

HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

The Sh'eila dealt with in this issue was a specific case with a number of important details. Please do not draw parallels to other similar cases as they might have a different ruling because of different details.

The question:

While delivering packages from a jewelry store to the post-office three blocks away, a messenger was accosted and told to place his packages on the ground. Upon his refusal, he was shown what appeared to be the barrel of a pistol through the shirt of his accoster, whereupon he put his parcels down. He was then told to turn around and walk, followed by the armed person, for a few blocks without looking back. Does he need to say Birchas Hagomel?

The issues to be discussed:

- (A) What is the Birchas Hagomel and who is required to recite it?
- (B) May a person decide by himself what he considers a danger?
- (C) *Sofeik Brocho* - If a doubt remains, what should he do?

(A) The Thanksgiving Obligation

When the Temple was standing in Yerushalayim, anyone who was saved from a perilous situation was able to acknowledge the kindness shown to him from Above by bringing a *Korban Todah*, thanksgiving offering. Examples of these perilous situations are mentioned in Tehilim 107 [see Posuk 20] and are cited by Rashi on Chumash [Parshas Tzav 7,12]. They are: someone who arrives at his destination after a sea-voyage, someone who has come from a trip across the uninhabited wilderness, someone released from imprisonment, and someone healed from illness. Although we will be able to offer this *Korban* hopefully in the near future in the third Bais Hamikdash, [for despite the opinion that all other offerings will not exist, the *Korban Todah* will still exist, see Midrash Rabah Tzav 9,7], we still have an obligation to offer thanks in other ways today. Anyone who is miraculously delivered from danger should donate Tzedaka to be distributed to Torah scholars and consider it a substitute for the *Korban Todah*. He should also recite the chapter in the Torah dealing with the *Korban Todah*. It is also customary to make a thanksgiving feast - *Seudas Hoda'ah*, which is observed by some people annually on the day they experienced the miracle. [See Shaaray Teshuva Orach Chaim 218,5 and Mishnah Berurah, there, and 697,2, Chaye Adam 155,41.]

Whereas the *Korban Todah* itself is a *Nedavah*, a voluntary offering, the Talmud rules that all of the four groups mentioned in Tehilim 107 are obligated to say the Birchas Hagomel, a Brocho acknowledging G-d's kindness. This Brocho is

also based on the Korban Todah. [See Brochos 54b, Tur and Shulchan Aruch Orach Chaim 219.]

However, whereas a Todah can be voluntarily offered by anyone grateful for what he may personally consider a miracle, only someone commanded to may say the Birchas Hagomel. Anyone else who chooses to say the Brocho is doing so in vain, a *Brocho She'eina Tzricha*. [See section C.]

Accordingly, the Poskim raise the issue of who is actually commanded to say Birchas Hagomel. Generally, if the Talmud quotes a number before listing a group of subjects, it is to be taken literally, i.e., to the exclusion of any other subjects. Here, the Talmud states: "Four must give thanks." Furthermore, this passage in the Talmud traces these four groups to the verses in Tehilim, so we see that the verse, too, specifies those included in this obligation. For this reason, there is an opinion that if one survives any other life-threatening ordeal aside from these four categories, one may not recite this Brocho. Others, however, disagree on the basis of another Talmudic obligation, that one who is miraculously saved from danger must recite a special Brocho when he passes by the place where he had this experience. It follows that anyone spared from a danger must certainly also say Birchas Hagomel. The number four is used only because Tehilim mentions the four most frequent examples of those obligated to give thanks. [See Beis Yosef Orach Chaim 218- 219 quoting R. David Abudraham and Rivash.] The Shulchan Aruch cites both opinions and rules that since it is a disputed matter involving uttering the Name of Hashem in vain, one should say the Brocho, but omit the Names on Hashem. However, the prevailing practice today is to recite the full Brocho for delivery from any grave danger. [See Shul. Aruch O.C. 219, 9-10, Taz, Magen Avraham, etc.]

There is another disagreement about the nature of these four categories. Travelling through a desolate place puts one in danger of being attacked by wild animals and bandits, but travelling through more populated areas is also considered a *Sakana* - danger, which requires us to recite the *Tefillas Haderech* - the wayfarer's prayer. Accordingly, Rambam and others say that one should say Birchas Hagomel upon arrival anytime one travels between cities. This is the practice of Sephardic Jews. Following the same reasoning, they also say Hagomel any time that they were bedridden with an illness. Tosafos and others maintain that only a real *Sakana* - a dangerous illness and wilderness travel warrant a Birchas Hagomel. The Ashkenazic Jews following this opinion in practice. [See Tur O.C. 219, Shul. Aruch. 219, 7-8.]

"Imprisonment" is taken by most authorities to mean any time someone is held against their will and is not in control of their fate. There is a minority opinion that only when someone was held for execution is he obligated to say the Brocho. Mere imprisonment in the company of criminals is often life-threatening, but some say that a short stay in jail (less than three days) is generally not sufficient to warrant Birchas Hagomel. [See Mogen Avraham 219, Nesiv Chaim, Shaarai Teshuva and Biur Halacha.]

The idea of being out of control of one's fate recurs in the question of air travel. If the four groups are to be taken literally, someone who travels across the sea, but not in the sea, should not say Hagomel. Thus, if one travels by air, one should not recite the Brocho upon arrival. There is an opinion that because the real difference between sea and land travel is that one cannot survive at sea outside the ship, and it is impossible to survive in the air for a moment outside the aircraft, the air is considered a *Makom Sakana*, which requires one to say Hagomel after any air-voyage even over terra firma. Added to this is the element of danger because if

something would go wrong, one finds that he is not in control of his fate. Others, however, disagree saying that even if the four categories are only examples of dangers, travel in an aircraft is not out of the control of the pilot. However, this changes when a pilot is flying over the sea, where, if he gets into trouble, he cannot land. Accordingly, when flying across the continent, even over deserts and remote areas, the common practice is not to say Hagomel, but having safely crossed the sea by air, most people do recite the Brocho. [See Igros Moshe Orach Chaim Vol 2 No 59, Minchas Yitzchock Vol 2 No 47.]

(B) Circumstances and Personal Feelings

The authorities consider the categories of sea and wilderness travel to be dangerous because of the potential danger regardless of whether the traveller felt that he was in actual danger. [See Biur Halacha 219, Minchas Yitzchock Vol 4 No 11.] Furthermore, we have seen that regarding imprisonment, there is also discussion as to the possibility of danger to one's life depending on the prison environment. If someone is attacked by robbers, a question is raised as to the obligation to say Hagomel. It has become the accepted practice to say Hagomel even if they did not try to kill him but asked for his money since, theoretically, they could have killed him. [See Shul. Aruch O.C. end of 218 and 219 and commentaries.] However, the whole idea of thanksgiving should really be a relative question so that he who feels that he was endangered should be required to give thanks. There is even some debate regarding reciting Hagomel on the joy one feels at the deliverance of a friend or relative. [See Beis Yosef O.C. 219 Bach, Rema 4 and commentaries.]

In our case, while the crime-victim might feel that his life was in danger, there was no actual attack from which he was saved, and he is even unsure as to the nature of the weapon he was threatened with since he only saw a part of it. At most, this case could be likened to an instance where someone loses control of his car and he has a "close call". Although there is a case where a near-miss obligates one to give thanks, in a car only accidents are considered real dangers. [See Mishnah Berurah 218,32, Shaar Hatziyun and Buir Halacha. Igros Moshe O.C. Vol 2 No 59.] Being forced to walk a distance can hardly be considered imprisonment, although it does meet the criteria of being held against his will and released.

(C) Sofeik Brocho

When one's obligation to recite a Brocho is in doubt, one cannot say the Brocho. This is because if one is indeed not obligated to say the Brocho, one cannot say the Names of G-d in vain. This is a violation of *Lo Sisa* - a negative commandment in Parshas Yisro forbidding using G-d's Name in vain. There is an opinion that it is not considered a Scriptural violation when uttered in the middle of a Brocho even though the Brocho is *Einah Tzricha* - unnecessary. The reason for this is because any Brocho is, after all, a praise of G-d and using His Name in a praise cannot be considered "in vain". Yet another opinion considers it a violation of the positive commandment in Parshas Vo'eschanan [6,13] *Es Hashem Elokecha Tira* - we are obligated to show fear and reverence to Hashem. Using Hashem's Name in vain without an oath is a violation of this positive commandment. Consequently, a Sofeik, a questionable Brocho is also a questionable violation of Scriptural laws according to some authorities. For this reason, a person should refrain from reciting a Brocho if in doubt. [See Brochos 33a, Rambam Hilchos Brochos 1,15 and Hilchos Shevuos 12,9-11, Tosafos Rosh Hashanah 33a. See also Sanhedrin 66a. Teshuvos R.

Akiva Eiger Vol I No 25, Minchas Chinuch, Mitzvah 30, Mishnah Berurah 215,20.]

In our case, the danger was not clear-cut and, although the victim felt that he was saved from a life-threatening situation, there was no actual salvation, so he was advised not to say the whole Brocho. Desite the fact that he himself felt deep gratitude, since the Poskim do not advise someone to say the Brocho for another person's deliverance, it was felt that his personal feelings are insufficient to warrant a full Brocho. Instead, he was advised to recite the part of the Brocho omitting the name of Hashem and the mention of His Kingship, *Bli Shem Umalchus*. At the same time, he should do the other things mentioned in section A that correspond to the Korban Todah. When the Bais Hamikdosh is rebuilt, he may bring a Korban Todah.

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS MINCHA	6:10 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY - THURSDAY	6:25 PM
CANDLE-LIGHTING VAYIKRAH	6:20 PM
MINCHA EREV SHABBOS VAYIKRAH	6:30 PM

SHIURIM:

GEMORO MAKOS	SUNDAY 7:15 AM
HALACHA B'IYUN	MONDAY 9:00 PM
HILCHOS SHABBOS	SHABBOS 8:15 AM
HILCHOS PESACH	SUNDAY, MARCH 21ST AT 8:00 PM

Topics to be covered: Kashering, checking out Chometz and Pesach products, the Seder.

Rabbi Silver will be available to arrange Mechiras Chometz in shul after davening, or call 521-5419 for an appointment

This issue of HALOCHOSCOPE has been sponsored by Dr. and Mrs. Arye Melnick in honor of Rabbi Silver.

Any and all comments and suggestions are welcome and can be addressed to:
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