

Torat Imecha

HALACHA

HILCHOT BEIN ADAM L'CHAVEIRO 5784-5785

Dedicated by Fran Broder as a zechus for
the hostages to be released safely to
their families and may everlasting peace
come to Eretz Yisrael in the merit of
learning Hilchot Bein Adam L'chaveiro



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A Review: Hilchot Bein Adam L'chaveiro

During the Yemei Ratzon of 5784–5785, women around the world took upon themselves daily learning regarding the halachot of interpersonal relationships.

The following is a compilation of the halachot learned during this time, including the basis of loving our fellow Jew, the prohibition of lying, hachnasat orchim (welcoming guests), hashavat aveidah (returning lost objects), the prohibition of embarrassing others, and bikur cholim (visiting the sick).

May your learning and review of these important halachot lead to enhanced understanding of, and increased meaning and connection in your relationships with fellow Jews.

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The Basis of Ahavat Yisrael

Loving Your Fellow

1. The Torah requires one to love other Jews as one loves oneself (Vayikra 19:18). Many commentaries explain the mitzvah as performing actions to help others in the same manner that one would expect others to help oneself (Chizkuni; Rambam, Hilchot Avel 14:20). Others explain that one should also desire in one's mind what is best for one's fellow (Ramban, Seforno). According to this, one should desire the success of others to the same extent that one desires one's own success (Sefer Le'reiacha Kamocha, vol.2, ch.4). One should try to fulfill both interpretations (Sefer Halichot Bein Adam L'chaveiro, ch.1).
2. The mitzvah of loving other Jews involves two components: 1) A positive component to help others. One who performs acts of *chesed* for other Jews fulfills this aspect of the mitzvah (Rambam, *ibid.*), as does one who complies with the mitzvah as described in the first halacha. One who works in a profession that includes assisting others in any way can fulfill the mitzvah merely by having in mind to fulfill it or by performing additional acts of assistance for which he or she is not paid (Sefer L'reiacha Kamocha, vol.2, ch.1). 2) A negative component to avoid doing something to another that one would not want done to oneself. One who does something of this nature has been "*mevatel*" (abolished) the mitzvah (Sefer Le'reiacha Kamocha, vol.2, ch.1, based on the Gemara, Shabbat 31a).

Not Hating Your Fellow

1. The Torah prohibits every individual from hating other Jews "in one's heart" (Vayikra 19:17). Some understand this to mean that one should not hate them at all, while others understand this to mean that one only may not hate them or bear a grudge silently (Rambam, Sefer Hamitzvot, Negative Mitzvot 302), but one who verbalizes their feelings does not violate this prohibition (though

one may still violate other prohibitions). One should comply with both opinions (Sefer Halichot Bein Adam L' chaveiro, ch.1).

2. One violates this prohibition when one hates another person to the extent that one of the following occurs (Sefer Halichot Bein Adam L'chaveiro, ch.1): 1) One does not speak with the person for three days out of animosity (Ahavat Chesed, ch.2) 2) One desires that bad things befall the person (Responsa of Maharshal 33) 3) One rejoices at the person's downfall (Rema, Yoreh Deah 335:2). One who observes that *another person* appears to hate *them* to such a degree should consider the reason for this and attempt to apologize or discuss the issue with the person if needed (see Rambam, Hilchot Deot 6:5-6).

Machshavah

Rabbi Akiva famously says that the mitzvah of loving your fellow like yourself is "a great principle in the Torah." One of the explanations for this idea is given by the Chazon Ish (Pe'er HaDor 4:156) as follows: Envy and jealousy of others often causes a person to become upset and lead him or her to violate many other different prohibitions (not just those of *bein adam l'chaveiro*). If a person can train themselves to love others, even those with whom one does not share a particularly positive relationship, they will succeed in keeping other areas of the Torah as well.

The Chazon Ish further explained that a person who is willing to forego their own desires or rights for the benefit of another will also be capable of foregoing those same desires to serve Hashem.

The Arizal recommends declaring every morning that one is prepared to fulfill the mitzvah of loving others. We should encourage ourselves on a daily basis to truly be ready and willing to help others even at our own expense. In that merit, may we achieve greater levels of growth in our overall mitzvah observance and greater happiness in our lives.

Lying and Telling the Truth

The Prohibition of Lying

1. The Torah states "You shall distance yourself from matters of falsehood" (Shemot 23:7). Many commentaries infer from here that lying constitutes a Torah transgression (*Smag; Sefer Chafetz Chaim, Petichah*), while some hold that it constitutes only a rabbinic transgression and the Torah prohibition refers to lying in Beit Din (*Shaarei Teshuvah 3:181; Sefer Hachinuch*).
2. It is prohibited to lie in cases where one benefits financially or in some other manner, or where it harms another individual as a result (see *Shulchan Aruch, Choshen Mishpat 228*). This type of lying also violates an additional prohibition of "*geneivat da'at*" (lit. stealing knowledge, i.e., cheating others). For example, one may not report taxes dishonestly or cheat on an examination since one will improperly benefit from one's action (see *Igrot Moshe, Choshen Mishpat 2:30; Mishneh Halachot 7:275*). Moreover, one may not falsely deny responsibility for an action one has performed, such as causing harm to another (see *Tzitz Eliezer 15:12; Halichot Bein Adam L'chaveiro 20:13 and n.31*). Finally, one may not give a false recommendation or critique about a matter such as a *shidduch* suggestion, teacher, or other individual in most cases (though one also need not specify all of the relevant details either). One should seek rabbinic guidance in cases of uncertainty, especially regarding *shidduch* suggestions, since there are exceptions to this rule (see *Titen Emet L'yaakov*, pp.121-124, and https://halachipedia.com/index.php?title=Prohibition_to_Lie#Shidduch).

Lying as a Joke or to Conceal a Surprise

1. Lying in cases where no harm or significant consequences result from the falsehood is less problematic than the cases discussed in the previous post. Nevertheless, one should strive to never lie even in such cases wherever possible (*Mesilat Yesharim*, ch.11; see also *Tzitz Eliezer 15:12*). If necessary, it is preferable to use wording that is not an outright lie but can be understood in multiple ways, some of which are true (this will be discussed further in a later post). (*Halichot Bein Adam L'chaveiro 20:17*)
2. Based on this principle, one should try to avoid an outright lie when planning a surprise party for a relative or friend, but lying would not be forbidden in such

a case. The same would apply when making a brief joke for which there are no consequences (*Halichot Bein Adam L'chaveiro* 20:17; R. Shlomo Aviner, *Piskei Shlomo*). Others rule more strictly. (*Titen Emet L'yaakov* p.176)

Causing Others to Lie and Keeping One's Word

1. In addition to telling a lie oneself, one should also not speak to others in a manner that one suspects may prompt them to speak untruthfully (*Pele Yoetz*, "sheker"). For example, one who hears others speaking in whispers or telling secrets should not repeatedly inquire about the nature of their conversation, as this may cause them to lie to her if they do not wish to reveal what they said (*Halichot Bein Adam L'chaveiro* 20:17). Similarly, one should not ask another to borrow an item that one is sure they do not want to lend, as they may lie about it to avoid feeling pressured (*Pele Yoetz*, "sheker").
2. One should try to keep one's word in all situations so as to always speak the truth (*Bava Metzia* 49a; *Sukkah* 46b). For example, if one promises one's child a prize for behaving nicely, one must try their utmost to give them the prize. Not giving the child the prize promised may also violate the prohibition of withholding wages ("*bal talin*"). (*Kitzur Dinei Bal Talin*, p.51, citing R. Chaim Kanievsky)

When Is Lying Permitted? (Part 1)

1. One is permitted to lie in order to promote peace or prevent conflict between individuals, but only when necessary (*Yevamot* 65b). This includes cases of family or marital relationships. However, one should try to use wording that does not involve an outright lie but can be understood in multiple manners (*Halichot Bein Adam L'chaveiro* 20:24).
2. For example, a secretary at work may tell a caller who wishes to speak to the manager that the manager is unavailable at the moment even if he/she is available but does not wish to speak to the caller. (*Titen Emet L'yaakov*, citing Rav Shlomo Zalman Auerbach). Additionally, one would be allowed to say to one's spouse or family member that they are a wonderful cook even if the dish they prepared does not taste good, to avoid hurting their feelings (*Titen Emet L'yaakov*, p.104).

When Is Lying Permitted? (Part 2)

1. One is permitted to lie in situations involving privacy or *tzeniut* when necessary, provided that it is not an outright lie. For example, a woman who must immerse in the *mikvah* may tell family members or friends that she “has an important meeting.” If even this is not effective (e.g., they inquire further as to who or where the meeting is taking place), she may lie in an outright manner as well. (*Shevet Hakehati* 1) One is also allowed to lie for purposes of humility, such as if someone asks them if they are knowledgeable about a certain topic (*Bava Metzia* 23a).
2. One may lie in order to avoid violating a halachic prohibition when necessary. For example, one may lie when offered non-kosher food or food with Kashrut supervision on a lower level than one normally eats by saying that one is on a diet or not hungry. But ideally, here too one should try to use a “white lie” such as saying that one “is not in the mood” and not lie outwardly.

Machshavah

The Gemara says (*Shabbat* 55a) that Hashem's seal (i.e., His personal stamp) is made of truth. We see from here that Hashem greatly values always speaking the truth, and one should constantly have this in mind when interacting with others. The Gemara also indicates (*Taanit* 8a) that when one speaks the truth, Hashem brings rain and blessing to the world. Furthermore, the *Sefer Chasidim* (47) writes that one who speaks the truth will merit that his words always come true, as Hashem will ensure that if he decrees something in this world, it will be upheld in the Heavenly world.

Let us use the month of Elul to work on improving not only our fulfillment of mitzvot between us and Hashem, but also our fulfillment of mitzvot between us and our fellow humans, such as speaking the truth. In this manner, we should merit the blessings mentioned, as well as the blessing of the *Orchot Tzadikim* that one who tells the truth will receive long life.

Hachnasat Orchim

The Mitzvah of Hachnasat Orchim

1. *Hachnasat Orchim* (inviting guests into one's home) is classified as a *mitzvah derabanan* (rabbinic mitzvah), but it also fulfills the Torah mitzvah of loving one's neighbor (Rambam, *Hilchot Avel* 14:1-2). In fact, the Torah already mentions Avraham as the paradigm for inviting guests into one's home (Bereishit ch. 18). According to Chazal, one who fulfills the mitzvah of *hachnasat orchim* receives reward both in this world as well as in the next (Mishnah, Peah 1:1).
2. Chazal state that the mitzvah of *hachnasat orchim* is more important than rising early to go to the *beit midrash* (study hall) (*Shabbat* 127a). Based on this, many *poskim* write that one should forego other regular mitzvot (e.g., a fixed Torah study session or praying with a *minyan*, in the case of men) in order to care for guests who arrive at that time if other household members are not available (Ahavat Chesed, vol.3, gloss to ch.1).

Definition of Orchim (Part 1)

1. *Orchim* (guests) in the context of the mitzvah of *hachnasat orchim* are defined as individuals who do not have another place to eat or sleep in the city. This can include both those who are wealthy as well as those who are poor (Maharil), as well as children that need a place to stay (Halichot Bein Adam L'chaveiro 8:8).
2. Based on this, one would fulfill the mitzvah of *hachnasat orchim* by inviting a guest from out of town to eat and/or sleep in one's home if they do not already have somewhere else to stay. The same would presumably apply to inviting students who do not have anywhere else appropriate to spend Shabbat. One would also fulfill the mitzvah when hosting children over whose parents are away (Halichot Bein Adam L'chaveiro, *ibid.*).

Definition of Orchim (Part 2)

1. In the previous post, we saw that one can fulfill the mitzvah of *hachnasat orchim* when hosting individuals that do not have a place to stay or eat.

However, one does not fulfill the mitzvah of *hachnasat orchim* by inviting friends or neighbors who live nearby for a Shabbat meal or to spend Shabbat in their home if they would otherwise simply remain in their own homes (Rema, Orach Chaim 333:1).

2. The same applies to guests from another city or country who already have lodgings that are just as good elsewhere. Although one can certainly fulfill the mitzvah of assisting others, one would not fulfill the mitzvah of *hachnasat orchim* by hosting them (Halichot Bein Adam L'chaveiro 8:9 based on Rema, ibid.). On the other hand, even neighbors who do not have food for some reason or who cannot sleep in their home would have the status of *orchim*.

Making Guests Feel at Home

1. One should welcome guests *b'seiver panim yafot* (with a cheerful countenance) (Rabbeinu Yonah, Sefer HaYirah). One should also ensure that guests feel comfortable and welcome in one's home, which includes showing them the bathroom, giving them sheets and towels, and the like. One should make sure they do not feel like they are imposing or causing a burden on the household in any way (Menorat HaMaor, as cited in Halichot Bein Adam L'chaveiro 8:14). Similarly, one should not relate to the guest how much effort it took to host them, as this may make the guest feel uncomfortable (Ahavat Chesed, vol.3, ch.2).
2. The host and household should try to avoid whispering or speaking in other ways that the guest would not understand, as that may make him or her feel uncomfortable (Kaf HaChaim of Rav Chaim Palaggi 5:14). [This would apply to discussing personal family matters or topics that the guest would not understand. Likewise, they should try not to speak in a language that the guest does not understand if this would make the guest uncomfortable (Halichot Bein Adam L'chaveiro 8:16). For example, one who lives in the U.S. should not speak a different language other than English when hosting an American guest, if possible.

Escorting Guests Out

1. Escorting a guest out of the home upon the conclusion of his or her visit is a key component of the mitzvah of *hachnasat orchim* (Rambam, Avel 14:1), just

as Avraham escorted his guests (Bereishit 18:16). In the merit of being escorted, it is promised that neither the guest nor the host will suffer any harm the entire day (Semak, Mitzvah 11).

2. In principle, one should escort a guest up to 1 *mil* from the home (approximately 1 km or .65 miles). However, it is customary today to escort a guest only to the front gate to the street or at least 4 *amot* (about 2 meters, or 6 feet). (Ahavat Chesed, vol.3, gloss to ch.2). The mitzvah also includes giving a guest directions or guiding them in the right direction if necessary (Ahavat Chesed, *ibid.*). Although this may be less necessary today with cell phones, GPS, and the like, one should certainly still check if the guest knows how to get to their destination. It would seem that escorting guests might apply even to those who are not included in the halachic definition of guests (see above).

Machshavah

Chazal state (*Shabbat* 127a) that *hachnasat orchim* is greater than receiving the *Shechinah* (Divine presence). This is derived from the fact that Avraham was being visited by Hashem, so to speak, and yet he went outside in the middle to greet guests (Bereishit 18:1-2). Moreover, the Mishnah (Pirkei Avot 1:4) states that one's home should be open to guests like that of Avraham.

The Chafetz Chaim (Ahavat Chesed, vol.3, ch.2) writes that just as Avraham trained his family to perform this mitzvah (see Rashi, Bereishit 18:7), so too we should encourage our household to perform it cheerfully. Sometimes, even if a parent wishes to welcome guests to stay in one's home, other household members are less than eager to help by preparing food or offering their room for guests to sleep. One should explain to one's family that precisely in these situations, where hosting guests is more difficult, one receives reward for doing so in a positive manner.

Hashavat Aveidah

The Mitzvah of Hashavat Aveidah

1. There is a positive Torah mitzvah to return a lost item ("you shall return it to him," Devarim 22:3), as well as a negative Torah prohibition not to ignore it ("you shall not turn away," Devarim 22:1). Over the next series of postings, we will discuss various details of these mitzvot of "*hashavat aveidah*" (returning a lost item), including which types of lost items are subject to the mitzvah, where the item must be found to be subject to the mitzvah, and how must one try to return it to the owner.
2. The mitzvah of *hashavat aveidah* also includes preventing damage to someone's property as well as preventing financial loss from another person (Shulchan Aruch, Choshen Mishpat 259:9, Aruch Hashulchan, C.M. 259). For example, one who informs another that there is a water leak in his building or that the light in his car was left on fulfills the mitzvah. Likewise, one who informs another that a large amount of electricity is being wasted in his house may fulfill the mitzvah (if it is an amount that the person would care about) (R. Yisroel Pinchos Bodner, *Halachos of Other People's Money*, p.143).

Determining Whether a "Lost" Item Is Actually Lost

1. The mitzvah of *hashavat aveidah* applies only to items that are actually lost and not to items that were placed somewhere intentionally by the owner. If the item is found in a protected area, it is not considered lost, because it was likely placed there by the owner (Shulchan Aruch & Rema, C.M. 260:9-10). For example, one who finds a key underneath a doormat next to someone's home can assume that they were placed there intentionally.¹ In such a case, one should not pick up the item.
2. An item left in a public, unprotected area is assumed to be lost, even if it appears to have been placed there intentionally, and may be subject to the mitzvah of *hashavat aveidah*. For example, one who finds a *sefer* at a public bus station can assume the item was lost and should pick it up and try to return it. If the item is left in a semi-protected area, it should be treated as a lost item and picked up (Shulchan Aruch & Rema, *ibid.*).

Identifying Features (*Siman*) (Part 1)

1. The mitzvah to return a lost item found in an unprotected area applies primarily to items that have a clear, specific feature that the owner can use to identify it and prove his or her ownership (items that do not have such a feature will be discussed in upcoming posts). For this reason, the owner never gives up ownership of the item and it still belongs to him or her halachically (Bava Metzia 28b and Shulchan Aruch, C.M. 262:3).
2. A brand, color, or other similar feature is not usually considered a sufficiently strong *siman*, as there may be many of the same product around. For example, a type of pen, purse, or piece of clothing may not be considered to have a *siman* since there are other similar ones (Sma, C.M. 267:7 and *Halachos of Other People's Money*, p.161). However, a feature specific to that particular item, such as a tear, particular mark, or name tag would count as a *siman*, as no other of the same item would have that particular mark (Shulchan Aruch, C.M. 262:3 and Rema 262:13).

Identifying Features (*Siman*) (Part 2)

1. There are other features of an object that can serve as an identifying *siman* in addition to the one mentioned in the previous post. First, the number of pieces found is a valid *siman* (Shulchan Aruch, C.M. 262:3). For example, finding a keychain with seven keys would constitute a *siman*. However, a package with a standard amount, such as a package of ten pens, would not constitute a *siman* since it is not unique to this item (Bava Metzia 23b).
2. A unique feature of the container or wrapper in which the item is found can also constitute a valid *siman* (Shulchan Aruch, C.M. 262:19-20). For instance, an envelope containing money with a special marking on it would constitute a *siman* even though the money itself does not have one. The specific location found also constitutes a *siman*. Thus, the owner can say that he or she left the item on a specific bench in the park or at a specific desk in school.

When There are No Identifying Features

1. We have mentioned previously that if a lost item has no identifying features (which includes coins and bills of money), there is no way to return it to the

owner properly, since the owner cannot claim it. It is assumed that as soon as the owner discovers he or she has lost it, the owner will give up his ownership. It can also be assumed that heavy items, cash, or valuables (without a *siman*) lost were discovered immediately by the owner, and the finder can therefore keep them (Shulchan Aruch, C.M. 262:3). However, the loss of other items may not have been discovered yet by the owner when the finder notices them. In such cases, a finder who picks it up must hold onto it forever, until Eliyahu HaNavi informs him or her of the true owner (ibid.).

2. Poskim disagree whether one is obligated to pick up an item without a *siman* (other than the items that would be noticed immediately when lost mentioned in #1) (R. Akiva Eiger, Shulchan Aruch HaRav; see *Halachos of Other People's Money*, p.170). There is a basis to rely on the lenient opinion (R. Eliashiv, cited by R. Bodner). Furthermore, when dealing with inexpensive items there is further basis to leave them without picking them up if it can be assumed that the owner would not care about them anyway. According to this, one who sees a baby bottle, pacifier, or cheap garment (without a *siman*) in the park or shul would not be obligated to pick it up and hold it (see <https://dinonline.org/2023/07/20/hashavat-aveida-on-toys/>, <https://www.queensjewishlink.com/index.php/torah/63-halachic-highlights/4929-baseball-mitt-in-a-dugout>).

Machshavah

We have seen that the mitzvah of *hashavat aveidah* applies primarily to finding lost objects. However, the Minchat Chinuch (Mitzvah 239) suggests that the mitzvah applies also to returning someone to the proper path of Torah and mitzvot. He explains that if the Torah requires returning a person's physical possessions, then certainly the same applies to spiritual components of a person's soul.

This idea should encourage us during this season of Elul and *teshuvah*. According to this, not only should a person attempt to return himself to Hashem, but he or she should try to help others return to Hashem as well with whatever capabilities they have. One who succeeds to any degree has fulfilled the mitzvah of *hashavat aveidah*. May we all merit to return ourselves, as well as those around us, to Hashem and His Torah.

Publicizing the Lost Item

1. As we have learned, one must return a lost item with a *siman* (identifying feature) found in a public area to its owner. This is accomplished by publicizing the find so that the owner will hopefully discover that it was found and claim it by giving a *siman*. One can publicize it either by announcing the find in public or by writing signs and placing them in public locations, such as a shul (Shulchan Aruch, C.M. 267:3, Igrot Moshe, O.C. 5:9:5). One should also place a sign in the immediate vicinity of the location where the item was found, in case the owner searches for the item there (R. Moshe Feinstein, cited by R. Bodner, *Halachos of Other People's Money*, p.179). Today, one can publicize the find via community Whatsapp groups or the like as well.
2. The notice publicizing the find should offer sufficiently specific information so that the owner will realize that his item was found, but not specific enough so that the identifying features are revealed (Shulchan Aruch, C.M. 267:4). The owner then tells the finder that the object is his and mentions a *siman* of the item to prove his claim. For example, if one found an envelope containing fourteen dollar bills, one should publicize that an envelope of money was found, without giving away the number of dollar bills (R. Bodner, p.180). The finder may not return the item to one who claims it without proper *simanim* (as described in previous posts), or to one who the finder suspects is lying, unless one knows with certainty that he or she is the owner (Shulchan Aruch, C.M. 267:6).

If the Item Is Not Claimed

1. If one properly publicizes the found item but no one claims it, one must hold onto the item until Eliyahu HaNavi arrives and informs him of the identity of the owner (Shulchan Aruch, C.M. 267:15). If the item is perishable or will be ruined, the finder should sell it and reimburse the owner if he or she ever comes to claim it. R. Moshe Feinstein (Igrot Moshe, C.M. 2:45) and other contemporary *poskim* suggest a similar suggestion in other cases as well where it is apparent the owner will not come to claim it: Determine the value of the item and record other relevant information about the item, such as a description and its *simanim*, in a safe place. One may then use or sell the item.
2. A shul, school, or other communal institution is permitted to institute their own lost and found policy for lost items that are not claimed. For example, they

may publicize that all lost items will belong to the institution or will be disposed of after thirty days if they are not claimed (Igrot Moshe, C.M. 2:45; Shevet HaLevi 9:308).

Responsibility for Maintaining Lost Items

1. One who is trying to return a lost item (according to the guidelines we have learned when this is required) is responsible to properly safeguard it (Shulchan Aruch, C.M. 267:16). This responsibility begins immediately after one picks up the item (Ketzot HaChoshen 291:4, *Halachos of Other People's Money*, p.174).
2. The finder is responsible for negligence while holding the item. If he or she was negligent in any way, causing the item to be stolen, damaged, or lost, he or she must reimburse the owner for the item's value (Shulchan Aruch, C.M. 267:16; Shach 14). The finder may also not borrow it for his own use (other than using the method discussed when one is certain no one is claiming it) (Shulchan Aruch and Rema, C.M. 260:9-10). Many poskim permit using items such as a lost siddur, assuming the owner won't mind since the item is being used for a mitzvah.

Machshavah

When one finds objects with identifiable characteristics (simanim), she is obligated to declare to the world that she has found the object. However, if the object found does not have any identifiable characteristics, one is permitted to keep the object.

Tosafot explain that since the object has no identifiable sign, we can assume that the owner of the object has given up on finding it. When an owner despairs of finding an object, the object becomes *hefker*, ownerless. Since the object now has no owner, the first person to find it becomes the owner.

Rav Kook zt"l explains that the most wonderful thing about *teshuva* is that it fills the entire world with hope – hope for every individual and hope for the existence of the world as whole. Teshuva is really the opposite of despair. The whole idea of the Yomim Noraim is that it is always possible to do *teshuva*, to change, to return, to grow and to excel. Despair is the greatest danger; Giving

up is simply not an option. For as Tosafot explain, when a person gives up and falls into despair, she abandons *herself*.

On Rosh Hashanah, we come before Hashem and say "Last year I asked for Your forgiveness, and also every year before that, and this year too I have a lot to fix. People who see me might think that I am lost, that I am unidentifiable; they think that there is no way for me to do *teshuva*. I too may think that about myself. But Hashem, look at what I brought tonight! I brought You an apple dipped in honey, a date and pomegranate, I brought *simanim*! I have an identity, Hashem – I have identification! And just like a lost object, if there is a *siman*, if there is identification, then there is no despair! I know that You will not give up on me Hashem, just as one does not give up on his lost object." *Hashavat aveidah*, returning what is lost, is indeed the root of *teshuva*.

May we never fall into despair and always keep hoping to return to Hashem and to our truest selves.

Embarrassing Others in Public

The Prohibition of Embarrassing Others

1. It is forbidden according to the Torah to embarrass another Jew (Rambam, Hilchot De'ot 6:8). This is derived from the verse "you shall rebuke your fellow and you shall not bear a sin against him," which is understood to mean that one should not shame another while rebuking them (*Arachin* 16b). One who shames another also violates other mitzvot including *ona'at devarim* (hurting another verbally) and not loving your fellow like yourself (Sefer Chafetz Chaim, Introduction; Sefer LeRei'acha Kamocha, vol.3, p.71).
2. The Gemara states that it is preferable for a person to throw himself into a fiery furnace rather than embarrass another in public (*Sotah* 10b), indicating that public embarrassment is more severe than embarrassing another privately. According to some opinions, this is accepted as the practical halacha, and one should preferably give up one's life rather than embarrass another publicly (Tosafot, *Sotah* 10b; Sha'arei Teshuvah of Rabbeinu Yonah 3:139). However, others disagree with this approach (Meiri, *Sotah* 10b; Pnei Yehoshua, *Bava Metzia* 59b), and even those who do rule strictly agree that there are multiple conditions that must be fulfilled in order for one to truly be obligated to give up his or her life (Sefer LeRei'acha Kamocha, vol.3, p.72).

The Parameters of the Prohibition to Embarrass Others

1. One may not embarrass another even when no others are present (Rambam, Hilchot De'ot 6:7). For example, one may not talk to another in an insulting, shameful way on the telephone or on a video call even if no one else is listening. One may also not embarrass another when he or she is not present but will be embarrassed later. For instance, one should not tell others to do something shameful against a certain person when he or she arrives later that would insult them.
2. One violates the prohibition of embarrassing others both through speech as well as through action. For example, one who acts in an insulting manner to another or motions to/about them in a manner that is insulting has also violated the prohibition. The same is true about writing something insulting or embarrassing about another (Rema, Even Ha'ezer 129:16).

Specific Cases of Embarrassment

1. One should be particularly sensitive in how one speaks or acts around individuals with specific sensitivities. This includes, but is not limited to, those who have certain types of physical or mental ailments, those with difficulty having children, converts, those who come from different backgrounds than others in their community, or complex family situations. One should make sure not to speak insensitively about these topics with, or in proximity to, these individuals (see Shulchan Aruch C.M. 228).
2. One may not give someone a degrading job to do that will embarrass them. Other specific cases where one must be careful not to embarrass others pertain to constructive criticism, or the like, of students or children, even when one needs to rebuke them (cases where embarrassing someone is permitted will be discussed in an upcoming post).

Calling Another by a Nickname

1. One is not allowed to call another by an unfavorable nickname (Shulchan Aruch, C.M. 228). An unfavorable nickname includes using a name with the intent of being derogatory, which will embarrass the person. Even if the person does not protest, if one knows or suspects that they do not wish to be called by that name, it is forbidden.
2. Even if the person using the nickname does not have any negative intent, if the person being called by the nickname is offended by it or does not want it to be used, it is forbidden to use the nickname (L'Reiacha Kamocha, vol. 3, p. 85). It is only permitted if the name is not intended to shame the person and the person does not mind it. If one is unsure whether the person minds the name, they should ask the person before using it. It is a midat chasidut (measure of additional piety) not to call a person by any nickname, by their last name, or by their father's name (see Megillah 27b and Tosafot Rosh; L'Reiacha Kamocha, vol. 3, p. 87).

Cases Where Shaming Someone May Be Permitted

1. It is permissible to cause embarrassment to someone privately for the benefit of the one being embarrassed or the benefit of others (R. Elchanan

Wasserman, Kovetz Ha'arot 70). For example, one who refuses to conduct herself appropriately (such as a student in school, a child at home, or a worker) or who causes harm to others may be spoken to in a manner that causes them shame (L'Reiacha Kamocha, vol.3, p.201).

2. The following conditions, which are similar to those in which *lashon hara* is permitted, must be met to allow shaming someone privately in the situations mentioned: a) One has verified that the person has definitely committed the actions warranting the embarrassment. b) One intends to shame them solely for their benefit. c) There is no other way to achieve the necessary goal other than this. d) One does not shame them any more than absolutely necessary. (L'Reiacha Kamocha, p.202)

Machshavah

Before Yom Kippur, it is customary to ask others for forgiveness whom one has wronged (Rema, O.C. 606). Some explain that one cannot achieve forgiveness from Hashem until receiving forgiveness from those who one has wronged. Others explain that we wish to imitate the angels on Yom Kippur, so we must demonstrate our unity as a people, which can only take place after forgiveness is received for all of our sins *bein adam l'chaveiro*.

This custom forces us to think carefully about who we may have insulted or harmed over the past year, either publicly or privately so that we can properly ask for forgiveness. Many of us may ask forgiveness from those whom we never hurt, but will shy away from reaching out to those who we have seriously harmed or shamed. Now that we have learned some of the halachic guidelines about shaming others, let us take this opportunity to recognize and rectify our previous transgressions in this realm as well as consider how to interact with others in the future in a manner that avoids these situations from occurring.

Bikur Cholim

The Mitzvah to Visit the Sick

1. It is a mitzvah to visit a person who is ill, which is known as the mitzvah of "*bikur cholim*" (*Sotah* 14a). According to some opinions, this mitzvah is a biblical one (Ba'al Hilchot Gedolot, cited in Hasagot to Sefer Hamitzvot, Shores 1), while most commentaries hold that the mitzvah is rabbinic (Rambam, Hilchot Avel 14:1; Tur, Yoreh De'ah 335), though it may be included as part of the wider mitzvah of *gemilut chasadim* (see Rashi, Shabbat 127a).
2. The Gemara and commentaries allude to three primary reasons for the mitzvah to visit the sick:
 - a. To take care of the patient's physical needs, as evident from Rabbi Akiva, who swept the floor when visiting his ill student (*Nedarim* 40a)
 - b. To pray for the patient while in close proximity to him or her (*Ibid.*)
 - c. To offer companionship (Ramban, Torat Ha'adam; Gesher Hachayim, vol.1, 1:1)

These various reasons may impact upon how the mitzvah is properly fulfilled, as will be discussed in some of the upcoming posts.

Who Is Considered Sick?

1. With respect to the mitzvah of *bikur cholim*, a "*choleh*" certainly includes one who is dangerously ill. It also includes a sick person who is bedridden or unable to function normally and requires significant assistance, as in the story with Rabbi Akiva mentioned yesterday (*Zera Chaim*; *Vein Lamo Michshol*, p.215).
2. One who has a minor ailment, such as a cold or headache, is not included in the mitzvah according to most opinions. However, the mitzvah would include one who is homebound or a woman on bedrest during pregnancy (*Bikur Cholim B'halacha Ub'agadah*, p.28; R. Aaron Glatt, *Visiting the Sick*, p.22). For more information concerning the subject of who is considered sick with respect to *bikur cholim*, see <https://www.thehalacha.com/wp-content/uploads/Vol10Issue9.pdf>.

Who Should Fulfill the Mitzvah?

1. The mitzvah of *bikur cholim* can be fulfilled by anyone, and one need not know the patient personally. Furthermore, the Shulchan Aruch (Yoreh De'ah 335:2) writes that even distinguished individuals are obligated to visit those of lower stature and attend to their needs. However, the mitzvah applies only to a visit that will be beneficial and meaningful for the patient. One is not obligated to visit all sick people in every location (Chashukei Chemed, Bava Batra 116a, citing R. Chaim Kanievsky).
2. In light of the above, one need not visit a sick patient who will certainly be difficult or uncomfortable to interact with (see <https://outorah.org/p/123217/>). In addition, one should verify first whether the person actually desires visitors. Today, many sick patients, whether at home or in the hospital, prefer to remain alone and do not want visitors. We will see tomorrow that there may be other ways to fulfill the mitzvah in such cases.

Hospitals, Phones, and Other Digital Means

1. We learned previously that one of the primary reasons for the mitzvah of *bikur cholim* is to care for the patient's physical needs. Nevertheless, the mitzvah still applies to visiting patients in the hospital whose medical and physical needs are taken care of, since visitors can often suggest ways to improve the person's medical care. In addition, the other reasons for the mitzvah of *tefillah* and companionship certainly still apply (R. Eliezer Waldenberg, Tzitz Eliezer 5, Ramat Rachel 3).
2. Many *poskim* maintain that the complete mitzvah of *bikur cholim* can only be fulfilled in person. However, most agree that one fulfills the mitzvah partially through a phone call (R. Moshe Feinstein, Igrot Moshe, Y.D. 1:223; R. Chaim David HaLevi, Mayim Chayim 3:33). The same would apply to a WhatsApp video chat or Zoom call. These options should certainly be considered for a patient who does not want, or cannot have, visitors. The same would apply to sending a written message (Yechaveh Da'at 3:83).

What to Do During the Visit (Part 1)

1. We learned previously that the main purposes of *bikur cholim* include caring for their physical needs, praying for them, and offering companionship. Accordingly, one who visits the sick should inquire about his or her welfare, whether they need anything, others matters about the illness, or anything else the patient wishes to discuss (Tzitz Eliezer 5, Ramat Rachel 3).
2. In addition, as mentioned previously, one should also pray for the patient's recovery during the visit. One may suffice with a short prayer asking for Hashem to cure the patient such as "May the Omnipotent should have mercy upon you among the ill of Israel" (Shulchan Aruch, Y.D. 335:6). One may also recite chapters of Tehillim, such as chapters 2, 6, 13, 30, 130, and 142 (Gesher Hachaim, vol.1, 1:3:1; see there for more appropriate selections of Tehillim). Some recommend praying silently at a distance from the patient or immediately after leaving to ensure the sick individual does not get alarmed that the visitor is praying for him or her (Gesher Hachaim, *ibid.*; Halichot Shlomo, Tefillah). It has been suggested, however, that in recent times, many patients welcome the opportunity to daven to Hashem together with the visitor and one may offer to pray aloud together with them (R. Joseph Ozarowski, *To Walk in God's Ways*, p.45).

What to Do During the Visit (Part 2)

1. When visiting the sick, one should make sure not to impose excessively on the patient and become a burden on them. Therefore, if the sick individual does not appear to desire company at that time, the visitor should not linger there, but leave after a few minutes (Gesher Hachaim, vol.1, 1:3:1). If one suspects or is told that even a short visit may not be beneficial, one can consider fulfilling the mitzvah at least partially via one of the technological methods mentioned previously, such as a phone call, video call, text message, or email.
2. If upon arrival one sees that the sick individual is sleeping, the visitor should not wake him or her, even if the visitor has traveled a long distance. If the visitor cannot wait, one can write a note informing the patient that he or she came to visit and is praying for the patient (R. Mordechai Eliyahu, Maamar Mordechai, Y.D. 3:21). One who visits in this situation still fulfills the mitzvah (see <https://www.thehalacha.com/wp-content/uploads/Vol10Issue9.pdf>).

Bikur Cholim on Shabbat and in Other Situations of Illness

1. One may fulfill the mitzvah *bikur cholim* on Shabbat (Shulchan Aruch, O.C. 287:1). It is preferable to visit during the week rather than on Shabbat if one has a choice (Mishnah Berurah 287:1) since visiting the sick may cause one to feel sad or despondent (see *Shabbat* 12b). Nevertheless, one may visit on Shabbat if it is difficult or impractical to visit during the week (which is often the case nowadays), or one visited already and wishes to visit again (Bi'ur Halacha, O.C. 287:1; Aruch Hashulchan, O.C. 287:1).
2. Although patients in a coma may not be conscious of others in their presence, one may still fulfill the mitzvah of *bikur cholim* when visiting them. This is because some of the reasons for the mitzvah are still somewhat relevant: one can still encourage the medical staff to care for them properly (if needed), one can still pray for them, and perhaps the person is somewhat aware of those around them on some level (R. Yitzchak Zilberstein, Chashukei Chemed, Nedarim 40a). One may also fulfill the mitzvah when visiting one who is mentally ill to the point that they cannot function normally, as this is also a type of illness (Sefer Halacha U'refuah, vol.2, p.275; Sefer Nafshi B'she'eilati). Poskim discuss whether one should visit a sick patient with a contagious illness (See Responsa of the Rema, Siman 20; Sdei Chemed, Maarechet Bet, #116), which was very relevant at the height of the COVID pandemic. Today, the accepted practice is not to visit, or to visit in a manner that one does not risk contracting the illness. Alternatively, one should consider contacting the person through one of the other methods to fulfill the mitzvah, such as phone call, text message, or the like.

Machshavah

In Parshat V'zot Habrachah that we read on Simchat Torah, the Torah tells us how Hashem is "coronated" as King (Devarim 33:5): **וַיְהִי בִישׁרוֹן מֶלֶךְ, בְּהִתְאַסֵּף רֹאשִׁי** עַם, **יְחַד שְׁבֵטֵי יִשְׂרָאֵל**. "And He [Hashem] was King in Yeshurun [i.e., Israel], whenever the sum total of the people were gathered, and the tribes of Israel were together." The Sifrei explains that when the entire Jewish people gather together in unity, then Hashem is fully crowned as King. But when the Jewish people are split into different groups and fragmented, then His kingdom is not complete.

This message is a critical one for us this year on Simchat Torah, as we mark one year since the terrible events of the attack on our people last year and continued fighting against our enemies. The more united we are as a people, and the more that we can express our love for our fellow Jew (*ahavat Yisrael*), no matter his or her background, what he or she looks like, or thinks, the greater that Hashem's influence will be visible in the world and the more He will strengthen our people and be recognizable to the other nations.

We have spent the *Yemei Ratzon* of Elul and Tishrei learning halachot pertaining to our interpersonal relationships and strengthening our fulfillment of mitzvot *bein adam l'chaveiro*. As the *chagim* come to a close, let us take this opportunity to consider how we can further our feeling of, and demonstration of, love and unity with other Jews this year, especially those who are different from us. May Hashem, in turn, bless us all with a year in which we experience only joy, salvation, and happiness.

We thank Rabbi Eli Ozarowski for writing the Torat Imecha Halacha curriculum.