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## VE SHAMRU DERECH HASHEM: MORALITY AND THE PATH OF G-d

by *Rabbi Ben Krinsky '05*

One of the main tenets of any functional society is the basic right to life. The thought of ending another person's life should trigger a visceral reaction within any morally upstanding individual. Throughout history, those who killed others were tried and punished by the courts. Nonetheless, every society has its exceptions. Heinous criminals may be deserving of harsh punishments, and circumstance may provide one with a moral justification to end a person's life. Scholars and lawmakers debate instances when it may be considered acceptable to end another life. For example, during wartime, does one have the legal and/or moral authority to take life? Or, when in danger, is one able to use lethal force as an act of self-defense? There is an infinite number of moral questions that relate to the taking of life. While the answer to all of these moral dilemmas is beyond the scope of a single article, an overarching principle to answer them can be found in Parashat VaYeira.

At the beginning of the Parashah, Hashem decides that He is going to destroy Sedom. He decides that He will notify Avraham Avinu, as the Pasuk (18:19) describes, "Ki YeDa'itiv LeMa'an Asher Yitzaveh Et Banav Ve'Et Beito Acharav, VeShamru Derech Hashem La'Asot Tzedakah U'Mishpat", "For I have known him, that he will command his children and his household after him, that they will keep the way of Hashem, to do righteousness and justice." Hashem feels compelled to tell Avraham about the destruction of Sedom, because of the three principles that Avraham will teach his descendants: [1] To follow the way of Hashem, [2] to perform Tzedakah, and [3] to do justice.

Rav Shimshon Raphael Hirsch, in his commentary on Chumash, notices that the Pasuk records Avraham's future directives to his children in an unusual order. The Pasuk mentions Avraham Avinu's patriarchal commandment to "follow the way of Hashem" before his instruction "La'Asot Tzedakah U'Mishpat", "to perform Tzedakah and Mishpat," the latter of which relates to the Bnei Yisrael's moral integrity in their interpersonal interactions. Why does the Bnei Yisrael's

relationship with G-d and His commandments supercede their performance of Tzedakah and Mishpat? Are they not one in the same? Is the implementation of Tzedakah and Mishpat not considered to be an adherence to the path of Hashem?

Rav Hirsch answers that Hashem emphasizes that the Avraham would not only teach his descendants to be moral people, but to be moral with respect to the path of Hashem. True morality, explains Rav Hirsch, requires the path of G-d. After all, how can we humans, with our limited capacity, adequately decide what is moral and what is not? It is only through the internalization of what it means to be a follower of Hashem that we can truly be moral. Without Hashem, how can we determine what is right and what is wrong? Without Hashem's guidance, what makes our decisions to kill one person over another anything more than arbitrary?

Rav Dr. David Shabtai, in a talk on the Halachic perspective on brain death, pointed out that the American Medical Association standard for death is based on nothing more than a committee ruling. What were their motivations? How did they reach their definition of death? While it is true that their arguments may have been scientific and logical in nature, without a higher moral authority, there would be no way for us to determine whether their conclusions were actually just or moral. At the end of the day, what makes their ethical and moral opinions better than anyone else's? Where is the line drawn? As we see through Rav Shimshon Raphael Hirsch's explanation of the Pasuk's ordering of Avraham's future instructions to the Bnei Yisrael, the answer lies in the principle that morality is not based on our perceptions and opinions, but on the infallibility of the "Derech Hashem", "the path of G-d."

To close, I would like to present an idea I once heard quoted from Rav Akiva Tatz. In Kedushah every day, we praise Hashem as being in another realm, "Baruch Kevod Hashem MiMekomo", "blessed be the honor of Hashem in His place." Why is this phrase considered to be praiseworthy? Rav Tatz explains the nature of the declaration with the following parable:

A small boat in the harbor needs to drop its anchor in order to stay stationary. If it doesn't drop its anchor, then it will be subject to the ebb and flow of the water. The captain, when deciding where to place the anchor, sees a large ship near his vessel. The larger ship seems to not move against the low tide. The captain does not anchor his boat to the large boat, but rather to a different stronger medium, the ground. If the captain were to anchor his ship into the other ship, he might be safe from the movements of the low tide. However, when the water gets a little choppy, and larger waves come in, the larger ship will be tossed

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about unless it too is anchored into the ground. The earth exists in a different frame of reference than all water vessels, and is therefore sturdy enough to withstand the tides. The same, explains Rav Tatz, is true of our relationship with Hashem. We don't want to anchor ourselves to other people, no matter how great they are; because, in the end, all people are subject to human frailties. We must anchor ourselves to G-d. He exists in a different realm. He is not subject to the tide, and all those that anchor to Him will be protected by His sturdiness and steadfastness.

## DAVENING FOR A POLAR OPPOSITE

*by Moshe Y. Golubtchik ('19)*

In Parashat VaYeira, Avraham Avinu famously prays for the people of Sedom to be spared from destruction. He initially requests that the city be spared if there fifty Tzaddikim in the city. When they are not saved, Avraham continues to ask for their salvation in exchange for increasingly small numbers of Tzaddikim, ending with his request for ten. Sedom, however, does not even have this small number. The complete lack of righteousness in the city is astounding, so perhaps it is worth taking a closer look at the people who *were* in the city.

In Parashat Lech Lecha, the people of Sedom are described as "Ra'im Va'Chata'im LaHashem Me'od" "Wicked and evil towards Hashem exceedingly" (Bereshit 13:13). The Mishnah (Sanhedrin 107b) utilizes this Pasuk to conclude that the people of Sedom do not hold a portion in the world to come. Their terribly sinful ways precluded them from having any reward whatsoever. The Gemara (109b) helps us understand the necessity of this harsh punishment, by offering a glimpse into Sedom's society. Firstly, their city, as a whole, was not at all welcoming to foreigners. If a wealthy man came into the city, they would sit him down next to an unstable wall. The people of Sedom would proceed to push the wall down on top of him, and then take his money, under the pretense of the unsteady wall just happening to collapse while he was underneath. Additionally, if a guest came to town, they were offered a bed. If he was too short, however, the people of Sedom stretch him to fill the entire bed, and if he were too tall, the townspeople would chop off his excess body length. Sedom's justice system was irrational as well. If a man caused a woman to miscarry, his punishment would be impregnating his victim. If a man was attacked, he would have to compensate his assaulter for providing the valuable medical procedure of bloodletting. Finally, and perhaps most strikingly, the Gemara records the story of a young woman who was covered in honey and left to be killed by bees for the simple crime of providing a poor individual with bread.

Rav Daniel Fridman recently addressed this topic in his weekly Hashkafa Shiur in TABC. He suggested that the people of Sedom, no matter how perverse their actions were, nonetheless believed that their society was fair and just. They "justified" their despicable actions in roundabout ways. For instance, they allowed men to commit rape under the pretense of compensating women for their lost children. They blamed their obvious crimes on natural circumstances, rather than their own actions. The people of Sedom, under a thin veneer of righteousness, focused on victimizing those who were already vulnerable. Rav Fridman suggested that the townspeople of Sedom represented the polar opposite of Avraham Avinu, who stood for Tzedek and Mishpat.

In spite of Sedom's sinful ways, Avraham Avinu still beseeches Hashem to spare them. He ignores their apparent character flaws, and focuses on davening for their salvation. I think we can all learn a valuable lesson from Avraham. Regardless of past mistakes, every human being should be treated with respect and offered help when possible.

## SECHIRAT RESHUT: PART I - THE IMPLEMENTATION & CHALLENGES OF SECHIRAT RESHUT IN THE MODERN AGE

*by Rabbi Chaim Jachter*

### *Introduction*

As part of creating a community Eruv, one must rent the entire area from the local authorities. Sometimes this can prove challenging, as some community leaders are somewhat resistant to what they view as a foreign concept. A thought occurred to me that could possibly solve this issue. Perhaps I could rent the entire country from President Trump, who has connections to the Orthodox Jewish community. For an explanation, we must first explain the concepts of Eruv Chatzeirot and Sechirat Reshut.

### *Eruv Chatzeirot*

Even after a proper community Eruv has been constructed, and the area encompassed is thereby rendered a Reshut HaYachid, one may still not carry within it on Shabbat. Despite the fact that it is permitted on a Torah level to carry from one Reshut HaYachid (one's house) to another (in our case, the outside area enclosed by the Eruv), Chazal prohibited this in many cases. Similarly, this rabbinic prohibition often precludes carrying from one household to another even within the same building. For example, this prohibition applies to an apartment building with at least two observant families. In such situations, it is required to make an Eruv Chatzeirot (referred to by Chazal as an Eruv) in order to permit carrying.

An Eruv Chatzeirot (literally "mixing the courtyards") is established through the communal donation of bread to the collective group of households located within a Reshut HaYachid. Each household donates a portion of bread, and the entire collection is stored in one of the houses within the encompassed area. The Halachah then views the participants as if they all live

in that one house, removing even the rabbinical prohibition against carrying (see Shulchan Aruch, Orach Chaim 366:1).

The Gemara (Shabbat 14b) records that Shlomo HaMelech instituted this requirement and a heavenly voice acknowledged the profound wisdom in it. The reason for this rule, as explained by the Rambam (Hilchot Eruvin 1:4), is that otherwise people would become confused about the laws of carrying. The process of the Eruv Chatzeirot is designed to familiarize the community with the laws of carrying. This goal seems to be a reason for the time-honored practice of storing the Eruv Chatzeirot in the synagogue (see Rama, O.C. 366:3). Rav Elazar Meyer Teitz told this author that his father, Rav Pinchas Teitz (of Elizabeth, New Jersey), prominently displayed the Eruv in a place within the synagogue where it was easily seen, noting that this was commonly done in Europe. Another advantage of storing the Eruv in the synagogue is that community members have full access to the Eruv, which is an important requirement (see Rav Moshe Shternbach's Teshuvot Vehanagot 1:250).

In practice, we do not require every household in a Reshut HaYachid to contribute some bread for the purpose of the Eruv. Instead, everyone in the community is granted a portion of the Eruv by the process known as Zachin Le'Adam Shelo BeFanav, acquiring something on behalf of another person (see Shulchan Aruch, O.C. 366:9-10,15). This is accomplished by one person handing another the Eruv food and the second person lifting the Eruv into the air. It is lifted with the intention of acquiring the Eruv on behalf of all present and future residents of the area encompassed by the Eruv.

A blessing ("Al Mitzvat Eruv") is recited prior to the procedure of acquiring the Eruv on behalf of the community. Then, the formula of "BeHadein Eruva" is recited, explaining the Eruv's intended purpose (see Shulchan Aruch, Orach Chaim 366:15).

### *Sechirat Reshut*

The procedure of Eruv Chatzeirot is effective solely for Jews who believe in the Oral Law, and thus believe in the efficacy of an Eruv. However, one must rent the apartments, homes, and common areas (such as streets and parks) from every non-Jewish and non-observant Jewish residents of the Reshut HaYachid. This procedure is known as Sechirat Reshut.

### *A Communal Sechirat Reshut*

Renting every non-Jewish house within the Tzurot HaPetach is a virtually impossible task to accomplish in a community Eruv. Fortunately, Halachah provides an alternative method of performing the Sechirat Reshut (see Shulchan Aruch, O.C. 391:1, based on Teshuvot Rivash number 710). The Jewish community may rent the entire enclosed area from the head of the city (Sar Ha'ir) or from one to whom this leader has delegated his authority. The Shulchan Aruch rules that the head of the city has the Halachic ability to rent out not just the public property within the Tzurot HaPetach, but also the homes of its residents. His ability to rent out private homes stems from his right to quarter

soldiers and military equipment in those homes during a time of war without consulting the residents.

### *Communal Sechirat Reshut in a Democracy*

The United States Constitution (Amendment 3), however, forbids quartering soldiers under most circumstances. This places the Sechirat Reshut in a democracy into grave doubt. In fact, Rav Kenneth Auman of Brooklyn, New York informed me that the Satmar Rebbe was willing to create an Eruv in the Williamsburg section of Brooklyn for the Shabbat of Sukkot, were it not for the problem of making a community wide Sechirat Reshut in a democracy. Rav Yosef Shalom Eliashiv is also quoted (The Laws of an Eruv, pg. 156) as seriously questioning the validity of a community wide Sechirat Reshut in a democracy.

Nonetheless, Rav Zvi Pesach Frank (Teshuvot Har Zvi Orach Chaim 2:17) rules that a Sechirat Reshut in a democracy is even more valid than one conducted within a totalitarian regime. A government that is (in the iconic words of Abraham Lincoln in the Gettysburg Address) "of the people, by the people and for the people" is indeed the people's government. Thus, a Sechirat Reshut from a government leader is fundamentally a rental conducted by the official on behalf of the people. It is for this reason, rules Rav Zvi Pesach, that the Sechirat Reshut need not be renewed when a new leader is installed in office (as we discuss later). Rav Hershel Schachter and Rav Moshe Heinemann cite Rav Moshe Feinstein as also permitting a Sechirat Reshut in a democracy.

Tikvat Zechariah (pg. 39-40), discussing the possibility of constructing an Eruv in St. Louis in the 1890s, rules that a city government in America does have the right to lease private homes for Sechirat Reshut. He reasons that local governments may search and inspect private homes, in addition to maintaining the right to expropriate private land for public use (eminent domain).

Others, including Rav Hershel Schachter (in a lecture at Yeshiva University), strongly question this reasoning. They point out that the right of eminent domain is rarely used and is quite difficult to apply. According to their opinion, it is forbidden to carry on Shabbat (even within an Eruv) from one's home to the private property of a non-Jew or non-observant Jew. Nonetheless, they acknowledge that the mayor and police do possess the authority to close the public areas of the city.

Rav Mordechai Willig told me that in his assessment, the basis for a Sechirat Reshut in a democracy is weak. Although he created and serves as the Halachic authority for the Riverdale Eruv, he refrains from using any community Eruv. I even saw Rav Willig remove his watch before leaving his home to walk into an area encompassed by an Eruv under his own auspices! Rav Willig's reservations about the validity of a Sechirat Reshut in a

democracy seems to be a major reason why he (on a personal level) refrains from using a community Eruv. Common practice in the Orthodox community, however, is to rely on Sechirat Reshut performed with the local government officials.

*With Which Government Official Should the Sechirat Reshut be Performed?*

Identifying the appropriate authority to lease the area from is challenging (see Mishnah Berurah 391:18 and Aruch Hashulchan Orach Chaim 391:4). In order to avoid this problem, rabbis often perform Sechirat Reshut from a number of local authorities, such as the mayor and the police chief.

Rav Mordechai Willig told me that he prefers to use the chief of the fire department to perform a Sechirat Reshut as the fire department enjoys the right to enter a home without warning in case of a fire emergency. Rav Moshe Heinemann mentioned (in a talk delivered to a convention of the National Council of Young Israel rabbis) that at the insistence of one of the local Rabbanim he also conducted a Sechirat Reshut with the governor of the State of Maryland, when he created the community Eruv in Baltimore.

Rav Zvi Lieberman told me that when he created the Eruv for the Edgware section of London, he conducted the Sechirat Reshut with the representative of the Queen of England for his area, in addition to other government officials. Rav Lieberman told me that the land in England is formally under the control of the Queen, and thus conducting the Sechirat Reshut with the representative of the Queen to Edgware further strengthens the validity of the Eruv.

When expanding a community Eruv, care must be taken to ensure that the Sechirat Reshut includes the expanded areas. It is for this reason it is worthwhile to rent the entire area from the government official rather than the area encompassed by the borders of the Eruv.

Once when inspecting a community Eruv, I discovered that a tiny portion of the Eruv juts into the neighboring town from which a Sechirat Reshut was not performed. This disqualified the entire Eruv since the Eruv is Nifratz L'Makom HaAsur Lo, exposed to an area in which it is forbidden to carry. It is for this reason I prefer conducting a Sechirat Reshut with a county executive. In this manner one most often avoids the risk of overlooking a town that unexpectedly juts into the area encompassed by an Eruv. Both Rav Schachter and Rav Willig permit performing a Sechirat Reshut with a county executive. I know of at least six counties in the United States that were "rented" in such a manner.

*Expiration of a Sechirat Reshut*

In addition, a community Sechirat Reshut should not be allowed to expire<sup>1</sup>. Unfortunately, I have encountered more than one community where the local Rabbanim unwittingly let the

community's Sechirat Reshut expire. When conducting the Sechirat Reshut for the greater Teaneck Eruv, I rented the area for twenty years (in conformity with Rav Schachter's standards<sup>2</sup>; other Poskim permit a Sechirat Reshut of a much longer duration). In addition, I stipulated that the Sechirat Reshut would automatically renew in case we forgot to update the Sechirat Reshut. Rav Willig told me that he thought this would be effective as a backup in case of failure to rent before July 2036.

Many authorities require renewing Sechirat Reshut when the non-Jewish official from whom it was performed leaves his office. The Netivot Shabbat (37:28 and notes 96-99) cites these authorities, but he argues that Sechirat Reshut remains effective in democracies even when the government changes. He reasons that a newly elected government is bound by agreements made by its predecessors. In practice, many Jewish communities today usually do not renew Sechirat Reshut every time the town government changes (also see Mishnah Berurah 382:26 and the aforementioned Teshuvot Har Tzvi, Orach Chaim 17), although Rav Mordechai Willig informs me that he makes an effort to renew the Sechirat Reshut for the Riverdale, New York Eruv when there is a change in local government leadership (Rav Willig serves as the Rav of the Young Israel of Riverdale).

*Conclusion*

In next week's issue of Kol Torah, we will Be'Ezrat Hashem discuss the possibility of performing a Sechirat Reshut for an entire country.

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*This publication contains Torah matter  
and should be treated accordingly.*

<sup>1</sup> See the shocking revelation reported in Techumin 37:23 footnote 23.

<sup>2</sup> Israel's Chief Rabbinate also conducts a Sechirat Reshut for a period of twenty years (Techumin 37:23). For further discussion regarding the term of the Sechirat Reshut, see Mishnah Berurah 382:68.