



Shaare Ezra is a one of a kind, multi-faceted organization that's there for the community. Under the leadership of HaRav Shay Tahan שליט"א, Shaare Ezra feels that proper Halachic guidance should be accessible to everyone, therefore we offer the community the opportunity to call, text, WhatsApp, or e-mail any halachic questions they may have, through the Bet Horaah, where qualified, trained and ordained Rabbis are available to answer your questions in English, Hebrew and Russian. Shaare Ezra is from the community—for the community.

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Email: askhala-

cha1@gmail.com

Website:

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# Bet Horaah בית הוראה Shaare Ezra שערי עזרא

Parshat Yitro

Zmanim for New York:

Candle Lighting: 5:06pm

Shabbat ends: 6:08pm

R"Y: 6:38pm

Blessings to our generous donor for allowing the continuation of our newsletter to be available around the NY tristate area, Monsey, Miami, and more. May he and his wife merit to see much Nachat from their children and see them grow to be big Talmidei Chachamim!

## WATCHING THE SUPER BOWL

RABBI SHAY TAHAN

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It's super bowl time again, but as some of us get the popcorn ready and make sure to take time off to watch it, we need to ask ourselves what does the Torah would say about such games? Some might argue that the Torah doesn't have an opinion about it, but those who are familiar with the Torah know that it has an opinion about everything.

Here are some Halachic questions which come to mind.

Is it considered מושב ליצים the seat of the scornful?

Is it Bitul Torah?

What about the modesty issues?

Is it permitted to show admiration to those players?

Finally, and arguably the most important, when we watch it, what message are we sending to our children?

### מושב ליצים

Let's start with the words of the Gemara (עבודה זרה י"ב, א'): "One who goes to stadiums...is categorized as "the seat of the scornful" מושב ליצים; and with regards to such places the verse states: "Happy is the man

that has not walked in the council of the wicked, nor stood in the way of sinners, nor sat in the seat of the scornful. But his delight is in the Torah of the Hashem" (Tehilim 1:1-2). You learn from here that these matters bring a person to dereliction of the study of Torah, since had he not sat in "the seat of the scornful," he would delight in the study of Torah."

The Gemara here clearly states that watching such games fall under the restriction of מושב ליצים.

To give us a glimpse to how severe this is, Chazal said (סוטה נבא) that four classes of people will not greet the Divine Presence in the World to Come. One of them is this גל, the class of cynics.

Rabenu Yona (שערי תשובה שער ג' אות קעד-קעז) divides the cynics into five different groups, and explains the importance of staying away from being classified as

a person who is part of those classes. Rabenu Yona describes (in the fourth category) the cynics in the following way: "...one who always makes a habit for himself to engage in idle talk, and idle matters, like those who sit in the street corners. And there are two evils in the matter: the first is that all who proliferate words bring sin.

The second is that he is idle from speaking words of Torah, and the ways of death are found in this. For he does not remember, or pay attention, that the time he is wasting, he could use to reach pleasantness, to acquire eternal life—if only he were to set these availa-

ble times for Torah when he is free, for the work of the Heavens which is upon him".

Sefer Iyun Yaakov says that this prohibition applies not only to those who actually go to the stadiums but even for those who watch the games from far away. This is because the same reason of Bitul Torah applies whether one is in the stadium or far. Thus, one should avoid watching the game even from the comfort of his home.

### Bitul Torah

The commentaries argued whether the above prohibition of מושב ליצים is due to the fact that one is idle from the study of Torah at that time, meaning it's an outcome of the prohibition of Bitul Torah or it is actually an independent prohibition. The ramifications would be whether women, which aren't commanded to study Torah, may watch the game and whether a person who feels he needs a "break" may watch the game. If it's only prohibited because of Bitul Torah they would be allowed, but if it's indeed a separate independent problem they wouldn't be allowed.

Regarding the person who may need a break, the Sefer Seder Yaakov writes that although at that time he might be exempt from learning so he can get a rest, but the nature of watching such games is that it draws one to a nature of



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wasting time on nonsense, leading one to further stop learning at other times in which one is obligated.

Concerning women, the Sefer Daat Torah writes (סוף סימן רכד) that they too shouldn't watch, and Seder Yaakov explains that the problem of being a cynic applies to them as well.

The Maharsha (שם ד"ה הרי זה) explains that the Gemara prohibited the above even for people who are feeling sad at the time and watching would elevate their spirits; for those people the Gemara says that they still shouldn't be involved in such nonsense but rather learn the holy Torah, which is the real elevation of the spirit.

### Admiration of the Players

Another concern to pay attention to is the importance and admiration we give to the players. We rejoice with them when they score, and are sad with them when they lose. When we do that, whether we like it or not, we connect with them and it has a tremendous effect on us and on our surroundings. This is especially dangerous if we have children, since they are very much influenced by whom we show respect and love to.

Now imagine what message we send our kids when they see us fall asleep when we learn Gemara with Abaye and Rava, and

when they repeat what the Rabbi said in the class by the Shabbat table, they see that we don't pay much attention because we are very involved eating our food. Yet on the other hand, they can clearly see how overly excited and eager we are to watch the Super Bowl, with our eyes and ears practically glued to the screen. Any kid would immediately come to the conclusion that ball games are way more important than learning Gemara, and those players—who know nothing besides handling a ball—are way more important than Abaye and Rava. What a disgrace, what a shame.

After giving them the above crash course with live demonstrations, try to explain to them that Torah learning is our life. Good luck.

### Summary

Rav Moshe Feinstein (אגרות משה יו"ד סי' יא) summarizes the issues of watching sports games and writes that watching sports games are prohibited because of cynics, wasting Torah study time, ביטול תורה, and being involved with immorality, since those games show ladies who are extremely immodest. This gets beyond bad in the halftime show where people are dancing in the most provocative manners.

## BETTING ON THE SUPER BOWL

In the previous article, we learned about the issues involved watching the Super bowl. Now we will try to see if it's permitted to bet on a winning team.

Although some feel that betting on the Super Bowl is an exciting and memorable experience, especially when many friends are also part of the betting; but is betting permitted according to Halacha?

Before we dwell on the Halachic aspect, I'd like to first point out the harsh words that the Rivash (סימן תלב) used for those who waste their time and money on such nonsense:

**"שחוק בקוביא יש בו איסורא דרבנן...ומ"מ דבר מכוער ומתועב ומשוקץ הוא, ורבים חללים הפיל ועצומים כל הרגיו".**

"Gambling is Rabbinically prohibited and it's an ugly and disgusting thing; the betting also caused many to lose their life".

Chacham Ovadia (יביע אומר ח"ו סימן ו') brought a story told by Harav Lugasi (ספר בים דרך, במדבר א' מאמר ע') about a rabbi who warned not to play the lottery out of fear that maybe someone would actually win the grand prize. As we know, almost all of the winners ended up losing their family, sanity, and many times their life as well. When one of his congregants told him that if he'll win he promises to support Torah with the money, the Rabbi replied that it is the Yetser Hara who is talking, because the reality is that once a person indeed wins, he instantly forgets all his promises and plans.

Now we'll deal with the Halacha:

Chazal (סנהדרין ד,ב) dealt with a person who bets on a dice game and said that it's prohibited because of two reasons. First, because one who bets and gambles isn't involved with settling the world with a normal labor. This means that they are not involved with earning a living through a productive occupation, opting to instead try to earn their livelihood through gambling, thus they don't realize the effort required of people to earn their

livings.

This first reason isn't so relevant to most people, since usually they have a "regular" job and don't rely on those earnings for their livelihood, and thus—especially if they don't gamble regularly—it would be permitted.

Another reason Chazal gave is what they called "Asmachta", meaning that the person betting believes he would win the bet,

as he wouldn't go into this bet if he would know that he would lose. Therefore, when he indeed loses, he gives his money without his conclusive consent, which is considered stealing according to Halacha.

Asmachta therefore doesn't acquire the money to the other: **אסמכתא לא קניא**

The Shulchan Aruch (ח"מ סימן שע ס"א-ב) wrote that betting and gambling is considered to be stealing through Asmachta and it is forbidden. This psak is also brought down in the Mishna Brura (או"ח סימן שכב ס"ק כב).

The Rema on the other hand ruled like the first opinion that only those who don't have a regular earning job are not allowed to bet, but those who do have a job are permitted to bet.

Therefore according to Sephardim, who follow the rule of the Shulchan Aruch, betting is not allowed, and the Ashkenazim, who follow the Rema, are permitted.

Still, there are some leniencies that were written in the Poskim (ח"מ סימן רז ס"ג ברמ"א):

When one bets on a game which he is involved in and playing, he has some control over the outcome and results of the game. Hence, if he loses it would be forbidden to take his money because he entered into the bet with the assumption and belief that he would win. Therefore since losing was not in his mind when he made the bet he isn't giving the money (after he lost) with a full consent.

But it is permitted to bet on things that are completely beyond one's control, such as playing with dice, where the outcome



## BETTING ON THE SUPER BOWL

is completely made to luck. Another example is betting on a team which he has no way to control. In such events, we assume that he gives the money wholeheartedly, knowing well he might lose.

Still, some argue that since the game is controlled by the players on the field it's still considered an Asmachta to bet on that game.

There is a difference between cases where the people betting simply promised the money to the winner, and a case where the money was acquired to the other through a Kinyan. In such a scenario, they already gave the money before the game started to a third party (i.e., an escrow account) or put the money on a table etc. In such a case, the winner may collect his prize. In contrast, in a case that they simply spoke words, he wouldn't be allowed to collect, since words don't acquire the money as it is only an Asmachta.

Le'halacha this leniency is only on the condition that the money be placed on an object that belongs to both of them.

Harav Ovadia Hadaya (ישיביל עבדי ח"ה יו"ד ה,ד) writes that Asmachta

is when people deal directly with each other, such as when one person bets with another. But when the money is collected to a "big pocket" such as with the lottery, then it is permitted as the person giving the money does so initially with full consent, since the winner doesn't take the money from anyone specific.

Harav Moshe Levi (תפלה למשה ח"ה סימן נח) writes that it's permitted to join such betting. He says that only games such as dice are restricted, because the person playing has in mind that when he wins he will receive the same money bills he used to place his bet, plus the gains of his winning; but in such large betting campaigns he knows he will not get back the same exact bills he gave over, but rather other bills and thus he gives his money with full consent.

Harav Avraham Shapira (קובץ תחומין חלק ה' עמוד 301) permitted it where one receives a ticket or the like which he can then sell to others. He says that the Gemara restricted only those who put their money for the bet and get nothing in return, but when a person receives a token of confirmation that he may sell it, that is worth money and is therefore permitted.

## CHUTZPA AND RABBIS

### Becoming Chutzpadik

The Parasha begins by saying that Yitro heard everything that Hashem did with Moshe; namely, how he led the nation through wondrous miracles and victorious wars.

Yitro, Moshe's father-in-law, decides to come meet Moshe in the desert, hearing how Moshe had become a respected, high-ranking person: the leader of the most prestigious nation, Am Yisrael! Indeed, Moshe Rabbeinu was the person chosen by Hashem to take the nation out from Egypt and lead them to receive the Torah, and one who spoke to Hashem regularly. Rashi tells us that Yitro felt that to be a special honor to have the title "the king's father in law" (רש"י יח,א).

Yitro humbly sends a message to Moshe that he is impressed with what he has heard, and that he wants to have the honor to meet Moshe personally.

But something very strange happens on the morning following Yitro's arrival.

Upon seeing Moshe sit down to judge the nation from morning until night, he starts criticizing him, and giving his advice on how to properly lead the people, asking: "Why are you doing this to your nation?"

Now imagine if one were to go visit Harav Chaim Kanievsky or Chacham Ovadia and do the same. We are all familiar with the feelings we get before meeting such Gedolim, a feeling of fear and awe just from being close to such a great Gadol, mixed with much excitement. As we stand before those giants we just want to receive a Beracha and be advised by them, realizing that the person standing across from us is more of an angel than a human. The last thing we would do is start criticizing them on things that we feel they don't do correctly and advising them on what they should do. Moreover, we all believe that everything they do is correct since their wide and broad view of the world is much better than our narrow view. How foolish and Chutzpadik it would be to advise them?!

If that is the way we feel amongst such Gedolim, how much more so should it be with the godliest man that ever lived—Moshe Rabbeinu, who can practically talk to Hashem whenever he wants

and is directed by Him on everything he does!

Why it is then, that Yitro, who initially felt the same fear and respect towards Moshe, changes his behavior and starts criticizing him?

The answer is profound. People's nature is that after they feel comfortable around the rabbis, especially if they are being honored by them, they tend to feel that the Rabbis are somewhat similar to them, allowing themselves to speak to the Rabbis as they would speak to their friends.



When Yitro arrives, Moshe goes out to greet him and honors him, accompanied by Aharon and the entire nation. Moshe then bows down and kisses Yitro (רש"י יח,א), making him very comfortable by telling him about all the miracles that were performed to them. Moshe then goes further as to make a big Seudah, meal, to honor Yitro. Who was the one serving the food on that Seudah? Yes, Moshe Rabbeinu (רש"י יח,ב)! Doing so just to show extra honor to Yitro.

How easy it can be in such a scenario of being honored so grandly to forget who Moshe Rabbeinu really is. That is exactly what happened to Yitro. The very next day, he already starts rebuking and giving advice to the person whose every move is directed by Hashem.

This very idea could be learned from several other Parashiot in the Torah as well. One example is the story of Hagar—who served the greatest women of mankind, Sarah Imenu—who surprisingly starts to rebuke Sarah and degrade her, as soon as she gets the honor to be the wife of Avraham Avinu.

The simple lesson to be learned is that although we may sometimes get honor and become comfortable, we should not let our mouth be opened in a Chutzpah manner, rebuking or advising people who are bigger than us.

### How to get advice from Hashem?

Another lesson we can learn is from how Moshe reacts to Yitro's advice:

When Yitro asks Moshe of what is happening when the nation gathers around Moshe, he answers: "the people come here to seek God".

## CHUTZPA AND RABBIS

When Yitro hears this, his eyes are opened and he immediately comes up with a suggestion: to divide the nation into groups of leaders so that they can answer the people's questions, instead of Moshe doing everything by himself. Yitro then tells Moshe a strange bit of advice: "listen to my advice, and Hashem will be with you". Rashi explains that Yitro means to tell Moshe that he should consult with Hashem before enacting Yitro's plan, and if Hashem approves the idea, Moshe will be successful. The pasuk then says that directly after Yitro finished talking, Moshe implemented Yitro's strategy; all EXCEPT checking in with Hashem if Yitro's advice is good! Why would Moshe skip this seemingly crucial step?

Moshe does this to teach Yitro a lesson: he is telling him, when I explained that I represent Hashem, I don't mean that when the people ask me questions, I consult with Hashem, and come back with the answers. Instead, I use my own judgement, which IS the word of Hashem!

When a Rabbi gives a psak or advice, his words are actually the words of Hashem.

We see this concept in the story in Gemara (בבא מציעא דף נט) of Rabbi Eliezer, a famous chief Rabbi who had a machloket, a disagreement, with the Chachamim regarding the kosher status of an oven. Rabbi Eliezer opined that the oven was pure - טהור, while the other Rabbis claimed that it was tameh. Since the Chachamim were in the majority, they had the Halachic right to give the final ruling according to their view. Rabbi Eliezer stuck to his psak, and declared that if indeed he is correct, a nearby tree would prove him right. When he said this, the tree uprooted itself to show its agree-

ment! The Chachamim were not impressed, saying, trees do not prove Halacha. Rabbi Eliezer tried another tactic: he said that he was so correct, that the river will prove it. In response, the river's waters rushed to one side of the stream to prove his words! The Chachamim again denied this, saying: water does not prove Halacha. Rabbi Eliezer then said that if he was correct, the walls of the Bet Medrash will prove it. The walls began to fall down! The Chachamim rejected this, saying that walls do not prove Halacha. Finally Rabbi Eliezer said, let Hashem himself prove that my psak is right! A Bat-Kol, voice of Hashem, came down from heaven and said, Rabbi Eliezer is correct. The Chachamim responded by saying, "lo bashamayim hi" - Halacha is not in heaven. Even Hashem cannot get involved in the machloket of two rabbis in Halacha!

It is then quoted that Hashem remarked about this story with a smile and said "my children won", they acted properly. This was a test from Hashem to see if the Chachamim would do the right thing by ignoring the Bat-Kol and ruling according to the majority (רב נסים). The Torah was given to man; once it is on Earth, it is up to the Rabbis to uphold it!

Similarly, Moshe is telling Yitro here: I don't need to consult with Hashem on Halacha, because He gave me the power and authority to pasken.

The lesson for us is that we must consult with Hashem for every problem, and we do this by going to the Rabbis. Once a person speaks to the rabbi, he receives response from Hashem's Torah. The rabbi doesn't need to speak to Hashem personally, his advice is Da'at Torah, Hashem's message.

## הסרת הכיפה במקום חילול השם

שהאדם החוטא הולך למקום שאין מכירים אותו שם, ואז אכן עדיף לו למעט בחילול השם ע"י הסרת הכיפה. אולם בתשובה השניה הוא עסק במקרה בו אנשים מכירים את אותו האיש החוטא, ולכן אם הוא יסיר את כיפתו ילמדו ממנו שכשאדם חרדי נתקף על ידי היצר ועושה מעשה חטא ושטות, מותר לו לפרוק מעליו גם את חייב חבישת הכיפה.

על פי שני תשובות אלו נראה היה לכאורה לומר שגם בשאלתכם יש לחלק בין אם נמצאים במקום בו אין הציבור מכיר את הנוסע, שאז עדיף להסיר את הכיפה על מנת שלא יחשדו את האדם כמחלל שבת, ולעומת זאת הנוסע בסביבה של אנשים שמכירים אותו אז ישאיר את הכיפה על הראש כדי שלא ילמדו ממנו לזלזל גם בחבישת הכיפה. אלא שהאמת תורה דרכה שאין המקרה שלכם דומה לדלעיל, שכן ישנו הבדל רב בין אדם שעוסק בעשיית מצוה של הצלת נפשות שאז יש לכל רואה חובה ללמד על הנוסע זכות ולא לחשדו כמחלל שבת, למקרה של אלו שתקף עליהם יצרם והולכים למקומות אסורים לעשות דברים אסורים שאז יש לחלק כשם שכתבנו לעיל.

ולכן ודאי שכדאי להשאיר את הכיפה על הראש ואם אפשר כדאי למצוא דרך מקורית לפרסם שאין הוא מחלל שבת, ובגון שיתלה שלט על רכבו שהינו במקצוע רופא שנקרא מדי פעם לבית חולים בשבת.



יש לי שאלה מעניינת שמאוד מטרידה אותי.

אני במקצועי רופא ולעיתים קרובות אני נקרא לבית החולים בשבת עבור חולים הנמצאים במצב של פיקוח נפש.

ודאי שאז עלי לצאת את ביתי ולנסוע במהרה לבית החולים. אלא שמכיון שאני גר בעיר שמתגוררים בה רוב יהודים, אני תמיד מתלבט לפני שאני מתחיל בנסיעה החולפת על פני אנשים רבים אם עדיף לי להשאיר את הכיפה על הראש או להסיר את הכיפה כדי שיחשבו שאיני יהודי או לפחות שיחשבו שאני יהודי שאינו שומר שבת, ובכך לא יתחלל שם שמים שיראו יהודי חרדי נוסע מדי שבת ברכב.

שלום לרופא הנכבד ותודה על השאלה האמיצה.

הנה מצאנו שני תשובות הנראות סותרות במבט ראשון בשו"ת אגרות משה להגאון רב משה פינשטיין בנידון הסרת הכיפה במצבים דומים, ונסנה ללמוד משם לשאלתכם.

בתשובה אחת (או"ח ח"ב סוף סימן צה) הוא כותב על אנשים שומרי תורה שנכשלים בהליכה לקולנוע של סרטים, אם עליהם להסיר את הכיפה על מנת שלא לחלל את השם בזה שיראו אנשים דתיים הולכים למקום שבה. הרב משיב שאכן זו סברה נכונה אם כוונתו לשם כך. אלא שהוא כותב שאם כוונתו היא לזלזל גם בחיוב הכיפה, אזי עדיף שיכנס לקולנוע עם הכיפה ולא יזלזל בעוד דבר שמחויב בו.

ובתשובה שניה (יו"ד ח"ב סימן לג) עסק הרב בכאלו שנכשלים בהליכה למקום בו ל"ע רוקדים בחורים ובתולות יחד. האם טוב להם להסיר את הכיפה כדי לא להראות כחרדים העוברים על פריצות נוראה זו, או שמא לא נדירך אותם לעבור על איסור נוסף של הסרת הכיפה והליכה בגילוי הראש.

הרב השיב שפשוט שאין לומר להם לעבור עוד איסור דמנהג חשוב של כסוי הראש. והסביר שהסברה נותנת שאם יראו אותו אלו שמכירים אותו כאיש דתי ששומר שבת ומניח תפילין ומתפלל בלא כיסוי ראש, יטעו ללמוד ממנו שכך יש אכן לנהוג שלא לחוש לכיסוי הראש כשרוצים לרקוד.

ושם סיים בדבריו להשוות: "וגם פשוט שכל עבירה שאדם עושה בפרהסיא יש בה גם עון של חילול השם. וכשיעשה רק עבירה אחת, יהיה רק חילול השם בעבירה זו, וכשיעבור אז עוד עבירה יהיה חילול השם ביותר. ולכן ח"ו להתיר לאיסורין בשביל סברות ודמיונות של עצמו שחושב שהוא ממעט חילול השם".

והנה בתשובה ראשונה הרב כתב להתיר אם כוונתו שלא יתחלל שם שמים ואילו שתשובתו השניה כתב בתוקף לאסור מכל וכל.

ונראה ליישב הדברים שלא יהיו כסותרים. שאם נדייק בנוסח תשובות אלו נראה שחילוק הרב בין שני הציורים. בציור הראשון בו הוא התיר להסיר את הכיפה מדובר על מקרה

Get Your Megilah Early.  
Don't Wait Until The  
Last Moment



Rabbi Shay Tahan  
347-666-3467