Volume 2, Issue 56

Bet Horaah
בית הוראה
Shaare Ezra
שערי עזרא

Parshat Vayekra
Zmanim for New York:
Candle Lighting: 6:54pm
Shabbat ends: 7:54pm
R"T 8:26pm

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.

Call/Text:
347-918-4088
WhatsApp:
347-666-3467
Email: askhalacha1@gmail.com
Website:
www.askhalacha.com
Rabbishaytahan.com

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!

Is Our Money in the Banks Safe?
Rabbi Shay Tahan
*to receive the weekly newsletter please text our hotline 347-918-4088

The recent collapse of two of the largest banks in America that cater to the tech industry, spurred panic around America and around the world, as everyone is on edge fearing for their investments.

Before banks came around, the Gemara (בבא מציעא מב,א) explains how people used to secure and protect their money, almost as if people played "hide and seek" with robbers. People used to dig a hole in the ground and hide their money in the earth. As thieves became familiar with the hiding technique and learned of how to dig and find the money, people changed their hiding spots to place the money in the beams of their roof. When the thieves learned of that as well, removing the beams to find the money, people changed then opting to hide their money behind the bricks of their houses.

Since then, many things have changed, including the way we handle money. Rav Moshe Feinstein and Rav Yaakov Blau wrote (אגרות משה חו"מ חלק ב' סימן נ"ג, ובספר פתחי חושן חלק ג' פרק ב' הערה ז"י), that today one should keep money in a bank because it's the safest way to protect it. But is that still true after the latest events?

SVB was the first bank to fall after a hike in interest rates led to a decrease in the value of the bank's assets. Two days later Signature Bank was forced to close after it was hit with a drastic number of withdrawals following the failure of SVB.

The closures of the financial institutions mark the biggest bank collapse since 2008. According to experts it's a crisis for all banks.
After the collapse, President Biden spoke to the nation assuring Americans that the nation's banking system is secure after the fallout. "Americans can have confidence that the banking system is safe. Your deposits are safe. No losses will be borne by the taxpayer," Biden said during a press conference.
In this article we would like to explore the responsibilities a bank has towards the money of their customers in the event of a similar collapse.

Are banks considered to be watchers/guardians over the deposited money or are they considered to be lenders? The difference is the level of responsibility the banks have over our money. If the banks are considered as guardians over the money, they have a status of שומר שכר, a guard which has a benefit. Such a guardian will be obligated to reimburse the money if they money was lost, stolen or suffered a loss through investments. But in a very unlikely loss, such as the last bank collapse, they would be considered אונס, which will exempt them from paying back.

If we view the deposits as a loan to the bank, then the banks bear full responsibility and must pay up at any event of a loss, even for a very unlikely loss.

The money we deposit in the bank in an account which allows us to withdraw it when we need it, has an interesting status, since the bank holds it for us until we choose to withdraw it; whilst simultaneously maintaining the right to invest the mon-

Is Our Money in the Banks Safe?

ey as they wish, thus benefiting from our money. Moreover, if we decide to withdraw the money, the banks can hold it back according to their policies. Some banks hold it for five days and some may hold it longer.

The fact that banks don't have to give us back our money immediately shows that they don't have a complete status of a Shomer—guardian, but more of a lender.

On the other hand, since we want to have the money in the bank because it's best protected there, and the reality is that almost always, banks pay the money to the customers when they want it, showing that the bank has more of a status of a Shomer.

A similar question was dealt with at length by many poskim.

When a person passes away his relatives inherit him. The Torah explains the specific order of inheritance, as quoted in the Mishna (בבא בתרא קטו,א): "The order of precedence with regard to inheritances is this: The verse states: "If a man dies, and has no son, then you shall pass his inheritance to his daughter –**a son** precedes a daughter. **All descendants of a son** precede a daughter. **A daughter** precedes the brothers of the deceased. Additionally, the **descendants of a daughter** precede the brothers of the deceased. **Brothers** of the deceased **precede the** uncles of the deceased. Additionally, the **descendants of the brothers** precede **the uncles**.

The Torah (Devarim 21:16-17) also commands us to give a firstborn male a double portion of his father's estate. Thus, if the deceased was survived by five sons, the *bechor*—firstborn receives two-sixths of the inheritance, and the other sons each receive one-sixth.

However, this that the *bechor* is entitled to receive a double share, is only from assets held by the deceased at the time of his death (*muchzak*). The *bechor* does not receive a double portion from the contingent assets (*ra'ui*) – the assets to which the deceased had a right to at the time of death but which he did not actually have in hand (e.g. unpaid debts).
There is a discussion amongst the poskim regarding money deposited in a bank whether it is considered *muchzak or ra'ui*

(האם חשבון בנק נחשב ראוי או מוחזק, עיין גנת ורדים, יעבץ, חיים שאל שסברו שנחשב ראוי, וכן פסק הגר"ע יוסף ביבי"א והגר"מ פינשטיין באגר"מ. ובמשנה הלכות ובמנחת אשר כתבו שהוא מוחזק)

Rabbi Shalom Mashash writes that the money deposited in the bank today is very different than it was in earlier times since today every person secures his money in the bank because that is the safest place to store one's money and is available for him whenever he wants the money. Therefore his account is considered a "Pikadon" when he deposits the money merely for his benefit, and thus the banks are considered watchers.

Because of the above, the money in the bank is considered to be Muchzak and the Bechor gets a double portion.

The conclusion is that money placed in the banks is a subject of a Machloket—but that is true only when the banks don't stipulate their conditions. Being that today's banks have very clear stipulations and when one banks, he does so with their terms and conditions, each would be subject to the terms and conditions of the bank.

Ben Hazmanim

As we are getting ready for a school break, known in Yeshivot as Ben-Hazmanim, we need to think what the purpose of such a break is. Is it in order to relax and gain strength for the upcoming new Zman, or is it in order to have time to take care of our needs such as buy clothing, pay bills and take care of the things we delayed throughout the year?

Maybe the purpose is to visit family and friends.
Well, maybe all of the above are correct, but in our Parasha we learn the main reason for such a break.
The Pasuk in Parashat Beshalach (שמות טו,כב) says that the nation walked in the desert for three days and didn't find any water. The Gemara (בבא קמא פב,א) says that the verse really means to say that when the nation traveled for three days without learning Torah they became weary, and therefore the prophets among them arose and instituted for them that they should read from the Torah each Shabbat, and pause on Sunday, and read again on Monday, and pause on Tuesday and Wednesday, and read again on Thursday, and pause on Shabbat eve, so they would not tarry three days without hearing the Torah.
There is an obvious question here that must be addressed. What did the nation learn in between the time of the Torah learning? We are all familiar with the many warnings of the Torah and Chazal as not to waste a moment by not learning Torah, better known as Bitul Torah; how does reading the Torah every few days help the time in between?
Sefer Vayikra opens with Hashem calling Moshe. Rashi says that Hashem would not start speaking to Moshe immediately, but always call him before He wanted to speak and teach him the laws of the Torah, but in between calls he would give him space without any learning. Wouldn't that time in between be considered Bitul Torah?
Rashi explains that the purpose of the space was to let him look into Hashem's words so as to better understand that which he was taught.
Rashi adds and says that if such a great person as Moshe, who learned from the Almighty Hashem needed a break to look into the teachings, even more so regular people who learn from Rabbis need a time to look into it.
Possibly that was what the space in between the Torah reading in the desert was meant for. After the reading, the nation would use the break to think it over, talking about what

Ben Hazmanim

they read, discuss it with others, try to expound on it etc. Accordingly, we learn that our break is primarily in order to have the time to think over of what we learned and try to internalize it.
The difference between those who have a productive break and those who don't is their state of mind. If a person thinks about the Gemara he had learned while he is taking care of his earthly needs, he is actually uplifting his learning and becomes a greater scholar, as opposed to a person who just takes care of his needs without having the Torah in his mind.

Soft Matzah

One of the main staples of the holiday of Pesach is the Matzah. We are all familiar with the Matzah--a very thin, crunchy, cardboard looking "cracker" with holes all over it. But what would be the reaction of one who would walk into a Seder on the night of Pesach, and instead of seeing the above, would see them eating something soft, resembling a pita or a laffa? Not only is it soft, but it's thick as well; while the regular Matzah is about 1mm thick, the soft Matzah can vary from 2-4mm.

Well, that is exactly what is likely to be seen at the Seder of families from some Sefaradi descent, especially Yemeni. But one need not be in such dismay, as their Mesorah goes back to the time of the Matzah which our forefathers ate when they left Egypt.

Now, it is clear from many sources that there was a time in history--and not too long ago--in which everyone ate soft Matzot (Rabbi Ratsabi writes it was up to about 200-300 years ago, while Rabbi Ben Tzion Mutsafi testified that up to 40 years ago, practically everyone had thick and soft Matzot). But that has changed, as with time, the Mesorah had become lost to many communities, and thus they forbade the consumption of soft Matzah. But one shouldn't think that having such a soft Matzah risks the Kashrut of the Matzah in any way, or that it may raise Chametz-related concerns; as the Chazon Ish (Chut Shani, Pesach page 156) ruled that such Matzah is fine.

Let us examine a few of the sources which support the fact that the Matzah used to be soft and thick:

*The Gemara (פסחים ז,א) talks about a person who finds bread in his house and he isn't sure if it's Matzah or regular bread and whether he is allowed to eat it or not. This Gemara, which is brought down to Halacha (סימן תמו,ד), clearly indicates the strong resemblance the Matzah had to bread; to the extent that one wouldn't be able to differentiate between the two.
*The Gemara (פסחים לז,א) speaks about the maximum thickness of a Matzah, Bet Hillel holds it's a size of a Tefach which is 10 cm (almost 4 inches) according to the Chazon Ish, and 8 cm according to Rav Chaim Na'eh.
Le'halacha, the Shulhan Aruch (סימן תס,ה) says that a thickness of a Tefach is forbidden, but even just under a Tefach is permitted; and the Mishna Berura (ס״ק יז) writes that many Poskim permit the Matzah if it was already baked to the thickness of a Tefach, and all Poskim would permit less than a Tefach, although lechatchila it is more correct to make them thin (משנ״ב ס״ק טז)
*The Shulchan Aruch (סי' תסא ס״ג) brings down that after the Matzah is baked, one should check to make sure that there are no threads of dough which pull out of the Matzah, and only then the Matzah is considered fully baked and is kosher. The Mishna Berura (ס״ק יג) adds that if one isn't sure if there are strings of dough, one should push his finger into the Matzah and see if it's doughy, or whether some dough gets glued to his finger.
This clearly demonstrates that the Matzah that was baked in their time was soft, since the Matzot that we have today are thin and crunchy like crackers, and are baked far more than the point that it might be doughy with strings of dough coming out of it, and one surely can't push his fingers into our Matzot.
*The Mishna Berura (סי' תסא ס״ק טו) says that the indication to see if a Matzah is fully baked is to see if the top of the Matzah's surface hardened. Once the Matzah hardened on the surface, we don't have to worry that the inside wasn't baked. Now, our Matzah is so thin that the whole Matzah is a surface without having any inner part, thus this Halacha wouldn't be relevant at all, indicating once again that their Matzot were much thicker than ours (Rabbi Yitschak Ratzabi).
*When the Mishna Berura (סי' תפו סק״ג) speaks about the measurements of Matzah, he says that even if a Matzah is soft like a sponge, one doesn't need to squeeze the Matzah to limit its measurement, clearly indicating that such soft Matzah is kosher and was a common thing.
*The Rema (סי' תעה,ז) writes that the size that they used to take for the three Matzot was an Isaron-- עשרון, which is extremely thick and big, proving clearly that the minhag was to eat soft and thick Matzot in Ashkenazi countries as well (אור לציון וכן במנחת אשר, הגדה של פסח סי' טו).
*The famous Ashkenazi Posek, Chok Yaakov (שם ס״ק כו) brings that one should make the middle Matzah soft and thick, big enough to be sufficient to give two Kazeitot to each person in the house. The Chatam Sofer (ספר מנהגי החתם סופר) had such a custom as well.
Rabbi Yitzchak Ratzabi, who is the head of the Yemenite community in Eretz Yisrael tells a story that happened with an Ashkenazi Rabbi, the Rav of Hod-Hasharon, who went to see how the Yemeni Matzah bakery operates. He walked into the bakery and was surprised to find out that all the bakers were actually women! He was told that the reason for that is that baking is normally done by women, and Matzah isn't any different. After closely observing the entire baking process,

Soft Matzah

he asked to have some of those soft Matzot for himself. One can just imagine the look on the faces of those who attended his Pesach Seder when he pulled out the Matzot. After seeing the initial shock and perplexed look on their faces, the Rabbi explained that while at the bakery, he was finally able to understand and experience first-hand, all the complex laws of the Gemara and Shulhan Aruch concerning Matzah baking. But most surprisingly, is that he learned them all from the women–who never studied any of those Gemarot–but rather followed to the tee, all that they saw from the previous generation.

Conclusion

Lema'ase the Ashkenazi Poskim almost across the board, wrote that the soft Matzah should be avoided, some say not necessarily because of a Chametz concern, but because that is the Minhag (Rav S.Z. Aurbach) which became such since the thick and soft Matzot get spoiled quickly. Others do fear that we aren't knowledgeable enough to bake them without any concern of Chametz (מנחת אשר שם). Harav Mordechai Gross permitted such soft Matzah for those who wouldn't be able to eat Matzah otherwise.

הכשר מכונת קפה.

שלום לכבוד הרב ותודה על ההדרכה בכל ההלכות. יש לנו מכונת קפה ורציתי לשאול איך אפשר להכשיר אותה לשימוש בחג הפסח. בתודה מראש.

שלום לכם.

יש לציין שאם השתמשתם במכונת הקפה רק בקפה ללא טעמים, המכשיר בדרך כלל נשאר כשר ויש רק לנקותו היטב. אם לעומת זאת השתמשתם בו בקפה עם טעמים אזי כיון שאותם טעמים צריכים הכשר לפסח, לכן השתמשות בטעמים שאינם כשרים לפסח אוסרים הם את המכונה ולכן יש להכשיר את אותה המכונה לשימוש בפסח.

אלא שיש לעיין אם ניתן בכלל להכשיר את מכונת הקפה שכן מתעוררות כאן שני שאלות חמורות. הראשונה היא איך להכשיר את המכונה, כיון שלא ניתן לעשות במכונה זו הגעלה כדין, דהיינו להכניס את המכונה למים רותחים כמו שההלכה מצריכה, כיון שהמכונה תתקלקל. ואם נזרים מים בצינורות המכונה הרי שבהזרמת המים החמים אין המים מגיעים לחום של רתיחה הנצרכת להגעלה.

ושאלה שניה, שהגעלה ניתן לעשות רק בבלי שהינו נקי לחלוטין, ואם אין הכלי נקי אי אפשר להכשירו (ש"ע סימן תנא ס"ג), וביחוד אם יש עדיין על גביו משאריות המאכל שאינו כשר, לכן כתב השולחן ערוך שאין להכשיר כלי שפיו צר ואי אפשר לנקותו. ובמכונת הקפה יש חשש שמא נדבקו בצינורות הפנימיים של הכלי מאותם הטעמים, וכל עוד לא ישפשפו את אותם הצינורות הפנימיים אין להכשיר ע"י הגעלה כיון שאין כח במים שמעבירים לנקותם, והרי ברור שאי אפשר לפרק את המכונה ולנקות את תוך הצינורות על ידי שפשוף.

הנה לגבי השאלה הראשונה לימדונו חכמינו שהגעלה עושים בחום של רתיחת המים, דהיינו שאף שהכלים נאסרו רק ע"י בישול במים של חום בגובה של יד סולדת בו, עדיין צריכים הם הכשר במים המגיעים לחום גבוה הרבה יותר שהוא חום של רתיחת המים, וכן יש לודאות שלא ינוחו המים מרתיחתן בעת ההגעלה (סי' תנב ס"א).

אלא שיש לעיין האם במקום שלא ניתן להכשיר בחום של רתיחה, ניתן יהיה להקל להכשיר בחום של יד סולדת בו ומשום שכבולעו כך פולטו, והרי כלי שכזה נאסר בחום של יד סולדת בלבד.

בנידון זה מצאנו שהביא הגאון רב ישראל בעלסקי (בשולחן הלוי עמוד רכה) להקל להכשיר באותה רמת חום שנאסרה המכונה בצירוף הוספת חומרים חריפים לתוך המים הגורמים לפגום את טעם השאריות הדבוקות בצינורות הכלי. ואף שלכתחילה יש להגעיל בחום של 212 מעלות פרנהייט שהם 100 מעלות צלזיוס, אולם בדיעבד סגי בחום של 190 מעלות פרנהייט שהם 87 מעלות צל'.

ובשעת הדחק ולדוגמא כשאין הכלי יכול לעמוד בחום גבוה כזה, כתב שם להקל להכשיר בחום הגבוה מעט מחום הייצור, ואם גם זה לא ניתן, יש מקום להתיר לפגום את הכלי בחום הייצור. והטעם מבואר שהסיבה שהצריכו הגעלה בחום גבוה של רתיחת המים הוא שמא כשנאסר הכלי הוא נאסר בחום זה, אולם אם ברירא לן שהכלי מעולם לא היה בשימוש בחום גבוה מסויים אז ניתן להכשיר באותו חום ולכתחילה עדיף בחום הגבוה קצת יותר ממנו.

וכן כתב גם באגרות משה (יו"ד ח"א סימן ס) שנוהגים לכתחילה להכשיר בחום שמעלה רתיחות, אבל מעיקר הדין רשאים להכשיר בחום שבו הכלי נאסר.

ועל פי דברים אלו ניתן להקל להכשיר את מכונת הקפה על ידי שנותנים בו מים ומפעילים אותו כדרך שמכינים את הקפה, וחום זה מגעילו. ואם אפשר יחממו קודם מים בסיר על מנת שחום המים יהיה גבוה יותר מן החום שאליו מגיע המכשיר וישפכו אותו אל תוך מיכל המכשיר ויפעילו את המכשיר ובזה סגי כיון שברור שהמכשיר לעולם לא נאסר בחום גבוה מהחום שהמכונה מיצרת.

ולגבי החשש השני שיתכן שנדבקו בדפנות הצינורות מן החומרים והטעמים האסורים, ניתן לשפוך בתוך המים החמים חומר חריף ופוגם שיש בו כח לנקות שומנים וכדומה. כן כתב הגאון רב בעלסקי (בתשובה דלעיל). ודין פגימת הכלי נלמד מדברי השולחן ערוך (יו"ד סימן צה ס"ד ושכך נהגו להקל ודלא כדברי הש"ך והט"ז שם) ועוד הוסיף להדריך (בתשובה עמוד רכב) שאין לסמוך על מראה או ריח החומר הפוגם אלא צריך לטועמו (אם אין הדבר מסוכן) ולודאות שהחומר אכן פגום כיון שהרבה פעמים עלולים בקל לטעות בזה שעל פניו נראה שהחומר פגום אולם אחר שטועמו רואים שאין הדבר כן אלא טעמו מתוק וראוי.

Dedications from our Partners

Lilui Nishamt
Hanuka Ben Yosef Yosofov
David Ben Zahava

Refuah shelema
Esther bat Mazal

Refuah shelema
Nekadam bat tovia,
benamin Ben Tova,
David Ben tamara,
tamara bat Nekadam, itzkiya Ben Elana,
Natan Ben Zulaicha

May Hashem send special strength in Torah and all the Berachot to David Akiva and Rachel Leon.