Volume 3, Issue 72

Bet Horaah
בית הוראה
Shaare Ezra
שערי עזרא

Parshat Vayetzei

Zmanim for New York:

Candle Lighting: 4:11pm

Shabbat ends: 5:14pm

R"T 5:42pm

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No Fare, No Fray: Shabbat and Free Transport

written by Rabbi Shay Tahan

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As New York prepares for the 'free for all' mayor- with subways and buses becoming fare-free, an interesting halachic question arises: may one ride a free bus or train on Shabbat? How convenient it would be—imagine riding across town to visit family or lifelong friends whom the weekday schedule leaves no time for. One could even choose to pray at whichever synagogue he prefers, without concern for distance.

Let's go through the potential halachic issues and examine whether they can be resolved:

Techumin (travelling beyond the Shabbat boundary)

Techum Shabbat prohibits traveling more than 2,000 amot (approximately 0.6–0.75 miles) outside the city limits. Within a large city—such as New York—the entire metropolitan area is generally considered a single techum because the city is continuous without gaps of 70 amot between buildings. Therefore, as long as the ride remains within the city limits, there is no techum issue.

Carrying the fare or a MetroCard

Normally, riding public transportation on Shabbat involves two separate concerns:

Muktzeh – Money, credit cards, and a MetroCard are muktzeh and may not be carried or handled on Shabbat.

Carrying in a public domain – Even if one avoids handling money, carrying a fare card in an area without a valid eruv is prohibited.

With free public transportation, these two issues seem removed. If no payment, card, or ticket is needed, one can board without carrying anything, eliminating both the problem of muktzeh and the concern of carrying in a reshut harabim.

Marit Ayin (appearance of wrongdoing)

Even if technically no prohibited action is being done, riding a bus or subway on Shabbat creates the appearance that one is violating Shabbat—especially since public transportation is strongly associated with weekday activity. People seeing a Jew riding a bus may assume he paid the fare, carried a MetroCard, or is otherwise doing melachah. The principle of *marit ayin* teaches that one must avoid actions that appear to others as a violation of halacha, even when the action itself may be permissible.

Additionally, marit ayin applies only when people could reasonably misunderstand the situation. When the entire city publicly announces free transportation and everyone knows that no payment or card is needed, there is no impression that a Jew is doing something prohibited. Marit ayin does not apply when the situation is well-known and understood.

Oneg Shabbat — The Chatam Sofer, based on the Ramban, held that riding on trains involves a Torah-level prohibition because the constant shaking back and forth prevents oneg Shabbat. One may argue that this concern applied to the rough, unstable train rides of his era, whereas modern trains are smooth and comfortable. The only possible exception would be if one is forced to stand, experiencing noticeable shaking, which could diminish oneg Shabbat.

Uvdin d'chol – Rabbi Yitchak Abulafia (*Penei Yitzchak*, Choshen Mishpat, vol. 8, Orach Chaim 1) writes about riding a free train, that even when no melachah is performed, riding public transportation is considered a weekday activity and goes against the spirit of Shabbat. The very nature of buses and subways—traveling from place to place, running errands, visiting multiple destinations—is weekday-like behavior. Shabbat

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is a day of menucha, remaining settled, not of commuting around the city. Therefore, even if the ride is free and involves no carrying, no payment, and no electronic interaction, the concern of **uvdin d'chol and zilzul Shabbat** remains a major halachic obstacle.

Still, his position was challenged by many. Chazon Ovadia (vol. 1, p. 110) cites numerous poskim who permit such travel, arguing that it does **not** constitute uvdin d'chol. Among them: *Zevach Tzedek* (vol. 2, siman 24)- the Ben Ish Chai's rebbi, who permits it since the passenger performs no action—he merely sits and is transported; and Ben Ish Chai himself (Rav Pealim vol 1, siman 25), *Mishpetei Uziel* (Taanit, Orach Chaim, siman 41) who allows short, intra-city trips on a train operated by non-Jews, provided that all the passengers are non-Jews.

Today, the custom of all Jews is to avoid this entirely, and at a minimum it should be forbidden due to customary practice and concern of *mar'it ayin*.

Adding fuel — Every additional passenger on the bus causes the driver to burn more fuel. Still, this does not create a prohibition, even though passenger weight increases fuel consumption. Rav Moshe Feinstein (Igrot Moshe, Orach Chaim, Vol. 1, Siman 113) wrote that this is not enough to forbid the passengers themselves.

Conclusion — Although leniencies can be found for each potential issue, the leading poskim generally do not permit riding buses or trains on Shabbat. Chacham Ovadia, after listing at length many who are lenient, wrote that it should be forbidden except when one is traveling for a mitzvah, such as a mohel who must reach a baby's house or a doctor who needs to get to a hospital.

Rabbi Moshe Feinstein wrote in *Igrot Moshe* (Yoreh De'ah, Vol. 1, Siman 44):

*"Regarding traveling on buses and trains that operate only within the city, where there is no issue of techumim and in a way that does not set a precedent for Jews — even though technically there may be no prohibition for someone who does not have to pay, for example if the fare is covered — nevertheless, God forbid to permit such a thing **even for a mitzvah.** This is because there is certainly a concern of marit ayin, since most people would not allow travel without payment, and he would be suspected of having paid and thus violated the prohibition of moving or carrying muktzeh. Even if all the residents of the city do not pay, God forbid to permit something that is publicly done for weekday purposes, where the main intent is commerce and work, and there is great desecration of God's name. There is also some textual basis for the prohibition from Baba Beitsa 25, and in general one should not instruct leniency in such a matter."*

Public Discourse and Harmful Language: The Boundaries of Using the Terms "Sonei'm" and "Mechablim" in the Ponovezh Dispute

This week, a long-standing dispute in Yeshivas Ponovezh finally reached its conclusion. News sites and social media platforms—many of them run by shomrei Torah—reported the story and referred to the two factions by the labels that have followed them for years: **"Sonei'm" (haters)** and **"Mechablim" (terrorists).** It is necessary to examine whether using such terms is permissible.

The Gemara (Bava Metzia 58b) teaches that certain sins carry extremely severe punishment in the World to Come, among them **publicly shaming someone** and **calling someone by a derogatory nickname.** The Gemara asks: what is the difference between the two—are they not the same? It answers that "calling a nickname" refers to a case where the person is already accustomed to that name. Rashi explains: since he is already used to it, his face no longer becomes pale from embarrassment.

This raises a question: if the person is not embarrassed, why is it prohibited? Rashi answers that the offender's **intention** is still to degrade him.

From here we learn that calling the Ponovezh factions by harsh labels such as **"Sonei'm"** and **"Mechablim"**—even if one argues that they have become accustomed to these names—still constitutes a derogatory nickname, and is therefore forbidden.

One may ask: what if the speaker does not intend to insult, but merely uses the terms because they have long been used to describe the groups? The Kesef Mishneh (Hilchos Teshuvah 3:14) infers from Rashi that if the person truly does not mind the nickname and the speaker has no intention to embarrass him, it is permissible.

However, this is not correct in cases like ours. The Ben Ish Chai (Tora Lishmah §261) explains that such leniency applies **only** when the nickname carries **no negative connotation**—for example, calling someone with a large nose "the one with the prominent nose," if in

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that time and society no one considers it insulting. But a nickname whose very nature is negative—such as calling people "Mechablim"—is obviously forbidden.

A similar ruling appears regarding the Chazon Ish (Orchos Rabbeinu, p. 396): someone once described a person as a "yeke," and the Chazon Ish objected, calling it a form of giving a derogatory nickname because it carries a tone of belittlement. Instead, he instructed them to refer to the person as "precise and upright."

Their opinions are based on the words of the above Gemara, which states that one may not give his friend a derogatory nickname. This does not prohibit giving any nickname, but only ones that are negative or disparaging.

From all of the above, the Kesef Mishneh's allowance applies only when **all three conditions** are met:

The individual truly feels no hurt or insult from the nickname.

The speaker has absolutely no intention to degrade.

The nickname carries no connotation of shame or negativity at all.

Beyond the halachic prohibition, refraining from using nicknames brings great reward. The Gemara (Megillah 27b and Tosafos there) relates that when R' Zeira was asked why he merited such long life, one of the reasons he gave was that he **never** called anyone by a nickname—even one that was not derogatory.

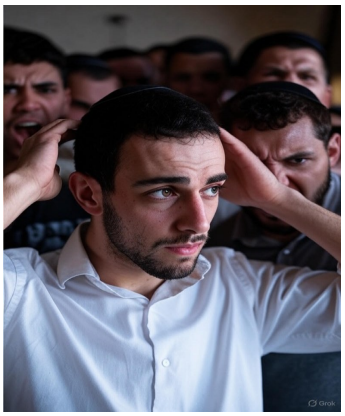
Using labels such as "Sonei'm" and "Mechablim" clearly fails these conditions and therefore should not be used in responsible public discourse.

There is also a special prohibition against speaking negatively about crowds. It is far worse to assign negative names to a group of several thousand people than to speak against a single individual, since speaking against many multiplies the sin according to the number of people involved.

On top of that, there are a few other serious transgressions: **Chilul Hashem** – speaking ill of the bnei Torah of one of the greatest yeshivot in the world constitutes a chilul Hashem regardless of the circumstances there. People writing about issues often emphasize only the controversies because that draws attention, not realizing that in doing so, they are damaging Hashem's honor in the world. There is also the problem of **degrading Torah scholars** of the yeshiva. Thousands of students dedicate their lives to Torah study at the highest level, and we are obligated to look up to them, not speak negatively about them.

Removing the Kippa in a Place of Danger.

Unfortunately, in today's world, many hide their Jewish identity. While most people are proud to be Jewish and openly show it in public, sometimes one may find themselves in a situation where doing so could put them at risk. The question of wearing a kippah in such places is particularly challenging. Obviously, if one fears for their life, they should remove their kippah, as *pikuach nefesh* (saving a life) overrides the mitzvot. However, sometimes a person is in a situation that does not seem immediately dangerous, yet they are unsure if circumstances could quickly become hazardous. In such cases, if someone finds themselves in a potentially dangerous situation and fears hostility because of the kippah on their head, they should cover their head with a hat that does not resemble a Jewish hat; if they do not have such a hat, they should remove the kippah and go without head covering until they reach a safe place.



Let's summarize the law of head covering and its significance. The obligation is derived from the Talmud (Shabbat 156b), which recounts that astrologers told the mother of Rav Nachman bar Yitzchak that her son would grow up to be a thief. She resolved to raise him to always cover his head. One day, while Rav Nachman was in the field, his head covering fell off, and upon seeing dates on a palm tree above him, he immediately felt the urge to steal them. From this, it is learned that covering the head fosters fear of Heaven.

The Rambam (Hilchot De'ot 5:6) explains that covering the head is a matter of modesty. In *Moreh Nevuchim* (3:47), he writes that the great sages refrained from uncovering their heads so that the Divine Presence would hover over them.

Poskim derive from this story that wearing a kippah is not a strict obligation but a matter of piety-Minhag Chasudut (Igrot Moshe, O. C. 4:2).

However, the Taz (O. C. 8:3) rules that today there is a communal obligation to cover one's head, since non-Jews commonly walk with uncovered heads, and to do the same violates "You shall not follow the practices of the nations." To explain this: although gentiles sometimes wear hats, they make a point of removing them as soon as they meet someone, enter a courtroom, attend meetings, or enter a church, as a gesture of respect. We, however, do the opposite, deliberately keeping our head cov-

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ering on.

Rav Ovadia Yosef also rules that covering the head today is a communal obligation, as it visibly distinguishes someone who serves Hashem from someone who does not. Because today's custom is that religious people who observe Torah and mitzvot wear a kippah, walking without a head covering can create the impression that one is not observant. Therefore, one must wear a kippah to avoid suspicion.

Regarding employment, Rav Moshe Feinstein was asked about a person whose potential employer requests removal of the kippah. He ruled that it is permitted to remove the kippah, as according to most opinions, head covering is only a matter of piety, and financial coercion allows leniency.

Although some authorities were stringent for those who would remain without head covering all their lives (Ba'er Moshe; Shvivi Esh, Chukat Eikev), anyone in danger should remove the kippah temporarily without risking themselves.

Now, of course, if a situation like this arises, it must be carefully evaluated to determine whether the person can find employment elsewhere with respect for their way of life. Nevertheless, we can conclude from this that someone in actual danger is certainly permitted to remove the kippah temporarily until reaching a safe place.

Similar ruling we find in event that one finds himself in a dangerous place and he is asked straight out whether he is a Jew. A person may not say that he is a non-Jew, even to save himself from being killed. This applies when their intention is to make him abandon his faith. However, if their intention is unrelated to religion, and he fears for his safety, he may answer that he is not Jewish.

The Shulchan Aruch (Yoreh De'ah 157:2) writes: "It is forbidden for a man to claim that he is an idolater so that they will not kill him"

The Sefer HaYirah of Rabbeinu Yonah states that if they say to you, "You are a non-Jew," you must respond, "I am a Jew."

Rav Yosef Shalom Elyashiv explains (Ashrei Ha'ish, Y. D. ch. 10, 6) that this applies only when they seek to kill him unless he converts, as the Rosh writes (Avodah Zarah 2:4): "Certainly, by saying that he is a non-Jew, he is admitting to their religion and accepting their god."

However, if someone enters a hospital where the staff is hostile toward Jews, and in order to receive proper medical care he says he is not Jewish, it is permitted in a situation of danger to life, because their intent is not to force him to abandon his religion.

The Shulchan Aruch further writes that during times of persecution, it is permitted to **change one's clothing** so that others will not recognize him as a Jew, since he is not verbally identifying as an idolater.

אחר גמר אירוע, וכגון שבתון וכדומה, אם האורחים רשאים ליקח לביתם את הפרחים שעל השולחנות

אחר גמר אירוע, וכגון שבתון וכדומה, אין האורחים רשאים ליקח לביתם את הפרחים שעל השולחנות ולא את המנות שנשארו אלא אם כן ביקשו רשות, או שכך הוא מנהג המקום, או שברור שאין הבעלים מקפידים, או שידוע שהכל עומד להיזרק לזבל.

ישנם מקומות שהמנהג הוא להגיש לאורחים אחר האירוע נייר כסף ושקית על מנת שהאורחים יעטפו דברי מאכל ויקחו עמהם מנה הביתה כשם שנהוג במקומות רבים אחר ברית מילה, ואז הדבר נחשב כגילוי דעת ברור שהם רשאים ליקח עמם את המנות.

וישנם מקומות שאחר השמחה הפרחים וכל האוכל נזרק לזבל, וגם אז בודאי אפשר ליקח שהרי אין הבעלים רוצים את הנשאר אלא עד סיום האירוע. לעומת זאת ישנם מקומות שאין הדרך להגיש את אותם הדברים לאורחים, וכגון שאחר גמר השמחה בעל האולם לוקח את האוכל ועושה חשבון עם בעל השמחה על הנותר, או שכל הנשאר שייך לבעל השמחה והוא לוקחם לביתו. בשני המקרים האלו ודאי שאסור לקחת מנות לביתו מלבד את מנתו שלו שהגישו לו לאכילה, שהרי מה שהוגש לו ומנע עצמו מאכילה שלו הוא (הגר"ש ווזנר בשבט הלוי ח"ד סימן רכה). ולכן בסיום השבתון ישאל את הבעלים אם רשאי לקחת את הנשאר, ואם אין הבעלים שם יבחן אם הבעלים מקפידים על הנשאר על ידי בירור מנהג המקום, או אם רואים שהמנקים מתכוונים לזרוק הכל לזבל. ובמידה שאין אפשרות לברר ימנע מלקחת משום סרך גזל.

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