with a sterling reputation for acting solely for the sake of Heaven, and not to ordinary people.¹⁰

Malka, Hafganos Umachsomei Rechov B’Shabbos, in *Techumin*, Vol. 7 pp. 107-113

6 Kovetz Teshuvos cheilek 4 siman 35; Shu”t Teshuvos V’hanhagos cheilek 1 siman 842.

7 Teshuvos V’hanhagos ibid.

8 Teshuvos V’hanhagos cheilek 1 siman 368; Shu”t Salmas Chaim (Jerusalem 5767), hilchos aveidah, gezeilah, u’nezikin, simanim 48 and 50.

9 Shu”t Lev Avraham siman 75.

10 Cf. R’ Dror Harari, Ha’im Mutar Lehash’chis Rechush Bizman Hafganah, in *Hasevivah Bahalacha Uvumachshavah*, pp. 289-296.

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illness. Therefore, one may not write a *kvittel* to a

87), however, rules that *pikuach nefesh* only permits medical treatments for

rebbe on Shabbos to pray for the dangerously ill, since this is not a physical cure. He might explain the Midrash concerning Esther and the *ketores* by saying that non-medical intervention is permitted only when it will definitely work, and in both of those cases

it was certain that the actions taken would be effective.

Others disagree with R’ Shlomo Kluger’s conclusion. Indeed, the *Birkei Yosef* (O.C. 301) cites some *Rishonim* who permit violating Shabbos to employ supernatural cures.

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A The relevant issue here is *ani hamehapech b’chararah*, which refers to encroaching on the opportunities of another. According to the Gemara (Kidushin 59a), this is forbidden, but that does not apply in all instances.



DAYAN DANIEL DOMBROFF

The first question is whether you have other job options. According to Tosafos (ibid. and Bava Basra 21b), if there are no other jobs available, the prohibition does not apply. Rashi disagrees, but the *poskim* lean toward the view of Tosafos (see Rama, C.M. 237:2).

Another question relates to the opinion of the Rama. According to the Rama (C.M. 237), *ani hamehapech b’chararah* would apply only if the employer and another candidate had already reached an agreement on salary and terms but had not yet executed a contract. At that point, no one else would be permitted to begin discussions about the job. The Perishah says that even before that stage, while the two sides are still negotiating but moving toward closure, the halacha of *ani hamehapech b’chararah* would already apply. R’ Moshe Feinstein rules in accordance with the Perishah.

It is possible that when the school initially wasn’t interested in meeting with you, they said the position had been filled simply because they didn’t wish to say that they didn’t think you were right for the job. If you can somehow ascertain that that was the case, there is obviously no issue. If there was in fact another candidate, but the discussions have not yet advanced to the stages described above, there would be no problem. And if despite the ongoing negotiations the school is still looking at other candidates, there would seem to be no issue with you throwing your hat in the ring as well.

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