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PUBLIC HOLIDAY LEARNING

On Thursday morning, the Australia Day public holiday, Kollel hosted a breakfast and learn.

Rabbi Doobie Lisker gave a brilliant presentation on the gourmet Sous Vide method of cooking and the Halachic appropriateness of using this technology over Shabbos with a live demonstration.

He explored the issue of *Hatmana* - insulation of food over Shabbos and other Halachic concerns. The shiur was of a high level, well researched and clearly delivered.

A bagel breakfast was served.

A collection of Torah thoughts produced by Kollel Menachem



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Challenging in the Face of Suffering

This week, like many in our community, I attended the funeral of a young girl whose life was taken prematurely in such a tragic and horrific way. It was a heart-wrenching experience and raised so many questions. But is it appropriate to question Hashem? When we see the unjust suffering of others, what is the appropriate response?

The end of last week's Parsha, sees Moshe Rabbeinu confront Hashem with an accusation: לממה הרעותה לעם הזה, why have You done evil to this people... You have done evil to these people... and You have not saved Your people.

Having been sent to announce to the Jewish people that the time of their Redemption had arrived, Moshe went before Pharaoh and demanded that he release Bnei Yisroel from their slavery.

Pharaoh responded by making the conditions of their exile even more harsh, no longer providing straw with which to make bricks.

The Midrash and classic commentators are very critical of Moshe's response. What audacity and Chutzpah to speak so brazenly to the King of Kings and question His conduct!

Hashem laments the passing of the Avos חבל על נפשך ולא משתכחין. Avraham, Yitzchak and Yaakov did not merit the same revelation of Hashem that Moshe did. Moshe experienced the lofty revelation of the Divine name 'הוי'. The Avos only experienced the lower level of א-ל-ש-ד-י. Yet they never questioned Hashem. "It's a pity that they are lost and no longer present."

When commanded to sacrifice his son Yitzchak, the son whom he had waited for so many years and who would carry on his life mission, Avraham did not challenge. When they had to purchase land in the very Land that they had been promised, they did not doubt Hashem's ways.

And so the Parsha opens וידבר אלוקים. Of the various names of Hashem, the name Elokim is associated with Hashem's attribute of justice and severity. Similarly the word used to describe Hashem's speech, וידבר, denotes a harsh rebuke.

But not all commentators find fault in Moshe's conduct. On the contrary, Moshe's brave challenge is the test of a true leader of Klal Yisroel.

The Chasam Sofer explains that Moshe knew that to speak to Hashem in this manner was wrong and that he deserved punishment. But, motivated by his great love and compassion for Bnei Yisroel, Moshe went with physical and spiritual Mesiras Nefesh to protest the suffering experienced by the Jewish people.

Far from being displeased, the Chasam Sofer writes that Hashem rewarded Moshe for his Mesiras Nefesh, granting him an experience of G-dliness that exceeded that of the Avos.

The Noam Elimelech makes the following observation; the opening of the first Posuk וידבר אלוקים suggests an approach of Gevurah. But the Posuk ends ויאמר אליו אני הוי. Here the Torah uses the name of Hashem associated with compassion and uses the term ויאמר, reflecting a gentle and loving form of speech.

In one verse, we witness a complete 360 transition from *Middas HaDin* to *Middas Harachamim*. Hashem should have taken issue with Moshe's Chutzpah. But ultimately, because Moshe was standing up for Klal Yisroel, Hashem's children, Hashem's attribute of compassion and redemption was activated.

Unfortunately we as a community have suffered many tragedies and suffering in recent times, culminating with the tragedy last Friday.

Hashem, the Master of the world has ways which we cannot fathom or hope to understand. Yet from Moshe we learn that its okay to challenge and not accept the status quo.

From our perspective the suffering of Jews in Golus makes no sense. Like Moshe we have to protest pain, suffering and tragedy. We cry out Ad Mosai! Enough of Golus, enough of pain. The only consolation which Hashem can respond with to our heartfelt cries is to bring the final Geulah and erase pain and suffering forever more.

Air Conditioners on Shabbos

Rabbi Yonason Johnson

On Shabbos, one may not ask a non-Jew to do something which we ourselves may not do. This prohibition, referred to as *Amira LeNochri* is a Rabbinic enactment and applies to both Biblically and Rabinically forbidden activities.

Moreover one generally may not hint to a non-Jew to do a forbidden action for him or even derive direct benefit from the forbidden action done on behalf of a Jew, even where the non-Jew acted without being instructed.

There are however situations where the *issur* of *Amira LeNochri* was not applied:

If the action being performed is *Ossur Mideoraisa*, it is only permitted to ask a non-Jew to do it in the case of someone who is sick enough to be classified as a חולה שאין בו סכנה, incapacitating illness.

If the action being done is only forbidden *Miderabonon* it will be permissible to ask a non-Jew to do it even in a case of slight illness, pain or significant loss, or if it is necessary for fulfilling a Mitzvah (שבות דשבות) (במקום מצוה)

Lighting a Fire in Cold Climates:

The Shulchan Oruch (276:5) rules that in very cold climates, one can have a non-Jew light a fire on behalf of Jews since הכל חולים אצל - הצינה - 'all are considered sick concerning the cold'.

The Alter Rebbe (based on Magen Avraham) adds that this refers to cold climates such as these - i.e eastern Europe, where the impact of the cold is significant enough and even then, only during the winter months.

When it is not this cold, one may not allow or ask a non-Jew to light a fire unless there are young children who are suffering greatly (since the needs of a child which would cause them discomfort are treated the same as a חולה שאין בו סכנה). The same would apply if there were individuals present who are sick or are extra sensitive and would be come ill as a result of the cold such as the elderly.

The Levush (276:5) is *melamed zechus* on those who ask non-Jews to light fires even when it is not very cold. Since we are not used to being in even minimal cold, a cold change would be felt significantly and we could be considered as *Cholim*. This ruling is generally not relied on alone.

But is Hot Weather like Cold?

Concerning air conditioners in the heat, the Poskim discuss whether we say that people are *Cholim* concerning heat just as we do with cold.

The Minchas Yitzchak (3:2) concludes that we do apply this principle to heat. His ruling is based on the following Yerushalmi; Antoninus (the Roman Emperor) was embarking on a journey and he asked Rabbi to daven for him. Rabbi asked that he be protected from the cold. Antoninus dismissed this prayer since one can easily protect themselves from the cold by adding extra layers. Instead, Rabbi davened that he be saved from the heat. Antoninus accepted this prayer since 'nobody can hide from His heat' (Tehillim 19:7).

Based on this episode we can conclude that if people are considered *Cholim* concerning cold weather, the same would be true (and even more so) concerning heat.

Possible objections to this extrapolation are that this episode refers to a journey where one cannot protect himself from heat. Indoors one can go to a cooler room such as a basement for respite. The Minchas Yitzchak rejects this.

Alternatively, in terms of discomfort it may be true that heat is worse than the cold. However, in terms of the whether one would be considered sick, perhaps specifically cold, which goes into a person's body and affects his inner organs, is considered a danger.

Electrical Appliances on Shabbos:

But there may still be grounds to be even more lenient with non-Jews operating air conditioners than with lighting fires.

Most Poskim accept that electric lights should be treated as a *Deoraisa* like fire, since the metal filament is heated up and gives off light. However concerning other electric appliances, including air conditioners, we find a *machlokes*.

If the use of electric appliances is considered a *Meloch Deoraisa* then, like lighting a fire, one may only ask a non-Jew to turn on an air conditioner if it is hot enough to present a danger or for the needs of a חולה שאין בו סכנה.

However, if the use of electric appliances is classified as only being *Miderabonon*, significant discomfort would be enough of a reason to permit asking a non-Jew to turn them on based on the principle שבות דשבות במקום צער.

However, even then it should be emphatically

stated that this only applies in genuine cases of significant discomfort and not merely to make it more comfortable.

Indeed since these halachos are often treated lightly (דינא רפיא), Rav Moshe Shternbuch writes that the leniency may only be used when one forgot to turn on the air conditioner before Shabbos or there was an unforeseen heatwave. One may not leave the air conditioner off and rely on asking a non-Jew to operate it. Operating an air conditioner on a timedlock is acceptable.

The Minchas Yitzchak argues strongly like the latter view that electric current only constitutes an *Issur Derabonon*. (Even if there are lights which would also be activated, this would not be a concern since a *pesik reisha* by a non-Jew is allowed).

Most Poskim follow this view and are lenient in case of genuine suffering, including; Shemiras Shabbos Kehilchasa, Nishmas Shabbos and Yabia Omer.

If it is not so hot as to cause significant discomfort, not only one may not ask a non-Jew, but even if the non-Jew comes of his own volition one would be obligated to protest. If however the air conditioner was turned on באיסור on Shabbos, one would not need to leave the room.

All of the above applies in the home. Igros Moshe (OC 3:42) rules that in Shul there is more grounds to be lenient if the heat would cause many people to leave and therefore not daven or hear Krias HaTorah. It becomes a *Tzorech Mitzvah*.

If there are young children who are very uncomfortable as a result of the heat there would also be more grounds to be lenient. Similarly in a public facility there are likely to be elderly people, pregnant women, or individuals with conditions which would make them more sensitive to heat, even at temperatures which are normally bearable.

There is no temperature threshold set by the Poskim for when one may ask a non-Jew to turn on an air conditioner and there are many factors involved. Due to the complexity of this *shaalo* and determining how hot is too hot etc. when the situation arises one must seek a *psak* from a competent halachic authority.