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המאור

Light reading
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The Bereishis - Noach - Lech Lecha Sequence

Tiferes Shlomo on the Parsha

ויהי השמש לבה ותרדמה נפלה על אברם ויאמר לאברם ידוע תדע

As the sun was setting, a slumber came upon Avram and He said to Avram "you shall surely know..."

The Tiferes Shlomo questions why the verse does not use the normal formula mentioning Hashem's name; "and Hashem spoke to him" or "Hashem spoke to Avram." Instead, the verse says "and He spoke to Avram" without identifying Hashem explicitly as the speaker.

These words comes from the passage of the Bris Bein Habesarim, the Pact Between the Parts. Hashem told Avram to cut various animals in two and to pass between them to enter a covenant.

This came after Hashem promised Avram that his descendants would inherit the Land and Avram asked him "how will I know?". Hashem answered saying "you shall surely know that your descendants will be strangers in a land that is not their own for 400 years. They will be enslaved and oppressed". This referred to the future exile in Egypt.

Our sages teach that the Shechina - the Divine Presence - does not rest on a person in a state of sadness. The Shechina only rests where there is Simcha - joy.

Avram was being told about the future exile of his children and the suffering they would experience. Presumably this would of caused him sadness. Hashem's Name is not explicitly mentioned in the verse to allude to the fact that Shechina could not rest on Avram openly while he was lacking Simcha.

The Tiferes Shlomo suggests that the slaughtered animals was like a sacrifice to "atone" for Avram's sadness, which is considered like a sin, because we must always serve Hashem with joy.

Every detail in the Torah holds personal lessons for us in our lives as Jews. This also applies to things such as the names of the Parshios and their order.

Over the past week, I have been reflecting on the sequence of the first 3 Parshios of the Torah and the personally empowering message that it teaches us.

Bereishis is the story of Creation. On the personal level, this represents the worlds that we build for ourselves. We shape our lives to be in a certain way; where we will live, what we will do and a general expectation of how things will be. This gives us stability and a framework of familiarity and security in which we live our lives. This world reality becomes the paradigm of how we see ourselves and the world around us.

But then comes Noach and the great Flood that washes away the world that was created in Parshas Bereishis.

The waters of the Flood represent the turbulence that we experience in life. These waves shake the stability that we have come to expect and trust in, believing that it will always be there. They erode the world that we have built and may even wash it and our dreams, away entirely.

A person may lose their job, have to relocate, experience health challenges or financial hardship. A person may lose their relationships or face challenges with their children.

When the world that we have known is overturned, what then? What does one do when the world that they knew is lost and they have lost the stability and structure that they have come to depend on?

When one's world is washed away, it is so easy to become lost themselves; to lose faith, to lose hope and to resign oneself with a victim mentality and become paralysed with grief and despair.

The Torah's lesson is that after Noach comes Lech Lecha - "go for yourself". The Torah is teaching us that after we experience a flood, we have to pick ourselves up and move forward; to step into the unknown with faith and hope and rebuild a new world for ourselves.

This has been the story of the Jewish people. We have gone through the booms and busts of Exile and Redemption. We built a Commonwealth in our Land only to have it destroyed by the Babylonians. We came back and rebuilt, only to see it destroyed by the Romans. When the second Temple was destroyed, we went on to build the great Torah centres of Babylon.

In the last generation, we suffered the great and destructive flood of the Holocaust, that decimated the rich and vibrant Jewish world of Pre-War Europe. But once again we rebuilt ourselves, with vibrant Jewish communities in the USA, Australia and of course the jewel of our crown, the flourishing communities, society, economy and Torah institutions in Eretz Yisroel.

At any of these junctures, after any of these "floods", we could have resigned ourselves, lost our faith and will to live-on and disappeared into the sands of time. But with the Torah's message, after each "flood", we once again set out on the journey of Lech Lecha, to move forward and rebuild.

In the collective history of the world, we are in the Lech Lecha stage. Hashem created a perfect world where His Presence was manifest. That world became corrupted and the Divine Presence driven away. Our mission is Lech Lecha, to work towards a new world - the "the new heavens and the new earth" of the Final Redemption, when the Shechina will once again be revealed, never to depart again.

- Likutei Sichos volume 15 p487. Also see Torah Shleimah
- All of this assumes that the delay of having to slaughter an animal will not risk the patient's life. If they need to eat immediately, they should be given whatever is available. Raavad. The case is where the Choleh specifically requires meat.
- The Rashb"m (Teshuvos 1:689) writes that according to the view that Shabbos is merely pushed aside (Hudcha) in cases of Pikuach Nefesh, it would be the same as the laws of Kashrus and accordingly we would give the sick person the non-Kosher food. The Maharam's lenient ruling follows the opinion that the laws of Shabbos are completely permissible in cases of Pikuach Nefesh as though it was a weekday (Hutra). Since we follow the view that Shabbos is Hudcha, we would not follow the Maharam's ruling.
- Yoma 14, Teshuvos Klal 26:5 based on the Mahara"m
- Non-Kosher food has a spiritual impact on the person who eats it (Ritzba).
- Shulchan Aruch Harav 328:16
- Yoma 4b
- See Likutei Sichos for an explanation why adultery in this case would be a less-severe transgression than murder
- Imrei Binah
- Radba"z 4:200. Brought in Pri Megadim Eshel Avraham 328:10 and Elya Rabbah
- Kitzur Shulchan Aruch 92:8 and Ketzos Hashulchan 135:8
- 328:9
- The law of Chatzi Shiur Asur Min Hatorah
- 328:16
- See Aruch Hashulchan
- Eshel Avraham 328:9
- In the case of a Biblical prohibition we don't rely on this
- Bach, Ta"z
- Magen Avraham 328:9, Shulchan Aruch Harav 328:16, Mishna Berura 328:39
- Some Poskim suggest that this only applies to walking the food to the hospital which entails a singular violation. However, when driving a petrol-car, one violates the Melacha of kindling constantly. According to the Ra"n this would not be permissible. However, according to the other reasons, even this would be permissible.

The Weekly Halacha Analysis

Shechting Meat for a Choleh on Shabbos

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A Strange Midrash on the Parsha

Before entering Mitzraim, Avraham asked his wife Sarah to tell them that she is his sister. He was worried that if they knew that he was Sarah's husband, they would kill him in order to take Sarah for Pharaoh.

The Midrash Pliah teaches that from here we learn that we can slaughter an animal on Shabbos for someone who is sick and in danger.

What is the connection between Avraham's actions and the specific law that we slaughter an animal for one who is sick on Shabbos?

Some commentators explain that from Avraham's actions, we learn that we do not rely on miracles and need to take action to protect our lives. Others explain that just as Avraham asked Sarah to sin by lying in order to save his life, we may break Shabbos to slaughter an animal for a person who is sick, whose life is in danger.

Both of these explanations do not explain why the Midrash gives the specific example of slaughtering an animal.

The Rebbe¹ presents a novel explanation of this Midrash based on the rationale behind this law of Shechting for a Choleh on Shabbos.

Reasons for the Halacha

The Chiddush of this law is that even if we had non-Kosher meat (Neveilah) that could be served to the sick person without having to Shecht, we still slaughter an animal to give the sick person Kosher food, rather than serve them the non-Kosher food².

Seemingly it would be preferable in this case to give the non-Kosher meat to the sick person. Just like the laws of Shabbos are suspended in cases of Pikuach Nefesh, so too are the laws of Kashrus. Further, eating non-Kosher meat is a lesser-degree of prohibition than breaking Shabbos, incurring only the punishment of lashes rather than execution³.

So why don't we do this? There are 3 primary explanations for this ruling.

The Rosh⁴ writes that technically it would be preferable to give the sick person the non-Kosher meat rather than break Shabbos by Shechting. However, we are concerned that the sick person will be disgusted by the thought of eating the non-Kosher food and will refuse to eat. This would endanger their life.

Another rationale is that the non-Kosher meat is intrinsically forbidden⁵. In contrast, the actions performed on Shabbos are only forbidden be-

cause it is Shabbos. Since we are allowed to push off the laws of Shabbos for the Choleh anyway, to light a fire and to cook, we may also Shecht, rather than give them non-Kosher⁶.

The Ra"n⁷ gives a different explanation. Shechting an animal is a single action, incurring only 1 violation, albeit more severe. However, when eating non-Kosher food, one transgresses for each Kezayis volume that they eat. Even though eating non-Kosher food is less severe, the combined violations outweigh the singular violation of Shechting.

The Rebbe's explanation of the Midrash is based on this rationale of the Ra"n. Why did Avraham fear that the Egyptians would kill him in order to take Sarah to Pharaoh instead of just taking her as a married woman?

If they did not kill Avraham, Pharaoh would be committing an act of adultery each time. In this case it would be preferable to kill Avraham, committing a one-off act of murder (like Shechting the animal on Shabbos), rather than violating multiple acts of adultery⁸ (like the multiple violations when eating non-Kosher).

Practical Differences

The Poskim discuss a number of Nafka Minas, practical differences between the reasons behind the ruling enumerated above.

Some suggest that according to the rationale of the Rosh, if we could hide the fact that the meat was not Kosher, so that there would be no concern that the sick person would refuse to eat it, it would be preferable to give them the non-Kosher meat⁹. Others disagree, writing that the concern is that they may find out that the meat is not Kosher. Even if they were to become aware after eating, their disgust at that point could endanger them.

If the sick person knows that the food is not Kosher and knows that they will not be disgusted because they understand that it is for Pikuach Nefesh, the reason of the Rosh would no longer apply and it would be preferable to eat the non-Kosher rather than Shecht on Shabbos¹⁰.

The same would apply in other cases where there is no concern of the person being disgusted, such as a young child¹¹.

According to the reasoning of the Ra"n, it would make no difference whether the Choleh was unaware or if they consented to eat the non-Kosher food. We would still Shecht rather than allow them to transgress the multiple prohibitions.

Some Poskim question the opinion of the Ra"n. What if the Choleh does not require or is unable to eat a full Kezayis? Does the law change in this case?

When quoting the rationale of the Ra"n, the Magen Avraham¹² writes that one transgresses the Biblical prohibition of eating non-Kosher even if they eat less than a Kzayis volume¹³. The implication is that every tiny amount eating is a separate Issur to which the Ra"n's concern would apply.

Shulchan Aruch Harav¹⁴ and other Acharonim¹⁵ bring all 3 rationales for the Halacha. Ketzos Hashulchan learns that each one on its own would be sufficient to rely on.

Rabbinically Prohibited Foods

The Rishonim discuss the case of Neveilah, being food that is Biblically forbidden. Would we be allowed to Shecht (or cook) Kosher food in order to avoid giving the Choleh food that is Rabbinically forbidden, such as Chalav Akum or Bishul Akum?

The Pri Megadim¹⁶ has a doubt in this case. Based on the rationale of the Rosh, perhaps a person only becomes disgusted by the thought of eating Biblically forbidden foods. If so, it would be preferable to give them the Rabbinically forbidden food. But perhaps the concern still applies. In this case he says we rely on asking the Choleh¹⁷.

According to the reasoning of the Ra"n, there is also a doubt. Do we say that multiple Rabbinic prohibitions when eating Rabbinically forbidden foods also outweigh a single Biblical prohibition such as Shechting on Shabbos? Or does this only apply to eating Biblically forbidden foods.

Whilst there are some Poskim¹⁸ who rule leniently, most Acharonim¹⁹ rule that in this case, we must rather give the Choleh the Rabbinically forbidden food than to Biblically violate Shabbos to procure Kosher food. If the Shabbos violation would only be Rabbinic, such as separating Terumah and Maaser, all opinions would rule that this is preferable to giving the Choleh Rabbinically forbidden food.

If the sick person is adamant that they will not eat the Rabbinically forbidden food and as a result there is a risk to their life, one may Shecht or perform Biblical violations to be able to give them food that they will eat.

An analogous case to these laws in a modern-day context would be if a person is sick in a hospital that has no Kosher food. Like Shechting, a Jew would be able to bring food to the hospital by carrying it through a Reshus Harabim, even though it would entail a Biblical Shabbos violation²⁰.

Sources on reverse

