



Bet Horaah בית הוראה Shaarei Ezra שערי עזרא

Parshat Shelach

Zmanim for New York:

Candle Lighting: 8:10pm

Shabbat ends: 9:20pm

R"T 9:42pm

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CANADIAN WILDFIRE COMPENSATION

WRITTEN BY **RABBI SHAY TAHAN**

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In the past few weeks, Canada has been ravaged by massive wildfires, leading to widespread evacuations and the burning of over 3.3 million hectares of land.

Usually, the Canadian wildfire season occurs between May and October, but this year's destruction has been unusually early. The wildfires started earlier than expected this year due to a combination of dry weather and strong winds. As a result, it has become an ecological and public health crisis affecting both Canada and the United States.

The impact of this crisis has extended beyond Canada's borders. The smoke from the fires has spread across a large part of the United States, affecting the air quality for millions of people along the East Coast. This situation has resulted in cities like New York City experiencing some of the worst air quality conditions in the world.

According to the Centers for Disease Control and Prevention, breathing in smoke can cause lung inflammation and make it more difficult to clear foreign particles and bacteria from the lungs. This can increase the risk of respiratory infections. The extent of the impact depends on how long and how much a person is exposed to the smoke. Even after the wildfires are over, lung inflammation can persist and affect lung function.

Furthermore, studies have shown a connection between poor air quality caused by such fires and cardiovascular diseases such as stroke, heart attacks, heart failure, and atrial fibrillation. This highlights the potential health risks associated with the fires and the resulting compromised air quality.

Can One Sue?

Although the United States has dispatched a formidable force of firefighters to assist Canada in battling the ongoing wildfires with hundreds of courageous firefighters who were deployed, and the commitment of additional support has been pledged, the question remains to be asked: can the US sue Canada for the damages the smoke has caused? After all, many were sickened by the smoke,

schools and businesses shut and the city was paralyzed for a day or two.

While the legal implications of damages caused by the fire in the American context are uncertain, it is worth discussing the Halachic perspective on retri-

bution for such damages. In Halacha, the individual who starts the fire is generally obligated to provide compensation for the resulting harm. However, when the fire's origin is natural or beyond human control, the owner of the property where the fire started may not be held liable.



In the Torah, there is a clear obligation for an individual to take responsibility and provide compensation for any harm or damage they cause to others. This obligation extends beyond personal physical actions and includes situations where property, such as animals, or even an individual's failure to prevent harm, such as leaving a hazardous pit open, leads to damages.

One significant category of damages outlined in the Torah is the damage caused by fire. Fire, with its destructive potential, is recognized as a source of great danger and harm. Therefore, if a person's fire causes harm to another person or their property, they must pay for the losses incurred.

Is Smoke Like Fire?

The Gemara explains that fire possesses a unique characteristic: it requires an external force to aid its movement. Typically, this force is the wind, which propels the fire to its destination, where it inflicts damage.

Building upon this understanding, the Sages provided additional examples that fall under the category

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CANADIAN WILDFIRE COMPENSATION

of fire. For instance, if an individual negligently leaves a stone or knife on a roof, and the wind subsequently blows it down causing harm to someone, the Gemara states that this is also considered a form of fire-related damage. This is because the wind facilitated the objects' descent, similar to how it aids the movement of fire. Therefore, if the Halacha doesn't limit "fire" to flames alone, but also to situations where external forces, like wind, contribute to the occurrence of damage; one can suggest that the same can be said for the smoke arriving across our border, as it was aided by the wind.

Blame Canada?

While it may initially appear reasonable to argue that the owner of the trees, like the Canadian government, should be held responsible for damages caused by a fire due to their failure to anticipate and prevent an unusually severe fire, Halacha takes a different approach. According to Halacha, the owner of the fire is only obligated to pay if the fire was driven by natural, normal winds. However, if unusually stronger winds were involved, the owner is exempt from liability.

When it comes to fires, particularly in the context of tree ownership, such as in the case of the Canadian government, the question of obligation arises. Is the owner of the trees responsible for damages caused by the fire, even if they were not the ones who started it?

In contrast to other categories of damages, such as owning a cow that causes harm to others, where the owner is generally responsible and obligated to pay for the damages, fire-related damages follow a different principle. If the owner of the property did not start the fire, they are not held responsible according to the Torah. This distinction is explicitly stated in the writings of the Imrei Moshe and the Birkat Shmuel, as well as by the renowned authority, the Garnat אמרי משה סכ"ט סק"ב וברכת שמואל סימן י', יז' וכן הגר"ט סי' קיז וראה תוס' ב"ק מח, א ד"ה איש. These sources highlight that the Torah designates the individual who initiated the fire as the sole party obligated to provide compensation for the resulting damages. This unique aspect sets fire-related damages apart from other categories, acknowledging that the person who ignited the fire bears the primary responsibility for its consequences.

The Chazon Ish (בי"ק סימן ב' סק"ד) went to the extent to say that even if the owner of the trees is negligent to the point that he knew the fire will start, he still isn't obligated, though he must

initially do everything within his powers to make sure fire wouldn't start.

Sefer Mishpat Hamazik (page 240) raises the question of whether an individual who left unsafe wires in their apartment, which ultimately caused a fire, is responsible for the damages. Based on the explanation provided earlier, it can be inferred that the person may be exempt from paying damages in this particular case. This highlights the concept that fire-related damages, even if caused by the negligence of the property owner, may not necessarily result in an obligation to provide compensation.

Applying this understanding to the situation of the Canadian fires, one could argue that even if the fires were the result of negligence or human action, the Canadian government or property owners might be exempt from paying damages according to the Torah's principles. This perspective emphasizes the distinction between fire-related damages and other categories of harm, recognizing that the individual who directly initiated the fire bears the primary responsibility for the resulting consequences.

Compensating for Health-Related Damages

According to the Torah, if damage is caused to something that is not exposed or visible, there is no obligation to provide compensation. Applying this principle to the case of smoke causing health issues, such as lung and breathing problems or heart failures, one could argue that since these internal organs are not externally exposed, there would be no legal obligation to provide payment for such damages.

Paying for Collateral Damages

Even if we were to consider obligating the Canadians to pay for the damages caused by the fires, it is important to note that according to Halacha, their liability would generally be limited to direct damages caused by the smoke. Collateral damages, such as loss of work revenue or other indirect consequences, may fall under the category of Grama, which refers to indirect causation. In such cases, Halacha generally exempts the responsible party from the obligation to provide compensation for indirect damages.

It is worth noting that the application of Halacha to specific cases may vary, and it is advisable to seek guidance from a competent Halachic authority who can provide a thorough analysis based on the individual circumstances involved.

UNDERSTANDING HUMAN NATURE

At the time the Meraglim—the spies, were chosen from among the leaders to scout the land, they were highly respected leaders. Each of the 12 tribes had a representative, one of their leaders, to give an equal opportunity to all. Therefore, Moshe had chosen people of high values to represent them correctly.

When the Torah speaks of Hoshea and Kaleb, it mentions that Hoshea had a letter added to his name, becoming Yehoshua. This addition was a prayerful invocation for Hashem, symbolized by the letter "yud" in Yehoshua, to protect him from the negative influence of the spies. On the other hand, Kaleb went to pray at the graves of our forefathers in Hebron, seeking strength and blessings to resist the conspiracy of the spies.



Regarding the selection of the spies, it was Am Yisrael itself that requested Moshe to send spies to explore the land of Canaan before their entry. Moshe reluctantly agreed, knowing deep down that the spies would ultimately bring back a negative report. It is important to note that Moshe did not intentionally choose individuals whom he believed would turn bad. The selection was based on their leadership roles within their tribes, without foresight into their future actions.

Several questions arise: If the spies were righteous at the time, how did Moshe know that they would turn bad? And if he did have knowledge of this, why did Moshe choose individuals whom he believed would eventually falter?

UNDERSTANDING HUMAN NATURE

Another question that should be considered is, if Moshe was certain that the land was good (as Rashi explained that Moshe felt it was very good), why did he initially hesitate to send the spies? One might expect him to immediately agree to their mission, as they would only have positive things to report. Additionally, if the land was indeed good, why did the spies ultimately bring back a negative report?

To answer this, we need to understand the nature of humans. The diverse nature of human perspectives plays a significant role in how individuals interpret and understand the world around them. People's views and beliefs are shaped by various factors, including their upbringing, culture, experiences, and personal values.

Due to this inherent diversity, it is not surprising to find differing viewpoints on various subjects. Individuals may hold contrasting opinions on politics, religion, social issues, and more. This diversity of perspectives is evident in the political spectrum, where some individuals lean towards the right, while others identify with the left-wing.

The existence of these opposing views can lead to a lack of understanding and empathy between individuals who hold different beliefs. Each person tends to perceive their own perspective as the correct one, making it challenging to comprehend alternative viewpoints.

Because of that diversity, when a group of twelve people going to spy a land and give their opinion, one can expect that some will come with good reports while others will have bad reports. Therefore Moshe, Yehoshua and Kalev knew in advance that this is just the way human nature is, and they can expect to have some slander the land.

In various instances within the Torah, we encounter this idea of having differing views in large settings.

For example, public violation of Shabbat (חילול שבת בפרהסיא) is viewed more severely than private transgressions. This distinction is reflected in Halacha, where there is a differentiation be-

tween individuals who violate Shabbat publicly in front of ten people and those who do so privately.

According to the explanation offered by Rabbi Moshe Feinstein (אגרות משה ח"א סי' לג), the reason for this distinction lies in the perception and potential consequences of the violation. When someone violates Shabbat in front of less than ten people, it is likely that those witnessing the transgression will attribute it to the individual's personal desires or weaknesses rather than a rejection of belief in Hashem. The violation is seen as a result of human weakness and lack of self-control.

However, when the violation occurs in the presence of ten or more people, there is a greater diversity of opinions and perspectives among the observers. In such a setting, there is a higher likelihood that at least one person might interpret the violation as a denial or disregard of the significance of Shabbat and a rejection of the principles of faith. Since the individual who commits the transgression in public demonstrates a lack of concern for being viewed in this manner, it suggests a potential leaning towards heretical beliefs or an indifference to the perception of others. Consequently, Halacha categorizes this behavior as more severe, considering the individual halachically, a heretic.

The concept, the differentiation between public and private violations, highlights the importance of being mindful of our actions and considering their potential impact on others' perceptions. It reminds us to exercise caution and sensitivity in our behavior, especially when it comes to matters that hold significance or may be subject to varying interpretations. Therefore the Torah warns: "you shall be cleaned from Hashem and from Israel" (במדבר לב, ב).

By being conscious of how our actions might be viewed by others, we can strive to avoid behaviors that may be perceived negatively or lead to misunderstandings. This awareness encourages us to act in ways that promote harmony, respect, and understanding within our communities and social circles.

USING NON-KOSHER BBQ GRILLS.

As people prepare for summer travel, one concern that arises is ensuring the availability of kosher food. Since we adhere to kosher dietary laws, this can pose a challenge. One solution is to bring our own meat and chicken and barbecue it on a grill. However, a question arises: Can we use public grills in parks or the grills at rented houses, such as Airbnb properties?

Using the rental's BBQs.

Regarding charcoal grills in a rental house, since such a grill was used for forbidden items it is prohibited, and it should not be used in any way without proper koshering. However, there is a distinction between the lower tray on which the coals are placed, where anything that falls on it burns from the heat of the fire, and the actual grilling grate on which the food is placed, which requires intense heating, as stated in the Shulchan Aruch (סימן תנ"א ס"ד): "Utensils that are used with fire, such as spids and grills, and similar items, require heating, and heating means until sparks emit from them."

Similarly, the covering of the grill, which is also prohibited

due to the steam and aroma of the food that is roasted on the grill, should be koshered. The way to kosher such a grate is by igniting coals on the grill and ensuring that the grate becomes reddened from the heat of the fire, and sparks emit from it.



However, since only iron material becomes red-hot from the heat of the fire, and many grates today are made of aluminum, which does not become red-hot from the fire (Shulchan HaLevi, page 210), if we were to use iron, it would turn red very quickly. But since we don't have the mentioned measuring tool established by our Sages, we should ignite the

coals and cover the grate until it is clear to us that enough time has passed for the grate to be koshered through intense heating.

If indeed we performed the proper intense heating as required by Halacha, any food residue stuck to the grill will be completely consumed, as well as any forbidden substances. Consequently, the grill will become kosher. However, one should pay attention and observe if everything has been properly burned. From experience, it is found that after the intense heating, there are

USING NON-KOSHER BBQ GRILLS.

still places that appear visibly greasy, and this can be checked by seeing if the spot remains greasy when wiped with a napkin or paper towel. If grease is found on the napkin, it indicates that the grate and other parts were not koshered.

Since it is difficult to estimate how long it takes for aluminum to become red-hot and emit sparks, and from partial experience that the grill does not completely get rid of the fire's heat, it is highly recommended to replace the grate. As for the grill cover, there is advice to leave it open during the grilling process.

Electric grills.

An electric grill is more problematic because it cannot be ignited with fire. Therefore, it cannot be koshered through intense heating. Only if it is possible to ignite a fire there using coals or something similar and ensure that it is properly koshered, as explained above, may one use the electric grills.

In the case of metals that can be removed and placed in an oven with a self-clean mode, the process of self-cleaning can be considered sufficient for Libun Chamur (intense heating) according to Halacha. Self-cleaning ovens reach high temperatures that can effectively remove any residual food particles or

substances that may render the metal utensils non-kosher. However, it is important to consult with a knowledgeable authority or rabbi to ensure that the specific metal utensils and the self-cleaning process meet the requirements of Halacha in your particular situation.

Public grills.

Another practical approach to barbecue is to bring your own grates and place them on top of the public grill, using two bricks to elevate them and prevent contact with the non-kosher grates. This way, your food only comes into contact with your own grill. Alternatively, you can use a grill mat by placing it on top of the grill. These mats can be purchased at local hardware stores, providing an additional layer of separation between your food and the non-kosher surface.

It is important to note that tongs and skewers should also be heated in fire in the manner we explained earlier, as they are used directly on the fire.

Finally, there is no need to dip the grill in a Mikvah since it doesn't belong to you.

בישול בתנור טרף.

היטב בשני כיוונים (ראה בספר הכשרות פרק כב ה"ז וכן בספר פסקי הוראה סי' קח סעיף יד). וכיוון אחד בלבד לא יועיל כיון שהזיעה מגיעה אל הכיסוי ונבלעת בו, והרי הכיסוי נוגע במאכלים שלנו, ולכן יש ליתן כיסוי נוסף ואז אף שהכיסוי העליון נאסר אולם אין בכוחו לאסור את הכיסוי התחתון כיון שאין בליעות יוצאות מכלי אל כלי או מכיסוי לכיסוי אלא אם כן יש בניהם רוטב (יו"ד סימן קה ס"ז וראה ש"ך סי' ק"ד).



וכל זאת שמאכלים האסורים הינם גלויים, אולם אם המאכלים שלהם מכוסים אזי מותר לחמם שם גם בכיסוי אחד שהרי אין זיעה יוצאת בזמן שהמאכל מכוסה.

ולגבי המגשים האסורים שמניחים עליהם את הסירים שלנו, לכתחילה יניח תחת הסיר תבנית אלומיניום או נייר כסף או דבר אחר כדי להפריד בניהם, ואף שכתבנו לעיל שאין בליעות יוצאות בלא רוטב אולם לכתחילה אין להניח כלים כשרים על אסורים אם הם חמים (רמ"א סי' צב ס"ח).

שלום לרב.

אנחנו מתארחים בבית מלון בחוץ לארץ ובעלי המקום הרשו לנו לחמם את האוכל שלנו בתנור שלהם אבל בזמן שאנו מחממים ישנם שם גם מאכלים שאינם כשרים שאותם גויים מבשלים לעצמם, ורצינו לדעת אם ואיך נוכל לחמם את המאכלים שלנו בתנורים אלו.

שלום לכם.

הנה בחימום אוכל בתנור שאינו כשר בזמן שמתבשלים בו מאכלים אסורים ישנם שני חששות. החשש האחד הוא שזיעת המאכלים שאינם כשרים מגיעה לאוכל שלנו ואוסרת אותו, והחשש השני הוא ההנחה של הכלים שלנו על מגשי התנור שהינם בלועים באוכל אסור שנשפך על גביהם, ולעיתים אף יתירה מזו הם גם מלוכלכים בשאריות אוכל שאינו כשר. לכן כדי להימנע מהגעת הזיעה האסורה אל המאכלים שלנו יש לעטוף אותם

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