

HALACHICALLY SPEAKING

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{ TOPIC }

Avoiding Danger in our Daily Lives - Revisited



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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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Avoiding Danger in our Daily Lives - Revisited

In previous articles we dealt with the *halachos* of dangerous activities, such as eating fish together with meat, talking with food in your mouth, learning the *halachos* of *avielus*, and going for blood tests on *Erev Yom Tov*. In addition, we have dealt with placing food under the bed, leaving eggs peeled overnight, and the will of *Rav Yehuda Hachasid* which all involve some form of danger.

In this article, we will focus on other *halachos*. For example, is one allowed to place himself in a potentially dangerous situation, such as attending a *Yeshiva* in *Eretz Yisroel* in a time of war? May one visit dangerous places? Is it permitted to join the army? *Kashrus* professionals frequently go to remote countries to supervise *kosher* production. Is this permitted in spite of a potential danger? This topic is especially relevant in the summer months when people like to vacation to remote locations. All these and other areas of danger will be discussed below.

Introduction

A person has a *mitzvah* to remove himself from danger.¹ Many *poskim* say that this is a *mitzvah d'oraisa*,² while other

1. Meseches Berochos 32b, Rambam Hilchos Rotzeach V'shemiras Hanefesh 11:4-5, Sefer Sharei Teshuva 3:82, Shulchan Aruch C.M. 427:8, Levush C.M. 116:57, Ben Ish Chai Pinchus 2:10, Chochmas Adom 68:4, Shulchan Aruch Harav Shemiras Haguf 4, Aruch Hashulchan Y.D. 116:1, Pela Yoetz Shemirah:pages 577-579 (new), Kovetz Igeres (Chazzon Ish) 1:136:page 140, Shevet HaLevi 6:111:1.

2. Based on the *posuk* in Devarim 4:9. Refer to Levush C.M. 116:57, Pri Megadim M.Z. 84:2, Tevuas Shor 13:2, Shulchan Hatohar C.M. 427:9, Aruch Hashulchan C.M. 427:8, Bais Yehuda Y.D. 25, Shem Aryeh Y.D. 27, see Yabea Omer Y.D. 1:8:4, Al Pi Hatorah (Shemos) page 343, see Pe'er Tachas Eifer pages 61-68 in great depth.



איך ללמוד להימנע מבעיות אלא לראות את הסיכונים של הלכה בלבד... (ברכות מ)

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

poskim say it is a *d'rabbonon*.³ The *Chinuch*⁴ explains that *Hashem* gave us a *nefesh* which resides within the body, and one must protect his body in order to protect the *nefesh*. The *Be'er Hagolah*⁵ says that *Hashem* created the world with kindness for the purpose of doing good to His creations. One who puts himself in danger is implying that he does not want the good that *Hashem* gave him. There is no greater *apikores* than such a person. The *Mesillas Yeshorim*⁶ writes that one who does not treat his body with the appropriate respect is a *shotah*. The *Sefer Chassidim*⁷ says that one who places himself in a dangerous situation will have to give a *din* and *cheshbon* to *Hashem* why he did so. The *Ritvah*⁸ says that one should not eat any unhealthy food. Many people will scrupulously avoid an *issur*, and *Chazal* tell us that something that involves danger is more severe than an *issur*.⁹ Whoever does dangerous things to himself and destroys himself has no *olom haba*.¹⁰ A person may not say, "I will go to a dangerous place or do something dangerous and a miracle will happen," because maybe a miracle will not happen to him.¹¹ Although many dangers mentioned in *Shas* are not brought in *halacha*, the *Stiepler zt"l* was careful with all of them.¹²

3. Be'er Hagolah C.M. 427:70, Chinuch mitzvah 546, Chai Adom 16:24, Divrei Malkiel 4:62, see Levush Y.D. 116:1, Me'am Loez Devarim pages 1:232-240. The Betzel Hachuchma 4:118 differentiates between what type of danger it is.

4. Mitzvah 73.

5. C.M. 427:10.

6. 11:page 58.

7. 675.

8. Meseches Shavuot 27a.

9. Meseches Chullin 10a, Rama Y.D. 116:5, see Shulchan Aruch 173:2, Imrei Eish Y.D. 60, Shemiras Haguf V'hanefesh page 63, Chaim L'lo Ishan pages 74-76.

10. Meseches Gittin 57b.

11. Meseches Shabbos 32b.

12. Shemiras Haguf V'hanefesh 265:page 756.



“Hashem Watches the Fools”

In many places, the *Gemorah*¹³ permits a dangerous action on the grounds that it is done by many people, and it is included in “*shomer pisayim Hashem*”¹⁴ – Hashem watches the fools.” There are many restrictions to this idea, as will be discussed below.

The simple meaning is that one is permitted to do a dangerous act, since Hashem watches the fools. However, this only applies to a common act which is not considered dangerous.¹⁵ The *Achiezer*¹⁶ maintains that this idea was used in a unique case and cannot be applied to other cases.¹⁷ The *Binyon Tzion*¹⁸ has a different approach. He says that if one is already in danger he has to do whatever is possible to remove himself from the danger. However, if the danger is not yet at hand and there is less than a fifty percent chance that the action will result in a dangerous situation, then the specific action is permitted. This is where we apply *shomer pisayim Hashem*.

Some only apply this idea where there is doubt if the action is dangerous at all.¹⁹ Others limit this idea to someone who is not a learned person (*am ha'aretz*).²⁰

13. Meseches Shabbos 129b, Yevamos 12b, 72a, Kesubos 39a.

14. Tehillim 116:6.

15. Refer to Rav Akiva Eiger 1:71-72, Pischei Teshuva E.H. 23:2, see Journal of Halacha and Contemporary Society 33:page 59.

16. E.H. 1:23. Refer to Igros Moshe C.M. 2:76, Tzitz Eliezer 10:25:17, 15:37:2.

17. Some say the above phrase only applies to the cases where this phrase is brought in the Gemorah (Pe'er Tachas Eifer page 77:footnote 1).

18. 137.

19. Refer to Shemiras Haguf V'hanefesh pages 66-67, Yabea Omer Y.D. 3:7:3. See Igros Moshe C.M. 2:76.

20. Terumas Hadeshen 211. Refer to Shemiras Haguf V'hanefesh page 67. See Yabea Omer Y.D. 2:7.

“One Who Keeps a *Mitzvah* Will Know no Evil”

Another common phrase used to permit a dangerous act is that, “One who keeps a *mitzvah* will know no evil.” However, the *poskim* discuss many variables as to when this applies.²¹

“When One is Doing a *Mitzvah* He Will Not be Hurt”

The *Gemorah*²² permits *bedikas chometz* in a snake-infested area because, “When one is doing a *Mitzvah* he will not be hurt.” However, this only applies if the possible danger is not a frequent occurrence. The *Gemorah*²³ says that when one learns *Torah lishma* he is protected from even dangers that are common, even when he is not learning.

For One’s Livelihood

The *Gemorah*²⁴ records that workers would risk their lives in order to make a living. The *Nodeh B’Yehuda*²⁵ permits hunting for one’s livelihood, even if it is a danger. *Harav Moshe Feinstein zt”l*²⁶ also permits possibly dangerous activities for a livelihood. However, one should consult with his *Rav* before going into business which can involve danger, since there are no clear cut rules for this matter.

Living in a Dangerous Place

There is no question that the thousands of people who live in *Eretz Yisroel* face the danger of terrorism. We will not arrive at a ruling as to whether one should live in *Eretz*

21. Refer to *Shemiras Haguf V’hanefesh* pages 69-74 in great depth.

22. *Pesachim* 8a-8b. Refer to *Meseches Kiddushin* 39b, *Pri Megadim* O.C. M.Z. 433:7.

23. *Sotah* 21a. Refer to *Avnei Nezer* O.C. 454:2.

24. *Meseches Bava Metziah* 112a.

25. Y.D. 2:10.

26. C.M. 1:104. Refer to *Halichos Journal* 5755:pages 64-67 in great depth.

Yisroel. Rather, we will discuss the issues involving the exposure to danger.

Klal Yisroel was given the *Torah* “to live with (*mitzvos*)” not to *r”l* die from them. This is expressed in the words of *v’chai bahem*.²⁷

We all know that when there is a matter of life and death, one is permitted to even desecrate *Shabbos* and *Yom Kippur*, and is only obligated to give up his life in order to avoid *Avodah Zarah*, illicit behavior, and murder.²⁸

Some are of the opinion that living in *Eretz Yisroel* is of such great importance that one may live there even if he is in danger.²⁹ This is because the *mitzvah* applies to the masses and not to the individual.³⁰ In addition, it is a *mitzvah* to help fight a war, even if it is dangerous. The admonition of *v’chai bahem* does not apply to wartime.

Furthermore, these people are not in a constant state of danger. In addition, those who live in remote locations serve to secure the borders, making sure that the Arabs do not take it over. In this way, they are comparable to soldiers of the Israeli army. Based on the above, those who have the courage and strength to live in such places (*Shomron*, etc.) have on whom to rely on to do so.³¹

A more complicated issue arises when a student is learning in *Eretz Yisroel* and a war breaks out, and his parents demand that he come home. Is the child required to return home? Although there is a *mitzvah* to obey one’s parents, one need not follow an order to nullify a *mitzvah*.³²

27. Vayikra 18:5. Refer to Meseches Yoma 85b.

28. Refer to Techumin 22:page 117, see Techumin 2:page 187.

29. Refer to Tosfas Meseches Avodah Zarah 110 “hu” who argues.

30. Refer to Techumin 27:page 117.

31. Techumin 22:pages 116-119 in depth.

32. Shulchan Aruch Y.D. 240:15.

איך לא להקדיף הבעולמו אלא י
אמות של הלכה בלבד... (ברכות ח)

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

However, some say that living in *Eretz Yisroel* is not an active *mitzvah* for each individual person, but one who lives there fulfills a *mitzvah*.³³ Others treat this like any other *mitzvah*, and the child is not obligated to obey his parents' demand that he return home.³⁴

There is another factor that affects this issue.

There is a dispute among the *poskim* if the *mitzvah* of obeying parents applies when the request is not for something which would directly benefit the parent. The consensus is that the *mitzvah* does not apply. Therefore, if the request is solely motivated by the parents' concern for the safety of their child, there is no obligation to obey. However, if the request is due to the parents' own peace of mind, then one is permitted to leave *Eretz Yisroel*. In the final analysis, one who does not feel he is in grave danger and wishes to stay in *Eretz Yisroel* may do so, but he may leave if this will contribute to his parents' peace of mind.³⁵

A Sofek Danger to Save From a Definite Danger

Although a soldier in the Israeli army is definitely exposed to danger, he/she is still permitted to join the army, as will be explained.

A person may expose himself to a *sofek* danger under certain circumstances in order to save someone from a definite danger, since there is a doubt whether he will ever be exposed to danger.³⁶ This contributes to society, as people will be saved from dangerous situations.³⁷

33. Refer to Igros Moshe E.H. 1:102, Y.D. 3:122, see Yechaveh Daas 3:69, 5:57, Tzitz Eliezer 6:32, 10:32, Minchas Yitzchok 10:108, Minchas Shlomo 2-3:100.

34. Yechaveh Daas 4:49 in great depth who brings the opinions on this issue.

35. Refer to Techumin 12:pages 187-199 in great depth.

36. Bais Yosef C.M. 426.

37. Chinuch Mitzvah 237.

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Therefore, one is obligated to make an effort to save others from a dangerous situation, even if there is a possibility of personal danger. If he fails to do so, he has transgressed the *mitzvah* of רעך על דם רעך.³⁸

However, some argue that there is no obligation if it entails even a *sofek* danger.³⁹

In a case of war, the *halacha* changes. A war is a threat to the *tzibbur*, and the soldiers represent the *tzibur*. Therefore, the soldiers can save other Jews who are in danger even if there is a concern that the soldiers will *r"l* get killed.⁴⁰

Kashrus Professionals

Many times a *kashrus* agency may be requested to give a *hashgacha* in remote countries. If the place is known to be dangerous, one should not visit or send *mashgichim* there. Each *kashrus* agency should decide which countries should be avoided.

The United States Department of State provides a list of dangerous countries: Afghanistan, Chechnya, Colombia, Congo, Haiti, Indonesia, Iraq, Nigeria, North Korea, New Guinea, Pakistan, Saudi Arabia, and Yemen.⁴¹ Certainly, Jews should avoid these countries.

Placing Money in One's Mouth

The *halacha* is that one should refrain from placing money in his mouth for fear of contracting a disease,⁴² as people are always touching money, and may transfer

38. Shulchan Aruch C.M. 426:1, see Vayikra 19:16. Refer to Sreidim (Journal) 13:pages 51-52.

39. Refer to Sreidim (Journal) 13:page 52.

40. Tzitz Eliezer 12:57, 13:100. Refer to Sreidim (Journal) 13:pages 51-60 in great depth. See Yabea Omer C.M. 10:6. This is related to the story of Mordechai and Esther in Megillas Esther as well (see Yabea Omer C.M. 10:6).

41. Refer to http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html.

42. Shulchan Aruch Y.D. 116:5.

microbes to the money.⁴³ Others explain that one may inadvertently swallow the money and choke on the coins.⁴⁴ Based on this, one should be careful not to place small items in his mouth.⁴⁵ Special care should be exercised with little children, as they are accustomed to place money in their mouths.

Other Activities to Avoid

One should not walk under a shaky bridge, near a shaky wall,⁴⁶ or enter a ruin because of danger.⁴⁷ One should not take chewed food out of his mouth and then chew the food again.⁴⁸

Non-Jewish Barber

There is a little known *halacha* that one is not allowed to take a haircut by a non-Jew, as he might take the razor⁴⁹ and use it to *r"l* murder the client. However, it is permitted if other people are present,⁵⁰ or if there is a mirror and you can see what he is doing.⁵¹

Some add that since we are accustomed to pay the barber for his services, we are not concerned that he will jeopardize his livelihood by harming his clients.⁵²

43. Shach 3, Chochmas Adom 68:2.

44. Kaf Hachaim 116:38, Chelkes Binyomin 116:34.

45. Ibid.

46. Meseches Tannis 20b, Shulchan Aruch Y.D. 116:5, Shach 5, Chochmas Adom 68:4.

47. Shach 5.

48. Kaf Hachaim 116:76.

49. We are not concerned about him using a scissor since it is not common to do damage with it (Taz 1). Some say if the barber uses a scissor then other people still have to be present to permit taking a haircut from a non-Jew (Be'er Heitiv 156:1).

50. Shulchan Aruch Y.D. 156:1.

51. Rama Y.D. 156:1. Some say if it is an important person there is no need for him to look in the mirror (Darchei Teshuva 156:1).

52. Bais Lechem Yehuda Y.D. 156. Refer to Shach 2.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

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Based on *kabbalah*, some say that one should not take a haircut from a non-Jew,⁵³ especially if there are Jews who are just as capable of giving a haircut.⁵⁴

Loud Music at Weddings

There is a widespread problem of excessively loud music at weddings. Often, the decibel level is sufficient to damage hearing permanently. It is common practice in *Eretz Yisroel* to utilize a sound meter which automatically shuts off the amplifier when the music reaches a dangerous level. This is a great idea for us to develop as well.

אין על להקצי"ה בעולמו אלא י
אמות של הלכה בלבד... (ברכות ה')

53. Opinion brought in the Darchei Teshuva 156:4.

54. Ibid.



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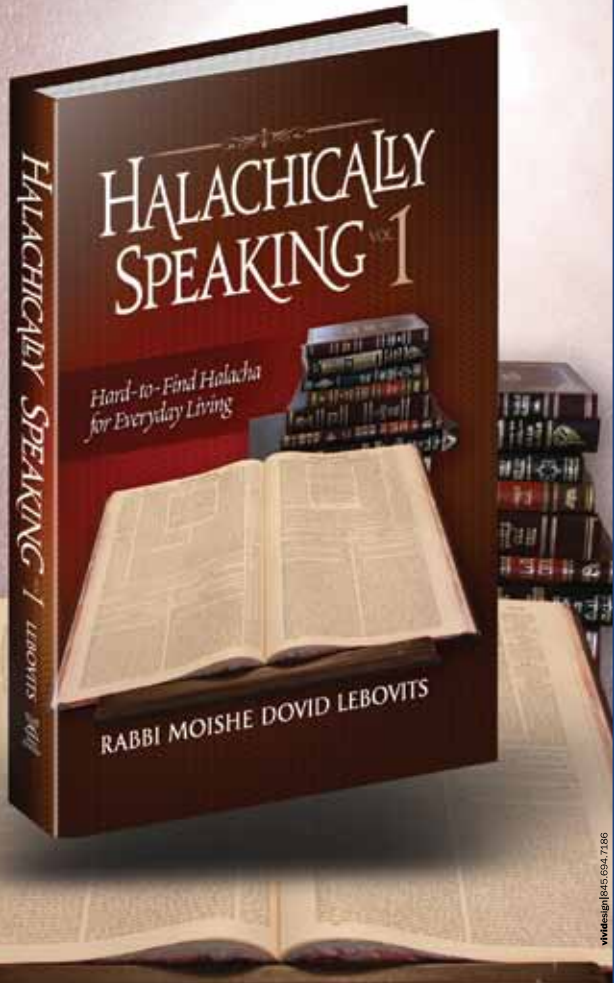
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SAMPLE CHAPTERS

1. Peeled Eggs, Onions and Garlic Left Overnight
2. Causing Forgetfulness of *Torab* (קשה לשכחה)
3. Contemporary *Avodab Zarab* Issues
4. Do's and Don'ts before *Sbacbaris*
5. Summer *Halachos*
6. Placing Food under a Bed
7. *Tefillas Haderech*
8. Waiting Six Hours between Meat and Dairy
9. *Birchos Kobanim* - Halachos for the *Tzibbur*
10. Treating *Kobanim* Properly
11. Talking in *Sbul*
12. *Mayim Achronim*
13. Speaking *Divrei Torab* at the Table
14. Reciting a *Beracha* on Food
15. The *Beracha* on Thunder and Lighting
16. *Krias Shema Al Hamitab*
17. Showering and Other Preparations for *Shabbos*
18. Cutting Nails *Erev Shabbos*
19. *Lechem Mishnab*
20. Covering the *Challab* (During *Kiddush*)
21. *Maver Sedra* (*Shenyaim Mikra V'echad Targum*)
22. *Sbalos Seudos* (The Third Meal)
23. *Seudas Melava Malka*
24. *Kiddush Levana*
25. Making a *Siyum*
26. *Piskei Horav Yisroel Belsky Shlita on Hilchos Pesach*
27. *Pesach*- The *Kittel*, *Four Cups*, and *Afikomen*
28. Reciting *Hataras Nedarim* on *Erev Rosb Hasbanab*
29. The *Minbag* of *Kaparos*
30. *Minbagei Chanukab*
31. *Purim* Costumes and *Lo Yilbasb*
32. Placing Meat and Dairy on the Same Table
33. Respecting *Seforim* Properly
34. Salt in Halacha
35. The *Beracha* of *Asber Yotzar*
36. Preparing Oneself for *Davening*

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