**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

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**Shiur #23:
1804 – The First Steam Train**

The invention and development of the steam engine in the late 18th century changed the world. The first train to use the new engine was invented by a British engineer, Richard Trevithick, in 1804. By 1825, a public steam railway was up and running in parts of England. Transportation between cities and countries became easier, quicker, and less dangerous.

In today’s *shiur*, we will discuss several halakhic questions that were raised as a result of the popularity of traveling by train.

***Tefilat Ha-derekh*: The Traveller’s Prayer**

The Gemara rules that a special prayer must be recited when one leaves on a journey.[[1]](#footnote-1) The purpose of the prayer might be a matter of dispute, as we will soon see.

The background for this ruling is a meeting that took place between Eliyahu the prophet and Rav Yehuda. Among other words of advice, the prophet told the rabbi that before he sets out on a journey, he should receive God’s permission to leave.

The Gemara continues by citing the text of this prayer and raising questions about its recitation. The first question is simple: At what point in the journey must the prayer be recited? And the answer is that it should be said as one begins the journey.

The Gemara’s second question is, “Until when?” The Gemara responds, “Until a *parsa*,” which is approximately 3.7 km.

Later scholars argue about the meaning of the second question.

Rashi[[2]](#footnote-2) quotes the Behag, who understood that the Gemara’s question refers to the minimum length of a journey for which the prayer is recited. A short trip of less than 3.7 km does not qualify as a serious journey, so there is no need for a prayer. This explanation is probably based on the assumption that *tefilat ha-derekh* is recited because of the dangers that one anticipates on a journey; thus, only trips that are defined as a journey (i.e., a certain length) require the prayer.

However, Rashi himself suggested the Gemara was questioning until what pointin the journey the prayer may be recited. At first glance, this explanation seems puzzling! Why limit the time in which the prayer may be recited?

The Meiri explains that Rashi’s explanation is based on the context of the prayer in the Gemara, about asking God permission to leave on a journey. After having traveled 3.7 km already, one cannot claim that he is still asking for permission to leave.[[3]](#footnote-3)

Although the *Shulchan Arukh* rules according to the Behag’s explanation, the Rema comments that one should try (*le-khatchila*) to recite the prayer within the first *parsa* of the journey.[[4]](#footnote-4)

***Parsa*: distance or time?**

Halakhic authorities debate whether the measurement of a *parsa* is really about distance (i.e., 3.7 km) or whether the Gemara is referring to the time it normally takes to travel 3.7 km (by foot), which they calculated would be approximately 80 minutes.

The different opinions affect related halakhic matters such as the recitation of *birkat ha-gomel* after a dangerous journey.

In a lengthy and detailed *teshuva*, Rav Ovadya Yosef argues both opinions.[[5]](#footnote-5) He quotes many *poskim*; for instance, Rav Binyamin Pontremoli (Turkey, 19th century), who was referring specifically to the invention of trains when he ruled that the *parsa* mentioned in the Gemara refers to distance and that the time it takes to make the journey is irrelevant.

The Chofetz Chaim agrees. In his *psak*, he mentions that when one travels on a train, one should recite *tefilat ha-derekh* even if it’s a short ride (a *parsa*). He adds that according to the Rema mentioned above, one should take care to recite the *tefila* immediately![[6]](#footnote-6)

Rav Ovadya disagrees and holds that the *tefila* should be recited only on a lengthy journey of at least 80 minutes.[[7]](#footnote-7)

**Traveling on a subway during rush hour**

Rav Moshe Feinstein was asked whether it is permissible to travel by train at times (like rush hour) when it is especially likely that males and females will be shoved against each other. Would this be prohibited due to the halakhic requirement of physical distance between men and woman?

*Poskim* argue about the source of this halakha as well as its details.

The Torah states *lo tikrevo legalot erva*, “do not come close to nakedness.”[[8]](#footnote-8) What does this prohibition include?

According to the Rambam, the Torah is prohibiting physical contact between a male and a female whose relationship is categorized as *erva* (lit. “nakedness,” referring to forbidden relationships).[[9]](#footnote-9) The Rambam is of the opinion that the Torah forbids physical contact that has sexual connotations, while the Ramban holds that the *pasuk* only prohibits sexual relations; in the Ramban’s view, simple physical contact is a rabbinic prohibition.[[10]](#footnote-10)

Rav Shabtai Ha-Kohen (*Shach*, 17th century) proves that the Rema accepted the Rambam's opinion.[[11]](#footnote-11) However, he differentiates between different types of contact, arguing that the Rambam was only referring to the sort of hugging and kissing associated with intercourse.

The *Shach* proves this from the fact that:

We find in several places in the Talmud that the *Amora’im* would hug and kiss their daughters and their sisters… And it is also implicit from the Rambam’s language in *Hilchot Issurei Bi’a* 21:1,“Whoever… hugs or kisses **sensuously.**”

What is the ruling when there is physical contact without sexual connotations?

Here again, the rabbis are divided. While some hold that such contact is prohibited, many others – including Rav Moshe Feinstein – claim that it does not involve a prohibition. Based on this conclusion, Rav Moshe permits men and women to travel on a train (subway) during rush hour even if one cannot avoid physical contact:

Regarding the permissibility of travel in crowded buses and subways during rush hour, when it is difficult to avoid being jostled by women: Such physical contact involves no prohibition, because it does not contain any element of lust or desire. Even *Rambam,* who views touching forbidden women as a violation of Torah law, makes it clear that this refers specifically to lustful touching… other forms of touch do not even incur a Rabbinic prohibition... This is explicit in the *Shakh*,who enlisted proof from the precedent of the *Amoraim* hugging and kissing their daughters and sisters.

Halakhically, according to all opinions, there is no prohibition against physical contact devoid of affection with any woman other than one’s wife, even if the woman be married, a gentile, or ritually impure**. Therefore, one need not avoid travel in subways during rush hour, even if one cannot avoid being jostled by women.** Unavoidable, unintentional physical contact is not a lustful, affectionate act. Likewise, there is no prohibition against sitting next to a woman when there is no other seat.**[[12]](#footnote-12)**

**Traveling on Shabbat and Yom Tov**

Traveling on a train on Shabbat or Yom Tov involves potentially violating many prohibitions.

One common issue with modern travel is *techum Shabbat*, which prohibits one to leave the city limit beyond 2000 *ammot* (roughly one kilometer). Further, carrying the ticket would involve the *melakha of hotza’a* (carrying).

However, traveling on a tram **within** a city avoids the matter of *techum*. Attaching the ticket to your clothes or asking a non-Jew to swipe the ticket, if done correctly, could perhaps solve the matter of *hotza’a*, and if the train is driven by a non-Jew and the doors close and open automatically, no violation of Shabbat would occur!

Many *poskim* have discussed this matter, and most have ruled against riding a train or tram on Shabbat.

The *Chatam Sofer* prohibited traveling on a train on Shabbat. His reasoning is based on the Ramban’s understanding that the mitzva to observe Shabbat includes a requirement to rest and to refrain from daily mundane behaviors.[[13]](#footnote-13) Rav Sofer argues that riding a train prevents one’s body from resting on Shabbat and is thus prohibited.[[14]](#footnote-14)

Other halakhic considerations, such as *ovdin dechol* (the prohibition to treat Shabbat like a regular weekday) and a concern that a person’s added weight on the traveling vehicle would increase fuel consumption, led *poskim* like Rav Yitzchak Yehuda Schmelkes (1828-1906)[[15]](#footnote-15) and Rav Eliezer Waldenberg to prohibit train travel on Shabbat.[[16]](#footnote-16)

However, Sephardi Chief Rabbi Uziel argued with the *Chatam Sofer*’s assumption and claimed that nowadays, traveling on a train is not so “traumatic” to one’s body. Under very specific circumstances, when the travel is for the sake of a great need or a mitzva, one may travel on a tram (providing that the driver is a non-Jew, that the trip is in a non-Jewish neighborhood, and that the ticket problem is solved).[[17]](#footnote-17)

**Lighting Chanuka Candles**

The mitzva to light Chanukah candles belongs to a group of *mitzvot*, like mezuzah, that require a house. The *poskim* discussed the possibility of lighting candles during Chanukah while traveling on a train. Is the train considered a house?

Firstly, let us examine the source that one must light the candles only in a house.

Rav Tzvi Pesach Frank[[18]](#footnote-18) suggests the following source: The Gemara rules that upon seeing the Chanuka candles, one must recite the *berakha* of *she-asa nissim la-avoteinu*.[[19]](#footnote-19) Rashi comments that this *berakha* is needed for those who are traveling on a boat; they can’t perform the mitzva themselves, but can recite this *berakha* when seeing others’ candles. Similarly, the Tosafists claim that the reason for the composition of this unique *berakha* was for those who can’t light a candle because they do not have a house.[[20]](#footnote-20) Obviously, they believe the mitzva of lighting candles requires a house.

What is the halakhic definition of a house? Is it just a place with walls and a roof? Rav Shlomo Zalman Auerbach argues that even a temporary house, smaller than the regular requirements (of a halakhic definition of a house) of 4 *ammot* by 4 *ammot*, may be used for lighting candles.[[21]](#footnote-21)

In the context of *mezuza*, Rav Yosef Karo rules that a boat does not require one.[[22]](#footnote-22) Rav Yechiel Michel ha-Levi Epstein (the *Arukh Ha-shulchan*) explains that the *Shulchan Arukh* was referring to boats which serve as “temporary houses”; however, nowadays, he claims, boats are considered “*dirot keva*” (permanent houses) and require a *mezuza*.[[23]](#footnote-23) Similarly, Rav Frank argues that candles may be lit on a boat.

Rav Shalom Mordechai Schwadron (1835-1911) was asked about lighting candles on a moving train.[[24]](#footnote-24) He rules that if one pays for an overnight trip and sleeps on the train, it should be considered like renting a house and thus one may light candles. Referring to the above opinion of Rashi, he claims that the boats in Rashi’s days were different because they lacked walls and ceilings.

The *Arukh Ha-shulchan* rules that one who travels on a train during Chanuka may rely on the candles being lit in their homes. However, he suggests lighting at least one candle in the train carriage (which he remarks would probably not harm or bother anyone), with a *berakha*, so that the traveler can see the light of the candles.[[25]](#footnote-25)

1. *TB* *Berakhot* 29b. [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Meiri, *Berakhot* 29b. See footnote 124 in the *Machon Ha-Talmud Ha-Yerushalami Ha-Shalem*, Jerusalem, 1965, edition. [↑](#footnote-ref-3)
4. OC 110:7. [↑](#footnote-ref-4)
5. *Yabia Omer*, Vol. 1 OC 13. [↑](#footnote-ref-5)
6. *Mishna Berura*, OC 110:30. [↑](#footnote-ref-6)
7. See *Yalkut Yosef*, Vol.3 (*Berakhot*) 219:16. [↑](#footnote-ref-7)
8. *Vayikra* 18:19. [↑](#footnote-ref-8)
9. *Mishneh Torah, Issurei Biah* 21:1. [↑](#footnote-ref-9)
10. Ramban’s comments on the Rambam’s *Sefer Ha-mitzvot*, negative mitzva 353. [↑](#footnote-ref-10)
11. YD 157:10. [↑](#footnote-ref-11)
12. *Igrot Moshe*, *Even Ha-ezer*, 2:14. This English text of the *teshuva* is from Raphael Blumberg’s translation of Rabbi Getzel Ellinson’s book, *The Modest Way*, Department for Torah Education and Culture in the Diaspora, Israel, 1992, pp. 64-65. [↑](#footnote-ref-12)
13. Ramban on *Vayikra* 23:24. [↑](#footnote-ref-13)
14. *Chatam Sofer* 6:97. [↑](#footnote-ref-14)
15. *Bet Yizchak* YD 2:31 (in the table of contents). [↑](#footnote-ref-15)
16. *Tzitz Eliezer* 1:21. [↑](#footnote-ref-16)
17. *Mishpetei Uziel*, OC 1:9. [↑](#footnote-ref-17)
18. *Mikra’ei Kodesh* on Purim, *siman* 18 (page 39). [↑](#footnote-ref-18)
19. *TB Shabbat* 23a. [↑](#footnote-ref-19)
20. *Tosafot*,*TB* *Sukka* 46a s.v *haro’eh*. [↑](#footnote-ref-20)
21. See Rav Yosef Tzvi Rimon, *Hanukkah: Halakha Mimkorah*, pp.161-162. [↑](#footnote-ref-21)
22. *Shulchan Arukh* YD 286:1. [↑](#footnote-ref-22)
23. *Arukh Ha-shulchan* OC 677. [↑](#footnote-ref-23)
24. *Teshuvot Maharsham* 4:146. [↑](#footnote-ref-24)
25. *Arukh Ha-shulchan* OC 677:5. [↑](#footnote-ref-25)