

THE BAIS HAVAAD

HALACHA JOURNAL

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



A PUBLICATION OF THE
BAIS HAVAAD HALACHA CENTER
105 River Ave. #301, Lakewood NJ 08701
1.888.485.VAAD (8223)
www.baishavaad.org
info@baishavaad.org
Lakewood • Midwest • Brooklyn • South Florida

לע"נ הרב יוסף ישראל
ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l

VOLUME 5783 • ISSUE XIV • PARSHAS VA'EIRA



COUNTER A TAX: DISINCENTIVIZING UNHEALTHFUL BEHAVIORS

Adapted from the writings of Dayan Yitzhak Grossman

New Israeli finance minister Betzalel Smotrich recently declared his intention to roll back the taxes on sweetened beverages imposed by the previous government. While the *Chareidi* Knesset members apparently had nothing but praise for this decision,¹ R' Bentzion Mutzafi, a leading Sephardi *Chareidi* posek and *rosh* yeshiva had a very different reaction:

Following a positive reaction among the *Chareidi* public following the decision to lower the tax on sweet drinks in Israel, Rav Bentzion Mutzafi, *Rosh* Yeshiva of Yeshiva Bnei Tzion, attacked the decision of finance minister Betzalel Smotrich.

"What fools these are," said Rav Bentzion. "This

donkey is going to lower the tax on sugary drinks? Fool. We are the number one country in amputations. Where does this come from? From the disease of diabetes. We have over a million diabetics, over ten percent of the population, and that's the known ones."

The *Rosh* Yeshiva went on. "There are those who have silent diabetes who have not discovered it. Diabetes comes when you eat sugar and drink sweets, and it also makes you fat and brings terrible diseases. Diabetes is a terrible plague."²

Rav Mutzafi has been outspoken and vehement in articulating the imperative to avoid unhealthy and

(continued on page 2)

¹ Rav Mutzafi Calls Smotrich a "Donkey" for Lowering Tax on Sugary Drinks. <https://matzav.com/rav-mutzafi-calls-smotrich-a-donkey-for-lowering-tax-on-sugary-drinks/>. Cf. Haredi rabbi slams Smotrich for reducing soda tax. The Jerusalem Post. <https://www.jpost.com/israel-news/article-726675>.

² Harav Mutzafi: Negeid Hahachlatah Shel Smotrich: Chamor, Tembel, Srugim.



PARSHAS VA'EIRA

GROUND EFFECT

Excerpted and adapted from a shiur by Rav Moshe Zev Granek

For if you do not send out My people, behold, I shall incite against you, your servants, your people, and your houses, the mixture of wild beasts, and the houses of Mitzrayim shall be filled with the mixture of wild beasts, and even the ground upon which they are.

Shmos 8:17

The Panim Yafos says that the *adnei hasadeh*, a creature mentioned in the Mishnah (Kilayim 8:5) that is connected to the ground by a cord from its navel and dies if detached, participated in *arov*, and the ground moved along with it. This, he explains, is the meaning of "and even the ground upon which they are (*ha'adamah asher heim aleha*)."

The Mishnah says the *adnei hasadeh* is a *chayah* (wild animal). R' Chaim Kanievsky (Derech Emunah, Trumos) says based on a Midrash that the *adnei hasadeh* was eaten as food. He concludes that since it grows from the ground, it is subject to *ma'aser*, which would mean it is a plant. Perhaps one can explain this approach based on R' Chaim Palagi (Ruach Chaim), who says that the *adnei hasadeh* grows like a plant, but when it is fully grown it is humanoid, with flesh and bones.

(continued on page 2)

A Change of Pace

Q Should I recite *borei nefashos* after slowly sipping a beverage?

A Unlike a *bracha rishonah*, which must be recited on any quantity of food or drink, a *bracha acharonah* is only made when a full *shiur* is consumed—a *kezayis* of food or a *revi'is* (three times a *kezayis*) of drink (Shulchan Aruch O.C. 210:1). The timeframe in which the *shiur* must be consumed to require a *bracha* is *kedei achilas pras* (4-9 minutes) for food; for drinks, it is a matter of dispute between the early *poskim*. According to some, drinks are like food, but others say a *bracha acharonah* is only made if the drink is consumed the normal way a drink is drunk—which is fairly quickly, well under a minute. The Mishnah Brurah (ibid. 1) says to follow the first opinion.

The *Acharonim* debate whether hot coffee and tea follow the same rules. Many argue that

(continued on page 2)

Q&A from the
BAIS HAVAAD
HALACHA HOTLINE
1.888.485.VAAD(8223)
ask@baishavaad.org

(continued from page 1)

dangerous behavior, and in implicitly insisting on the necessity of following the guidance of the medical and scientific establishments in this area:

[Rav] Ben Zion Mutzafi kicked out a man attending his lecture on Sunday evening due to the man's opposition to the COVID-19 vaccine.

In video footage of the incident...the rabbi can be seen repeatedly calling the man "crazy" and "evil." He later said he stood behind those descriptions.

After the anti-vaxxer started loudly voicing his opinions against the vaccine, [Rav] Mutzafi, who ordered all his followers to get the vaccine earlier this year, was seen shouting: "More than 6,500 people died, stop making things up. Go, get out of here, you're crazy."

The man kept protesting, and the rabbi kept responding. "You're crazy, I am declaring you crazy—get out of here," he said. "I will not allow you to speak, you are a heretic, you are evil..." [Rav] Mutzafi said he has encountered anti-vaccination sentiment outside his classes, saying that was because he actively speaks in favor of the vaccine.

"I pity those who cause this conflagration," he added. "We need to embrace them and bring them closer, but they are spreading rumors... Science fiction today is right here, in this community."³

Early in the COVID-19 pandemic, he called those who refuse to wear face masks in shul "murderers":

"Those who come to the house of G-d without masks and endanger the synagogue with a fine and closure—aren't they guilty of wasting time which should be spent learning Torah?" one of Rabbi Mutzafi's students asked.

In response, Rabbi Mutzafi said, "What waste of time? They are murderers! Today there are over 4,000 people ill, hundreds of people dead, and much suffering and financial loss, horrible suffering for the entire family. And we haven't even talked about the tens of thousands who were required to quarantine!" "Woe betide those [who don't wear masks] from Heaven, in another three months it will be the Day of Judgement, when the three books are opened."

When asked how to handle those who refuse to wear masks in the synagogue, even after being asked to do so, Rabbi Mutzafi responded, "Chase them out of there, they are murderers."⁴

He has declared that one who rides an electric scooter or electric bike on the road is considered suicidal and may forfeit his portion in *olam haba*.⁵

³ You're crazy, a heretic! Senior Haredi rabbi kicks out anti-vaxxer student. The Times of Israel. <https://www.timesofisrael.com/youre-crazy-senior-ultra-orthodox-rabbi-kicks-out-anti-vaxxer-student/>

⁴ Leading rabbi says those who don't wear masks in synagogue 'are murderers.' Israel National News/Arutz Sheva. <https://www.israelnationalnews.com/news/282315>

⁵ The widespread assertion that one who commits suicide has no share in *olam haba* is of uncertain provenance, see here for a number of sources on the topic.

(continued from page 1)



If so, perhaps when it is grown it has

the status of a *chayah*, and it was in this stage that it was part of *arov*.



BHHJ SPONSORS
Mr. Leo Eckstein
Retirement Plan Specialist
New York, NY

To become a corporate sponsor of the BHHJ or disseminate in memory/zechus of a loved one, email info@baishavaad.org

O&A from the
BAISHAVAAD HALACHA HOTLINE
1.888.485.VAAD(8223)
ask@baishavaad.org

(continued from page 1)

more time is allotted for hot drinks, because they are normally sipped slowly. The Mishnah Brurah (ibid.) rules that a *bracha acharonah* is not recited if one takes longer than *kedei achilas pras*,



RAV ARVEH FINKEL

but many *gedolim* of recent generations are reported to have acted otherwise (see list in Piskei Teshuvos ibid.), so either view may be followed. An icy drink cannot be downed quickly either, so it is subject to the same dispute.

Liquids that are frozen to a solid state, like ice cream or ices, have the status of food, and their *shiuir* and timeframe are a *kezayis* within *kedei achilas pras* (Aruch Hashulchan 102:9). Some *poskim* differentiate between ice cream and ices: Ice cream contains eggs and other solids, giving it the thicker consistency of food, but ices, which are water based, even in solid form retain the status of a liquid and have a drink's *shiuir* and timeframe (Shu"t Betzeil Hachochmah 3:114).

falsehood, the dark side. It causes cancer, obesity, type 2 diabetes, heart and vascular diseases, and tooth decay. Ask the World Health Organization. There are more and more sick people in the world due to the consumption of sugar. In recent years, the number of sufferers of type 2 diabetes has risen threefold. In Israel, there are half a million children suffering from obesity. We are second in the world in this—and it gets worse every year. We know that children do many stupid things, and it is our duty to gird ourselves with patience toward them, but for us to encourage them in detrimental things? *Chas vechalilah*.¹⁰

While one can certainly challenge some of the particular positions cataloged above, the basic principle that the Torah commands us to preserve our health and not recklessly endanger it is universally accepted.¹¹

⁶ Rabbi Mutzafi: Riders Of Electric Bikes And Scooters 'Are Suicidal, May Lose Their World To Come' VINNews. <https://vinnews.com/2022/09/06/rabbi-mutzafi-riders-of-electric-bikes-and-scooters-are-suicidal-may-lose-their-world-to-come/>

⁷ He actually served as the *Rosh Avos Batei Hadin (Ra'avod)*

⁸ R' Chaim Jachter. The Prohibition to Smoke—A Groundbreaking Teshuvah. Kol Torah. Volume 23, Halachah. 5774/2014. This remarkable ruling was widely publicized at the time in the Israeli media; see here, here, here, and here.

⁹ Shlomo Greenberg. *Psak Halacha Shei Hagra Abergel: 'Me'ashein Pasul Le'eidus.'* *Bechadrei Charedim*. <https://www.bhcl.co.il/news/13179>

¹⁰ R' Shlomo Aviner. "Yardu Melhapesim". *HaRav Aviner Neged Haminhag He'atik Beivas Haknesses*. Srugim.

¹¹ See our previous discussions of this principle and limitations thereto in the Baishavaad Halacha Journal: Hurricane Housing: When a Storm is the Norm (September 20, 2018); Value Judgment: What's a Life Worth? (Sep. 17, 2020); Professional Courtesy: The Authority of Experts (March 19, 2020); Risk Factors: Can You Be Too Safe? (Jul. 15, 2021); Pool Rules and Road Codes: Safety in Halacha (Sep. 2, 2022); Striking Out: Force-Feeding in Halacha (Sep. 9, 2022).

Elevate your inbox.

Scan here to receive the weekly email version of the Halacha Journal or sign up at www.baishavaad.org/subscribe

