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## The Violent Mob and the Corrupted Leadership

### Tiferes Shlomo on the Parsha

וירא אליו ה'... והוא יושב פתח האהלה  
*And Hashem appeared to him... and he was sitting at the opening of the tent.*

Rashi teaches that Hashem came to visit Avraham to “enquire after his welfare”.

Our sages teach that when saying the Amidah, even if a snake is coiled on one’s ankle and even if the king enquires after one’s welfare, they may not stop their prayer.

On a deeper level, the two cases discussed in the Gemara allude to two different categories of people; the Rasha (wicked) who is enveloped by the serpent of Gan Eden and the Tzaddik (righteous) who is worthy that the King - Hashem Himself appears to him and seeks out his welfare. The lesson for each one is the same. No matter which state you find your self in, do not stop your service of Hashem.

When the Rasha realises how low they have fallen and how their sins have upset Hashem, they may give up hope of ever being able to return with Teshuvah. The Tiferes Shlomo writes that sin of this mistaken belief is even greater than any sin they may have committed. Hashem desires their Teshuvah and so they should never stop trying.

The Tzaddik has the opposite concern. Having reached great spiritual heights and accomplishments, they may become complacent, feeling that they no longer need to apply themselves with the same strength as before. Our sages teach that they too must not stop striving in their Divine service.

The verse teaches us that Avraham had reached the rank of a Tzaddik as shown by Hashem - the King - coming to enquire after his welfare. Yet Avraham remained at the opening of the tent. With great humility, he saw himself as spiritually lacking, like a pauper standing at the door. He did not become haughty or satisfied with his spiritual accomplishments.

Last week, the world saw the horrific pogrom that took place on the streets of Amsterdam, where a wild, antisemitic mob openly attacked Jews on the streets. The police did nothing to stop the attacks and the government has yet to take any serious action to punish the offenders. So who is to blame? The active participants or the failings of the government and their poor decisions that fostered a culture where such an attack could take place?

Parshas Vayeira tells us about the sinfulness and evil of the cities of Sedom and Amora, “The outrage of Sedom and Amora is so great, and their sin so grave!”. Hashem considered their behaviour so evil and unconscionable, that they had to be completely destroyed. Like the Generation of the Flood before them who were also destroyed, their sins were particularly in relation to their treatment of their fellow man. The Talmud and Midrash brings horrific examples of their cruelty and perversion of justice.

In the Haftorah read on the Shabbos before Tisha B’av, Yishayahu rebukes the people for their sins that would bring about their impending destruction. He addresses the Jewish people saying “Hear the word of Hashem chiefs of Sedom, give ear to the teachings of our G-d, people of Amora.”

Even though he was addressing the Jewish people, he refers to them as the people of Sedom and Amora, because their society and their deeds resembled those of Sedom and Amora. More specifically, the Novi separates them into 2 categories; the chiefs of Sedom and the people of Amora.

The chiefs of Sedom refers to the leadership; the judges and rulers. The people of Amora refers to the regular population.

The Gemara in Mesechta Sanhedrin teaches us about the four judges of Sedom; Shakrai (liar), Shakrurai (habitual liar), Zayfai (forger) and Matzlei Dina (perverter of justice). They were named after their corrupt and perverted judgments that punished the victims and rewarded the perpetrators.

The sins of the populace included lack of hospitality, mistreatment of the vulnerable, theft and brutality. The people of Sedom were the violent mob that stormed Lot’s house - “all of the people, from every corner” - for the “crime” of hosting guests”.

Both groups were to blame for creating the cities and societies that have become synonymous with sin and moral corruption. Yishayahu castigated the Jewish

leadership and populace, who were both liable, for having corrupted the “faithful city... full of justice and righteousness”, to become societies that were just like Sedom and Amora.

The leadership has the responsibility to shape and create the societal values and culture. They are supposed to set expectations of what is acceptable and what is unacceptable behaviour. This is done through their laws and more importantly the enforcement of those laws, and through emulating these standards and behaviours.

The populace was certainly guilty as well and each person was liable for their own actions. But in the Torah’s perspective, the leadership carries the greater responsibility. It is the corruption and failings on the level of the leadership of a society, that encourage, enable and give “free-reign” to the populace.

This is why the “chiefs” are called the “chiefs of Sedom”, whereas the people are the “people of Amora”. Sedom was the primary city and epitome of corruption, after which all of the other cities and their collective behaviours are called.

Back to Amsterdam; each participant of the mob must be held to account with the full force of the law. But more importantly, it should be a waking call to the country’s leadership to take ownership of their own failings that could allow such a thing to take place, and to take the necessary steps to rectify them for the future.

One of the principles of interpreting and applying the Torah’s teachings is *הן שומע הן לאו אתה שומע הן*, that from the negative, we can infer to the positive.

The Torah wants us to create societies of kindness and care, righteousness, respect, ethics and justice. Societies where the vulnerable are protected, where justice is fairly served and where anti-social behaviours are not tolerated. This message also applies in building our own communities.

In this pursuit, we each have a contribution to make and role to play; the “chiefs” leading from “top down” and the “people” through their actions from “bottom up”.

May our efforts to increase in kindness in our communities be blessed and rewarded with the coming of Moshiach who will usher in an era of true peace and harmony, when Yerushalaim will be restored to its true glory, a “faithful city... full of justice and righteousness” that is an example to all mankind.

# Renting from the Police to Make an Eiruv - Part 1

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This past week, I attended the police station in South Melbourne to perform the Kinyan Sechirus required to make the Melbourne Eiruv. This was last done 18 years ago and had to be renewed. In this article we will explore the need for this Kinyan and why the police are involved.

Min Hatorah, it is permissible to carry from one Reshus Hayachid to another<sup>1</sup>. However, the Chachamim forbade carrying from one private domain to another if they are owned by different people. This Gezeira was instituted to prevent people from coming to carry from a private domain to a public domain which would be a Biblical violation<sup>2</sup>.

However, where there is an Eiruv, the Rabbis allow one to carry from one private domain to another.

The word Eiruv means to mix together. The Eiruv works as a mechanism to merge the ownership of multiple private domains into one shared area.

This is achieved by collecting bread from each of the residents within the Eiruv boundaries and keeping it in one vessel in of the houses. It is then considered as though they are all residents in that house. Alternatively, one person can take bread and can be Mezakeh on behalf of all of the residents<sup>3</sup>.

It is customary nowadays for the Eiruv to be kept in a Shule. It is also customary to use Matzah which remains edible for a long time. If one were to use bread, once it was no longer edible, the Eiruv would no longer be valid.

Obviously to permit carrying, the area covered by the Eiruv needs to be surrounded by Halachically valid walls to be considered as a Reshus Hayachid. Technically the term Eiruv refers to the merging of the domains through the sharing of food. Colloquially, it is used to refer to the surrounding walls.

## Non-Jewish residents

The Eiruv works for all Jewish residents who believe in the laws of Eiruv.

Technically, we should disregard the ownership of non-Jews within the courtyard and their ownership of property within the courtyard should not affect the Eiruv at all. However, the Rabbis instituted that an Eiruv does not work when non-Jews live within the courtyard.

The reason for this is because the sages wanted to discourage Jews from living in non-Jewish areas by making it more difficult to make an Eiruv and be allowed to carry on Shabbos

if a Jew did not join in the Eiruv, they are able to be Mevatel their property to the other members of the courtyard on Shabbos and the Eiruv will still take effect. However, Bittul does not work for a non-Jew. The only way to create an Eiruv where non-Jews are present is by renting their properties – שכירת רשות

The Sechirus Reshus does not need to be a fully-fledged rental. It is sufficient to make a weaker form of Sechirus. Therefore, one does not need to rent from the owner of the house themselves. It is sufficient to rent from a family member<sup>4</sup> or even an employee who resides with the owner<sup>5</sup>. This works even if the owner protests<sup>6</sup>.

Similarly, one need not rent the entire dwelling. It is sufficient to rent or borrow the right to use space within the non-Jew's house.

Technically no document is required for the Sechirus<sup>7</sup> and the Sechirus from a non-Jew can be done with less than a Shaveh Peruta<sup>8</sup>. One does not need to specify that it is for the purposes of being able to carry on Shabbos.

## Renting from the king

This arrangement is fine where there are only a few non-Jewish homes, or where one is making an Eiruv in a courtyard. But what about an Eiruv in a city where there are many non-Jewish residents and it would be difficult to rent from each one individually?

Since we only need to rent the right to use an area within the house, one is able to perform the rental from the king or a minister if they have the rights to use the houses within the city without requiring the consent of the owners - for example, they can leave weapons in the houses at a time of war or place their soldiers to lodge in the homes<sup>9</sup>.

If the ministers or the king does not have this right, one may not rent the use of the non-Jewish homes from them.

Based on this Halacha, in modern-day Eiruv, it is customary rent from police department. This is because they have the right (in certain circumstances such as hot pursuit) to enter any house without the permission of the owners or a warrant. Others perform the rental from the fire department who can also enter houses and if needs be, evacuate the owners.

In some cities, the rental is performed with the mayor or government which controls the fire and police department. In place where each municipality has its own authority, a separate Kinyan needs to be made if the Eiruv extends into both municipalities.

In a hotel (for those Poskim who require and Eiruv

to be made), one can perform the Sechirus Reshus for the rooms of the non-Jewish guests, by renting their usage from the manager of the hotel, who has the ability to access the rooms when required and can also move guests from one room to another.

## How long does the Sechirus last?

If the rental was done without specifying any time-duration, it is considered to be in effect until the non-Jew recants<sup>10</sup>. If the rental was for a fixed-duration or it was specified that the rental is forever, they cannot retract unless they return the money<sup>11</sup> (proportional to the time left<sup>12</sup>).

If the rental was done for a set time-duration, a new rental must be performed on its expiry<sup>13</sup> and the Eiruv (with the collection of food) needs to be performed again<sup>14</sup>.

If during the duration of the rental, the non-Jew rents their house to another non-Jew, a new Sechirus Reshus is not required<sup>15</sup>. However, if the non-Jew dies or sells their home, a new Sechirus Reshus is required from the new owner or inheritor<sup>16</sup>.

If one rented the Reshus from an employee (who lives with the owner) without specifying a time-period, once the employee ceases to work for the owner, the rental is terminated. If the rental was made for a set time-duration, even if the employee ceased to work within the time period, the rental remains in effect<sup>17</sup>.

The same Halachos apply when renting from the treasurer or officer of the king, where the officer is terminated and no longer receives a salary from the treasury. This would be relevant where the Sechirus Reshus was made with the Police Commissioner and they subsequently retire.

What about a change in government? Stay tuned for next week's edition

1. Rambam Eiruv 1:1, Shulchan Aruch Harav 366:1
2. ibid
3. Eiruv 79b, Shulchan Aruch Harav 366:12
4. Eiruv 80a, Shulchan Aruch Harav 382:14
5. Eiruv 66a, Shulchan Aruch Harav 382:14
6. Shulchan Aruch Harav 382:14
7. Eiruv 62a according to Tosfos. Shulchan Aruch Harav 382:6
8. Eiruv 62a. Shulchan Aruch Harav 382:7. This would not work when renting from a Jew
9. Shulchan Aruch Harav 391:2
10. Shulchan Aruch Harav 382:9
11. Bach 382, Magen Avraham 382:6, Shulchan Aruch Harav ibid
12. Elya Zuta 382:3
13. Rashba Teshuvos Meyuchasos 207
14. Rashba Teshuvos Meyuchasos 208
15. Rashba Teshuvos Meyuchasos 207
16. Ta"z 382:10, Elya Rabbah 382:9, Shulchan Aruch Harav 382:11
17. Rashba Teshuvos 5:6. Shulchan Aruch Harav 382:17

