



Beit Hillel-Attentive Spiritual Leadership

Winter 2013 - Tevet 5773 - Issue 1

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Amplifying the Light in Social and Public Issues

Rav Meir Nehorai, Rav of Moshav Masuot Yitzhak, Chairman of Beit Hillel

One of the most well-known disputes between Beit Hillel and Beit Shammai concerns the commandment of lighting Hannuka lights:

The Rabbis taught: The commandment of Hanukka is one candle for each person's home. The meticulous (mehadrin) light one candle for each single person. The extremely meticulous (mehadrin min ha-medahrin): Beit Shammai say: On the first day one lights eight; subsequently, one reduces the number each day. Beit Hillel say: On the first day one lights one; subsequently, one increases the number each day. (Shabbat 21b)

Beit Shammai believe that we should reach perfection in an instant; so in their opinion we light eight candles, already on the first day. However there is a fly in the ointment; the danger in sudden elevation is that it can lead to major crisis. Someone sees a great light and lofty visions, he has electrifying experiences, is totally gripped by the emotional

ecstasy; however, with time the visions weaken and the memories fade. A person carries high ideals, aspires to change the world, to perform kind deeds and to spread peace. However reality piles on difficulties, the implementation of the ideals is not so simple; it is difficult to reach instant perfection in a complex world.

Consequently, it is advisable to adopt the methodology of Beit Hillel, to increase the light one day at a time. Only a sober reflection upon life will amplify the light; while the approach of Beit Shammai may lead to total collapse, the light will diminish and fade, leaving nothing of the original inspiration. According to Beit Hillel progress is measured, paying careful attention to the complexity of reality.

The path of Religious Zionism is difficult and complex and only the adoption of Beit Hillel's approach will allow gradual and responsible progress, and spare us from crises.

The aspiration of the Beit Hillel movement, which is made up of rabbanim and rabbaniot who serve in communities and educational institutions, is to add light to social and public issues. We are aware of the complexity of these issues; however this does not excuse us from addressing these issues that are part of the public discourse. We are setting out upon a long road, and in its course we shall endeavor to generate perspectives on topics of state and society, responsibly and with caution.

What makes a movement comprised of community rabbis exceptional, is that it does not express its opinions with slogans; rather, its voice emerges from an occupation with Torah and in-depth study, that will lead to the publication of halachic rulings, addressing questions which concern the Religious Zionist community at home, at the workplace or in the public sphere.

In this brochure you will find halachic inquiry of two important topics, that affect our daily life. These rulings are the product of collaborative study in the beit midrash, and extensive peer correspondence and review until the rulings were crystalized.

We aspire to continue publishing further rulings in the future, on social and public issues, with the conviction that we may make a significant contribution to the spirituality and morality of the Jewish people in a generation in which God has blessed us with sovereignty in the Land of Israel.



Is Controversy Positive or Negative ?

Rav Shlomo Riskin, Rav Of Efrat, founder and Chancellor of the Ohr Torah Stone Institutions

Is controversy a positive or a negative occurrence? Since the ideal of peace is so fundamental to the Jewish ideal- to such an extent that we even greet and bid farewell to each other with the Hebrew word shalom, peace - I would expect that controversy would be universally condemned by our classical sources. However, the Mishnah in Avot (Ethics of the Fathers 5:20) distinguishes between two types of controversy: "A controversy which is for the sake of heaven, like that of Hillel and Shammai, will ultimately continue to exist; a controversy which is not for the sake of heaven, like that of Korah and his cohorts, will not continue to exist". In addition to the problematic issue of the positive description of a "controversy for the sake of heaven", it is difficult to understand why the Mishnah refers to one type of controversy as that of Hillel and

Shammai, the two antagonists, and the other as that of Korah and his cohorts, rather than Korah and

Moses, a parallel structure which we would have expected.

I believe that the answer to our questions lies in the two legitimate definitions of the Hebrew word for controversy, mahloket: does it mean to divide, (lehalek) or to distinguish (la'asot hiluk), to make a separation or a distinction; the former suggests an unbridgeable chasm, a great divide which separates out, nullifies, the view of the other, whereas the latter suggests an analysis of each side in order to give a greater understanding of each view and perhaps even in order to eventually arrive at a synthesis or a dialectic of both positions together!

With this understanding, the initial comment of Rashi on the opening words of Parashat Korah "And Korah took", becomes indubitably clear: "He took himself to the other side to become separated out from the midst of the congregation." Since Korah made a great divide between himself and Moses, the Mishnah in Avot defines his controversy as that of Korah and his cohorts; he was interested in nullifying rather than in attempting to understand the side of Moses. On the other hand, when the Talmud (B.T. Eruvin 13b) describes the disputes between Hillel and Shammai, it decides that "Those and those (both schools) are the words of the living G-d. If so, then why is the normative law decided in accord with the school of Hillel? Because they are pleasant and accepting, always teaching their view together with the view of the school of Shammai and even citing the position of Shammai before citing their own position".

According to this view, that "those and those (conflicting opinions) are the words of the living G-d", the Almighty initially and purposefully left many issues of the oral tradition open-ended in order to allow for different opinions, each of which may well be correct when viewed from the perspective of the Divine. Indeed, the Mishnah in Eduyot teaches that the reason why our oral tradition records the minority as well as the majority opinion is because a later Sanhedrin (Great Jewish Court) can overrule the decision of an earlier Sanhedrin, even though it is not greater than the earlier one in wisdom or in number, as long as there had been a minority view recorded on which the later Sanhedrin may rely for its reversal of the earlier decision; and most halakhic decisions rely on a minority decision in cases of stress (Mishnah, Eduyot 1,5, Rambam and Raavad ad loc). In the world of

halakhah, minority dissenting views are never nullified; these opinions are also part of the religio-legal landscape, and can become the normative law of the majority at another period in time or for a different and difficult individual situation.

The Talmud likewise powerfully and poignantly confirms the importance of dissenting views in order to challenge and help clarify the alternate opinion. R. Yohanan and Resh Lakish were brothers-in-law and study partners, who debated their conflicting opinions on almost every branch of Talmudic law. When Resh Lakish died, R. Yohanan was left distraught and bereft. R. Elazar b. Pedat, a great scholar, tried to comfort R. Yohanan by substituting for Resh Lakish as his learning companion. "Every opinion that R. Yohanan would offer, R. Elazar would confirm with a Tannaitic source. R. Yohanan lashed out, 'You are like the son of Lakish? Previously, whenever I would give an opinion, the son of Lakish would ask 24 questions and I would answer him with 24 responses; in such a fashion, the legal discussion became enlarged and enhanced. But you only provide me with supporting proofs. Don't I know that my opinions have merit?' R. Yohanan walked aimlessly, tore his garments and wept without cease. He cried out, 'where are you, son of Lakish, where are you, son of Lakish:' until he lost his mind. The other sages requested Divine mercy, and R. Yohanan died" (B.T. Baba Metzia 84a).

This fundamental respect for the challenge of alternative opinions - so basic to the Talmudic mind - is rooted in another Mishnah (B.T. Sanhedrin, Chapter 4, 37a), which sees the greatness of G-d in the differences among individuals and the pluralism of ideas. "Unlike an individual who mints coins from one model and every coin is exactly alike, the Holy One Blessed Be He has fashioned every human being in the likeness of Adam, and yet no human being is exactly like his fellow! .And just as human forms differ, so do human ideas differ." It is precisely in everyone's uniqueness that we see the greatness of the Creator.

And this was one of the great teachings of Rav Avraham Yitzchak HaCohen Kook: "only through a multiplicity of ideas and views can we eventually reach the one great truth which encompasses them all".



The Voice of a Balanced and Benign Judaism

Rav Ronen Neuwirth, Rav of Kehillat Ohel Ari, Ra'anana, Director of Beit Hillel

The Talmud is replete with disputes between Beit Hillel and Beit Shammai, which left their mark on the world of Torah and *Halacha*. What is the root of their disputes? Why did they see the world so differently, even diametrically opposed? The answer lies in their mishna in the first chapter of Pirkei Avot:

Hillel says: Be of the disciples of Aaron, loving peace and pursuing peace, loving your fellow creatures and bringing them close to the Torah

Shammai said: Make your study of the Torah a fixed habit. Say little and do much, and receive all men with a cheerful face.

Both Hillel and Shammai deal with attitudes to Torah, and relationships to people, but the root of

their disagreement lies in their starting points. Another example can be found in the well-known disagreement in Ketubot 16b:

How does one dance before the bride? Bet Shammai say: Describe the bride as she is. Bet Hillel say: A beautiful and virtuous bride.

Both Hillel and Shammai speak the truth, but they maintain entirely different perspectives. Shammai perceives the truth according to what his eyes see, so he says "Describe the bride as she is." Even if the bride is not blessed with beauty, the observer must say the truth as it is. Hillel, on the other hand, evaluates reality through the eyes of others. Since in the eyes of the groom, the bride is the most beautiful woman in the world, Hillel says, "A beautiful and virtuous bride." This is why our sages said that Hillel was humble. Hillel can exit his own being, enter the shoes of another, and behold reality from there.

Shammai evaluates the world through the eyes of Torah, through the lens of absolute truth. He interacts with people, but accepts them as visitors to his place, which at times may be an ivory tower: "Receive all men." Hillel, on the other hand, evaluates the world through other people's eyes, and from there brings them close to the Torah. He is tolerant of people's needs and understands their state of mind. Through his love for them, he can bring them close to the Torah. This is the secret of Hillel's influence, and as the author of Tiferet Yisrael explains, "People's nature is to take note of the advice of their friends and not the advice of their enemies. So when a sage tries to improve people with kind words they consider him a friend and listen to him. Through his love he brings them closer to the Torah. This is not the case with a sage who tries to improve people with harsh words; they take no notice of him. This is what it means to love one's fellow creatures, and through that love, bring them closer to the Torah."

In recent years, great and important rabbis have publicized many statements on core issues which Israeli society struggles with, concerning the army, democracy, women, culture and more. Many statements were uttered in a brash and extreme style, tarnishing Judaism's image to the public. Time and time again expressions of separatism and radicalism in the Torah world have increased people's feeling of alienation and detachment from Jewish values. These actions were carried out as an expression of Torah truth, in the tradition of Shammai. However, precisely now, in a period that Israeli society is undergoing a spiritual renaissance and searches its roots and tradition, the damage done by harsh statements and extreme actions is magnified many times over, and pushes the public away from the world of Judaism. It is due to this, that we felt the period demands from us to define a clear path that will bridge the gaps between the requirements of the times and the spirit of Judaism, and between the world of action and the world of ideals.

The Beit Hillel organization of rabbanim and rabbanot was founded to try to rehabilitate the image of Judaism among the wider public. We aspire to bring the voice of moderate and tolerant Judaism back to the center of Israeli discourse, in the manner of Hillel the Elder - "loving your fellow creatures and bringing them close to the Torah." We are working to rebuild the bridges through a number of methods, that will link timeless Torah values with the reality of contemporary society. The Halachic beit midrash of Beit Hillel will tackle with courage, integrity and responsibility today's issues, and will outline solutions that are faithful to the tradition of Halachic rulings, while simultaneously taking into account the conditions of modern reality. The ideological beit midrash will provide the public with tools and guidelines to cope spiritually and ethically with the ever-changing modern reality, according to the insights of the greatest rabbinic minds of earlier generations. The intensive activity of Beit Hillel on social networks will influence public discourse internally, in the place where most discussion is happening today.

We recognize that in the generation of the information revolution, it has become common to find knowledgeable people.

Consequently, we intend to engage the public in dialogs and dilemmas; to open the gates of our bet midrash to whoever wishes to enter, and to build a leadership which partners rabbanim and rabbanot together with community leaders.

In this manner we aspire to renew the path of mainstream, traditional all-encompassing Torah Judaism, to a place of affinity between one person and another, to a place of connection to tradition and *Halacha*, a connection to the Jewish soul and the God of Israel.

With Heaven's help, with a dash of courage and much humility we shall succeed in restoring the Torah to its former glory!



Beit Hillel – Attentive Spiritual Leadership

Beit Hillel – Attentive Spiritual Leadership is a Centrist Orthodox spiritual leadership organization comprised of over 150 rabbanim and spiritual leaders, men and women. Beit Hillel aspires to guide the Religious Zionist community as well as the general Jewish population in Israel, in a moderate, balanced, religiously tolerant, and communally relevant spiritual Torah direction. Beit Hillel will deal with the new realities and complexities of our times, and aims to integrate Israeli society into one unified whole.

Beit Hillel – Attentive Spiritual Leadership will strengthen the voice of Centrist Orthodox Judaism, maintaining a total commitment to Torah and *Halacha* while being fully engaged in modern society. Beit Hillel promotes a tolerant contemporary Judaism that speaks to the religious, the traditional, and the non-observant segments of Israeli society.

Beit Hillel – Attentive Spiritual Leadership believes unequivocally in the eternity of the Torah and is totally committed to *Halacha*, which gives Jewish meaning to every generation.

Major Areas of Focus

■ **Halacha and Democracy** - We strive to blend *Halacha* and democracy together without sacrificing either, for we view democracy in the State of Israel as a spiritual value. We consider the laws of the State of Israel to be halachically binding upon every citizen. We acknowledge the halachic validity of the authority of the State of Israel, including the government and Knesset, the court system and the police. We believe in an absolute commitment to serve in the Israel Defense Force (IDF).

■ **Empowerment of Women** – We assign spiritual significance to the advancement of women in society in general, and in Judaism, in particular. Hence, we aspire to increase women's involvement in Torah study and teaching, to enhance the status of women in Israel in accordance with *Halacha*, and to encourage women to be communal leaders, societal leaders, and Jewish spiritual leaders. In this spirit, we have chosen to be the first Orthodox spiritual leadership organization that includes as equal partners learned, scholarly women who serve already as spiritual leaders.

Broad and Open-Minded Education – Jewish education should enable students to forge a strong Jewish identity. This identity should be founded on a complex and comprehensive worldview, including the positive elements that exist throughout the world and in modern Western culture. We believe in the value of academic study and research, and in the importance of a profound, broad-minded Jewish education that promotes respect, integration, participation and full engagement with general Israeli society.

What makes Beit Hillel unique?

■ **ENGAGEMENT AND INVOLVEMENT:** Beit Hillel believes in engaging Israeli society and being active partners in it, in academia, in the workforce, and in all positive aspects of the contemporary world. If we criticize aspects of Israeli life occasionally, it is with love, from within, seeking to elevate it, not as ones concerned solely with sectarian interests and not from a position of isolation from the rest of Israeli society.

■ **HUMILITY AND DIALOGUE:** like the historic School of Hillel, Beit Hillel will conduct itself with humility and respect towards those whose views differ from ours. Beit Hillel will conduct an open, attuned dialogue with them, while giving full expression to our own approach to the study and dissemination of Torah, and to the Torah values we espouse.

■ **INCLUSION OF WOMEN:** Beit Hillel is the first Orthodox Jewish spiritual leadership organization to include women spiritual leaders as equal partners in positions of leadership, learning, and influence. These women are all distinguished and experienced scholars and leaders, and have an equal voice in the movement.

■ **PARTNERSHIP:** Beit Hillel's organizational structure is based on genuine partnership with non-rabbinic leaders. The Board of Directors and the Executive Committee have equal representation of public figures, supporters, and lay and community leaders. A Public Council exists to reflect the general rabbinic membership of Beit Hillel. The Public Council includes leaders from different areas in Israeli society – including academia, business, education, law, and communications media.

■ **THE VOICE OF THE MAJORITY:** Beit Hillel is comprised of more than 150 spiritual leaders who represent the world view of hundreds of thousands of religious and traditional Israelis. The leaders of Beit Hillel are devoted to carrying out the organization's mission and programs –

in the Beit Midrash to carry out in-depth halachic research and study of societal issues; in the media to communicate the messages emerging from the Beit Midrash; and in direct contact with the various stakeholders who make Beit Hillel an inclusive, attentive, and grassroots movement.

What does Beit Hillel do to achieve its mission?

Beit Hillel acts on three fronts to achieve its mission of attentive spiritual leadership:

■ **ATTENTIVE:** communicating and connecting with the public through traditional public relations and media, and social media networks.

■ **SPIRITUAL/TORANI:** formulating and disseminating halachic and hashkafic positions through a Beit Midrash for *Halacha*, a Beit Midrash for Jewish Thought, publications, study seminars, conferences and Shabbatonim

■ **LEADERSHIP:** partnering with lay leaders in the community through the Public Council, Supporters' Coalition, round-table events, conferences and regional chapters, as well as consultation services to communities and schools.



Join us on our Facebook: B.Hillel 



Let us expand on two of our central activities, the Beit Midrash and our face in the social media networks:

BEIT MIDRASH FOR HALACHA AND JEWISH THOUGHT:

The Beit Midrash convenes rabbis and women spiritual leaders with broad experience in the realms of *Halacha* and Jewish Thought. Our goal is to continue the chain of *Halacha* and Jewish values across the generations and to compose comprehensive response. These will address the major issues that have emerged from the social and technological changes that have taken place in modern times, as well as new issues that have arisen from the creation of a Jewish State after nearly two thousand years of exile. Inter alia, these issues include such topics as the challenges of maintaining modesty and propriety in relationships between men and women in social and work settings, involvement of women in religious life, the role of democracy from a halachic perspective, finding halachically sound ways to engage non-religious Jews and form bonds of friendship between them and the religious, values of equality and human rights in *Halacha*.

The Beit Midrash meets several times a year, studies these issues in depth, and suggests halachic solutions that will take into account the values, demands and culture of modern society. Following each session, the issues are presented for discussion among all of Beit Hillel's members on the internet, and are then collected into a publication, which is disseminated to synagogues throughout Israel once every two months, in the name of Beit Hillel.

Beit Hillel - A Torah leadership with its finger on the pulse of its people

SOCIAL MEDIA NETWORKS:

Beit Hillel has made it a priority to be both accessible and attentive to the public's mindset, needs and questions – in real time. Beit Hillel recognizes that a community's cohesiveness is no longer necessarily a function of the geographical space in which it operates, but rather expands those boundaries by grounding itself in ideology, bringing people together, addressing their needs, and discussing issues that concern the public.

Social networks and the Internet are tools that enable Beit Hillel's spiritual leaders to be accessible and attentive to the public. Beit Hillel is noticeably present on a daily basis – on Facebook, Twitter, YouTube, and, of course, on its own accessible and regularly updated website. Many of the men and women who are members of Beit Hillel have their own Facebook accounts. These are connected to Beit Hillel's central Facebook page, which helps to keep the connection between Beit Hillel and the public alive and current.

Beit Hillel has the very first Facebook Halachic Responsa, which allows for real time debates concerning Torah issues, and invites the public to participate actively in the discussion.

Beit Hillel runs public campaigns to promote social values such as prenuptial agreements, equality and human rights, a just attitude towards foreigners in Israel, and the active inclusion of women in Jewish life.

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Please review the platform of Beit Hillel
 Visit our website:
www.BeitHillel.org.il



Prenuptial agreements – putting on a seatbelt before starting to drive

We have all heard, or know first-hand of the hair-raising stories: a woman wants a divorce from her husband and becomes an aguna for many years; divorce proceedings dragging on for years; financial extortion by one of the sides throughout the divorce process; and use of the children as a means of attack and bargaining chip.

In recent years the topic of using prenuptial agreements as a method to prevent such miserable situations, periodically comes to the fore. However, until now, in Israel, there has been no Halachic ruling on the subject, and there is no rabbinical organization that has taken a clear stand on this painful issue.

Beit Hillel – attentive Spiritual leadership – decided to pick up the gauntlet on this pressing issue, and to seriously deliberate on the subject, with the goal of taking a clear stand – as noted, for the first time in Israel, by an orthodox rabbinical organization.

The organization recently held a general conference on the subject in which dozens of rabbanim and rabbaniot discussed the issue of prenuptial agreements, their Halachic validity in cases of potential igan or refusal to divorce, and their power to prevent these cases. Together with professionals of all facets of the topic, rabbinical pleaders, lawyers, dayananim, and other experts, the participants discussed prenuptial agreements and presented the different facets of the various agreements that exist today. It became apparent in the discussions, that there is no currently existing agreement that provides a full solution to the Halachic concerns that arise from signing such a document. Nonetheless, the existing agreements can improve the situation, and are preferable to current practice in which various injustices are created, including the possibility of divorce refusal and financial extortion.

It also emerged in the discussions, that none of the agreements presented rely on radical, lenient opinions; but integrate with the centrist approach of Halachic rulings on this topic, throughout the ages. It also was raised, that in our generation when the interpersonal standards between men and women are less restrained than in the past, being strict in these Halachot could lead to serious problems of adultery and illegitimacy (mamzerut). The outlines of two agreements were presented at the conference: Rabbanit Rachel Levmore, one of the initiators of the conference, and one of the authors of the "Agreement for Mutual Respect", delineated the agreement and its usage in practice; and Rabbi Dr. David Mescheloff outlined the "Marital Agreement to Mediate" which he composed 25 years ago.

In these very days, the organization is crystalizing its official position for support of pre-nuptial agreements, after which will commence a public campaign to encourage couples to sign on agreements, according to the policy which the organization will adopt.



Prenuptial Agreements as a Tool for the Prevention of Get-Refusal and Agunot

By Dr. Rachel Levmore

Rabbinical Court Advocate; Coordinator of the Iggun and Get-Refusal Prevention Project of the Council of Young Israel Rabbis and the Jewish Agency; One of the authors of the Heskem l'Kavod Hadadi – The Agreement for Mutual Respect; Author of "Min'ee Einyayikh Medim'ah on prenuptial agreements for the prevention of get-refusal; Member of "Beit Hillel – Tolerant Spiritual Leadership".

The agunah and get-refusal problem in Israel is widespread, with severe consequences. In extreme cases the lives of either women or men who are victims of get-refusal are ruined. Moreover, in the past

few years, several of the organizations for social change has made use of the "agunah problem" as a tool against the rabbinic establishment – making demands that range from a call to the rabbis to wake up and solve the problem on the one hand, to calls for the dismantling of the rabbinate and the institution of marriage on the other.

As compared to the Diaspora, the problem is especially acute in Israel due to the fact that every Jewish couple who reaches divorce is required by civil law to arrange the divorce in the State Rabbinical Court, in accordance with Jewish Law – the halakha. The result of the linkage of civil law and Jewish law is that all divorce in Israel can take place only if both spouses consent to it (there are a small number of occurrences where the case of a male victim of get-refusal can be resolved). In too many instances this set of legal and halachic circumstances brings about very negative results. The spouse being sued for divorce can lay down conditions to gain his or her acquiescence that extend far beyond his or her legal rights, which may even amount to outright extortion or even a flat refusal to give or accept the get. It is important to note that this is not a problem limited to the religious public. Every Jewish citizen in the State of Israel who wishes to divorce, without any regard to his or her religious beliefs (even if married in a civil ceremony abroad), may possibly find him or herself in a marriage without a way out.

To date in Israel there are men and women of good-will who are searching for a way to protect themselves and their family members from this religious societal problem, as well as those who have taken the initiative to protect the general populace utilizing a halachic tool – a prenuptial agreement for the prevention of get-refusal. The agreement which is in widespread use – the Heskem l'Kavod Hadadi (in English: The Agreement for Mutual Respect) – has been in use for over a decade. One young woman bore witness to its efficacy, by stating simply: "This agreement saved me!". Within a month of the wedding, after discovering that her new husband was not the man he had pretended to be, she had demanded a get. He refused to divorce her, thinking that he could lay his debts of hundreds of thousands of Shekels on his new in-laws. However, after the young woman's lawyer explained to the young man that if he did not give his wife a get within six months he would incur a monthly obligation of \$1500 as spousal support, he came to the Rabbinical Court from within

the framework of an agreement to divorce. Indeed, the get was arranged forthwith. If it were not for the Agreement for Mutual Respect, the young woman would have remained an agunah indefinitely.

Thus far, there has not been any Orthodox Rabbinic organization in the State of Israel which has issued a call to all marrying couples to sign a prenuptial agreement for the prevention of getrefusal. Following a request from representatives of the International Coalition of Agunah rights (ICAR) and the Council of Young Israel Rabbis in Israel, the rabbis and women spiritual leaders, members of "Beit Hillel – Tolerant Spiritual Leadership" immediately responded to the need of the hour – delving into the intricacies of the topic of prenuptial agreements from a rabbinic standpoint. In an internal conference, the leading experts in the field shared their knowledge with the participants. The list of speakers included Rabbinical Court Judges, rabbis, attorneys, heads of Hesder Yeshivas and the authors of the Heskem l'Kavod Hadadi.

Serious study, accompanied by sensitivity to societal needs, have already brought forth practical solutions to the problem of get-refusal in Israel, emanating from individual rabbis and women who serve as Rabbinical Court advocates. Furthermore, American Orthodox rabbinic organizations have established policies that all couples marrying under their auspices are required to sign a prenuptial agreement for the prevention of get-refusal. It is left to us to hope and see to it that the rabbis of Israel as well, will unite and join the move to prevent the painful phenomenon of getrefusal.



Gemara Learning for Women

By Rabbanit attorney Michal Tikochinsky, head of the Beit Morasha Beit Midrash for Women, board member of Beit Hillel, and member of its Beit Midrash Hilchati.

Women's Talmud study has long become a part of our lives, a "non-issue." What began two decades ago in only small, select circles has become a widespread phenomenon in only half a generation. This development is multifaceted. There has been a boom in numbers – the quantity of women who are exposed today to basic Talmud skills is very large; and we no longer speak in terms of a bizarre phenomenon of small groups of hyper-motivated women or beginners. Concurrently, women have also become proficient on an in-depth level, in a wide range of Torah disciplines. At the same time, the topic of Women's Talmud study has moved from a side-issue to center stage. Ever-growing sections of Modern Orthodoxy have internalized that the Torah belongs also to women.

The suspicions expressed early in the process by Torah leaders have been pushed to a corner over the years. Concerns of "turning Torah into nonsense," or that women would not be able to devote their primary hours to learning, dooming their efforts to ultimate frustration, have faded away. This is all to the credit of the many women who dedicated themselves to Torah, and devoted their time, energy and ability to develop in their Torah-scholastic skills, out of great love for the word of God, our rich tradition, and an unquenchable thirst. As a result, the phenomenon of women who "speak Gemara" is becoming more and more widespread in the Jewish world.

In parallel to the growth of women learning, in terms of extent, numbers and acceptance of the process, the fruit of this labor has already been harvested. One difference is occurring in the Jewish home and how it is run. In many homes in Israel, the role of Torah leadership is assumed in partnership by the parents. Fundamental choices regarding Halachic and educational policy are made upon informed decisions, and as a result of joint learning and study. Children are raised in houses where the mother is an Halachic authority; not only the father. This creates an environment where the world of Torah surrounds the house and is integral in its development. An added value is that the Beit Midrash atmosphere, where every voice and opinion is heard, permeates the home and provides tools for dealing with daily issues.

An additional change is the integration of women into Jewish education in all subjects, especially as Gemara teachers. Women act as Gemara teachers in elementary schools, high schools and in women's seminaries. While in the past men taught women, today it is possible to bestow upon women meaningful positions teaching other women and girls Gemara. There is no doubt that this is a significant and appropriate transformation. There is no substitute for the positive impact of a female role model who represents both Torah and Yir'at Shamayim, for young girls at the stage that they are developing their personalities.

Another product of employing this path is the emergence of women talmidot hachamim (Torah Scholars). The rule we find in Kohelet Rabba 7:28 regarding Torah scholarship for men is equally true for women: a thousand enter the study of the Bible; a hundred proceed to the study of Mishna; ten proceed to the study of Talmud; one proceeds to become a Halachic adjudicator. Not all the women who have become familiar with the language of the Sages have reached the level of extensive knowledge and learned Halachic discourse. However, there are already a select few women who definitely fit this criterion. These women have become rabbanitot in every manner of speaking. They are capable of answering answer Halachic questions from "Orach Hayim", "Yoreh De'ah", "Even Ha'ezer" and even "Hoshen Mishpat", and are regarded as leaders amongst their students.

Notwithstanding all this, there was the feeling that at this stage women had reached the "glass ceiling". Even after it was clear that there are women who are capable of contributing high level Torah written materials, participating in Halachic discourse, and write Torah novella, this did not necessarily bring a change in the public's attitude toward them. For a while, there was no fruitful rabbinical discussion or interchange which included Torah-educated women. While in every other field of study, it is clear that women function as equals, in the Torah world this did not naturally occur. This was due either to the fact that the environments in which Torah learning takes place are separate for men and women; or because the world of *Halacha* is fundamentally conservative and suspiciousness accompanies religious attitude towards changes in reality. Shared paths started in a few institutions, mainly in midrashot (seminars) and batei midrash where male and female teachers work together as colleagues, rabbis and rabbanivot; and discreet discussions were held. Women also began to publish scholarly articles on Talmud and *Halacha* in various journals, and the exposure to their Torah aroused curiosity, and sometimes criticism.

Last year a new Rabbinical Organization was formed, Beit Hillel. This body of Rabbis incorporated in their constitution the inclusion of women rabbanivot. The basis of this decision was the belief that women are worthy of this, and that the inclusion of women expresses their status. In the Beit Midrash Hilchati of Beit Hillel, rabbis and rabbanivot sit together on equal terms and discuss questions of current concern, and the challenges of the generation. The Beit Midrash has thus far dealt in-depth with a couple of relevant issues. These discussions require the ability to deal with Halachic sources at a level beyond the basic processing of the material. They require taking responsibility on the public level. They require broad perception, an ability to "read the map," and understand the subtle processes taking place in society, in the context of Halachic questions. It would seem that this cooperation constitutes the next and decisive level in women's Gemara learning: women participating as equals in the discourse to set Halachic policy in the public sector. In the final analysis, this progress is not just a graph which describes the empowerment of women in our generation; it would seem that experience has shown that the Torah is indeed enriched and magnified through this partnership.



The Beit Hillel Beit Midrash for *Halacha*

Rav Zev Weitman, Rav of "Tnuva", Head of the Beit Hillel Beit Midrash for *Halacha*

The members of Beit Hillel's Beit Midrash are scholarly men and women who play central rabbinic and educational roles in Israel's religious Zionist community. They are deeply involved in both *Halacha* and Jewish thought. The Beit Midrash addresses topics of major concern to the religious community in Israel, giving priority to issues that are critical for Jewish unity. The subjects include relations between religious and non-religious Jews, Jewish religious attitudes towards the State of Israel and towards western culture, and the status of women and how to maximize their participation in Torah study, mitzvah observance, and Jewish communal and public life.

The Beit Midrash members discuss Beit Hillel's positions on these topics from a Torah based, halachic perspective. Our purpose is to ensure that these positions are thoroughly anchored within the halachic framework, so that Beit Hillel will continue to represent the mainstream of Orthodox Judaism, without veering from that path under the influence of possibly popular, non-Orthodox perspectives.

The first step in formulating a position of Beit Hillel consists of convening meetings of the Beit Midrash for joint discussions. These discussions continue later by email. In this way, the form and the content of the final statement are composed responsibly and precisely before being released to the public. The Beit Midrash members analyze and discuss the relevant sources and examine their applicability to today's society, basing their conclusions on this analysis and examination. In cases of disagreement or uncertainty, members of the Beit Midrash consult with widely recognized halachic authorities, in order to ensure that the ultimate decisions will be acceptable to a broad range of the religious Jewish community.

One of the refreshing innovations of the Beit Midrash is the partnership of women, Talmudic and halachic scholars, educators and spiritual leaders in their own right. As equal members of the Beit Midrash, they contribute greatly to the discussions and to the halachic conclusions.

The compiling of source materials, the management of the Beit Midrash and its members – each of whom is busy in his or her own field, and the final formulation of the halachic decision, are the work of Rav Yoni Rosensweig, who devotes much time and effort to ensure that the final statement is ready for publication.

We pray that God grant that we make no mistaken halachic decisions, that our colleagues accept what we write with joy and good will, that we reduce strife and hostility, and that we increase peace and friendship among our people.

The Rulings of the Beit Midrash for *Halacha*

Beit Hillel's Beit Midrash was formed in order to provide halachic responses to some of the central practical questions that religious Jews ask in the modern world. The first two halachic rulings of the Beit Midrash appear on the following pages. Each halachic ruling is introduced by a description of the social and spiritual background relevant to the issue. Then the halachic guidelines that constitute the ruling are presented. References to halachic sources are appended to the original Hebrew versions of the rulings.

The first question concerns the permissibility of eating in the home of a person who does not know or observe fully the laws of kashrut. This issue can be a stumbling block on the path to Jewish unity, and can divide families as more and more Jews return to observance of the Jewish food laws.

The second question concerns forming halachically proper relations between men and women in the workplace and in other social frameworks. Since the contemporary world is one in which the sexes work and function together socially, there is a great need for halachic guidelines for meeting the challenges that this reality presents to personal and family Jewish values.

The following are the members of the Beit Midrash. They worked to compose these halachic rulings, which were subsequently ratified by the entire Beit Hillel forum. The decisions were formulated by the Beit Midrash coordinator, following long, in-depth discussions. The Beit Midrash members support the halachic conclusions presented below.

Head of the Halachic Beit Midrash: Rabbi Zeev Weitman.

Coordinator of the Halachic Beit Midrash: Rabbi Yoni Rosensweig.

Members of the Beit Midrash:

Rav David Bigman - Rosh Yeshiva of Yeshivat Maale Gilboa.

Rav Yaron Ben-David - Rav of Kibbutz Be'erot Yitzhak.

Rav David Ben-Zazon - Rav of the pre-army Mechina in Alumim.

Rav Avi Gisser - Rav of Ofra.

Rav Dr. Danny Wolf - Yeshiva Har Etzion, Alon Shevut.

Rav Dr. Avi Walfish - Michlelet Herzog, and Michlala Yerushalayim.

Rabbanit Merav (Tubul) Kahana - Women's Midrasha, Bar Ilan University.

Rabbanit Michal Tikochinsky - Head of The Women's Midrasha in Beit Morasha.

Rav Meir Nehorai - Rav of Moshav Masuot Yitzhak and Chairman of Beit Hillel.

Rav Ronen Neuwirth - Community Rav in Raanana and Executive Director of Beit Hillel.

Rav Dr. Dror Fixler - Community Rav in Ganei Tikva.

Rav Amit Kula - Rav of Kibbutz Alumim.

Rav Tzvi Koren - Community Rav in Raanana.

Rav Dr. Yitzhak Avi Roness - Community Rav in Ramat Beit Shemesh.

Rav Moshe Speter - Rav of Kibbutz Tirat Tzvi.

Rav Ori Samet - Rav of Kibbutz Migdal Oz.

Rav Shmuel Slotki - Community Rav in Ramot Neighborhood, Jerusalem.

A guest who visits a person who does not observe Kashrut

Question:

How does one avoid eating forbidden food when one visits a person who does not observe Kashrut?

Answer:

The laws of Kashrut have always been one of the central pillars of the Jewish Halachic world. These laws injected thought and holiness into the eating experience. Moreover, since cultural gatherings are often conducted around the dinner table, these laws created a barrier and shield between the Jewish community and the gentile environment. Over the years, different laws and customs developed in the various Diasporas and communities. We have been blessed in our generation to have witnessed the Return to Zion and the rebuilding of the State of Israel; and to live in a country in which the vast majority of foods and drinks which can be found in most food chains and many shops, are kosher, thank G-d. Nevertheless, a great proportion of Israeli society is not observant, and therefore a barrier is often formed between friends, neighbors, different ethnic groups, and sometimes even within families.

We consider the bonding of Israeli society to be of the utmost importance, as a central foundation of the strength of the State of Israel. Social bonding finds expression, among other things, in the development of social ties between the observant and non-observant, amongst neighbors, and work colleagues. Ties of friendship are based, among other things, upon hospitality and shared meals, which trigger relationships and friendship.

Since we are obligated to take care to observe the laws of kashrut, it would seem that it is not permissible to eat by a person who does not observe kashrut. However, we believe that the very same Torah that commands us to observe kashrut, also commands us to sanctify God's name by the way we behave with our neighbors and friends, thereby committing us to guard the unity of the Jewish people, to make the Torah and commandments cherished by those who are estranged to them, and to establish close and sincere friendships with our neighbors and friends, to love and respect them. Consequently, we are compelled to search out ways, according to the Torah and its laws, to implement all these obligations, without one compromising the other.

We must seriously consider where we must be strict in the laws of kashrut, and where we must be strict in loving our neighbor, and in bringing the estranged closer to Torah. The simplest and most preferable solution would be that people who are careful to have a kosher kitchen should invite those who do not take such care; however this solution is not always possible, and does not allow reciprocity. Even though there are various groups among the traditional and secular: some observing basic kashrut, and others who neither observe nor know what kashrut is all about, we have decided to focus on the cases in which the host does not observe kashrut at all. The main and most important condition in this case is that the food should not be prepared nor cooked in the host's house, but it should be purchased at a place which is under organized rabbinic supervision. Even in this case, there are number of problems which require discussion.

- Is it permissible to heat up the food in the house of a host that does not observe kashrut?
- In what types of utensils may the food be served?
- To what extent must one check the level of kashrut of the place from which the food was purchased, especially when the standard the guest is accustomed to is different from that of the place from which the host buys the food?
- Is it permissible to eat uncooked food at the host's house, such as fruit and vegetables, and what is the law concerning coffee and other hot beverages?

Even though *Halacha* maintains that a person who does not observe a particular mitzvah is not considered trustworthy regarding matters pertaining to that mitzvah, in today's reality, there are many who despite not observing kashrut, genuinely respect those who do observe kashrut and follow tradition, take special care not to cause their observant friends to transgress, and are very careful not to lie or mislead them. In these cases, when we know that we are dealing with someone honest and upright, one may rely on their word. Even more so, may one rely on the host's word when we are dealing with a close neighbor or work colleague, who we know respects us, and has no interest to hurt us, Heaven forbid, in issues which are dear to us. In these cases, therefore, we may rely on the host's word that the food has been purchased at a kosher place; however, since it is not clear that everybody knows what a kosher place is, and how to make sure that a place is in fact kosher, one must ask one's host where the food was bought; and if we know that the place is under kosher supervision, we may trust him.

HaRav Eliezer Melamed Shlita, Rosh Yeshiva of "Har Beracha", and the author of the series of books "*Prinei Halacha*", pointed out to us that there are those who prefer to be stricter with the laws of kashrut; and even when this may cause a certain amount of distancing between Jews, according to this view, one should not be lenient. Indeed, even this view concedes that there is a need to find avenues to express the brotherhood amongst Jews. According to him, often, ironically, in particular when we are referring to frequent visits, such as between brothers, it is prudent to be stricter, similar to how one is always accustomed at one's home; otherwise, the lenient practices implemented at the brothers' homes may cause an erosion in the religious meticulousness of one's spouse or children; as sometimes there are arguments and tensions around these topics, and when one is lenient at one's brothers' houses, the argument may penetrate afterwards into one's own family, and cause educational difficulties with the children. Naturally, even so, they also agree that one needs to make an effort to find areas in which the family affinity can be fully realized.

As already mentioned, we have preferred to be strict with our concerns for unity, friendship, and the proliferation of love within Israeli society, and we therefore submit the following practices. These guidelines are suitable for the situation in Israel today, where the majority of the population is Jewish, and most of the food is kosher. The situation in the Diaspora is beyond the scope of this responsum; one needs to discuss these issues with a Halachic authority, who is an expert on the local kashrut situation.

■ **Heating food:** One should heat up food in aluminium baking dishes, well covered with silver foil, in an oven; or in a sealed, disposable, plastic utensil in a microwave oven. If this is not feasible, one may be lenient and heat the food in an oven or microwave using glass utensils, once one has clarified that these utensils have not been used for 24 hours (not "b'nai yomam"), on the condition that they are covered. One may not use metal utensils, even if they have not been used for the last 24 hours.

"Post factum", if the food was already mistakenly heated in a non-kosher oven, microwave or toaster-oven: if the heating was done using a disposable utensil or in a glass utensil that has not been used for 24 hours, even without a cover, one may eat the food, on the condition that it is clear that these appliances were clean, and had no leftovers or fat in them.

■ **Serving dishes:** It is preferable that the food is served in disposable dishes. One may be lenient and use metal cutlery to eat food which is not hot (less than 45 degrees). If there are no disposable plates, one may be lenient and use regular plates, as long as the food is not hot (less than 45 degrees). Similarly, one may be lenient with these plates, even if they have not been immersed in a mikve.

■ **Worms and insects:** When we are considering food which has been brought from a place that is known to be kosher, one need not investigate how the vegetables were cleaned, or how the legumes were sorted, or what is the source of the leafy vegetables, or how they were checked and cleaned before being used. One may eat baked food, or salads or soup or cooked food that contain such vegetables or legumes, under the assumption that even if it is unclear that the vegetables have been checked to a sufficient degree, it is clear that anybody takes care to wash such vegetables, and not use a contaminated vegetable, and "post-factum", once the vegetables have already been used, one may rely on "bitul", that the worm or insect can be considered non-existent due to its insignificant size

relative to the vegetable. It is always important and advisable (even when one eats food which was prepared at a place which is meticulous and very strict in its kashrut standard) to inspect food, while eating, to make sure one is not eating worms.

■ **Fruits and vegetables:** One may eat raw fruits and vegetables even at a home of one who does not observe kashrut, if one knows that they were purchased at a place which is under rabbinic supervision. If one suspects that they were bought at a place without organized supervision, or that they were picked from a private garden, or purchased from a vendor on the side of the road, one must take care to separate terumot and ma'aserot (tithes) from the food that one is served. It is preferable to explain the matter to the host, and to ask his permission to separate terumot and ma'aserot, and do it in front of him. However, if doing so would cause unpleasantness, one may do it without being noticed. It is also possible to perform the separation using the abbreviated version, in which case it is advisable to receive instruction and clear guidelines from someone well versed on the topic.

Concerning fruits that may have come from a place which is not under supervision, regarding orla (fruits from the first three years of a tree's life), one may rely on the "majority" of fruit, and not be concerned about the prohibition of orla.

■ **Shmita (Sabbatical year):** There are extra problems regarding vegetables which are purchased during the Sabbatical year from a place without organized supervision, or that were picked from a private garden, or were purchased from a vendor on the side of the road, or directly from farmers; so one should refrain from eating such vegetables during the Sabbatical year. On the other hand, one may be lenient with fruit during the Sabbatical year, and eat them without separating terumot and ma'aserot.

■ **Wine:** One may be lenient and drink wine that is poured by one who does not observe Shabbat, but one should not be lenient when a gentile pours wine, unless the wine is boiled ("yayin mevushal").

■ **Milk:** One may be lenient with milk and milk products that have a regular kashrut standard, even if one is accustomed to using only mehadrin (meticulous), and one may even be lenient with "halav acum" (gentile milk).

■ **"Halak" meat:** For those who are accustomed to only eating "halak" meat (stricter standard), it is very advisable to try to avoid eating meat with only a regular kashrut standard.

■ **Other homemade goods:** One may not eat goods that were prepared in a home that does not observe kashrut, unless one can clarify before eating that they were prepared in utensils that are free of kashrut problems (see paragraph 1). One must make sure that all the materials used during preparation were kosher; if necessary, that hala (portion of dough set aside) was separated according to law; that terumot and ma'aserot were separated; and that the required procedures were performed regarding checking vegetables and lentils for insects.

All of the above refers to the case that the host is a person who does not observe kashrut and basic separation of meat and milk in his kitchen. When we are dealing with someone who does observe kashrut, one may eat food that was cooked in his kitchen, even if the level of kashrut in his house is not according to the level of meticulousness and preciseness to which the guest is accustomed. In such cases, it is recommended that one makes sure that the host is aware of the issues of the separation of terumot and ma'aserot; the separation of hala; and other kashrut issues, of which people who observe basic kashrut are often not sufficiently aware.

Sources:

Credibility of one who does not observe the oral law

הדבר ברור שיש לאדם לשמור על כל דיני הכשרות כהלכתם ככל הניתן, ולא לחפש היתרים. אולם יש לברר מה הדין כשמתארחים אצל אדם שאינו שומר תורה ומצוות. ראשית יש לברר האם על פי ההלכה אפשר להאמין לאדם כזה, האומר שהאוכל בביתו כשר?

על פי כמה מגדולי האחרונים (החזו"א [יו"ד, ב', כ"ח], שו"ת בנין ציון החדשות [סימן כ"ג], שו"ת מלמד להועיל [א', כ"ט] ואחרים) אין להגדיר אדם שאינו שומר תורה ומצוות בימינו כמומר להכעיס. לכן אין לחשוש שמי שאינו שומר תורה ומצוות יכשיל את המתארח אצלו מטעמים אידיאולוגיים.

עוד יש להזכיר כי הגאון הרב משה פיינשטיין (שו"ת אגרות משה, יו"ד, א, נד) מחדש על פי הגמרא במסכת כתובות (פה ע"א) שאם מכירים אדם היטב באופן שידוע שאינו משקר, מותר להאמין לו, אף אם בית דין רגיל לא היה מקבלו על פי הלכות עדות הרגילות. אם כן, גם כאן אם מכירים במישהו שוודאי אומר אמת ואינו משקר - אפשר להאמין לו.

אולם, עדיין רוב אלו שאינם שומרי תורה ומצוות לכאורה נופלים בגדר של "חשוד": אדם שידוע כמי שאינו שומר תורה ומצוות, לכאורה אי אפשר לסמוך על דבריו, ואף שהסיבה שקונה אוכל שאינו כשר אינה אלא מסיבות נוחות ולא מתוך

אידיאולוגיה. האם כשמגיעים לביתו של אדם כזה אפשר לסמוך על דבריו, או שעלינו לחשוש שמותן רצון לחסוך זמן או כסף אותו אדם "עיגל פינות", וקנה מוצרים שאינם כשרים?

אמנם במסכת חולין (ג) אמר רבא שמותר לבדוק סכין שחיטה וליתנה ביד מומר אוכל נבילות לתיאבון ולסמוך על שחיטתו. פירשו שם (ד ע"א) שמכיוון שיש בידו היתר, הוא אינו מניח את ההיתר ובוחר באיסור (מכיוון שאין לו אינטרס לעשות כן), ואין לחשוש שמא אחר כך לקח סכין אחרת. ברם שם בגמרא שאלו מדוע אין לסמוך על שחיטת מומר לתיאבון אם לא בדקו את הסכין קודם לכן, והגמרא תירצה שלא יטרח בבדיקת הסכין אם אין היא מוכנה. אמנם לאחר מכן הגמרא מביאה ראייה לדין של רבא מדין אחר: חמץ של עוברי עבירה מותר מיד לאחר הפסח, מכיוון שהם מחליפים את החמץ שלהם עם הנכרים, על מנת שלא לעבור באיסור חמץ שעבר עליו הפסח. והקשו הראשונים: מה הבדל בין טרחה של בדיקת סכין לבין טרחה של החלפת חמץ?

הראשונים תירצו שיש לחלק בין טרחה מרובה לבין טרחה מועטת. בדבר שיש בו טרחה מועטת, אפשר לומר שסומכים שאדם לא יניח את ההיתר ויבחר באיסור, אך בטרחה מרובה יש לחשוש. הנה על פי זה נבחן את המצב בארץ ישראל היום. רוב יצרניות המזון הגדולות מייצרות מזון כשר, וכן המזון הנמכר בחנויות הוא רובו ככולו כשר. אם כן, בין מבחינת הטרחה שבקניית מזון כשר ובין מבחינת ההפסד הכספי הכרוך בחיפוש אחר

מזון כשר, אין כאן חשש כלל, ויש מקום לסמוך על החזקה שהמארח אינו מניח את ההיתר ואוכל את האיסור. לכן מותר להאמין לו אם אומר שקנה במקום כשר.

לאור זאת, אדם ששומר תורה ומצוות המתארח אצל מי שאינו שומר תורה ומצוות, והוא איננו חשוד להכשילו והוא מכיר אותו כאדם נאמן - מותר לסמוך על דבריו אם הוא אומר לו היכן קנה את המוצרים, והאורח מכיר את המקום כמקום כשר.

על מה שכתבנו יש להוסיף שמכיוון שערך כבוד האדם וערכיו מקובל כיום גם בין רבים מאוד שאינם שומרי תורה ומצוות, הדבר דומה למי שחשוד על דבר מסוים, שניתן לסמוך עליו שמתקן לו את מה שהביא לו, ואינו מחליף, מכיוון שאינו חשוד על הגזל. אף כאן נראה שאפשר להאמין למי שאינו שומר תורה ומצוות, אם אומר שקנה במקום כשר כי הוא אינו חשוד להכשיל, להונות ולשקר.

מכל מקום יש לסייג קביעה זו בכך שאי אפשר לסמוך על המארח שאינו בקי ורגיל בענייני כשרות כשאומר על דבר מסוים שהוא כשר או שנקנה במקום כשר מבלי שהוא מפרט את אמירתו. זאת כדי שניתן יהיה לוודא ולהבטיח שהוא אינו טועה בקביעתו זו.

Kashrut of the kitchen and food

כלים שאינם בני יומם - להלכה פסק השולחן ערוך (יו"ד, קכב, ב) שכלים שהתבשל בהם איסור, ועברו עליהם 24 שעות מאז אותו בישול, הטעם שבהם הוא טעם פגום ואינו אסור אלא מדרבנו, גזירה שמא ישתמשו בכלים בני יומם (שהשתמשו בהם תוך 24 שעות). הראשונים אף מבארים ש"סתם כלים אינם בני יומם", כלומר: כלים שלא ידוע מתי בישלו בהם לאחרונה, ניתן להתייחס אליהם ככלים שאינם בני יומם. רוב הראשונים מסבירים שהסיבה לכך היא שיש כאן ספק כפול: ספק אם בישלו בהם משהו ב-24 השעות האחרונות, וספק אם המאכל שהתבשל ב-24 השעות האחרונות הוא מאכל שטעמו פגום בתבשיל שמבשלים כעת.

לכאורה היה מקום לומר על פי זה שגם סתם כלים שבבית מי שאינו שומר תורה ומצוות אינם בני יומם, ולפי זה אולי יש מקום להשתמש בכלים אלו. אולם כבר הסברנו שגם כלי שאינו בן יומו אסור להשתמש בו לכתחילה, ורק בדיעבד לאחר שכבר התבשל בו אוכל אפשר להתיר את האכילה של האוכל. על כן, היענות להזמנה לארוחה אצל אדם שאינו שומר תורה ומצוות יכולה להיחשב להסכמה לבישול לכתחילה בכלים שאינם בני יומם. כמו כן, מאחר שהסברנו לעיל שיש לאדם שאינו שומר תורה ומצוות נאמנות על מה שהוא אומר, אפשר לשאול אותו לגבי הכלים ולברר אם הם אכן אינם בני יומם, ועל כן אין לסמוך על הספקות שהזכרנו לעיל.

Toileting dishes - רבים סוברים שאכילה בכלים שאינם טבולים היא מדרבנו, ומכיוון שאף יש להסתפק אם טבילת הכלים היא חובת המארח בלבד או גם חובת האורח, יש מקום להקל לאכול בכלים שאינם טבולים (כן שמענו בדברים שבעל-פה מאת הגר"א רבינוביץ', הגר"א נבנצל, וכן פסק הגר"א אריאל בשו"ת באהלה של תורה [יו"ד, ט], כן דעת הגרש"א, כפי שמובא בספר 'טבילת כלים'). נזכיר שהגאון הרב שלמה זלמן אויערבאך פסק בשו"ת מנחת שלמה (תנינא, סימן סח) שכל שאין הטבילה בידו יכול לאכול מאותם כלים. אם כן, טבילת כלים אינה מעכבת, אלא אם ברור לאורח כי יכול בנוגע הליכות לשכנע את מארחו לטבול את כליו. תמיד ראוי לכתחילה לאכול בכלים חד-פעמיים או בכלים שאינם חייבים טבילה.

Glass dishes and dishes that have not been used

כידוע, בהלכה יש חילוק בין כלים שבולעים לבין כלים שאינם בולעים. כלי זכוכית, על פי שיטת השולחן ערוך (או"ח, תנ"א, כ'), אינם בולעים, וכמו כן, יש מקלים לסמוך לכתחילה לאכול בכלים שאינם בני יומן במקרה ולא ניתן להכשירם. לכן בכלי זכוכית שלא בישלו בהם 24 השעות האחרונות

יש להקל ממה נפשך - למ"ד שלא בולעים אין בעיה ולמ"ד שבולעים ואי אפשר להכשירם יש מקום לסמוך על ההיתר שלאחר 24 שעות הם מותרים ללא הכשרה.

Concern for insects in fresh produce and the need for sifting flour

אכילת שרצים היא אחת מאיסורי התורה החמורים, אך כאשר

מדובר בירקות שיש בהם חשש לשרצים קטנים מאוד, האיסור הוא איסור דרבנו, מטעם גזרת חכמים שבריייה אינה בטילה אפילו באלף. הואיל וכך, במקרים של ספק אם הירקות היו נגועים, ואם הם היו נגועים ספק אם הם נגועים בשרצים שיש בהם חומרת ברייה, ואף אם כן ספק אם הם נשארו בשלמותם לאחר הבישול או ההכנה - יש מקום להקל. ויעוין בדברי הגאון הרב שלמה זלמן אויערבאך בשו"ת מנחת שלמה (ב, סימן ג, אות ב) ובדברי הגאון הרב משה פיינשטיין בשו"ת אגרות משה (יו"ד, ד, סימן ב), שיש מקום להתיר מסיבות רבות, ובין השאר מכיוון שייתכן שתולעים קטנים ביותר בטלים בתערובת, אם משום מאיסותם, ואם משום קוטנם. כן כתב גם הגאון הרב נחום אליעזר רבינוביץ' בשו"ת שיח נחום (סימן מה). יעוין עוד בפתחי תשובה יורה דעה סימן ק סק"א בשם כרתי ופלתי ובערוה"ש שם.

Tevel - produce that has not been tithed

אם התברר לאורח שהמארח קנה את כל הפירות והירקות מרשת מזון גדולה וידועה שיש לה תעודת כשרות, ניתן כמובן לאכול ללא חשש. בלא זה אין להקל, ויש להפריש תרומות ומעשרות כדת וכדין. עדיף להסביר את העניין למארח ולבקש את רשותו להפריש, ואז יפריש ממה שבצלחתו קצת יותר מאחד ממאה, ויזרקו אותו לפח לאחר מכן, כנהוג. אם הדבר כרוך באי-נעימות אפשר להורות כפי שכתב החזון איש (דמאי, טו, ו) להפריש תרומות ומעשרות בנוסח מקוצר, שיאמר: "כל הפרשות וחילול מעשר שני יחולו כפי הנוסח שברשותי" (וצריך שיהיה לו בבית נוסח שהוא רגיל לומר ממנו ומטבע לחילול, או שיהיה מנוי בקרן מעשרות), וכך יכול האורח להפריש תרומות ומעשרות אף ללא שירגיש בכך המארח.

Orla - fruit from the first 3 years of the tree's growth
הפוסקים דנו באריכות אם יש מקום להתיר סתם פירות הנקנים בשוק מצד "כל דפריש מרובא פריש", ודין זה תלוי בכמה עניינים: בהבנת דין קבוע, בשאלה אם דין ערלה בימינו הוא דרבנו, ואם יש פירות הבאים אף מחוץ לארץ ועוד כמה ספיקות ושאלות. דנו בזה בשו"ת מנחת יצחק (ז, צו) ובשו"ת יביע אומר (ו, יו"ד, כד). גם בספר משפטי ארץ דנו בזה, והביאו דעת הגר"ש אלישיב להקל. והעולה מכל הנ"ל שיש מקום להקל בשעת הצורך לסמוך על "כל דפריש מרובא פריש", ושלפחות המוגשים אין חשש ערלה.

Shevi'it - fruit and vegetables from the 7th year

הדברים למעלה מבוססים על הדעות שאפשר להקל בשמור ובנעבד, אך מכיוון שלגבי ירקות יש איסור ספחים, יש לוודא שהם מגיעים ממקום שאין לגביו איסור.

Wine poured by one who desecrates Shabbat

אף שיש מחמירים בין של מחלל שבת בפרהסיא, מכל מקום כבר הזכרנו לעיל בשם כמה מפוסקי דורנו שאלו שאינם שומרי תורה ומצוות בימינו אינם נחשבים כמומרם לחלל שבת בפרהסיא, ועל כן אין להשית עליהם כל הדינים הנובעים מהגדרה זו.

אפשר להביא לסברה זו תימוכין רבים: החזו"א נוטה להקל (יו"ד ב, כג), הגרמ"פ (או"ח ה, לו, ח). בשו"ת למד להועיל (א, כט) מקל בפירוש לעניין יין, וכן בשו"ת יהודה יעלה למהר"י אסאד (א, יו"ד, נ) כתב להקל. כך היא גם דעת הרב שלמה מן ההר, וכן כתב הרב שלמה גורן בחובר עיטורי כהנים (תשנ"ד, גיליון 110).

Using a microwave and a toaster oven

כאשר כלים אלו אינם נקיים משאריות שבולו בהם קודם, יש לחשוש לאדים העולים מתוך שאריות אלו ומי תערבבים עם המאכל הכשר המחומם כעת בתנור. יש עוד יותר מקום לחשוש לכך שאם שאריות אלו נמצאות בגג התנור, הן ייטפו לתוך התבשיל המתחמם בתנור בעיה זו מתעצמת במיקרוגל, שכן בתנור היה מקום אולי לומר שחום התנור שורף את כל מה שנשפך בתנור, כך שהוא אינו ראוי לאכילת כלב ואינו נותן טעם לשבח, וגם מן הסתם יש שישים בתבשיל הכשר כנגד מה שנשפך. אולם במיקרוגל האוכל הדבוק בדפנותיו אינו נשרף, מכיוון שחום המיקרוגל אינו שורף שאריות שניתזו, וגם יש יותר מקום לחשוש שנתזים במיקרוגל שכיחים יותר, לכן חייבים להקפיד על כיסוי מוחלט.



Relationships between men and women at the workplace

Introduction:

Since time immemorial, the relation between the genders has been a central topic in human society. Judaism, as opposed to other religions and doctrines, considers the connection between man and wife to be holy. As a result of this view, the purpose of the laws of modesty, and the distancing between the genders that developed over the generations, reflected the undertaking of the sages to channel the human sexual urge toward building deep marital ties, to guarantee the continuance of the generations, and prevent harm to the intimate ties between man and wife.

In recent generations, social structures have drastically changed. If in the past the duties of women and men were absolutely different, and most women were confined to their home, as it says: "a princess' honor is internal", the drastic changes in the status of women have created the current state that women are found outside their home no less than men, and are involved in all walks of human endeavor (social, economic, cultural, scientific and educational). The total equality of opportunity that today's society offers attained many achievements. All types of work are now open to women as they are to men; and Woman has become a partner not only in the cultivation of the home, but also in its economic sustenance. This creates unity of purpose and allows women to express themselves in a wide range of areas that were previously beyond their realm.

Together with the advantages of the upheaval we have described, society has faced testing spiritual challenges. Progress in the sphere of the status of Woman in society, has not necessarily brought with it parallel moral progress with regard to family life. The constant intermingling of men and women in the public domain, together with the lack of restraint in modern Western society, often results in damage to the institution of marriage, the turning of women into a sex object, sexual harassment, and more. The social structure we have portrayed challenges Jewish law, which has always succeeded to guide and set its limits upon the Jewish people of each generation, to present a new map before its followers, so that they can find the proper way to navigate through its labyrinth.

The workplace today is the primary meeting place of men and women on a permanent and long-term basis. The workplace is not only the place where a worker implements his tasks, but it is also the arena where an entire social culture develops among the workers, a phenomenon that is considered by current wisdom to be a vital ingredient of the success of an organization. Proper and normative human relations are a basic expectation of general society. An observant Jew, who is integrated in the outside world, and works in the open market, finds himself subject to a constant tension between the need to integrate in society and the limits of Jewish law. In the following responsum, we shall attempt to mark out a straight path that will guide working men and women as to how they should conduct themselves in a mixed workplace, in order to be totally faithful to Jewish law, while retaining the ability to make Judaism attractive to one's colleagues, to blend into society, and to maintain efficient, pleasant and constructive work relations between men and women. The details of Jewish law are designed to help us attain a fine balance, to create a path that will allow mutual respect, while preventing and protecting a person from sliding toward problematic territory. Following the guidelines will assist to prevent situations in which there is a danger of slipping into intimate interactions between the genders, interactions which are morally tainted and are forbidden by Jewish law.

Nevertheless, every rule has an exception. The guidelines that are outlined in the responsum are the rule. A worker, who feels that a certain situation is adversely affecting him, should seek counsel with a rav or rabbanit, in order to create harmony between his situation and Jewish law. It goes without saying that it is vital that any significant decision in this field, should be made in conjunction with one's spouse.

Practical Law

■ **Manner of Discourse:** It is permissible and polite to ask after a work colleague's well-being, whether it is a man or a woman. A neutral conversation between a man and a woman is permissible, even if does not pertain directly to work issues. Nevertheless, one should not engage in deep, personal conversations, which contain an element of intimacy, such as a heart-to-heart. One must be very careful that friendships on the basis of shared work, do not slide over the border, and reach intimate regions. Such a relationship, particularly for a married person, may lead to violating barriers of modesty and Jewish law. Each individual must be sensitive to the feelings of his own heart and sincere and honest with himself, so as to ensure that a relationship does not cross into forbidden territory.

■ **Physical contact:** Jewish law forbids physical contact between the genders. In our times, when many barriers of modesty and intimacy have been broken open, it is necessary to emphasize the importance Jewish law attaches to preserving physical distance. Sensitivity to sexual harassment has developed in general society, and the conventional assumption is that physical contact is likely to lead to an intimate connection. Despite this, isolated instances of shaking hands, as an act of courtesy, and not as part of a long-term, permanent relationship, is permitted in situations, in which refraining from holding out one's hand in return to an outstretched hand, is likely to be considered offensive.

■ **Social activities:** There is no prohibition to share a meal in mixed company in the framework of one's work. Nevertheless, one must be careful to keep the discussion appropriate, and not allow it to become frivolous. Sometimes, as part of their work, colleagues will go to joint meals or other shared activities outside the usual work premises, in order to promote social integration amongst the team members, and to create a more efficient working atmosphere. It is permissible to participate in these outings, which are no more than innocent activities with no questionable context, on condition that one takes care to avoid frivolousness between the genders.

■ **Lifts and travelling:** It is permissible, and even desirable to offer a lift to or from work, and there is no prohibition, even if the colleague sits in the front seat. As has already been noted, one should stay within suitable borders of discussion. During long work trips, involving a man and woman travelling together, to conventions, etc., trips in which the line between work and private life becomes blurred, one must be extra careful to stay within decent boundaries of discourse, especially while spending time together when away from home.

■ **"Yihud" (the prohibition to be totally alone):** During working hours, while there are other workers at the office, it is permissible for a man and woman to be alone in a room for work reasons, and it is also permissible to close the door, but not to lock it; and it is correct to tell other workers at the office that they should not hesitate to enter the room without knocking or requesting permission. A man and a woman should not stay alone in an office, however, when there are no other workers at the office.

Sources & Explanation:

Functioning within a public arena characterized by a lack of modesty

במסכת בבא בתרא (נ"ז:) דנה הגמרא במקרה שבו ישנה דרך שההולך בה נחשף לנשים העוסקות בעשיית כביסה בתוך הנהר, וכתוצאה מכך הן מפשילות שרוולים או מגלות את שוקיהן. הגמרא אומרת שאם אין אפשרות ללכת בדרך אחרת מותר לעבור בדרך זו, ומובן שעל ההולך מוטלת האחריות לשמור עיניו ככל יכולתו. אם ישנה דרך אחרת אסור לאדם ללכת בדרך זו. רשב"ם (ד"ה 'רשע') הסביר שאם יכול ללכת בדרך אחרת, אזי אם הולך בדרך שבה יוכל לראות נשים העומדות על הכביסה - ואפילו עוצם עיניו - הרי הוא רשע. הנימוקי יוסף על הרי"ף (ד"ה 'היכי'), לעומת זאת, הסביר שרק מי שאינו עוצם עיניו נקרא רשע כשיש דרך אחרת, אך אם עוצם עיניו לא נקרא רשע. האיסור ללכת בדרך שיש בה נשים העומדות על הכביסה הוא דווקא כשמתכוון להסתכל בהן ולצורך כך הולך, וכמו שאסרו במסכת פסחים (כ"ה-כ"ו), אך כשאינו מתכוון אין איסור. וכך צריך לפרש את הסוגיה, שכשיש דרך אחרת והוא בוחר ללכת דווקא בזו שיש בה נשים העומדות על הכביסה הרי הוא נחשב למתכוון (וראה בתוספות במסכת עבודה זרה מ"ח; ד"ה 'אי'). ועל כן הסביר הנימוקי שדווקא אם אינו עוצם עיניו הוא רשע שהרי מתכוון להסתכל, אך בעוצם עיניו - אף שיש לו דרך אחרת - מכל מקום אינו לא צדיק ולא רשע (לשון הנימוקי), ויכול ללכת אף בשיש לו דרך אחרת. וכשאין לו דרך אחרת, הרי שגם אם אינו עוצם עיניו הוא לא נחשב כמתכוון, כל עוד אינו מכוון ומשתדל לראותו בדווקא.

מכאן יש להסיק שאין איסור ללכת אף בדרך שיש בה מראות לא צנועים אם לא הולך למקומות אלו במתכוון, ואינו מתכוון להסתכל בדרך הילוכו. מסיבה זו, אין לאסור השתלבות במקומות עבודה שהנשים הולכות שם שלא בצניעות כל עוד אינו מתכוון להסתכל. יעניין עוד בדברי הגרמ"פ בשו"ת אגרות משה (אבהע"ז ב', י"ד) לעניין נסיעה ברכבת התחתית ובאוטובוס שכתב בזה הלשון: "אבל אם יודע שהוא יבוא לידי הרהור יש לו למנוע מללכת אז אם אין נחוש לו, ואם מוכרח לילך אז גם כן לעבודתו אין לאסור לו אף בכהאי גוונא, ויתחזק להסיח דעתו מהן ולהרהר בדברי תורה כעצת הרמב"ם שם הלכה י"ט, ועל זה יוכל לסמוך ולילך לעבודתו".

The effect changes in society have on the laws of modesty

עשיית מעשה שתביא אדם להנאה ממראה אסור באופן ודאי או קרוב לוודאי אין בו היתר, כמוכח במסכת פסחים (כ"ה-כ"ו). ברם, במקרים שבהם הדבר לא מביא לחשש איסור ניתן להתיר. כך, לדוגמה, מצאנו במסכת עבודה זרה (כ'): שאסור להסתכל בגדי צבעונים של אישה, והגמרא מקשה: כיצד היתירו להביא בגדים אלו לכובס? והגמרא מתרצת, שכיוון שהוא טרוד בעבודתו אינו שם לב להרהר באותה אישה שהבגדים שייכים לה.

בסוף מסכת קידושין (פ"א-פ"ב) מצאנו את דברי שמואל, הקובע כלל נוסף מרחיק לכת עוד יותר, ולדעתו אין כאן איסורים מוחלטים ומוגדרים אלא הדברים תלויים במי מדובר: "הכול לשם שמיים". וכך הסביר הריטב"א: "הכל כפי מה שאדם מכיר בעצמו, אם ראוי לו לעשות הרחקה ליצור - עושה... ואם מכיר בעצמו שיצור נכנע וכפוף לו - מותר לו להסתכל ולדבר... ולשאול בשלום אשת איש... אלא שאין ראוי להקל בזה אלא לחסיד גדול שמכיר ביצור...". היתר מיוחד זה שמציע שמואל - "הכול לשם שמיים" - הוא היתר על בסיס אישי בכל מקרה לגופו. הריטב"א מוסיף, שאין להקל בכך לכל אדם שכן על פי רוב דברים אלו אכן מביאים לתקלה ומכשול, אך למי שמכיר בעצמו שהדבר לא ישפיע עליו לרעה יש להתיר. אלו הם היתרים אישיים של מעשים שאסורים באופן עקרוני, והותרו ליחידים בנסיבות מסוימות. אולם, ישנם אף שינויים בחברה כולה המתחוללים במעבר הדורות.

בכמה מקומות מצאנו התייחסות לכך שההלכות הקשורות ביחסים בין גברים לנשים הם תלויי מקום וזמן. תוספות במסכת

קידושין (פ"ב) כתבו שעל דין זה של "הכול לשם שמיים" אנו סומכים שאנו משתמשים בנשים, ונראה שכוונתם שזה הפך להיות גורף מכיוון שלא הייתה כוונה ליהנות מהנשים אלא כחלק משירות בלבד. הפני יהושע במסכת קידושין (ע') כתב שלפי אחת הדעות בגמרא שאלה בשלום אישה אין בה חיבה כיוון שרגילים בה, והמהר"ם שיק (אבהע"ז, נ"ג) כותב שעל כן נוהגים להקל בזה. הלבוש (או"ח, מנהגים, ל') כתב שנוהגים לברך 'שהשמחה במעונו' אף בתערובת נשים וגברים יחד, כיוון שאנו רגילים בנשים ואין חשש הרהור. הציץ אליעזר (ט'), (נ') כותב שמותר ללכת אחורי אישה כיוון שהיום השתנתה המציאות ונשים הולכות ברשות הרבים דרך קבע, וזו לשונו: "דלכן שאני זמן הזה מבזמן הקדום, משום דבזמן הקדום לא היתה האשה רגילה ללכת ברחובות קריה והיתה יושבת בירכתי ביתה... ולכן הפגישה וההילוך אחריה ברחוב היה מביא ביותר ליד הרעור, אבל משא"כ בזמן הזה שהמציאות לא כן, אלא האשה אינה יושבת בירכתי ביתה כבזמן הקדום ורגילין יותר בראית אשה ברחוב, לכן קלקלתם תקנתם דאין כ"כ עתה חשש הרהור בהליכה". כמו כן הביא שם את דברי הגר"ש ז"א איערבאך להקל בזה במקום מצווה או נימוס, ודברים אלו מבוססים על דברי הלקט יושר (יו"ד, שע"ו) שבימינו המציאות השתנתה. גם הגאון הרב עובדיה יוסף בשו"ת יביע אומר (או"ח, ו', י"ג) הביא מספר דרך פקודין (לא תעשה ל"ה), אשר כתב כדברים האלו בעניין "אל תרבה שיחה עם האישה" שהדין משתנה לפי המציאות: "ולא מצינו לת"ח יראי ה' שישקלו בפלס דבריהם שלא להרבות שיחה עם האשה, ונ"ל עפ"מ"ש הלבוש שבזה"ז שהנשים מורגלות בינינו, אין כאן הרהורי עבירה כ"כ... ודוקא בזמנם שלא היו רואים אשה בחוץ שכל כבודה בת מלך פנימה, ובראיית אשה מיד באים לידי הרהור במחשבה שבלב, משא"כ עתה שהנשים עוסקות במשא ומתן, ומורגלות בינינו, ואין האדם מתפעל בראייתן ובשיחתן לבוא לידי הרהור".

בשו"ת שיש נחום (סימן ק"ב) התייחס הגאון הרב נחום אליעזר רבינוביץ' בהרחבה לעובדה שההלכות הקשורות בהפרדה בין נשים לגברים הינם תלויי מקום וזמן:

"רגישותם של בני אדם לדברים שונים מושפעת מהאווירה, מהנהלים ומארחות החיים המקובלים בחברה, והם שיוצרים תגובות שונות לתופעות דומות. כלומר, לאותה תופעה ייתכנו השפעות ותגובות שונות לפי אורחות החיים המקובלות בכל חברה וחברה... יש נסיבות שבחברה משותפת השפעת הגירויים עשויה לפחות... בני אדם שחיים בחברה שאין בה תערובת כלל בין אנשים ונשים, לרוב סף הרגישות שלהם שונה לחלוטין מאלו שמורגלים וחשופים תמיד לחברה מעורבת. אין זאת אומרת שבחברה מעורבת הסיכונים להיכשל בחטאים חמורים הם בהכרח גדולים ביותר, ואף לא שבחברה נפרדת האנשים לגמרי חסנים בפני כישלונות מוסריים שונים. וכמו שיש ניסיונות בחשיפה, כך ישנם כנגדם במקום שנקבעים גדרים וסייגים על ידי החברה... בסופו של דבר, לא ניתן לקבוע נורמות מסוימות שיבטיחו שלא תהייה בעיות, פיתויים, גירויים וכישלונות. כל יחיד חייב לפתח בעצמו כוח עמידה ואחריות לשמור על נפשו... נסתכל לדוגמה בחברה שבה כמעט בכל המשפחות הנשים עובדות. אישה שעובדת מחוץ לבית ברור שהיא גם חשופה לציבור שונה. ברור שהיא תבוא במגע עם אנשים השונים בגישתם, באורחות חייהם, ובערכים שלהם, מהחברה שממנה היא באה, והוא הדין גם לגברים. חברה כזו, אם למשל יהיו בה נהלים של הפרדה גמורה בין האנשים לנשים באירועים פנימיים בתוך החברה - הדבר עלול ליצור מתחים. כי כל אחד מהם, גם הנשים וגם הגברים, בכל יום נמצא בחברה פתוחה, ופתאום כשהם חוזרים הביתה במפגשים שבתוך הציבור הקטן הזה הם יהיו נפרדים. במקרה זה, ההפרדה עצמה עלולה ליצור גירויים מחודשים, במקום להפחית גירויים, כי כל מצב שהוא שונה, בהכרח גורם להתייחסות, ומעורר תשומת לב וגורר הרהורים מהרהורים שונים. קשה להניח שהפרדה כזו תוכל גם להחזיר לאורך זמן, מפני שלמעשה היא תכסה רק מיעוט קטן של כל המגעים החברתיים של הציבור..."

בתקופת מעבר כמו התקופה שלנו אי אפשר לקבוע צורות התנהגות שיתאימו לכל הציבור כולו. כל קהל צריך לדאוג לציבור שלו... מסקנה העולה היא, שאי אפשר לקבוע הנחיות מוחלטות

לכל המקרים..."

אף הרב יהודה הרצל הנקין מתייחס לנושא זה בשו"ת בני בנים (ד', חלק המאמרים, מאמר "הרהור והרגל"), ושם הוא מעיר את הדברים החשובים הבאים:

"צריך לאמר שאף על פי שאין אדם רשאי להקל לעצמו בעניינים אלה אם לא שהוא חסיד גדול וידוע ששולט ביצור, זהו ביחיד שאסור לו לפרוץ גדרות, אבל בדבר שנתפשט... יכולים הרבים לסמוך שמתוך רוב הרגלם אינם באים לידי הרהור... אך בכדי למנוע מכשול נחוץ להבהיר את הסייגים הבאים: (1) איסורים רבים אינם תלויים בהרהור ולא ניתן להמתיקם בשום אופן... (2) אין לדמות מנהג למנהג, אלא יש לדון בכל מנהג והרגל לגופו... (3) כל הדברים אמורים רק לגבי פעולות שבמהותן הן תמימות... שאין בהן גירוי היצר מצד עצמן. כאשר החשש הוא שעצם הקירבה בין אנשים ונשים היא אשר תביא להרהור אף שאין הכוונה לכך, יכול ההרגל למנוע הרהור. לעומת זה, שום היתר אינו ניתן בפעולות שיש בהן גירוי ברור של היצר... (4) אין ההכרעה המעשית בעניינים אלה מסורה אלא לבעלי הוראה המעורים בדעתם עם הבריות ומכירים את קהילותיהם... (5) אין הדברים אמורים אלא במקום שכבר נהגו, ואינם היתר להנהיג כן במקום שלא נהגו."

עתה ניתן להבין כיצד נוצרים השינויים בהלכות צניעות מזמן לזמן. כבר קבענו לעיל כללים ברורים בעניין המרחב הציבורי. כללים אלו אינם משתנים. אולם, מה שנכלל בהם אכן משתנה. יש דברים שבחברה מסוימת יהיו בעלי הקשר מיני ואילו בחברה אחרת ייחשבו לפעולות תמימות לחלוטין. השינוי החברתי אינו משנה את ההגדרה ההלכתית, כמובן, אלא את ההגדרה המציאותית, וההגדרה המציאותית המשתנה מציבה בהתאם את העניין הנדון בקבוצה ההלכתית שאליה הוא משתייך. כך, לדוגמה, התרנו השבת יד ללחיצה במסגרות עסקיות וכדומה, כיון שיש מקום לומר שבימינו נגיעה כזו אינה נגיעה של חיבה, ונגיעה שאינה של חיבה מותרת לכתחילה על פי כמה פוסקים (עיין שו"ך יו"ד, סימן קנ"ז, סק"י; וכן שו"ת אגרות משה, אבה"ע ז', ב', י"ד).

אמנם זאת יש להדגיש, שלא כל דבר שרגילים בו נהפך להיתר. רגילות אינה מעידה באופן הכרחי שהדבר שרגילים בו הוא מותר. נהפוך הוא: דברים מסוימים שרגילים בהם, יש להחמיר בהם שבעתיים דווקא עקב עובדה זו. ישנם שני סוגי רגילות. הסוג הראשון כולל דברים שהסיבה שהציבור הורגל בהם היא מפני שאכן עניינים אלו נתפסים כפעולות תמימות שאין בהם הקשר מיני או גירוי היצר, וכן אין הם מעוררים הנאות אסורות או הרהורים אסורים באופן ודאי או קרוב לודאי. בדברים אלו הרגילות היא סימן לכך שאכן המציאות השתנתה, ועל סימן זה אנו סומכים אף להקל מבחינה הלכתית באותם עניינים.

לעומת זאת, ישנם דברים שהרגילות בהם נובעת מכך שבמציאות הקיימת החברה מאפשרת חופש פעולה רחב ביותר לגברים ונשים החיים בה, כך שאלו יכולים, ברצותם, להתלבש או להתנהג בצורות שיש בהם הקשר מיני או שהוא מעוררת את היצר או מביא לידי מחשבות אסורות והנאות אסורות. היות שהחברה כיום מקדשת מאוד את הזכות האישית של כל אחד ואחד, ואינה דוחקת זכות זו אלא במקום שהפגיעה ברגישות הציבור היא ברורה, אין לראות בקהות החושים של הציבור בענייני צניעות מדד לכך שכל מה שנעשה הוא בגדר פעולה תמימה שאינה גורמת הרהור. רבות מהנורמות הנהוגות היום בחברה, אף שהחברה רגילה בהן, הרי הן בעלות מטען מיני נכבד, וגורמות להרהורים אסורים וגירוי היצר.

The laws of Yihud in the work environment

לא נוכל במסגרת תשובה זו לדון בהרחבה בהלכות ייחוד על כל פרטיהם וענייניהם, ורק נדון בקצרה בשאלה אם יש מקום להחמיר או להקל יותר מהרגיל בסביבת עבודה לעניין איסור זה, עקב הנסיבות המיוחדות שיוצרת סביבה זו. המציאות התדירה הקיימת במקומות עבודה היא של עליות ומורדות בלחץ ובכמות העבודה במשך השנה. יש זמנים שבהם העובדים אינם צריכים לעבוד מעבר לשעות יום עבודה רגיל, אך מאידך ישנם זמנים במשך השנה שבהם הלחץ גובר, ומסיבה כלשהי נאלצים חלק מהעובדים להישאר בעבודה עד מאוחר. לעיתים אף ייתכן שמנהל או מנהלת המשרד צריכים להישאר במשרד ומבקשים מהמזכיר או המזכירה להישאר על מנת להיות לעזר. בכל אלו יש לדון אם ניתן להקל באיזה שהוא אופן להתיר מצבים אלו, או שיש דווקא להחמיר.

לכאורה, מצאנו מספר היתרים בהלכה למצבים מעין אלו: (א) היתר לאישה שבעלה בעיר, שכנראה אין חשש שתבוא לידי איסור עם מי שהיא מתייחדת עמו (קידושין פ"א ע"א). (ב) היתר משום שטרודים בעבודתם ולא יבואו לחשוב מחשבות אסורות (שו"ת רדב"ז, חלק ג', סימן תפ"א). (ג) העובד או המנהל לא ירצו לעשות מעשה, שאם יגלו אודותיו, יפגע ברווחיות העסק שבו הם עובדים, או בשם הטוב שקנו לעצמם (שו"ת ישכיל עבדי, חלק ב', אבעה"ז, סימן י"ח). במהלך שעות העבודה ודאי שאפשר להקל בזה, ואפילו לשבת ביחד בחדר שדלתו סגורה במקום הצורך.

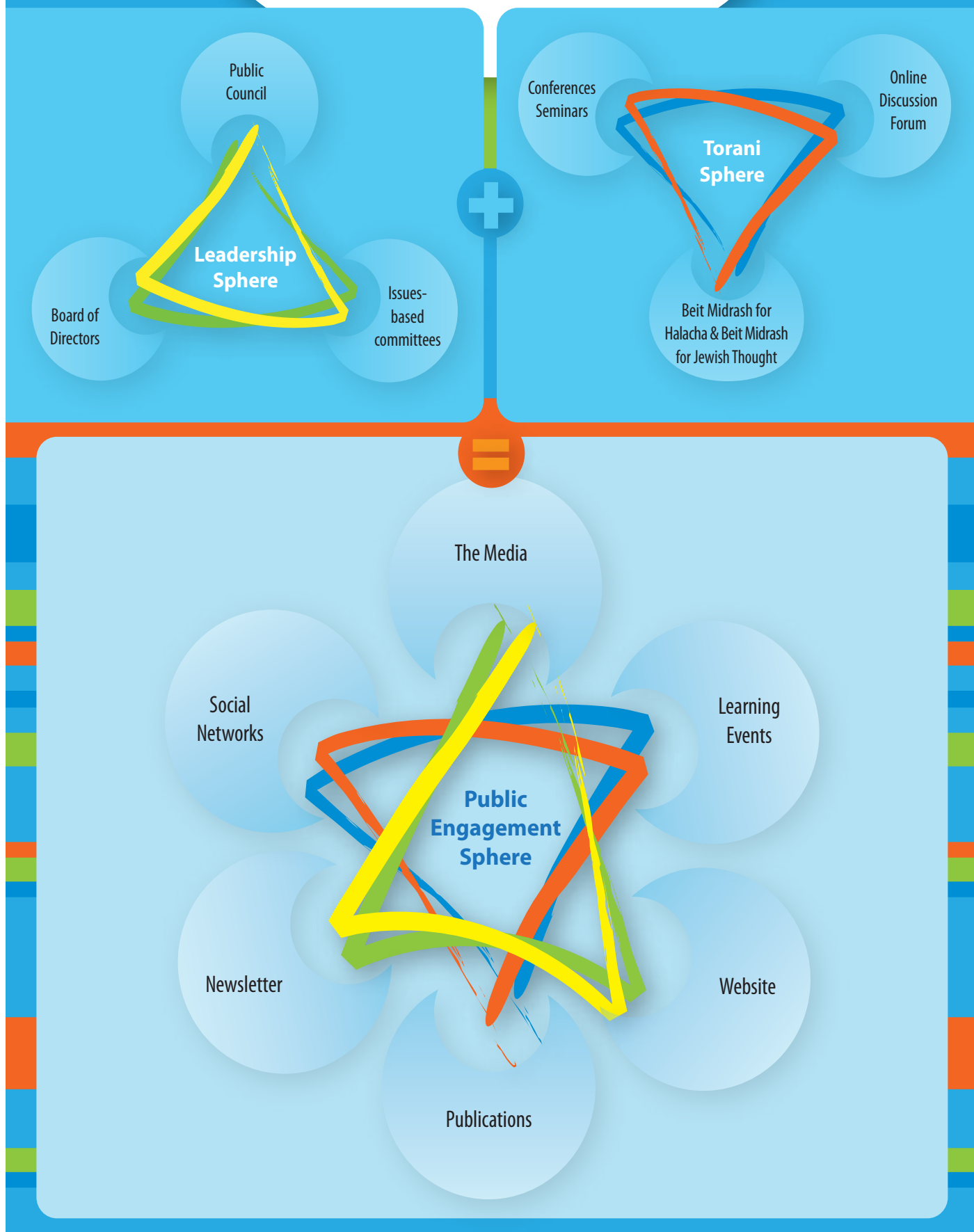
אמנם, קשה לסמוך היום על היתרים אלו ודומיהם מחוץ לשעות העבודה כשאין אף אחד אחר במשרד, מפני שהמציאות הקשה בחברה המערבית מלמדת שהנחות פסיכולוגיות אלו בדבר ההשפעה שיש למציאות הבעל בעיר או לאפשרות ההיתפסות על ידי אחרים ואיבוד מקום העבודה - אינן נכונות כיום.





הנהגה תורנית קשובה

Beit Hillel's Theory of Change Model



The Spiritual Leaders of Beit Hillel

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