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HaRav Yosef Grossman zt"l

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LIVING OFF THE LAND: MAY ONE RESIDE OUTSIDE ERETZ YISRAEL? PART II

Adapted from the writings of Dayan Yitzhak Grossman

Our previous article discussed some of the justifications offered by the *poskim* for Jews living in *chutz la'aretz*; this article continues that discussion.

THE DANGER OF THE JOURNEY

The Gemara cites a *breisa*:

If the husband says that he wishes to ascend (move to Eretz Yisrael), and his wife says that she does not wish to ascend, she is forced to ascend.¹

Tosafos comments that this does not apply in Tosafos's time, because the roads are dangerous. R' Shlomo ben Shimon Duran (the Rashbash) cites this position

of Tosafos in three of his *teshuvos*. In one of these he declares that this is completely self-evident, because "there is nothing that stands in the way of danger."² This might be thought to imply that in circumstances of danger there is no mitzvah to travel to Eretz Yisrael, and on the contrary, it is wrong to do so, but in another *teshuvah* he concludes that "each individual should evaluate for himself: If he wishes to endanger himself, let him ascend, and if not, let him refrain."³ The Shulchan Aruch cites the position of Tosafos (as "some say"),⁴ but it seems clear

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² Shu"t Rashbash end of *siman* 1.

³ Ibid. *siman* 3, and cf. *siman* 2.

⁴ Shulchan Aruch E.H. 75:5.



PARSHAS VA'ES'CHANAN

TEXT MESSAGE

Excerpted and adapted from a shiur by
 Rav Moshe Zev Granek

Honor your father and mother as Hashem your G-d commanded you, in order that your days will be lengthened and it will be good (*yitav*) for you...

Devarim 5:16

The Gemara (Bava Kama 54b) says that R' Chanina ben Agil asked R' Chiya bar Aba why the word "*tov*" (i.e., *yitav*) appears in the second *aseres hadibros* but not in the first. R' Chiya responded that before he asks *why* the word *tov* is used, he should ask *whether* it is used.

Tosafos (Bava Basra 113a, s.v. *tarvaihu*) explains that the *Amora'im* were not always expert in the *psukim*. How is this possible? Similarly, Tosafos asks (Megillah 22a) how the maftir for Pesach (beginning on Chol Hamo'ed) starts with "*vehikravtem*" (Bemidbar 28:19), as this *pasuk* is the third in the paragraph, which the Gemara says is not allowed. But the Maharil (159) points out that "*vehikravtem*"

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¹ Kesubos 110b.

Sleep Study

Q During the summer, I sometimes go to sleep before nightfall. Do I recite *hamapil*?

A Although *hamapil*, which asks for peaceful sleep (O.C. 239:1), would be applicable to any sleep, Chazal instituted the *bracha* based on the

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that modern air travel does not entail a level of danger that is halachically relevant.

THE MITZVOS OF ERETZ YISRAEL

Tosafos further cites the position of Rabeinu Chaim that “in our time there is no mitzvah to live in Eretz Yisrael,” since we are unable to properly fulfill the many mitzvos that apply only in Eretz Yisrael.

R' Yosef of Trani (the Maharit) is baffled by this argument:

One who wishes to purchase land in Eretz Yisrael can fulfill every positive commandment, such as *leket*, *shich'chah*, *peiah*, and the like, and he can likewise be careful of every negative commandment, and who will stop him?

Due to this and other counterarguments, the Maharit dismisses this comment of Tosafos as not authoritative.⁵ The Shulchan Aruch does not cite the opinion of Rabeinu Chaim.⁶

PARNASAH

R' Yisrael Isserlin (the Trumas Hadeshen), in response to the question of whether there is a mitzvah to live in Eretz Yisrael today, explains that although living in Eretz Yisrael, and a fortiori Yerushalayim, is certainly a good and most praiseworthy thing,

there are several practical reservations to consider, including the great difficulty of earning a living in Eretz Yisrael due to the very poor economic conditions there.⁷ This point is elaborated upon by R' Yonah Landsofer (the Me'il Tzedakah), who asserts that one should not move there without a concrete plan for ample *parnasah*, because poverty can lead a person away from Hashem. This is especially true when young children are involved, because their intellectual immaturity renders them unable to tolerate a life of penury and may result in their turning onto a bad path (*yeitz'u letarbus ra'ah*).

KIBUD AV VA'EIM

Although many *poskim* maintain that the mitzvah of living in Eretz Yisrael takes precedence over the mitzvah of *kibud av va'eim*, and one is consequently not obligated to obey the order of a parent to remain in *chutz la'aretz*,⁸ some *poskim* say the reverse is true, that the mitzvah to honor and obey one's parents takes precedence over the mitzvah to live in Eretz Yisrael.⁹

MITZVAH KIYUMIS

Some *poskim* maintain that while leaving Eretz Yisrael for *chutz la'aretz* is the subject of a full-fledged prohibition, living in Eretz Yisrael is merely an

⁷ Trumas Hadeshen *psakim siman* 88.

⁸ Sha'arei Teshuvos LeMaharam ben Baruch, *sha'ar* 2 *siman* 79; Shu"t Mabit *cheilek* 1 *siman* 139; Yayin Hatov *cheilek* 2 Y.D. *siman* 7. Cf. Shu"t Bais Yehudah (*Ayash*) Y.D. *siman* 54.

⁹ Panim Yafos beginning of Parshas Lech Lecha; cf. Shu"t Tashbatz *cheilek* 3 *siman* 288; Shu"t Tzitz Eliezer *cheilek* 14 *siman* 72.

⁵ Shu"t Maharit (*cheilek* 2) Y.D. *siman* 28.

⁶ Cf. Knesses Hagedolah *ibid.* Hagahos Bais Yosef os 25; Ba'er Heiteiv *ibid.* s.k. 19; Shu"t Igros Moshe cited in this article's final footnote.

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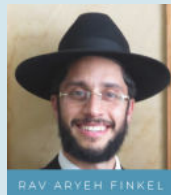
is actually the fourth *pasuk*, and even if the *Amora'im* did not always know the order of the *psukim*, how could *Rishonim* not know them? The Maharil's question, too, is difficult, because why would *Rishonim* be expected to know more than *Amora'im*?

Perhaps we can answer these questions based upon the Gemara (Gittin 60b) that it is forbidden to recite *psukim* by heart. Since the *Amora'im* were forced to look up every *pasuk*, they did not commit *psukim* to memory. As for the Maharil, we can answer that according to Tosafos (Bava Kama 3a), the *issur* to say *psukim* by heart was lifted before his

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norm. Since sleep is generally a nighttime activity, the *bracha* is only recited when sleeping at night (Mishnah Brurah *ibid.* 8).



RAV ARYEH FINKEL

R' Betzalel Stern (Betzeil Hachochmah 5:115) concludes that one who goes to bed before nightfall—even during *bain hashmashos*—though he expects to fall asleep at night, does not make *hamapil*. Only after *tzeis hakoachvim* is the *bracha* recited.

The Biur Halacha (239) addresses the opposite question—one who goes to bed minutes before daybreak (*alos hashachar*, not *haneitz hachamah*), whose *bracha* would be made at night but who would fall asleep by day. He makes no conclusive ruling, but he clearly indicates that if the person believes he'll fall asleep before *alos*, he should say *hamapil*.

optional mitzvah (*kiyumis*), not a binding one (*chiyuvis*).¹⁰

¹⁰ Shu"t Maharit Tzahalon *siman* 85 s.v. *Vera'isi*; Shu"t Igros Moshe E.H. *cheilek* 1 end of *siman* 102; cf. Tzitz Eliezer *ibid.* os 7.

time (due to *eis la'asos laHashem*).¹

¹ The concept of *eis la'asos laHashem* is that in specific cases, Chazal may rescind a prohibition in order to preserve knowledge of Torah among the Jewish people. However, Tosafos here is applying the concept in a slightly more expanded manner than the Gemara in Gittin. For other opinions, see Tur and Bais Yosef (O.C. 49).

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