

S·E·P·H·A·R·D·I·C HALACHA JOURNAL

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



VOLUME 5779 · ISSUE VII · PARASHAT VAYETZE · A PUBLICATION OF THE SEPHARDIC HALACHA CENTER

THE GAME OF RISK:

How much can we take? The Halachot related to avoiding danger

We are all aware of the Torah imperative to avoid even the smallest chance of danger regardless of the financial or physical cost or even if it involves the violation of a Mitzvah. Yet, we intuitively understand that the Torah allows us to drive in a car even though, in 2006, 1.42 people died for every 100 million miles driven. An analysis of some of the rationales for why this is permitted will help us understand how Poskim evaluate other less obvious situations to decide whether the Torah wants us to ignore or avoid a specific risk.

Note: The goal of this article is to present some factors involved in this type of decision, and the article is not intended to serve as a source for a Halachic ruling. Rulings on these types of questions must be addressed by a Posek.

There appear to be a number of possible reasons to permit an act that appears to have some element of risk:

Although the Halacha requires that one be concerned with even a tiny chance of danger, there may be some risks that are so remote that we may ignore them even as they relate to *Sakana* - danger. An extreme example of this is that Hattam Sofer¹ says that (as it relates

to *Pikuah Nefesh* – life danger) one need not be concerned about occurrences which happen once in a thousand years. Hattam Sofer's guideline is obviously meant as a hyperbole, and the exact level at which something is considered truly remote as relates to *Sakana* requires further clarification.

In deciding whether an act meets the aforementioned criteria of being "too risky", one must be careful to properly identify the "act", as follows. For example, while there is reason to believe that eating too much salt raises one's blood pressure, drinking too many flavored soft drinks leads to diabetes, and basking too much in the sun may lead to skin cancer, that doesn't mean that it is forbidden to ever consume salt or sugar or walk outdoors. In each of these cases, it is a dangerous "act" when one has more than a specific amount of the otherwise-safe item, and therefore one cannot classify salt as being dangerous and forbidden.

Even when the item is considered truly dangerous, the Gemara² tells us that if people commonly ignore the danger inherent in a others are permitted (דשו ביה רבים), specific act to follow suit and rely on Hashem's protection. At the same time, as people become more concerned with that particular danger, the previously-permitted act may become forbidden. A full discussion of this principle, Hashem protects the) שומר פתאים ה' known as innocent), is beyond the scope of this article, but the following words of Rav Shlomo Zalman Auerbach³ are instructive

"Regarding how to classify a life-threat, and what is the limit, I greatly debated this matter, and it seems that anything that

common.

2. Gemara, Shabbat 192b, Yevamot 12b, Avoda Zara 30b and elsewhere.

3. Minhat Shelomo II:37

(continued on back)



By Rabbi Moshe Medresh

TEFILLAT ARVIT: LAWS & CONCEPTS *Doing Yaakov's Tefilla Right*

"And [Yaakov] reached the place, and slept there, as the sun set..." The Gemara in Berachot brings a debate whether the Tefillot were instituted by the Avot or correspond the Korbanot. This verse, according to the Gemara, implies that Yaakov instituted Tefilla.

The Gemara discusses the time of Arvit and Mincha. According to Hachamim, Mincha can be prayed until sunset and Arvit from then on, and according to Ribbi Yehuda the cutoff is P'lag HaMincha (1¼ Halachic hours before sunset). Tosafot explain that the P'lag HaMincha time corresponds to the bringing of the Ketoret.

The Gemara concludes that one may choose to follow either the opinion of Hachamim or that of Ribbi Yehuda. However, the Shulchan Aruch says that one can't choose conflicting opinions, as per the Rishonim in Berachot (although in Bet Yosef, Maran seems to be more lenient).

Accordingly, if one prayed Mincha

spotlight

Currency Conversion

(continued on back)

The exact value of various currencies mentioned in the Talmud is a source of debate amongst the Poskim. The 200 Zekukin Kessef mentioned in standard Ashkenazi Ketubot is a prime example. The Bet HaVaad's Even Ha'Ezer Habura, recently examined all the various opinions and their precise value in terms of silver weight.

1 Responsa Hattam Sofer Y.D. 338. At first glance, one might think that the driving example given in the previous text qualifies for the literal words of Hattam Sofer because even if a person drove 500 miles a week, it would, on average, take him more than 2,800 years before he would be killed in a car accident, which appears to be more than "once in a thousand years". However, Hattam Sofer actually means to say that not even once in a thousand years does anyone on Earth give all appearances of being dead, and then actually turn out to be alive. Accordingly, the appropriate statistic to compare to Hattam Sofer is that in 2006 there were rahmana litzlan a total of 42,642 driving related fatalities in the USA, which means that more than 115 people were killed each day – which of course doesn't qualify for the literal words of Hattam Sofer. However, as noted in the coming text, Hattam Sofer is clearly overstating the cutoff level at which the Safek Sakanah – risk of danger – is considered too

(continued from front pg.)

prompts people to flee for their life is considered to be a life-threat... But if most people do not fear it, it is not considered to be a life-threat. An example for this is the measles vaccine, although one should technically rush to have it administered, since most people do not feel a pressing urge to do so, one may take their time, although presently one is keeping themselves in a state of danger..."

Binyan Tzion⁴ says that the stringency associated with danger only applies if the person is already ill or in some other situation which might lead to death, but it doesn't restrict a person from entering a situation where danger may develop in the future.

Shem Aryeh⁵ understands that one may do those things which are required for "normal living" and need not be concerned with possible danger. It is noteworthy that within this opin-

⁴ Binyan Tzion 137 (See Ahiezer I:23)

⁵ Shem Aryeh Y.D. 27.

(continued from front pg.)



after P'lag HaMinha then they should wait until after sunset before

praying Arvit. The Mishna Berurah says that one must choose an opinion to follow on all days (and not just that they shouldn't conflict on a specific day...). If one is in pressing need he may choose conflicting opinions – but not on the same day.

However, there are many synagogues that pray Minha and Arvit in conflicting "time

ion, the Tzitz Eliezer cites a disagreement as to whether it is limited to people entering the situation for business purposes or if it applies to all people.

Summary:

There are many experiences in life which carry with them a certain element of risk but are permitted according to Halacha. Using the example of food, we determine whether a specific food is "safe" based on a number of factors: What the chances are that consuming the food will lead to danger, how much of the food must be consumed before reaching the dangerous level, and whether consumption of such foods is considered safe by the average consumer. [Later authorities suggest two other factors that may play a role in this decision.] Clearly the answer to this question will be different depending on how much of the given food the person is considering eating, and on what is considered safe in the locale and times that the person lives in.

zones". This Minhag is discussed in the Poskim and the reason they give is that it can become very hard to gather people at other times for both prayers and because it is a rabbinic and not Biblical matter, there is room to be lenient. There is also room to rely on the Rambam who writes that one can pray Arvit early on Motzai Shabbat because it is not on the same level of obligation as Minha and Shaharit (Ein Medakdekin BiZmana – we are not particular about its timing).

On Friday afternoon, the Magen Avraham writes that all agree that one can pray Ar-

The Daf in Halacha

Bring the Daf to Life!

מסכת מנחות

This Week's Topics

RAV ARYEH FINKEL

- דף צ"ח Long Live the Government
- דף צ"ט Torah Study: A Life Pursuit
- דף ק' Unusual Means of Consumption
- דף ק"א Chopped & Diced: Issurei Hana'a and Tum'as Ochlin
- דף ק"ב Condemned to Fire
- דף ק"ג Dedicating Korbanos Today
- דף ק"ד Measuring Liquids vs. Solids

vit early, because all of the parts of the Korban which correspond to Arvit (the Eivarim and Pedarim – limbs and fats) of Friday's Korban must be brought before Shabbat.

EVENTS AT THE BET HAVAAD

The Bet HaVaad Medical Halacha Center to be Featured in the Press

Almost immediately upon launching our new hotline, the administration of the Medical Halacha Center received requests to be interviewed.

One newspaper asked, "Why was the Medical Halacha Center and the hotline founded specifically under the auspices of the Bet HaVaad?" Here is the response from the Menahel, Rabbi Yehoshua Greenspan.

"The Bet HaVaad's mission is to focus on areas of Halacha that are more 'specialized' and which require a mastery of a specific subject that may not be as common as other areas of Halacha. These subjects require constant research and constantly keeping updated on new innovations in the field, in order to answer contemporary Halacha questions. The Medical Halacha Hotline is actually the first stage of a broader plan to provide Halachic guidance on a number of such 'specialty' topics that are not widely mastered."



Business Halacha Services



Bet Din & Dispute Resolution



Zichron Gershon Kollel for Dayanut



Medical Halacha Center



Kehilla & Bet Din Primacy Initiative



Halachic Awareness & Education



S·E·P·H·A·R·D·I·C
HALACHA CENTER

105 River Ave, #301, Lakewood, NJ 08701
732.9300.SHC (742)
www.theshc.org
info@theshc.org

MIDWEST DIVISION
RABBI DOVID ARON GROSS
A 3718 SHANNON ROAD
CLEVELAND, OH 44118
P 216.302.8194
E MIDWEST@BAISHAVAAD.ORG

BROOKLYN DIVISION
RABBI DOVID HOUSMAN
A 2238 85TH STREET
BROOKLYN, NY 11214
P 718.285.9535
E RDHOUSMAN@BAISHAVAAD.ORG

SOUTH FLORIDA DIVISION
RABBI YOSEF GALIMIDI, MENAHEL
RABBI MEIR BENGUIGUI, SAFRA D'DAYNA
A SAFRA SYNAGOGUE
19275 MYSTIC POINTE DR
AVENTURA, FL 33180
E BD@BAISHAVAAD.ORG